route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10093. Also, petition of patrons of star route no. 65122, Boulder County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10094. Also, petition of patrons of star route no. 65201, Jefferson County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10095. Also, petition of patrons of star route no. 65192, Arapahoe County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10096. By Mr. CULLEN: Petition of the Senate and Assembly of the State of New York, urging Congress to enact legislation for permanent flood-control works in some 16 counties of central and southern New York State which were on the 7th, 8th, and 9th of July 1935 devastated by disastrous floods resulting in loss of life and tremendous property damage; to the Committee on Interstate and Foreign Commerce.

10097. By Mr. ENGLEBRIGHT: Petition of Siskiyou County, Calif., endorsing the Townsend old-age revolving pension plan; to the Committee on Ways and Means.

10098. By Mr. JOHNSON of Texas: Petition of J. W. Norman Beauty Shop, Dawson; G. W. Hopson Beauty Shop, Mexia; and A. B. Hutson, route 2, Corsicana, all of the State of Texas, protesting against House bill 10124; to the Committee on Interstate and Foreign Commerce.

10099. Also, petition of Ralph W. Stell, of Corsicana, Tex., favoring House bill 8442; to the Committee on the Judiciary.

10100. By Mr. KENNEY: Petition of M. Louise Gross and other citizens of the State of New York, endorsing the national lottery bill, introduced by Representative KENNEY, of New Jersey; to the Committee on Ways and Means.

10101. Also, resolution presented by the Italian Civic Club of Cliffside and Fairview, Inc., of New Jersey, petitioning for an extension of the present neutrality legislation; to the Committee on Foreign Affairs.

10102. By Mr. KNIFFIN: Petition of Albert K. Altafee and others of Montpelier, Ohio, urging the immediate enactment of the Capper bill designed to prohibit the advertising of intoxicating beverages; to the Committee on Interstate and Foreign Commerce.

10103. Also, petition of Parent-Teacher's Association of Hicksville, Ohio, strongly endorsing the Guyer bill and favoring its immediate enactment; to the Committee on the District of Columbia.

10104. By Mr. LAMBERTSON: Petition of Merton Thistlethwaite and 33 other citizens of Tonganoxie, and Anna Russell and 62 other citizens of Oneida, State of Kansas, favoring passage of House bill 8739; to the Committee on the Judiciary.

10105. By Mr. LAMBETH: Petition signed by 81 patrons of star route no. 18176, from Gilreath to Wilkesboro, N. C., urging enactment of legislation at this session of Congress that will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10106. By Mr. MOTT: Petition signed by 44 members of the Eugene Central Woman's Christian Temperance Union, Eugene, Oreg., urging the enactment of House bill 8739; to the Committee on the District of Columbia.

10107. By Mr. PLUMLEY: Resolution of the American Legion, Department of Vermont, in convention assembled, that it go on record as favoring the passage of House bill 5921; to the Committee on Immigration and Naturalization.

10108. Also, resolution of the Barre Branch of the Granite Cutters' International Association, Barre, Vt., opposing the bill now pending before Congress, introduced by Representative KRAMER, to make it a crime to advocate the overthrow of the Government by force and violence; to the Committee on the Judiciary.

10109. By the SPEAKER: Petition of various citizens of Camuy, P. R.; to the Committee on Insular Affairs.

SENATE

FRIDAY, FEBRUARY 14, 1936

(Legislative day of Thursday, Jan. 16, 1936)

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

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar days Wednesday, February 12, and Thursday, February 13, 1936, 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	Coolidge	Holt	Pittman
Ashurst	Copeland	Johnson	Pope
Bachman	Costigan	Keyes	Radcliffe
Bailey	Couzens	King	Reynolds
Barbour	Davis	La Follette	Robinson
Benson	Dickinson	Logan	Russell
Black	Dieterich	Lonergan	Schwellenbach
Bone	Donahey	Long	Sheppard
Borah	Duffy	McAdoo	Smith
Brown	Fletcher	McGill	Steiwer
Bulkley	Frazier	McKellar	Thomas, Okla.
Bulow	George	McNary	Thomas, Utah
Burke	Gerry	Maloney	Townsend
Byrd	Gibson	Moore	Trammell
Byrnes	Glass	Murphy	Truman
Capper	Gore	Murray	Tydings
Caraway	Guffey	Neely	Vandenberg
Carey	Hale	Norbeck	Wagner
Chavez	Harrison	Norris	Walsh
Clark	Hatch	O'Mahoney	Wheeler
Connally	Hayden	Overton	

Mr. MURRAY. I announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness; and that the Senator from Mississippi [Mr. BILBO] and the Senator from Nevada [Mr. MCCARRAN] are necessarily detained from the Senate.

I further announce that the Senator from Kentucky [Mr. BARKLEY], the Senator from Illinois [Mr. LEWIS], the senior Senator from Indiana [Mr. VAN NUYS], and the junior Senator from Indiana [Mr. MINTON] are detained on important public business.

I ask that this announcement may stand for the day.

Mr. MCNARY. I announce that the Senator from Vermont [Mr. AUSTIN], the Senator from Rhode Island [Mr. METCALF], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Delaware [Mr. HASTINGS], and the Senator from Maine [Mr. WHITE] are necessarily absent.

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

SUSAN B. ANTHONY

Mr. WAGNER. Mr. President, I ask a few moments of the Senate's time to pay a birthday tribute to a great woman of America who lived the major portion of her life in the State of New York.

Abraham Lincoln and Susan B. Anthony were the two representative champions of freedom during the nineteenth century. One of them was born on February 12, 1809, to a poverty-stricken family in Kentucky. The other was born on February 15, 1820, to more comfortable circumstances in South Adams, Mass. One freed the colored man from physical slavery. The other liberated the white woman from a bondage that was both physical and spiritual.

Every schoolboy knows the life of Lincoln—knows by heart his early adversity, his homely wit, his majestic vision, his wisdom, his humanitarianism, his self-control, and his divine statesmanship. But why has Susan Anthony been a comparatively unheralded figure? Certainly the grace and maj-

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esty of her stature deserve more than a casual tribute. It must be that her battle to secure fair treatment for women is not yet completely won. It must be that the unjust discrimination of the everyday world has crept into the tomes of history. But the record will be revised. Already the constantly intensifying appreciation of this unique woman indicates that the cause to which she devoted her life is gaining strength every day and that she is still recognized as its peerless leader.

Neither Lincoln nor Miss Anthony lived to see their work completed. While the war ended before the President's death, the kind of peace that he sought was long delayed. Likewise, Miss Anthony left the scene 14 years before the adoption of the nineteenth amendment. But though the full effect of their influence was postponed, it was none the less real. Our more perfect Union is due to the kindness and sagacity of Abraham Lincoln. The suffrage of women is due to the indomitable will of Susan B. Anthony.

During her entire career Miss Anthony swam against the tide of public sentiment, and was buffeted by every pride and prejudice. She was mocked at by men and scorned by the very women she desired to help. As she tramped through the bitter snow in her house-to-house campaigns, mothers whose very children were subject to paternal authority alone met her with the rebuke that they had "all they wanted." When almost 60 years of age Miss Anthony responded to an unexpected tribute with these sad words:

> I am not accustomed to demonstrations of gratitude or of praise. I don't know how to behave tonight. Had you thrown stones at me, had you called me hard names, had you said I should not speak, had you declared that I had done women more harm than good and deserved to be burned at the stake, had you done anything or said anything against the cause I have tried to serve for the last 30 years, I should have known how to answer, but now I do not. I have been as a hewer of wood and a drawer of water to this movement. Whatever I have done was done because I wanted to see better conditions, better surroundings, better circumstances for women.

The problems of the nineteenth-century woman were created by the gradual disappearance of the frontier. In the days of the covered wagon the discrimination of the common law had had a merely theoretical significance. The pioneer wives who rode, farmed, and fought beside their husbands cared not a straw for their legal status. All were equal in fact during the hardships of a stirring advent in empire building.

But the growth of the industrial system brought these legal inequalities into the center of everyday life. The operation and expansion of the factory system, whether in the form of tangible wealth or jobs, became the characteristic of our economic society. When women became wage earners, a new and vital significance attached to the fact that married women had no right to the money they earned; that they could not dispose of property without their husbands' consent; that they could not enter business independently or entertain contractual obligations; that they had no voice in the decision of the question whether their children should work or play.

Of course, these disabilities, economic in their origin, received the apologies of professional chivalry. Women were deemed too refined to enter restaurants alone, to talk in public, or to sue for damage to their persons or reputation. They were to be protected from the free contacts of a college education. They were not to be contaminated by jury service or office holding. The genuine equalitarianism of the pioneer was giving way to the sickly chivalry of the superior toward the lowly.

Susan B. Anthony protested with every fiber of her pioneer stock against this corruption of our original traditions, and because she was a pioneer she knew no course but action. She did not write one of the satiric romances which cloistered lady novelists had produced to prove their intellectual virtues. She did not become a drawing-room wit. After the first 15 years of mature life she abandoned even the comparative obscurity of the classroom. She became an active and militant public worker in the interest of womankind.

To this task Miss Anthony brought superb qualifications—a physical stamina enabling her at 74 to speak in 60 counties during a single suffrage campaign; a stern personal integrity that caused her to labor 6 years paying off the debts of her liberal newspaper; a courage equally oblivious to physical danger and public disapprobation; a progressive ardor that age could not cool; a sense of responsibility that knew no ultimate authority but her conscience and her God.

While Susan B. Anthony had the pioneer soul, her mind was responsive to every development of the industrial era. In 1853, at the teachers' convention in Rochester, N. Y., she insisted upon being heard where no woman had been heard before. When she came to be heard it was to insist that women should receive equal pay for equal work. In addition to this, Miss Anthony constantly advocated the 8-hour day, and she started the development of women's trade-unions. No one realized better that women were entering the economic world, and that if they were not free there they could be free nowhere.

These deeds should not be obscured by Miss Anthony's better-known activities directed toward obtaining the vote for women. True it is that the quest for the suffrage brought her before every session of Congress from 1869 to 1906. But Miss Anthony gravitated instinctively toward the ballot just because she regarded that as the one sure means of protecting women's rights. With that avenue of expression barred she felt that all was lost; with that avenue opened she felt that all would be gained. Such was her faith in a democratic form of Government.

At the same time it is clear that Miss Anthony valued liberty not only as a means but also as an end. She regarded the opportunity to register sentiment upon public affairs as a good in itself, as an imperative necessity to preserve the dignity and maintain the development of the human race.

A large portion of the ideals for which Susan B. Anthony strove have become actualities. Women have gained the franchise. They have won golden spurs of distinction as authors, explorers, aviators, dramatists, lawyers, judges, professors, and college presidents. They are serving in the highest branches of our public service.

But Miss Anthony's program will not be entirely completed so long as women continue to wear the badge of inequitable treatment in industry. Too frequently, even today, are they forced to struggle for recognition which should be accorded as a matter of right. Women in many places remain subject to wage discriminations; and if they insist on equal wages for equal work, they are the last to receive jobs when prosperity quickens and the first to lose them when depression sets in. Complete economic justice must be added to the political and social emancipation which women now enjoy. Without it, the form is present, but the substance is lacking.

All but the most short-sighted perceive that this reform is essential to the welfare of every group. Men do not benefit when their wives or mothers are forced to work at depressed standards tending to drag everyone down to their own low level. Men do not benefit when democracy is applied on a 50-percent basis.

Susan B. Anthony realized all these things. She was not the champion of women alone. She spoke for all those who associate human development with human freedom. Her memory will be revered by all who believe that men and women have a common destiny on earth which can be fulfilled only on a basis of equality.

REPORT OF THE FEDERAL HOUSING ADMINISTRATION

The VICE PRESIDENT laid before the Senate a letter from the Administrator of the Federal Housing Administration, submitting, pursuant to law, the second annual report on the operations of the Administration under title I, II, and III of the Housing Act for the calendar year 1935, which, with the accompanying report, was referred to the Committee on Banking and Currency.

PETITIONS

The VICE PRESIDENT laid before the Senate resolutions of the Kansas City Bar Association and the Dauphin County (Pa.) Bar Association, favoring the enactment of House Joint Resolution 237, for the establishment of a trust fund to

be known as the Oliver Wendell Holmes Memorial Fund, which were referred to the Committee on the Library.

Mr. COPELAND presented a concurrent resolution of the Legislature of the State of New York, favoring the prompt enactment of legislation providing for permanent flood-control works in the 16 flooded counties of central and southern New York State (pursuant to a report and recommendations of the Chief of Engineers of the Army), which was referred to the Committee on Commerce.

(See resolution printed in full when laid before the Senate by the Vice President on the 13th instant, pp. 1948–1949, CONGRESSIONAL RECORD.)

REPORTS OF COMMITTEES

Mr. KING, from the Committee on Territories and Insular Affairs, to which was referred the bill (H. R. 9130) to authorize the incorporated city of Skagway, Alaska, to undertake certain municipal public works, and for such purpose to issue bonds in any sum not exceeding $12,000, and for other purposes, reported it with an amendment and submitted a report (No. 1563) thereon.

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which was referred the bill (S. 3113) to provide a government for American Samoa, reported it without amendment and submitted a report (No. 1564) thereon.

Mr. GORE, from the Committee on Interoceanic Canals, to which was recommitted the bill (S. 2288) to provide for the measurement of vessels using the Panama Canal, and for other purposes, reported it with an amendment and submitted a report (No. 1565) thereon.

Mr. BLACK, from the Committee on Military Affairs, to which was referred the bill (H. R. 5747) for the relief of Gordon McGee, reported it without amendment and submitted a report (No. 1566) thereon.

Mr. SCHWELLENBACH, from the Committee on Military Affairs, to which was referred the bill (H. R. 8966) for the relief of World War soldiers who were discharged from the Army because of minority or misrepresentation of age, reported it without amendment and submitted a report (No. 1567) thereon.

Mr. REYNOLDS, from the Committee on Military Affairs, to which was referred the bill (H. R. 4777) to provide for the advancement on the retired list of the Army of Vincent P. Rousseau, reported it without amendment and submitted a report (No. 1568) thereon.

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

S. 3860. A bill to amend section 2 of the act entitled "An act to amend the National Defense Act", approved May 28, 1928 (Rept. No. 1570);

S. 3872. A bill for the relief of the present leader of the Army Band (Rept. No. 1571);

H. R. 3565. A bill to authorize the Secretary of War to effect exchange of certain rights-of-way in Hawaii (Rept. No. 1572);

H. R. 4292. A bill to authorize the Secretary of War to grant rights-of-way to the Arlington & Fairfax Railway Co. across the Fort Myer Reservation, Va. (Rept. No. 1573); and

H. R. 8024. A bill to authorize the Secretary of War to dispose of material no longer needed by the Army (Rept. No. 1574).

DISPOSITION OF COTTON

Mr. SMITH. From the Committee on Agriculture and Forestry, I ask consent to report back, with amendments, the joint resolution (S. J. Res. 205) providing for the disposition of certain cotton held by the United States. In this connection I desire to state that at a later date I shall submit a written report to accompany the bill.

The VICE PRESIDENT. Without objection, the resolution will be placed on the calendar.

VACATIONS AND SICK LEAVE OF FEDERAL EMPLOYEES

Mr. McKELLAR. From the Committee on Civil Service, I ask unanimous consent to file supplemental reports, together with additional amendments, on House bills numbered 8458 and 8459, and also ask to have the bills reprinted showing the additional amendments.

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

Mr. McKELLAR, from the Committee on Civil Service, reported additional amendments to the following bills and submitted supplemental reports thereon:

H. R. 8458. An act to provide for vacations to Government employees, and for other purposes (pt. 2 of Rept. No. 1251); and

H. R. 8459. An act to standardize sick leave and extend it to all civilian employees (pt. 2 of Rept. No. 1252).

COMPILATION OF LAWS ADMINISTERED BY VETERANS' ADMINISTRATION

Mr. HAYDEN. From the Committee on Printing, I report back favorably, with amendments, Senate Concurrent Resolution 27 (submitted by Mr. NORRIS on the 16th ultimo), and I submit a report (No. 1569) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate proceeded to consider the resolution.

The amendments were, on page 1, line 12, after the word "and", to strike out "eight" and insert "that ten"; and on page 2, line 2, after the word "than", to strike out "seven" and insert "nine."

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Administrator of Veterans' Affairs is requested to prepare and transmit to the Congress, in form suitable to be printed, a compilation of all Federal laws administered by the Veterans' Administration, which compilation shall contain (1) appropriate explanatory notes and annotations to each section of such compilation and (2) suitable headings, reference tables, and indices, for the purpose of making available, in convenient form, a clear and complete statement of the rights and privileges provided by such laws; and that this compilation shall be printed as a public document, and that 10,000 additional copies shall be printed for distribution and use by the Veterans' Administration, of which not less than 9,000 copies may be furnished, upon written application to the Administrator of Veterans' Affairs, one copy to each post of the Grand Army of the Republic, to each camp of Veterans of the Indian Wars, to each camp of the United Spanish War Veterans, to each post of the Veterans of Foreign Wars of the United States, to each post of the American Legion, to each chapter of the Disabled American Veterans of the World War, and to each chapter of the American Red Cross.

BILLS INTRODUCED

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

By Mrs. CARAWAY:

A bill (S. 4016) for the relief of Jack Chestnutt; to the Committee on Claims.

By Mr. TYDINGS:

A bill (S. 4017) for the relief of Marie Tower Stieff; to the Committee on Claims.

A bill (S. 4018) for the relief of Chaim (Hyman) Kaplan; to the Committee on Immigration.

By Mr. BAILEY:

A bill (S. 4019) for the relief of Catharine I. Klein; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 4020) to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station and to authorize the construction and installation of a naval air station thereon; to the Committee on Naval Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 4021) granting a pension to Hanora C. Fritz; to the Committee on Pensions.

By Mr. BARBOUR:

A bill (S. 4022) for the relief of the George A. Fuller Co.; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 4023) to provide for the continuation of trading in unlisted securities upon national securities exchanges; to the Committee on Banking and Currency.

By Mr. COPELAND (by request):

A bill (S. 4024) to amend section 2 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended (U. S. C., title 15, sec. 13), and for other purposes; to the Committee on the Judiciary.

By Mr. NORRIS:

A bill (S. 4025) to authorize a preliminary examination of the Republican River, with a view to the control of its floods; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 4026) to amend the National Defense Act of June 3, 1916, as amended; to the Committee on Military Affairs.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. BYRNES submitted an amendment proposing to appropriate $1,746,000,000 to carry out the provisions of the Adjusted Compensation Payment Act, 1936, Public, No. 425, Seventy-fourth Congress, except section 5 thereof, etc., intended to be proposed by him to House bill 9863, the independent offices appropriation bill, which was ordered to lie on the table and to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. KING submitted an amendment proposing to change the appropriation for geologic surveys in the various portions of the United States and chemical and physical researches relative thereto from $488,000 to $500,000, intended to be proposed by him to House bill 10630, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PARK AND RECREATIONAL FACILITIES—AMENDMENTS

Mr. FLETCHER submitted amendments intended to be proposed by him to the bill (H. R. 10104) to aid in providing the people of the United States with adequate facilities for park, parkway, and recreational-area purposes, and to provide for the transfer of certain lands chiefly valuable for such purposes to States and political subdivisions thereof, which were ordered to lie on the table and to be printed.

AGRICULTURAL RELIEF—AMENDMENT

Mr. HAYDEN submitted an amendment intended to be proposed by him to the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, which was ordered to lie on the table and to be printed.

MESSENGER FOR THE PRESS GALLERY

Mr. ROBINSON submitted the following resolution (S. Res. 236), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms and Doorkeeper of the Senate is hereby authorized to employ, until otherwise ordered by the Senate, an additional messenger for service to press correspondents, to be paid from the contingent fund of the Senate at the rate of $1,440 per annum.

THE HUMAN SIDE OF PRESIDENT LINCOLN

Mr. BARBOUR. Mr. President, I ask unanimous consent to have inserted in the RECORD a speech given by one of my Republican colleagues in the House, Representative D. LANE POWERS, of the Fourth District of New Jersey. Representative POWERS delivered this speech, entitled "The Human Side of President Lincoln", from radio station WTNJ, at Trenton, N. J., on Lincoln's Birthday. In my opinion, this is one of the finest speeches about our martyred President which I have ever heard or read. It is a real pleasure to me to have it inserted in the RECORD.

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

Friends of the radio audience, there comes a time in the lives of all of us when we have an especial opportunity to present to our friends a word picture of a really great man. Tonight I am to be given the honor of telling you, just briefly, about the human side of one of the greatest executives, one of the most remarkable statesmen, and at the same time one of the plainest commoners—Abraham Lincoln.

Many persons have spoken of the sagacity, the wisdom, the supreme intelligence of Abraham Lincoln. The superlatives they have used in describing his mental processes have been entirely justifiable. There is another side of President Lincoln, however, which is seldom mentioned but which is one of the facets of his most unusual character that appeals mostly to me.

It is the human side of our Civil War President.

You all know that Abraham Lincoln came from a poor and undistinguished family. But do you know just how poor and how undistinguished his family really was? Do you know that during his early life he was forced to struggle for the bare necessities? Let me give you, in his own words, the picture of this man who was destined from his mother's arms—for cradle he had none—to become one of the world's greatest statesmen.

In 1859 writing to someone who had asked him for some biographic particulars, Abraham Lincoln said: "I was born February 12, 1809, in Hardin County, Ky. My parents were both born in Virginia, of undistinguished families—second families perhaps I should say. My mother, who died in my tenth year, was of a family of the name of Hanks * * * my paternal grandfather, Abraham Lincoln, emigrated from Rockingham County, Va., to Kentucky about 1781 or 1782, where, a year a two later, he was killed by the Indians, not in battle, but by stealth, when he was laboring to open a farm in the forest.

"My father (Thomas Lincoln) at the death of his father was but six years of age. By the early death of his father, and the very narrow circumstances of his mother, he was, even in childhood, a wandering, laboring boy, and grew up literally without education. He never did more in the way of writing than bungling to write his own name. He removed from Kentucky to what is now Spencer County, Ind., in my eighth year. * * * It was a wild region, with many bears and other animals still in the woods. There were some schools, so-called, but no qualifications were ever required of a teacher beyond 'readin', writin', and cipherin' to the rule of three.' If a straggler supposed to understand Latin happened to sojourn in the neighborhood he was looked upon as a wizard. Of course, when I came of age I did not know much. Still, somehow, I could read, write and cipher to the rule of three. But that was all. The little advance I now have upon this store of education I have picked up from time to time under the pressure of necessity.

"I was raised to farm work * * * till I was 22. At 21 I came to Illinois, Macon County. Then I got to New Salem, * * * where I remained a year as sort of clerk in a store. Then came the Black Hawk war; and I was elected captain of a volunteer company, a success that gave me more pleasure than any I have had since. I went into the campaign—was elated—ran for the legislature the same year (1832), and was beaten—the only time I ever have been beaten by the people. The next and three succeeding biennial elections I was elected to the legislature. I was not a candidate afterward. During the legislative period I had studied law and removed to Springfield to practice it. In 1846 I was elected to the lower House of Congress. Was not a candidate for reelection. From 1849 to 1854, inclusive, practiced law more assiduously than ever before. Always a Whig in politics, and generally on the Whig electoral tickets, making active canvasses. I was losing interest in politics when the repeal of the Missouri Compromise aroused me again.

"If any personal description of me is thought desirable, it may be said that I am in height 6 feet 4 inches, nearly; lean in flesh, weighing an average 180 pounds; dark complexion, with coarse black hair and gray eyes. No other marks or brands recollected."

There is the whole story, told by himself, and brought down to the point where he became a figure of national importance.

Let's look at this man from another light. Let's look at him through the eyes of Col. A. K. McClure, of Pennsylvania, who in 1861 journeyed to Springfield, Ill., to meet and confer with the man he had done so much to elect, but whom he had not personally known. "I went directly from the depot to Lincoln's house," says Colonel McClure, "and rang the bell, which was answered by Lincoln himself opening the door. I doubt whether I wholly concealed my disappointment at meeting him. Tall, gaunt, ungainly, ill-clad, with a homeliness of manner that was unique in itself, I confess that my heart sank within me as I remembered that this was the man chosen by a great Nation to become its ruler in the gravest period of its history. I remember his dress as if it were but yesterday—snuff-colored and slouchy pantaloons; open black vest, held by a few brass buttons; straight or evening dress-coat, with tightly fitting sleeves to exaggerate his long, bony arms, all supplemented by an awkwardness that was uncommon among men of intelligence. Such was the picture I met in the person of Abraham Lincoln. We sat down in his plainly furnished parlor and were uninterrupted during the nearly 4 hours I remained with him, and, little by little, as his earnestness, sincerity, and candor were developed in conversation, I forgot all the grotesque qualities which so confounded me when I first greeted him. Before half an hour had passed I learned not only to respect but, indeed, to reverence the man."

That was Abraham Lincoln. A plain, sincere, human individual; a man whom his enemies were forced to respect; a man whom his friends revered.

While he was occupying his important place in our national history, President Lincoln, despite the cares which beset him, never lost the human touch that distinguished his earlier life. In fact, if anything, his knowledge of the Nation's problems served but to present to him in sharper contrast the problems of the individuals with whom he came in contact.

I always like one story which is told about Abraham Lincoln when he was a candidate for the first time for President. The early elections in October had indicated a great national swing to

the Republican Party. As the candidate of that party for President, Abraham Lincoln was assured of election on the strength of the October returns. He knew he was facing an arduous task. He knew the country was in great danger of secession by the Southern States. He could foresee the trials and tribulations with which the next 4 years might confront him. But in the midst of these great cares of state he could still take the time to personally answer a letter sent him by a little girl. You may not know, but during the early candidacy he was entirely clean shaven. A small girl by the name of Grace Bedell wrote him during the month before he was elected to suggest that he would be much better looking if he wore a beard. Here is what Candidate Lincoln took time enough from his national cares to write to Grace Bedell: "As to the whiskers, having never worn any, do you not think people would think it a piece of silly affectation if I were to begin it now?" Grace did not think so, and, acting on the suggestion of this small child whom he probably never knew and never saw, Abraham Lincoln grew the beard that was thereafter to hide his strong, firm, lean chin.

This was a human act. Can you imagine that many of our present-day men or women, no matter how important or unimportant they may be in the opinion of the world, taking the suggestion of a small child when that suggestion would change their entire appearance? Yet President Lincoln did because he was human enough and sensible enough and intelligent enough to recognize the truth of her argument.

After Abraham Lincoln became President of the United States he was faced by many problems. His enemies feared him. His supporters mistrusted him. His Cabinet many times plotted against him. In fact, at the beginning of his term of office there were few people who did not consider themselves much better equipped to control the destinies of this Nation than their chief was. His Secretary of State, a very intelligent and learned gentleman, had the temerity at one time to send the President some suggestions as to what he would do if he were the Chief Executive. President Lincoln's reply was gracious and friendly, but remarkably firm. He was the President, he was controlling the destiny of our country, he felt himself thoroughly equipped for the task, and he would follow his own course of action. When the Civil War started several European countries were waiting for an opportunity to take an active part on the side of the Confederacy. Many indignities were heaped upon this country by these foreign nations; in fact, at one time a Cabinet member suggested to President Lincoln a course of action which would insult five great European countries. To this suggestion, and with his characteristic shrewdness, President Lincoln replied, "One war at a time, one war at a time." His refusal to accept always the suggestions of his Cabinet led to many unpleasant incidents. Yet each time there came a clash of will the President always considered that the other man was just as sincere in his opinion as he was.

When a diplomatic letter was drafted by the Secretary of State to be sent to England on a very important and controversial subject, President Lincoln drafted a letter of his own on the same matter. Then at a meeting of the Cabinet he had both letters read. Even the Secretary of State himself had to admit that Abraham Lincoln's letter, although more brief and much more plain, still was the better of the two. "But, Mr. President," the Secretary stated, "I believe your thoughts could be couched in more diplomatic language." The President replied, "Mr. Secretary, do you think the English Cabinet could understand what I want to say in this letter?" The Secretary admitted they would. The President said, "Do you think the English Parliament would understand it?" The answer was again affirmative. "Do you think," the President asked, "the average English citizen, the English workingman, would understand what I mean?" The answer was again "Yes, Mr. President." "Then," said President Lincoln, "we'll let her ride as she is." At another time a tale bearer brought to President Lincoln the report that the Secretary of War had not only refused to carry out an order of his but had called him a fool in the bargain. President Lincoln asked, "Did Stanton say that I was a fool?" "Yes," replied his friend, "he said you were a blank, blank fool." Lincoln looked first good-humoredly at his friend and then furtively, out of the window in the direction of the War Department, and carelessly observed: "If Stanton said that I was a blank fool, it must be true, for he is nearly always right and generally says what he means. I will just step over and see Stanton."

You may be readily assured by the time that interview was over, Secretary of War Stanton had greatly revised his opinion of the President, and had consented to carry out the order.

Although many newspapers at the time commented unkindly upon his actions just prior to the Civil War, President Lincoln did everything in his power to avert that civil strife. The Vice President of the Southern Confederacy was a personal friend of his. Under date of February 2, 1848, and from the hall of the House of Representatives at Washington, while he was serving as a Member of Congress, I find this short note to his law partner at Springfield: "Dear William: I take up my pen to tell you that Mr. Stephens, of Georgia, a little, slim, pale-faced, consumptive man, with a voice like Logan's (that was Stephen T., not John A.) has just concluded the very best speech of an hour's length, I ever heard. My old, withered, dry eyes (he was then not quite 37 years of age) are full of tears yet." From that time forward he never ceased to love Stephens, of Georgia.

After that famous Hampton Roads conference, when the Confederate Commissioners, Stephens, Campbell, and Hunter, had traversed the field of official routine with Mr. Lincoln, the President, and Mr. Seward, the Secretary of State, Lincoln, the friend, still the old Whig colleague, though one was now President of the United States and the other Vice President of the Southern Confederacy, took the "slim, pale-faced, consumptive man" aside, and pointing to a sheet of paper he held in his hand, said: "Stephens, let me write 'Union' at the top of that page, and you may write below it whatever else you please."

This was a human viewpoint. The President foresaw that a nation divided against itself cannot stand, but he feared to enter upon civil war from which both the victor and vanquished would suffer irreparable loss. Throughout that entire trying period the President was guided, not by dreams of conquest, but by his understanding of the terrific costs of that war in human lives, and human sacrifice.

Amid the excitement attendant upon his reelection to the Presidency Abraham Lincoln found time to write the following letter to Mrs. Bixbey, of Boston, a poor widow, who had lost five sons killed in battle.

"MY DEAR MADAM: I have been shown in the files of the War Department a statement of the adjutant general of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle. I feel how weak and fruitless must be any words of mine which should attempt to beguile you from a loss so overwhelming. But I cannot refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

"Yours very sincerely and respectfully,

"A. LINCOLN."

A characteristic story is told by John B. Ally, of Boston, who, going to the White House 3 days in succession, found each day in the outer halls a gray-haired old man, silently weeping. The third day, touched by this not uncommon spectacle, he went up to the old man and ascertained that he had a son under sentence of death and was trying to reach the President.

"Come along", said Ally, "I'll take you to the President."

Mr. Lincoln listened to the old man's pitiful story, and sadly replied that he had just received a telegram from the general in command, imploring him not to interfere. The old man cast one last heart-broken look at the President, and started shuffling toward the door. Before he reached it, Mr. Lincoln called him back. "Come back, old man", he said. "Come back; the generals may telegraph and telegraph, but I am going to pardon that young man."

Thereupon he sent a dispatch directing sentence to be suspended until execution should be ordered by himself. Then the old man burst out crying again, exclaiming, "Mr. President, that is not a pardon; you only hold up the sentence of my boy until you can order him to be shot!"

Lincoln turned quickly and, half smiles, half tears, said: "Go along, old man, go along in peace; if your son lives until I order him to be shot, he'll grow to be as old as Methuselah!"

Any student of Abraham Lincoln's life can see that the human element was the primary factor in all his actions. Let us look at him from the human point of view in the story of his life. I see a little heart-broken boy, weeping by the outstretched form of a dead mother, then bravely, nobly trudging a hundred miles to obtain her Christian burial. I see this motherless lad growing to manhood amid the scenes that seem to lead to nothing but abasement; no teachers; no books; no chart except his own untutored mind; no compass except his own undisciplined will; no light, save the light from heaven; yet, like the caravel of Columbus, struggling on and on through the trough of the sea, always toward the destined land. I see the full-grown man, stalwart and brave, an athlete in activity of movement and strength of limb, yet vexed by weird dreams and visions of life, of love, of religion, sometimes verging on despair. I see the mind, grown as robust as the body, throw off these phantoms of the imagination and give itself wholly to the workaday uses of the world; the rearing of children; the earning of bread; the multiplied duties of life. I see the party leader, self-confident in conscious rectitude; original, because it was not his nature to follow; potent, because he was fearless, pursuing his convictions with earnest zeal, and urging them upon his fellows with the resources of an oratory which was hardly more impressive than it was many-sided. I see him, the preferred among his fellows, ascend the eminence reserved for him, and him alone, of all the statesmen of the time, amid the derision of opponents and the distrust of supporters, yet unawed and unmoved, because thoroughly equipped to meet the emergency. The same being, from first to last; the poor child weeping over a dead mother; the great chief sobbing amid the cruel horrors of war; flinching not from duty nor changing his lifelong ways of dealing with the stern realities which pressed upon him and hurried him onward. And, last scene of all, that ends this strange, eventful history, I see him lying dead there in the Capitol of the Nation, to which he had rendered "the last full measure of his devotion."

To all of us in this present-day life come many and important lessons from the life of Abraham Lincoln. We should all remember at all times, as Lincoln did, to strive fearlessly and courageously for the benefit of humanity. Let us tonight realize anew the necessity for tolerance, for friendship, for courage, for service to our fellow men in our everyday existence. Let us by our example, by our adherence to the precepts laid down by President Lincoln, strive more fiercely and with greater determination for the further progress of the American people and for

the achievement of a greater and more glorious destiny for the American Nation.

With all of the conveniences Abraham Lincoln lacked, with all of the facilities which Abraham Lincoln never had, with all of the great possibilities of which Abraham Lincoln dreamed, let us tonight fervently and solemnly and religiously consecrate our lives anew to the "proposition that all men are created equal, that this Nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth."

THE STOPGAP PLAN—EDITORIAL FROM THE NEW YORK TIMES

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the New York Times of February 8, 1936, headed "The Stopgap Plan."

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

[From the New York Times of Feb. 8, 1936]

THE "STOPGAP" PLAN

Snow falling on Capitol Hill yesterday forced the Senate to interrupt its debate on the new farm bill just as one Member was confessing that while he intended to vote for it he had grave doubts of its constitutionality. Most of these doubts attach to the so-called "stopgap" feature of the bill, designed to cover the period between now and January 1, 1938, when a State-aid farm plan would be put in operation. During this interval the Federal Government would pay bounties to farmers as a reward for their efforts to prevent soil erosion. But Senator MCNARY thinks, and a number of his colleagues agree with him, that the prevention of soil erosion would be merely incidental to the continued control of crop production. This makes the new plan, in his opinion, essentially "the same old thing (as A. A. A.) with a little different dress, but one which is not quite as becoming as the old one." He has tried to look at the measure with a kindly eye, but he "cannot believe that we have here a measure which will stand the test of the Supreme Court."

The declared purpose of the "stopgap" plan is to take care of a present emergency; the theory being that unless legislation of some kind is enacted at top speed the structure of farm prices will collapse. But experience since A. A. A. was declared to be unconstitutional casts increasing doubt upon this theory. Farm prices, as measured by the trustworthy index of the Bureau of Labor Statistics, stood at 79.3 on January 4, having advanced to this point after a gradual rise during the latter part of December. On January 6 came the A. A. A. decision. On January 11 the Bureau of Labor Statistics noted that farm prices had declined—doubtless primarily in consequence of the Court's decision—but only from 79.3 to 78.3. One week later the index was down fractionally to 78.1. It remained at that point during the week ended January 25. But in the week ended February 1 (the latest for which a figure is available) it advanced to 79.5—thereby more than recovering the small loss recorded at the time of the Court's decision.

This experience suggests that the present structure of farm prices rests on improved demand and on the reduction of surplus stocks of most farm products, and that the situation cannot be called critical at least until new surpluses begin to accumulate. A new farm program must doubtless be devised. But there is no crying need to rush hurriedly into "stopgap" legislation.

ENDORSEMENT BY MISSISSIPPI VALLEY ASSOCIATION OF MERCHANT-MARINE BILL

Mr. COPELAND. Mr. President, I ask leave to have printed in the RECORD a statement by Lachlan Macleay, executive vice president of the Mississippi Valley Association, endorsing in principle the merchant marine bill, S. 3500.

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

The Mississippi Valley Association has approved in principle the merchant marine bill introduced in the United States Senate by Senator ROYAL S. COPELAND, of New York, and will urge its enactment at the present session of Congress, Lachlan Macleay, executive vice president, announced today.

"The immediate replacement of obsolete and inefficient merchant vessels with new tonnage which will enable American-made products to compete in the markets of the world is an absolute necessity", Macleay's announcement declared. "The Valley Association", he said, "went on record at its last annual convention as favoring 'an adequate merchant marine flying the United States flag under private enterprise and enjoying adequate Government aid under contracts which will enable the operators to expand and develop their enterprises.'" The association believes the Copeland bill is substantially in harmony with this resolution.

"Lack of a definite replacement program both before and during the depression, has confronted the country with the necessity of rebuilding approximately three-fourths of our seagoing equipment, if it is to continue to meet foreign competition", Macleay's statement continued. "Up to the present time this competition has been successfully met by American lines. In fact, they have greatly strengthened their position on a number of trade routes in the last few years.

"However, ocean traffic experts point out only 11 percent of our seagoing merchant fleet, excluding tankers, is now less than 10 years old, and by 1942 approximately 90 percent will be 20 years old. The significance of this situation may be judged by comparison of our merchant marine with Great Britain's mercantile building program. On July 1, 1935, England had under construction 529,146 gross tons of new ships of 2,000 tons or over, while the United States was building 9,511 tons, and was outranked by every great maritime nation of the world. Japan, which now has approximately the same serviceable fleet engaged in international trade as the United States, was building approximately 12 tons to our 1.

"The Copeland bill, in enunciating a national merchant-marine policy, declares: 'It is necessary for the national defense and the development of its foreign and domestic commerce that the United States shall have a merchant marine sufficient to carry its domestic water-borne commerce and at least one-half of the water-borne export and import foreign commerce of the United States * * * capable of serving as a naval and military auxiliary in time of war or national emergency.'

"The bill provides for a maritime authority composed of three members to be appointed by the President. The authority would have general administrative powers and the powers at present vested in the United States Shipping Board, the Merchant Fleet Corporation, the Department of Commerce, and the Post Office Department.

"The authority is given power to cooperate with vessel owners and shipbuilders in developing plans for the economical construction of ships, and to provide for the construction of new ships as it becomes necessary to replace obsolete vessels, establish new or better service, or meet foreign competition. The bill recognizes the Government's obligations under mail contracts lawfully entered into prior to the enactment of new subsidy legislation. It requires, however, the settlement or cancelation of all ocean-mail contracts granted under the Merchant Marine Act, 1928, within 1 year after the appointment of the authority, upon such terms and conditions as the authority may deem fair and equitable.

"The bill provides for construction differential subsidies to cover the ascertained difference in the cost of constructing American vessels and of principal foreign vessels competing in the same trade. After the authority shall have approved the application for a construction differential subsidy to aid in the construction or reconditioning of a vessel, the qualifications of the applicant and the necessity for such vessel under the terms of the act, and, after approval of plans by the Navy Department, the authority may contract with the shipbuilder for the construction of a vessel and for the payment of its cost.

"Concurrently with entering into such contract the authority is authorized to enter into a contract with the proposed operator for its purchase by him upon completion at a price corresponding with the total cost of the vessel less the construction differential subsidy.

"In the contract between the authority and the operator, the operator shall be required to pay 25 percent of his purchase price of the vessel as the construction progresses. The balance of the purchase price shall be paid annually over a period of 20 years.

"The construction differential payment shall not exceed 33⅓ percent of the total cost of the vessel, or 40 percent in exceptional cases. Loans for a period not to exceed 15 years are made available for reconditioning vessels. In all cases the Government's advances are made secure by a lien on the operators' equity in the ships.

"Operating differential subsidies will be paid American operators to off-set government aid or subsidies paid to foreign competitors by their governments. These subsidies will be subject to readjustment at the instance of the authority or the owner.

"The bill provides that shipbuilders shall be limited to profits of 10 percent on any vessel given construction aid by the Government. Shipowners before the payment of dividends or the distribution of profits must set aside from earnings a reserve fund to provide for the payment of any mortgage debt and the replacement of vessels and a reasonable operating reserve fund; the amount of these reserve funds shall be prescribed by the authority which also must approve their use. The bill provides for the payment of an additional operating subsidy if in the case of any particular foreign-trade route the authority finds what might be termed a 'normal subsidy' inadequate properly to accomplish the purpose of the law. There are adequate safeguards provided to prevent abuse under this provision of the bill. There is also provision for limiting the profits of an operator receiving this additional subsidy to 6 percent per annum and for recapture by the Government of 75 percent of any cumulative profits in excess of the reserve funds and the allowable 6 percent per annum profit.

"Salaries to be paid officers of shipbuilding firms to be used in computing costs are limited. Under certain conditions the authority may supervise the number and compensation of officers and employees of the operator. Subsidies for both construction and operation may be granted for a period of 20 years, thus insuring a term of service, which for the first time will provide an assured continuity sufficient to warrant the operator in investing his capital in new tonnage.

"All vessels must be constructed under plans approved by the Secretary of the Navy with particular reference to economical conversion into auxiliary naval vessels. All construction material and operating supplies must be purchased within the United States, with certain emergency exceptions.

"Any citizen who possesses the ability, experience, financial resources, and other qualifications to enable him to maintain services approved as essential to the development of our foreign trade, may apply to the authority for aid in either building or operating ships, or both."

WAYNE—AND THE NORTHWEST EMPIRE—ADDRESS BY THAD. H. BROWN

Mr. BULKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD an address by Thad H. Brown, a member of the Federal Communications Commission, delivered at Greenville, Ohio, on February 11, in support of the erection of a suitable memorial to commemorate the signing of the Treaty of Greenville in 1795.

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

Tonight we commemorate one of the most outstanding historical events to be found in all the glowing pages of American history. This date is the one hundred and forty-first anniversary of the signing of the armistice with the Confederated Indian Tribes of the Northwest Territory by Gen. Anthony Wayne, which later resulted in the formal signing of the treaty at Greenville on August 3, 1795.

It was on February 11, 1795, that the great chiefs and mighty warriors, who were in quest of peace, entered into the preliminary compact which is one of the most glorious in our national history. That compact was signed at Fort Greenville, once the site of a Shawnee Indian village, where Tecumseh lived, which was located on the very ground from which I speak to you tonight.

That momentous occasion was a sacred one in the annals of American history. It was accomplished only after heroic sacrifices, only after deadly battles as bloody as any which were waged by the colonial armies in wresting independence from England.

George Washington, the father of our country, counted this victory over the Indians one of the greatest triumphs of his career. He it was who, from the days when he first roamed this wilderness as a youthful surveyor, urged the importance of annexing the land beyond the mountains to the original 13 Colonies. He it was who sent General Harmer to subdue hostile Indian tribes in this vast wilderness, only to have him meet with utter defeat. He it was who then sent General St. Clair into the same savage country with well-trained American troops, to drive these barbarians from the land ceded by England to the Colonies under the treaty of Paris in 1783 and who saw St. Clair suffer appalling losses and meet again with failure. Indeed, it was Washington himself who then selected General "Mad Anthony" Wayne, hero of Stony Point, seasoned Revolutionary War general, close friend and military adviser, and sent him out into the same hostile territory to end Indian ravages once and for all.

General Wayne administered a crushing defeat to the confederated tribes in a pitched battle at Fallen Timbers on August 20, 1794. But even after this defeat peace was not to come at once. The American Army destroyed Indian villages, their crops, and supplies, so that late in January, when the Indians rode down over the frozen ground and appeared with the white flag of truce before Fort Greenville, they had gone through months of meager existence, without food for themselves or forage for their horses. They were gaunt, half starved, thoroughly humbled—defeated—and resigned to treating for peace at last with the great white captain. The Wyandots came first with the flag of truce. Then followed the Miamis, the Delawares, the Shawnees, the Chippewas, Ottawas, Sacs, and Pottawatomies. The Americans were gravely watchful as the long, slow procession of chieftains filed into the fort.

General Wayne adjusted his hat with a gay cockade when he learned of their arrival at the fort and ordered the Indians to be brought before him. Young William Henry Harrison, later President of the United States, was there with them. Wayne talked to them here in the shifting light of their tribal fires. He spoke with a pitying sternness. If the Indians were ready for peace, so was he; but if they had any further thought of war, he swore to take up arms again and wipe their tribes from the face of the earth. These Indians sat long before their fires discussing the plans for peace.

Then, on the 11th day of February 1795, the preliminary treaty was signed here on this very ground under Wayne's watchful eye—and the great gathering of the tribes, when the formal treaty would be ratified, was set for midsummer of that year.

Meanwhile they exchanged prisoners and traded precious possessions for food and clothing. When it was seen how peaceful the Indians had become, Wayne's men began to accept them as friends. They hunted and chummed with them, and they attempted to teach one another their own languages.

The Indian delegations began to gather at Greenville as early as June. All through July they came, and finally a full delegation was present from every hostile tribe, the whole numbering 1,130.

The Greenville Treaty was formally signed on August 3, 1795. There was great rejoicing "while splendid feasts conveyed friendship when words could not. The wilderness fairly sang." The Indians danced, flinging their arms and bodies before the shifting light of fires, chanting hymns of praise and joy.

The Indians surrendered to the Americans all the land north of the Ohio to the Great Lakes and east of the Mississippi, including the important territory around Fort Wayne, Fort Defiance, Detroit, and other French towns, and the 150,000 acres near the Falls of the Ohio, which is now Louisville, Ky. The great Northwest Territory was at last open to peaceful settlement; the British withdrew from Detroit and other strongholds, thus making completely effective the Treaty of Paris of 1783; our flag became truly that of the victorious United States, the continental empire and the birth of the Republic was actually achieved. Had Wayne failed, the Ohio River, instead of the Pacific Ocean, might now be the western boundary of the United States.

The Treaty of Greenville opened the floodgates for the onrush of the mighty tide of Americans who crossed the eastern mountains, subdued the endless forests, and pushed the frontier to the Mississippi. The early settler swung his echoing ax in the sea-like solitude of this vast empire. The American pioneer of that day, dauntless, plodding, modest, daring, venturing, conquering as he went the unknown way, was the key figure of the day. Those were pioneer souls, indeed, who blazed their paths where highways never ran. Truly were the lines written:

"Their fame shrinks not to names and dates
On votive stone, the prey of time;
Behold where monumental States
Immortalize their lives sublime."

A hardy population settled in the fertile valleys and gained a foothold which has never been relinquished, so that today millions of industrious people enjoy the blessings of civilized life where but a few short years ago untutored barbarians roamed. Some of the most productive and influential States of the Union have been carved from this virgin territory, including Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota. With their great cities—Chicago, Detroit, Cincinnati, Indianapolis, Columbus, Cleveland, Milwaukee, St. Paul, Minneapolis—these great States "nestle, as bright gems, in the lap of the Republic." Dozens of other prosperous, thriving, happy communities and thousands on thousands of acres of rolling, fertile farms are spread throughout this great Northwest Territory.

Through the history of this vast Middle West its first explorers and missionaries—Joliet, Marquette, De LaSalle—all have contributed to the upbuilding of this great Nation. Today, proudly we boast of our universities that have grown to greatness here—Notre Dame, Detroit, Xavier, Loyola, Northwestern, Western Reserve, Purdue, to mention only a few—our great State universities and other institutions of higher learning and secondary schools and academies.

High history was written here at Greenville. It is indeed an historic site, one which is inseparably linked with three of the greatest generals of the Revolutionary War—George Washington, Nathaniel Greene, and Anthony Wayne. It is one which should be distinguished by the American Nation.

The marking of historical sites is a custom handed down from ancient times. The world has many great memorials—the Pyramids of Egypt, the Taj Mahal of India, the Parthenon and other pagan temples of Greece and Rome, the Chinese and Buddhist temples, the Alhambra of Spain, the Gothic cathedrals of France, and England's memorial to Nelson at Trafalgar and its Westminster Abbey. In our own Nation we have the Washington Monument, the Tomb of the Unknown Soldier, and the memorial to that great American, Abraham Lincoln, whose birthday we commemorate tomorrow. Close at hand here we have the George Rogers Clark Memorial at Vincennes, Ind., and, strangely enough, a monument at Fort Recovery to commemorate St. Clair's defeat by the Indians in 1791. Yet Greenville, the scene of triumph for Washington's statesmanship and the proud culmination of the first President's career, which has meant so very much to the United States, has been utterly neglected. We have commemorated defeat—now let us celebrate victory. Here is as hallowed a spot as Plymouth Rock or Concord or Valley Forge. Yet the site of the signing of the Treaty of Greenville remains unmarked.

As has been splendidly expressed, "Let us raise suitable memorials to all these servants of the State at the places of their most noted labors that the fire of patriotism be not allowed to go out of the hearts of the coming generation." Speaking at the Greenville centennial celebration on August 3, 1895, the late President McKinley said: "This day thrills with historic interest. It is filled with stirring memories and recalls the struggles of the past for peace and the majesties of constitutional government. This great historical shrine should be properly and fittingly marked for the future generations." The late President Theodore Roosevelt, in his speech at Greenville in 1912, said: "A national memorial should mark and commemorate this historical site for posterity." Dr. George W. Rightmire, president of Ohio State University, has fittingly said: "This memorial will keep forever green in the memory of the people Wayne's achievement with his army in putting an end to the Indian hostility in the Northwest Territory and in formulating the treaty which forever opened and secured this territory for white settlement free from Indian warfare and French and British intrigue."

Two bills have been introduced in Congress to secure an appropriation for the erection of a suitable memorial here at Greenville: one in the House of Representatives by Congressman FRANK L. KLOEB, of the Fourth Ohio district, on August 19, 1935, and another in the Senate by Senator ROBERT J. BULKLEY on January 17, 1936. Under the auspices of the Greenville Treaty Memorial Association, much has been accomplished. Extensive plans have been made to house the precious relics and Indian and Revolutionary War collections now insufficiently cared for. Greenville, site of the signing of this famous treaty, famous, by the way, as the home of Annie Oakley and Commander Zachary Lansdowne of Shenandoah fame, is the logical place for this great memorial. Ohio, too, which is rich in historic lore, with its statesmen, its warriors, and its pioneers who have been many and forceful, and her sister States of the Northwest Territory are appropriately entitled to this additional honor.

The effort to secure this legislation should have the active and vigorous support of every American who appreciates, as Washington did, the real Anthony Wayne and who loves our land for what she is and what she is to be. We honor here, too, "Mad Anthony" Wayne, beloved patriot and the beau ideal of American youth, who has all too few memorials in an empire which he helped to create.

February 11, 1795, was an historic date indeed, and this February 11, 1936, will be historic and memorable, too, if it marks the fruition of our plans for a suitable Greenville treaty memorial. I ask tonight for the hearty support of all true Americans in all walks of life, so that the dreams we have cherished may be finally achieved. This memorial plan is more than worthy—it is historically imperative. Let us—yes, help us—build here at Greenville a national shrine at which all America may worship.

NEUTRALITY AND WAR PROBLEMS

Mr. BONE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the magazine Today, of the issue of January 4, 1936, dealing with neutrality, and an article from the pen of Prof. Charles A. Beard, eminent historian, dealing with war problems, which appeared in the Washington Daily News of February 6, 1936. I should like to have them printed together.

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

[From Today of Jan. 4, 1936]

THE FARMERS ARE NEUTRAL

The Capper publications are polling their readers on questions of war and peace. The Capper publications are read by some millions of farmers and their families in the Middle West—Kansas, Missouri, Nebraska, Iowa, Oklahoma, Illinois. What these men and women feel is doubtless echoed in the hearts of many millions of farmers elsewhere. Here are the questions asked of them, and the results of the poll to date:

	Yes	No
1. Should the United States keep out of all foreign wars?	72,784	768
2. Do you favor giving the people a vote on the question before going to war?	70,212	2,080
3. Do you favor taking the profit out of war by drafting industry and wealth as well as men in case of war?	71,789	1,940
4. Do you favor world disarmament?	65,536	6,352
5. Do you favor the manufacture of munitions at Government plants instead of at private plants?	65,483	7,127
6. Do you favor the United States or any of its citizens or institutions lending money to foreign nations to be used for war purposes?	1,673	71,572
7 Do you favor the people of the United States selling supplies to warring nations?	2,682	70,188
8. Do you favor compulsory military training in colleges?	10,059	62,501

I agree with the comment of Capper's Weekly that these results show a unanimity of opinion far beyond what any of us would have expected. The figures also reflect a depth of feeling, a passionate desire to keep out of war, any and all wars, which those who are guiding the foreign affairs of the Nation would do well to notice and obey.

The vote on questions 6 and 7 is particularly impressive. Farmers might expect to benefit handsomely from foreign war trade. These farmers vote 30 to 1 to put their principles and their desire for peace ahead of their pocketbooks.

These people want neutrality; they know the price of it, and they are willing to pay that price.

RAYMOND MOLEY.

[From the Washington Daily News of Thursday, Feb. 6, 1936]

DR. BEARD WARNS UNITED STATES AGAINST SEEKING TO PROFIT BY ANY WAR

By Charles A. Beard

When the World War broke out in 1914, American industry and agriculture were suffering from a recession. There were surpluses of commodities seeking outlets and potentials of production lying idle, awaiting the stimulus of demand.

After the first confusions of the war outburst passed, the Allies began to buy munitions, implements of war, other manufactures, and agricultural produce in the United States. These goods had to be paid for and the processes of exchange facilitated.

Bankers accustomed to doing international business entered the operations. They accepted shipments of gold tendered in payment for American goods. They aided in the transfer and sale of foreign-owned American and Canadian securities for the purpose of raising cash to discharge the obligations created by the allied governments in the purchase of goods. They arranged to provide temporary credits of one kind or another pending final payment in some form.

STRAINED THEIR CREDIT

In providing these services the bankers facilitated the purchase of American goods by the Allies and made possible additional purchases in increasing amounts. In this way thousands of industrialists and farmers found profitable outlets for goods which otherwise would not have been sold. An enormous stimulus was given to business and agriculture, followed by the expansion of productive activities.

By the summer of 1915 the Allied Governments had put a heavy strain on their buying powers. They either could not or would not meet that strain by sending over more gold or more American, Canadian, and other foreign securities for liquidation in payment of mounting bills.

At that juncture American bankers presented to the officers of the United States Government, especially the Secretaries of the Treasury and State, a proposition in the nature of an ultimatum. Unless the Government relaxes its ban on loans and permits American citizens to pay for allied supplies by advancing money and taking bonds, a grave crisis will arise in the American economic system. Allied buying will slow down and a depression in business and agriculture will set in.

Like all governments threatened by a domestic crisis, the Government of the United States sought an escape by yielding.

So one loan after another was floated in the United States for the Allies. American citizens put up the money to pay American industrialists and farmers for the goods bought by the Allies.

By the opening of 1917 the Allies had strained even this form of credit. Unlimited borrowing was out of the question. The war fortunes of the Allies were at a low ebb. In March 1917 the Czarist regime collapsed in Russia, making the future still blacker.

In short, the Allies were nearing the end of their financial resources for buying in America. They were in danger of defeat besides.

So the Government of the United States confronted another crisis—one more serious than that presented in 1915. The American economic plant, greatly expanded since 1915, was threatened by a sharp curtailment of orders and profits. That alone promised a ruinous crash, such as no government ever regarded with equanimity. In addition, the Allies, who had already borrowed up to the hilt, were in peril of defeat, adding the prospect of default on their bonds to the curtailment of American production and profits. In view of these stubborn facts the Government of the United States faced the possibility of a general economic smash early in 1917.

We were confronting the alternatives of a domestic crash and a foreign war when we entered the war.

According to the estimates of J. P. Morgan & Co., American producers sold to the Allies prior to April 1, 1917, goods to the amount of $7,000,000,000.

According to the estimates of President Coolidge, participation in the World War, including past and future payments, cost the United States at least $100,000,000,000, to say nothing of deaths and wounds.

Did the sales, credits, and loans to the Allies "pay" the people of the United States, in the long run? Would it not have been better, from an economic standpoint, for the Government of the United States to have accepted in 1915 and again in 1917 the difficulties of an economic crash and sought a solution at home?

The outbreak of another war in Europe will bring about conditions similar to those prevailing in 1914–17, if bankers, industrialists, and farmers insist upon "making a profit", and the Government of the United States pursues the same policy.

The issue is: Shall the Government of the United States maintain or change its historic policy of neutrality?

AMERICAN FOREIGN POLICY

Mr. POPE. Mr. President, I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD some excerpts from the speeches of eminent American statesmen and from platforms of major political parties on American foreign policy.

These excerpts are entitled "Sound Republican Doctrine", and "Sound Democratic Doctrine." It would be of value to the Members of Congress and the delegates to the coming national party conventions and to the American people to read again these declarations of policy.

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

SOUND DEMOCRAT DOCTRINE

[From the speech of Gov. James M. Cox, at Dayton, Ohio, Aug. 7, 1920, when candidate for the Presidency]

Organized government has a definite duty all over the world. The house of civilization is to be put in order. The supreme issue of the century is before us and the nation that halts and delays is playing with fire. The finest impulses of humanity, rising above national lines, merely seek to make another horrible war impossible.

[From the speech of John W. Davis, at Clarksburg, W. Va., Aug. 11, 1924, when candidate for the Presidency]

We favor the World Court in sincerity. * * * We wish to see America as a nation play her part in that reconstruction of the economic life of Europe, which has proven itself so indispensable to our well-being and prosperity.

[From the Democrat national platform of 1928]

This great Nation cannot afford to play a minor role in world politics. It must have a sound and positive foreign policy, not a

negative one. We declare for a constructive foreign policy based on these principles:

(a) Outlawry of war and an abhorrence of militarism, conquest, and imperialism.

* * * * * * *

(e) Rescue of our country from its present impaired world standing, and restoration to its former position as a leader in the movement for international arbitration, conciliation, conference, and limitation of armaments by international agreement.

[From the speech of Gov. Alfred E. Smith, at Albany, N. Y., Aug. 22, 1928, when candidate for the Presidency]

I believe the American people desire to assume their full share of the responsibility for the administration of a world of which they are a part, without political alliance with any foreign nation. * * * I pledge myself to a resumption of a real endeavor to make the outlawry of war effective by removing its causes, and to substitute the methods of conciliation, arbitration, and judicial determination.

[From the Democrat national platform of 1932]

We advocate a firm foreign policy, including peace with all the world, and the settlement of international dispute by arbitration; * * * adherence to the World Court with appending reservations; the Pact of Paris abolishing war as an instrument of national policy, to be made effective by provisions for consultation and conference in case of threatened violations of treaties.

[From the speech of Gov. Franklin D. Roosevelt, at Topeka, Kans., Sept. 14, 1932]

The Democratic tariff policy consists, in large measure, of negotiating agreements with individual countries, permitting them to sell goods to us, in return for which they will let us sell to them goods and crops which we produce. The effective application of that principle will restore the flow of international trade; and the first result of that flow will be to assist substantially the American farmer in disposing of his surplus.

[From the speech of Gov. Franklin D. Roosevelt at Sioux City, Iowa, Sept. 29, 1932]

If expansion of our trade and commerce was, as McKinley declared in 1901, 30 years ago, a prime necessity in the then state of our economic life, how much more is it indispensable to our material and, I may add, to our spiritual welfare in these distressing times?

[From the speech of President Franklin D. Roosevelt at Washington, D. C., Dec. 28, 1933, before the Woodrow Wilson Foundation]

I believe that I express the views of my countrymen when I state that the old policies, alliances, combinations, and balances of power have proved themselves inadequate for the preservation of world peace. The League of Nations, encouraging as it does the extension of nonaggression pacts, of reduction-of-armament agreements, is a prop in the world peace structure.

SOUND REPUBLICAN DOCTRINE

[From the last public speech of President McKinley, made at Buffalo, N. Y., Sept. 5, 1901]

The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times, measures of retaliation are not.

[From the Republican national platform of 1920]

The Republican Party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice, and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts, and which shall secure instant and general international conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war.

We believe that all this can be done without the compromise of national independence, without depriving the people of the United States in advance of the right to determine for themselves what is just and fair when the occasion arises, and without involving them as participants and not as peacemakers in a multitude of quarrels, the merits of which they are unable to judge.

[From the speech of Senator Warren G. Harding at Marion, Ohio, Aug. 28, 1920, when candidate for the Presidency]

The other type is a society of free nations, or an association of free nations, or a league of free nations, animated by considerations of right and justice, instead of might and self-interest, and not merely proclaimed an agency in pursuit of peace, but so organized and so participated in as to make the actual attainment of peace a reasonable possibility. Such an association I favor with all my heart, and I would make no fine distinction as to whom credit is due. One need not care what it is called. Let it be an association, a society, or a league, or what not, our concern is solely with the substance, not the form thereof.

[From the Republican national platform of 1924]

The Republican Party reaffirms its stand for agreement among the nations to prevent war and preserve peace. As an immediate step in this direction we endorse the Permanent Court of International Justice and favor the adherence of the United States to this tribunal as recommended by President Coolidge * * *. While we are unwilling to enter into political commitments which would involve us in the conflict of European policies, it should be the purpose and high privilege of the United States to continue to cooperate with other nations in humanitarian efforts in accordance with our cherished traditions * * *. The American people do cherish their independence, but their sense of duty to all mankind will ever prompt them to give their support, service, and leadership to every cause which makes for peace and amity among the nations of the world.

[From the Republican national platform of 1928]

We endorse the proposal of the Secretary of State for a multilateral treaty proposed to the principal powers of the world and open to the signatures of all nations, to renounce war as an instrument of national policy and declaring in favor of pacific settlement of international disputes, the first step in outlawing war. The idea has stirred the conscience of mankind and gained widespread approval, both of governments and of the people, and the conclusion of the treaty will be acclaimed as the greatest single step in history toward the conservation of peace.

[From the Republican national platform of 1932]

We favor the participation by the United States in an international conference to consider matters relating to monetary questions, including the position of silver, exchange problems, and commodity prices, and possible cooperative action concerning them. * * * The facilitation of world intercourse, the freeing of commerce from unnecessary impediments, the settlement of international difficulties by conciliation and the methods of law, and the elimination of war as a resort of national policy have been and will be our party program. * * * The acceptance by America of membership in the World Court has been approved by three successive Republican Presidents and we commend this attitude of supporting in this form the settlement of international disputes by the rule of law.

AGRICULTURAL RELIEF

The Senate resumed consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

Mr. BYRNES. Mr. President, upon the desk of the clerk is an amendment offered by me to the committee amendment. My amendment to the committee amendment was temporarily laid aside. I now formally submit it and ask that it be stated.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 8, in lieu of section 14, it is proposed to insert the following:

SEC. 14. The facts constituting the basis for any payment or grant or the amount thereof authorized to be made under section 7 or 8 hereof, when officially determined in conformity with regulations promulgated by the Secretary of Agriculture, shall be reviewable only by the Secretary of Agriculture.

Mr. BYRNES. Mr. President, the language of the substitute reported by the committee was identical with the language of the A. A. A. Act, with the exception of the words at the beginning of the section reading as follows:

Notwithstanding any other provision of law.

It was my thought that the words "notwithstanding any other provision of law" would have the effect of preventing the Comptroller General from auditing the accounts of the Secretary of Agriculture under the provisions of the bill. I investigated, taking the matter up with the Comptroller General and also with the Secretary of Agriculture. I found that a question had been raised even under the A. A. A. Act as to whether or not the Comptroller General had the right to audit the accounts.

In order to remove any doubt, I drew the amendment which is now before the Senate, and which was drafted after conference with the Comptroller General.

In justice to the Secretary of Agriculture, I may say that he informs me that the Department had no thought of avoiding the auditing of accounts by the Comptroller General as to any question of law, and he has no objection to the amendment, which, as I say, was drafted at my request by the Comptroller General.

I ask for the adoption of the amendment.

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

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Michigan?

Mr. BYRNES. I do.

Mr. COUZENS. Let us assume that there is an argument between the Secretary of Agriculture and a citizen with respect to whether or not a determination is in conformity with regulations promulgated, who settles the dispute?

Mr. BYRNES. If it is a question of law, under the general law it will be settled, as always, by the Comptroller General. If it is a question of fact, the Comptroller General has never had authority, he says, as to the facts, as to the basis of the transaction provided for in the act. He would have no such power under the general law, and seeks no extraordinary power here; but under the language which he has drafted would pass upon the question as to whether any payment were within or without the law. If it were without the law he would disapprove the voucher, and then the disbursing officer of the Department of Agriculture would be responsible for it, and would have to pay it.

Mr. COUZENS. I do not see that there is any law on the subject. I cannot find it referred to here.

Mr. BYRNES. I am advised that there are many cases in which the question is whether or not a payment was in accordance with the law. The Comptroller General had a number of such cases to pass upon under the A. A. A.; and he anticipates that, as in all departments, such questions would arise, and thinks this language should be adopted in order that there may be no repeal of the law giving him power to audit the accounts.

Mr. McNARY. Mr. President, when this amendment was presented a few days ago I objected to its consideration at that time because I was not familiar with the attitude of the Comptroller General, nor was I sure of my own construction of the amendment.

I wish to ask the Senator from South Carolina a question regarding the amendment. As originally drafted it referred to section 14 of the bill now before us. There has been a transposition of the sections. Where does the amendment appear now?

Mr. BYRNES. Under the substitute as amended it is now section 13 of the bill, and I ask to modify my amendment so that it will be a substitute for section 13. The Senator will find it at the bottom of page 8.

Mr. McNARY. I thank the Senator.

Mr. President, the amendment limits the unquestioned and unregulated jurisdiction of the Secretary of Agriculture to pass upon the facts in a given case. I think the Comptroller General is not in position to pass upon those facts. He still retains the power to pass on contracts, provisions of law, and errors in computation. If my interpretation of that is correct, and if my knowledge of the attitude of the Comptroller General is correct that he favors this proposed legislation, I have no objection to it; but I do object to the language as originally contained in the bill.

Mr. BYRNES. I, too, objected to it; and I think the language as proposed is much better.

Mr. BORAH. Mr. President, just what does the Senator from South Carolina intend to accomplish by this amendment? Is it his purpose to take the matter from under the control of the Comptroller General?

Mr. BYRNES. No; the purpose is to restore it to the control of the Comptroller General, because the original language was "notwithstanding any other provision of law." Some draftsman put in the words "notwithstanding any other provision of law", and then copied the language of the Agricultural Adjustment Act—that the Secretary should have the right to pass upon the facts as to the basis; but my belief was that the words "notwithstanding any other provision of law" would have the effect of nullifying the general provision of law which gave to the Comptroller General the power to audit the accounts. The Comptroller General had the same opinion; and the object of the amendment is to restore to the Comptroller General, beyond question, the right to do what the general law has given him the right to do in every case—to audit the accounts.

Mr. COUZENS. Mr. President, I ask the Senator from South Carolina whether his amendment is to be an entire substitute for section 13 as printed in the bill?

Mr. BYRNES. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from South Carolina to the amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. LOGAN. Mr. President, I should like to call up an amendment which I proposed some days ago, which has been printed and is now lying on the desk. I ask to have the amendment stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Kentucky to the amendment, in the nature of a substitute, will be stated.

The CHIEF CLERK. On page 2, line 2, of the committee substitute, after the word "resources", it is proposed to insert the following:

(4) The protection of rivers and harbors against the results of soil erosion in aid of maintaining the navigability of waters and water courses and in aid of flood control.

Mr. LOGAN. Mr. President, since some amendments have already been adopted, I ask that this amendment, if it shall be adopted, be inserted in the proper place in the bill.

Mr. NORRIS. Mr. President, before the Senator begins his explanation of the amendment, I desire to say that I am unable to locate the place where it is proposed to insert the amendment.

Mr. SMITH. Mr. President, the print of the bill which was made after the adoption of certain amendments is now on the desks of Senators.

Mr. NORRIS. I have that print.

Mr. SMITH. The amendment proposed by the Senator from Kentucky will occur in section 7.

Mr. LOGAN. At line 15, on page 2, of the last print.

Mr. SMITH. Of the amended print.

Mr. LOGAN. That is correct.

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

Mr. LOGAN. I yield.

Mr. McNARY. Is it the desire of the Senator to eliminate subdivision (4) in the new print, or to leave subdivision (4) and to denominate this subdivision (5)?

Mr. LOGAN. I do not desire to eliminate any provision, but simply to insert an additional provision.

Mr. McNARY. That is what I thought. I suggest to the Senator, then, that he denominate his amendment subdivision (5) on page 2. Then it will follow the other recitals.

Mr. LOGAN. I thank the Senator.

The purposes of this bill are set out in section 7, and it mentions certain things that shall be accomplished under the provisions of the bill. We have some difficulty in squaring our actions with the views of the Supreme Court. I believe everyone who has given thought to the farm question is fully convinced that crop surpluses must be prevented if the farmer is to receive a fair price for that which he produces; and unless he does receive a fair price for the products of his farm he will eventually go out of business. I think everyone who is familiar with the history of nations must realize that no nation can continue to exist unless its soil is properly conserved and the farming population is properly protected.

We know that Congress does have control over rivers and harbors. We know that large sums are appropriated every year for the purpose of maintaining the navigability of rivers and waters, and also for the purposes of flood control. The amendment which I propose is to authorize, under the provisions of this bill, the protection of rivers and harbors against the results of soil erosion, in aid of maintaining the navigability of waters and watercourses, and in aid of flood control.

That is within the Constitution as construed by the Supreme Court. Congress does have authority to keep the rivers and harbors of the country free from all obstructions. Soil erosion does fill up rivers and harbors. It is necessary to protect against that. In the protection against erosion, if the Secretary of Agriculture is allowed to acquire lands

on watercourses anywhere in the United States, he can acquire all the lands that are necessary to reduce acreage that farmers will cultivate.

As I recall, it has been held by the Supreme Court that Congress has power over nonnavigable streams where the waters fall into navigable streams. If that is true, we have the power to legislate to prevent soil erosion that will interfere with the navigability of streams, or in aid of flood control, even to the spring where the stream starts. That will include the entire country.

If the Secretary of Agriculture desires to prevent soil erosion, he is authorized to acquire the necessary lands and put them in grass, or reforest them, or take such other steps as are necessary to preserve the soil.

Senators who are familiar with conditions in China know that the soil of a great part of that great Kingdom has been almost destroyed by erosion. The same thing is true as it relates to Asia Minor as a whole. Some of the countries of Europe have been almost wholly destroyed by reason of soil erosion. It is true in North Africa. So, if the United States is going to preserve its soil, it should begin now to prevent soil erosion.

Last year, on May 11, I believe, there was a dust storm that affected some of the western wheat-growing States. It has been said by experts that the storm in 1 day blew away 300,000,000 tons of rich soil. It has also been said by those who have investigated the subject that the Mississippi River carries into the Gulf of Mexico annually 400,000,000 tons of rich, valuable soil. It has been estimated by scientists and those who have made an investigation that the soil which is lost by erosion every year in the United States amounts to the enormous total of 3,000,000,000 tons. It has also been estimated that there has been a complete loss, so far as agricultural purposes are concerned, of more than 100,000,000 acres of land as a result of soil erosion.

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

Mr. LOGAN. I yield.

Mr. COSTIGAN. Does the able Senator from Kentucky consider the problems to which he is now adverting as falling within the jurisdiction of the several States or as national in scope under the Federal Constitution?

Mr. LOGAN. Undoubtedly they are national in scope, but I am offering the amendment so that when this question may come before the Supreme Court it cannot say that the Department of Agriculture does not have the power under the act to take farm acreage out of cultivation.,

As I was saying, not only a hundred million acres have been destroyed, but 125,000,000 acres in addition have been very greatly damaged, and 100,000,000 acres more are now threatened with destruction by reason of soil erosion.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired.

Mr. LOGAN. I will take my time on the bill.

By reason of the damage which has already been done, an acreage in the United States which could not be contained in all the States east of the Mississippi River has been damaged, in some instances entirely destroyed.

It has been estimated by those who have investigated the question that the damage that is done by soil erosion amounts to more than $400,000,000 annually; that the damage already done amounts to more than $10,000,000,000; and that within a period of 50 years, if the wastage is not prevented through some legislation on the part of Congress, the damage will reach the terrific proportion of twenty-five to thirty billion dollars.

Now, when we have an opportunity to do something for the farmer, and also for the country as a whole, I believe this power ought to be carried in the pending bill.

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

Mr. LOGAN. I yield.

Mr. WHEELER. Does the Senator intend to add the amendment as a new subdivision?

Mr. LOGAN. Yes; it is a new subdivision entirely. It takes nothing from any other part of the bill.

Mr. WHEELER. Then the Senator's amendment as it is now drafted would have to be changed.

Mr. LOGAN. It would have to be inserted at a different place, perhaps.

Mr. WHEELER. And would have to be numbered as either (4) or (5).

Mr. LOGAN. My purpose was to have it follow (3) in the original amendment, and then change the numbers in the remainder of that particular section. Since there have been some amendments, it will be necessary, of course, to change some of the numbers.

I believe I have said all that I desire to say touching this particular amendment. To my mind, it is of very great importance. Certainly it can do no harm to the bill. It will bring the bill, beyond all question, within constitutional limitations. It will protect against that wastage which has been going on throughout the years and which is increasing yearly.

Mr. DICKINSON. Mr. President, soil erosion is not a new problem. Ever since the Lord started water running down hill it has been carrying dirt with it. But in 1930 we put into the agricultural appropriation bill, in cooperation with the present chairman of the Committee on Appropriations of the House [Mr. BUCHANAN], $165,000 to carry out experimental operations in the prevention of soil erosion. Under that appropriation the first 14 stations were started, all of which were to be experimental and educational, in the hope that the farmers and the State agricultural colleges would have the benefit of the information collected. In 1931 the amount was increased, if I recollect correctly, to $195,000, and in 1932 to $330,000.

I am in sympathy with the Federal Government doing everything it can to assist in the prevention of soil erosion and in promoting soil conservation. I believe that our policy ought to be fixed and permanent, that our activity should be in cooperation with the States, and that it ought to be carried on in such a way that it could not be challenged so far as its constitutionality is concerned.

I think there are certain phases of the bill which are clearly within those bounds, particularly section 7, and the permanent policy established in the bill is correct and, in my judgment, will be found to be very helpful.

The objection I see to the bill is that it attempts to go much further than the object I have mentioned, by including what is called the emergency period, which is an effort to cover the hiatus between the time the bill may be passed by Congress and the time the permanent legislation is presumed to go into effect. In my view that is the dangerous phase of the bill, and I wish to discuss that for just a little while.

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

Mr. DICKINSON. Certainly.

Mr. BORAH. Did I understand the Senator to say that he regarded section 7 as free from any constitutional objection?

Mr. DICKINSON. Oh, no; I have said that the main purposes of the bill, I think, are free from constitutional objection. My opinion is that unless we hook up this proposal to a cooperative method and have it function through State authority, we are going to confront the same constitutional question that was involved in the A. A. A. I presume that is what the Senator from Idaho has in mind. In other words, I believe there is a way by which we can formulate a permanent farm-aid policy along the lines suggested in the bill, but I do not believe the bill as drawn would accomplish that result.

In order that my views may be set forth, since I will not have the time to give them all this morning, I ask to have inserted in the RECORD as a part of my remarks a release which appeared on February 2 in the Des Moines Register on a permanent farm program.

The PRESIDENT pro tempore. Is there objection?

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

STATEMENT BY SENATOR L. J. DICKINSON, FEBRUARY 1, 1936

A permanent program for agriculture can be found. In formulating such a program we must work within the provisions of the

Constitution. This document is sufficiently elastic to permit the production of an effective remedy.

The country has been subjected to too many experiments and too much uncertainty. The effect produced by the passage of unworkable and unconstitutional laws has duly alarmed the American people. When the death sentence is written for these hastily prepared and ill-advised regulations no substitute is forthcoming, except more laws of the same kind. Daily it is becoming glaringly apparent that the present administration is floundering. Its future course is uncertain, and the incompetency and inexperience of those in control are amazing.

The difficulty we are now experiencing in considering substitutes for the A. A. A. is due to the inherent desire of those in control of agricultural policies to manage everything from Washington. This administration will not consider a cooperative program between the Federal Government and the States because this means State control—State supervision of personnel and expenditures. Instead of creating a bureaucratic control in Washington, under such a cooperative system each State would work out its own problems.

We have been told by the Supreme Court that the Federal Government cannot contract or assume dictatorial powers over the individual. A program of Federal and State cooperation can be worked out that will prove of permanent benefit. This program should embrace erosion control, soil conservation, and restoration of fertility.

Under the Constitution the Federal Government could appropriate funds to be allotted to the States in such cooperative work. This would simply be following out the rules already laid down in the creation of land-grant colleges, the policy of extension service, and Federal aid to highways. A program along this line has for some time had the approval of such agricultural experts as ex-Governor Lowden, of Illinois.

There are many examples of the effectiveness of Federal cooperation with the States. A program embodying such a policy would not be experimental.

There has never been a recommendation that the Federal Government should control the construction of highways. This control is left within the authority of the State highway commissions, as it should be. It is my belief that the people of Iowa have every confidence in the work being performed by the State Highway Commission of Iowa, and that under no circumstances would they favor the removal of that control over the construction of our highways to a Federal bureau in Washington, D. C.

As a further guide in successful Federal cooperation, we have the record of the experimental stations in the field of soil erosion. In 1918 the Agricultural Appropriations Committee of the House, of which I was chairman, established 14 erosion-control stations in the United States. One of these was placed in Iowa. In the following year the number of stations was increased to 21. The beneficial results of these stations are outstanding proof of the success of Federal and State cooperative enterprises. These stations were established for educational purposes.

A fixed-tariff policy for the protection of agriculture must be agreed upon. The international trade agreements entered into under the existing law passed by the present administration have been detrimental to the best interests of the farmer. No higher authority on the question can be cited than that of George N. Peek, formerly Adminisrator of the A. A. A.

We cannot produce wheat and milk in open competition with Canada, or livestock in competition with Mexico, or butter in competition with Denmark, and maintain our farm standards. Only by maintaining a proper protective tariff can the American farmer compete with these countries.

Those interested in legislation for agriculture remember well the McNary-Haugen bill. In this bill we attempted to segregate the produce sold in the domestic market from that sold in export markets. Many of us, as friends of the farmer, were disappointed when that legislation was vetoed. Since that time foreign markets have been subjected to embargoes, allotments, and other restrictions. This action on the part of foreign countries seriously lessens the benefits under surplus-control legislation.

Congress should make the necessary appropriation to pay the balance due signers of contracts under the Agricultural Adjustment Act, I favor an appropriation sufficiently large to settle such contracts in full.

Also, the corn loans should be continued. These loans are the outgrowth of the privileges under the Commodity Credit Corporation, and for a number of years have proven a great benefit to the farming population. Under no circumstances do I think such loans should be curtailed until financial conditions are restored to a normal status.

Farm mortgages should be extended at a low rate of interest. A hodgepodge method of refinancing these loans has heretofore been in vogue. A permanent policy should be worked out, giving the farmer the benefit of the lowest interest rate possible.

We must insist on a stable dollar; place our tariff walls high enough on farm products so we are not in direct competition with cheap lands and low-priced labor; permanently protect our soil and conserve our national resources. In this way the future of Iowa will be made secure.

Mr. DICKINSON. Mr. President, it is my judgment that, regardless of the fact that section 7 has been modified several times, the question as to grants to the States, without a yardstick, and the question as to the delegation of the authority, without a yardstick, is the important one; that we have to provide a cooperative program with the States; that the mandatory phase relating to the Federal Government should be taken out of the bill, and the authority placed in the States to do what they want to have done. For that reason I offered an amendment in which I provided that any appropriation could not be in excess of the amount appropriated by the States for similar purposes. I find myself either in sympathy with that type of amendment or the type of amendment suggested by Mr. George N. Peek in the bill printed in the RECORD at the request of the Senator from Oregon under date of February 11.

Subsection (h) of section 7 provides as follows:

> The amount allocated in each State for that year shall not exceed the amount of tax payable for such year with respect to the lands planted in soil-improving or erosion-prevention crops during such year, together with the cost of seed for such planting.

Whether that is sufficient or not I am not now trying to determine, but it is a yardstick by which the amount that may be charged against the Federal taxpayer is fixed. Otherwise, there would be in the bill a delegation of authority that would be very far-reaching, and which, in my judgment, would bring us into the same state of chaos in which we are now with reference to what the Secretary would have the right to do.

I do not believe that Congress can delegate the power to the Secretary of Agriculture to spend promiscuously any sum of money he wishes to spend, and fix the amount for a purpose which happens to be outlined in the bill.

The language here is, "aid to agricultural producers in amounts determined by the Secretary to be fair and reasonable." What the Senator from Utah might think was fair and reasonable in Utah I might think was a very small amount and very unfair and unreasonable in the State of Iowa. In other words, here is a matter which is left entirely to the judgment of the Secretary. No yardstick at all is provided. In my judgment, that is going to be one of the fallacies of the bill. We should either insert a yardstick by which these benefits could be determined, or we should not pass the bill and appropriate $440,000,000.

For these reasons I have offered the amendment, which provides for cooperation with the States, that the States shall appropriate and use the same amount of money appropriated by the Federal Government, and determine the conditions under which that money shall be expended. By that means we shall carry out what I believe is the best plan under our form of government; namely, the extension of Federal aid in cooperation with the States, with a limitation upon the Federal Government's control of the action of the States, in line with the recent decision of the Supreme Court in the A. A. A. case.

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

Mr. DICKINSON. I yield.

Mr. KING. The question may not be quite germane to the point which the Senator is now discussing. I shall be glad, however, to have the Senator's views as to whether this is a soil-erosion measure which it may be contended comes within the power of the Federal Government, or whether it is a measure for the purpose of authorizing the Secretary of Agriculture at his discretion to make payments to all persons engaged in agriculture in any part of the United States, with or without the consent of the States, the payments to be such as he may determine to be proper.

Mr. DICKINSON. In reply to the query of the distinguished Senator from Utah, let me suggest that a few nights ago, on February 10, I made this observation:

> The present bill in its implications is even more drastic than its predecessor. The delegation of power to the Secretary of Agriculture is more sweeping. Under its terms the Secretary is empowered to employ funds for virtually any purposes he sees fit. The opportunity for political abuse, of course, is simply unlimited. He may spend the money in whatever States he likes—such as those listed as politically "doubtful"—or he can discriminate between individuals, between States or whole sections of the country. Beyond question the measure is just as unconstitutional as the Triple A. But between now and November it will have served its purpose.

What I had in mind there, and against which I made the charge, was section 8. Section 8 is the section wherein the power is delegated to the Secretary of Agriculture to do practically anything he desires to do along these general lines, and to use the money indiscriminately. I do not believe we have the authority to delegate any such power to the Secretary of Agriculture.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired.

Mr. DICKINSON. I will take 15 minutes on the bill.

In addition to that, under existing conditions, I do not believe that we ought to delegate any such power and supplement it with an authorization of $440,000,000 to be used indiscriminately, as quickly as those in authority desire to use it. It may be used between now and November 6, if such is the desire.

In other words, such action does not afford a permanent cure for the ills of agriculture. The effort is made to suggest that we still have with us the same emergency which we had 3 years ago or 4 years ago, and that we are still in a position where this amount of money should be used for emergency purposes, whether or not its use can be justified by actual results and benefits to the farmer.

In connection with this statement, I desire to insert in the RECORD a paragraph from an article by Mark Sullivan, published in the New York Herald Tribune under date of February 9, 1936, under the heading "Farm bill found to be a mess of aims canceling each other."

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

The paragraph referred to is as follows:

This purpose of Government aid to farming should be strictly distinguished from an allied purpose and plan. The distinction is between giving a straight subsidy without conditions and, on the other hand, prescribing conditions which the farmer must live up to. Henry A. Wallace, Secretary of Agriculture, has followed the policy that payment of money to farmers by the Government should be accompanied by stipulations limiting the quantity of each crop they can raise. The purpose Mr. Wallace has in mind is by control from Washington to limit and direct the quantity of each crop raised in the United States, just as the owner of a factory would limit and direct the quantity of each product the factory makes. About this policy there is serious difference of opinion. I think it is accurate to say that opposition to control of what each farmer shall plant has grown to a point where the majority thought of the country opposes it.

Mr. DICKINSON. In connection therewith, I ask to have printed in the RECORD an editorial from the Washington Post of Sunday, February 9, 1936, entitled "To Keep Checks Flowing."

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

The editorial is as follows:

TO KEEP CHECKS FLOWING

In 2 days of debate the Senate has exposed the fallacies, inconsistencies, and unsoundness of the new farm bill with remarkable completeness. Casual spectators must be amazed by the continued drive for enactment of the measure after it has been so thoroughly discredited, even by its sponsors. It is apparent, however, that the majority will not tolerate any sustained check upon the flow of checks farmward during an election year. So the bill hangs together by nothing more substantial than political necessity.

One of the most damaging admissions is that the bill contains no limit whatever upon the spending powers of the Secretary of Agriculture. Under its terms, as a number of Senators pointed out, he could establish a $100,000,000 program or a $4,000,000,000 program. He would simply be given power to carry out the vague purposes of the act "by making payments or grants or other aid to agricultural producers in amounts determined by the Secretary to be fair and reasonable." No such authority has ever been granted to an executive official in this country, and it may be hoped that none ever will.

There are indications that this flagrant defect will be corrected before the Senate votes on the measure. But other weak spots, no less dangerous, cannot so easily be patched. For example, the bill sets up no "yardstick" by which benefits to individual farmers may be measured. Payments could be made on the basis of changes in farming practices, the planting of soil-building crops, or acreage of crop land. In determining the amount due each farmer the Secretary would have to consider the relative productivity of the land. In other words, some farmers might receive $5 per acre and others $100, depending entirely upon the discretion of A. A. A. functionaries.

Hurried efforts were made to relieve the A. A. A. of this terrific responsibility. But no standard of payment sufficiently flexible and simple to be incorporated in the bill could be worked out. Consequently the Agricultural Committee resorted to the naive device of authorizing the Secretary to prescribe any rules and regulations that he may deem necessary.

Little attempt was made to defend the bill on the question of constitutionality. Senator MCNARY, one of the most persistent advocates of farm legislation in Washington, pleaded for "honest" consideration of the underlying purposes of the bill rather than its camouflage of obscure language. "Let us not fool ourselves", he said, "because we cannot fool the Court and we cannot fool the farmer. We have tried to fool them too often heretofore, as well as the public generally." But the majority seems willing to take another chance.

Perhaps the most glaring fallacy was revealed by Senator SMITH, sponsor of the measure. As he understands the bill, its benefits would go only to those farmers who are not conserving their soil. Asked what would be the plight of the farmer already growing leguminous crops, he replied:

"If he is as shrewd as most Yankees I know, the minute this bill becomes a law he will quit planting alfalfa and see if he cannot get some benefit."

In other words, the sponsor of the bill foresees that it would actually discourage voluntary soil conservation and scientific farming. Farmers would be subsidized if they refused to cultivate their land intelligently. That is the reduction to absurdity.

Mr. DICKINSON. The Supreme Court in the A. A. A. decision I think laid down some very far-reaching and fundamental law. I care not what Senators' feelings may be as to whether decisions of the Supreme Court on constitutional questions ought to be unanimous, or ought to be by vote of 6 to 3 or 7 to 2; we are a government by majority. In my judgment, we are going to continue to be a government by majority. A verdict of 5 to 4 in the Supreme Court is a verdict by majority; and whether or not we think it is contrary to what it should be is not the question. The question is, Are we going to do away with the old system of government by majorities in the United States? If a bill is vetoed at the other end of the Avenue, and it comes back to the Senate, is the Senate going to maintain that the veto cannot be sustained by one vote, whether a two-thirds majority is required or a three-fourths majority is required? One vote may be the margin by which it is either sustained or overthrown. If we say that there ought to be 6 to 3 decisions in the Supreme Court rather than 5 to 4 decisions, we favor destroying the very fundamental upon which a representative form of government is based, and that is government by majority.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. DICKINSON. I do not wish to have my time taken. I have only 15 minutes.

I ask to have inserted in the RECORD at this point the last two paragraphs on page 12 of House Document No. 386, which is the opinion of the Supreme Court in the A. A. A. case.

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

The matter referred to is as follows:

But it is said that there is a wide difference in another respect, between compulsory regulation of the local affairs of a State's citizens and the mere making of a contract relating to their conduct; that, if any State objects, it may declare the contract void and thus prevent those under the State's jurisdiction from complying with its terms. The argument is plainly fallacious. The United States can make the contract only if the Federal power to tax and to appropriate reaches the subject matter of the contract. If this does reach the subject matter, its exertion cannot be displaced by State action. To say otherwise is to deny the supremacy of the laws of the United States; to make them subordinate to those of a State. This would reverse the cardinal principle embodied in the Constitution and substitute one which declares that Congress may only effectively legislate as to matters within Federal competence when the States do not dissent.

Congress has no power to enforce its commands on the farmer to the ends sought by the Agricultural Adjustment Act. It must follow that it may not indirectly accomplish those ends by taxing and spending to purchase compliance. The Constitution and the entire plan of our Government negative any such use of the power to tax and to spend as the act undertakes to authorize. It does not help to declare that local conditions throughout the Nation have created a situation of national concern, for this is but to say that whenever there is a widespread similarity of local conditions, Congress may ignore constitutional limitations upon its own powers and usurp those reserved to the States. If, in lieu of compulsory regulation of subjects within the States' reserved jurisdiction, which is prohibited, the Congress could invoke the taxing and

spending power as a means to accomplish the same end, clause 1 of section 8 of article I would become the instrument for total subversion of the governmental powers reserved to the individual States.

Mr. DICKINSON. On the next page I find the following language in the opinion of the Supreme Court:

A possible result of sustaining the claimed Federal power would be that every business group which thought itself underprivileged might demand that a tax be laid on its vendors or vendees, the proceeds to be appropriated to the redress of its deficiency of income.

Let me suggest to Senators that whether we are paying this money out of a processing tax or whether we are paying it out of the General Treasury, it is still a tax levied upon the taxpayers of the United States. Therefore the question is whether or not we can levy here a tax aggregating $440,000,000 and delegate to the Secretary of Agriculture the right to select the beneficiaries under certain general rules, and pay any amount he desires to pay to any individual to whom he chooses to pay it, for any sham purpose he wishes to set up, just so it comes within the general definition of the conservation of the soil or the control of erosion.

I say to the Senate that that is a delegation of power which no Senator ought to grant to any one individual, and which, in my judgment, will upset every program we are trying to establish here; and for that reason I believe section 8 ought to be stricken from the bill. Let us work out a permanent program, and abandon the view that we ought to appropriate a great deal of money for a great many emergency benefits to help a situation which we probably should make worse by any such program as has here been suggested.

I might quote from a statement made by Mr. Peek. I have known Mr. Peek for a long while. I believe he is one of the best authorities in the United States on agricultural-relief legislation. In a release he gave out following the introduction of the suggested amendment, he stated:

The suspicion arises that one purpose is to influence the coming election by keeping a horde of Federal political rangers and propagandists in the States. Another consideration may be that it is felt to be better politically in a Presidential election year to have the checks for farmers to come direct from Washington rather than from the States.

If these suspicions are valid, I think farmers should know about them. Furthermore, Members of Congress realize they are elected by the voters in their States and not by Washington officeholders.

Let me suggest to Senators that one of the vicious phases of section 8 is the fact that all the checks and all the benefits are to be paid direct from Washington to the farmers, rather than through a State agency, as ought to be the case in order to establish a permanent system of farm aid in these various phases of soil conservation and erosion control. The theory laid down in the A. A. A. decision was that the Government is not authorized to deal directly with a problem of this kind, and therefore it must find a way whereby it can deal within the provisions of the Constitution through its various agents or units set up in the States. In that way this objection may be avoided.

I am thoroughly convinced that we should give serious consideration to section 8 of this bill, and I wish to suggest what is in the mind of Secretary Wallace, who will administer this measure. He spoke on February 12 at Indianapolis. His speech was placed in the CONGRESSIONAL RECORD by the Senator from Wyoming [Mr. O'MAHONEY].

I quote from the speech of Secretary Wallace at Indianapolis:

When the Nation reviewed the situation brought about by the Supreme Court decision the consensus of opinion was that something must be done for agriculture. Also, the prevailing opinion was that there must be cash assistance to farmers.

Is it the purpose of this bill simply to make general distribution of cash allowances?

I know two farmers in my State living side by side. One of them will farm land for 50 years and it will be just as fertile, the soil will be conserved, it will be just as productive as it was 50 years ago. The other farmer, his neighbor, will have as good a piece of land, but in 30 years' time that land will be wasted and the soil will be practically useless. Soil conservation is not something that is beyond the reach of the farmer himself; but I believe that the problem is so serious that we must find some way by which we can make contribution both through instruction and possibly by tax abatements, and so forth, in the effort to help cure that situation, because too many farmers are not conserving their soil.

Let me quote further from the speech of Secretary Wallace:

Since some time will necessarily elapse before a sufficient number of States can enact laws to take advantage of the Federal aid, the provision is made temporarily for the grants to go from the Federal Government direct to individual farmers who have made application and who show that they have met the specified conditions.

Is there any State condition there? Is there any action through State units? Does anybody have any right to say anything about what shall be specified except the Secretary of Agriculture? Not at all. It is a delegation of power to the Secretary of Agriculture to say what a farmer shall receive as a benefit, and what he shall receive it for, and then the check goes direct from Washington, so the farmers will not forget it between now and November next.

I quote a further statement from the speech of Secretary Wallace, as follows:

After nearly 3 years of work the farmers cooperating under the act were surprised and dismayed to be told by the majority of the Court that the assistance they had been receiving from the Federal Government represented an invasion of the rights of the States and therefore was in violation of the Constitution.

Was that on account of the lack of the proper constitutional discussion on the floor of the Senate before the A. A. A. law was passed? Was it due to the fact that the bill was not properly drafted? Was it due to the fact that no one stood here and challenged the constitutionality of the measure? The constitutionality of the A. A. A. proposal was questioned on the floor of the Senate. True we did not have many votes, but it was asserted here at numerous times that the bill was an unlawful delegation of power. Therefore it seems to me that we ought not now again to make an effort to pass legislation of similar type just because the Supreme Court has held that the A. A. A. Act was unconstitutional and therefore the benefits flowing from it could not be availed of.

What was the cost of that experiment? I find in the Treasury statement now on my desk that for agricultural purposes under the A. A. A. there was allocated $1,819,000,000. Of that amount there was left on hand $408,000,000, making an actual expenditure of $1,411,000,000. We find that the processing taxes amounted only to $942,000,000. Therefore the Government did not collect the money anywhere nearly as fast as it spent it. That leaves $460,000,000 of excess expenditures over the amount received. We are, therefore, out that amount of money at the present time as a result of this grand and glorious experiment.

I find also that there was an appropriation of $296,185,000 to pay the balance due on farm contracts under the A. A. A.

The PRESIDENT pro tempore. The time of the Senator from Iowa on the bill has expired.

Mr. NORRIS. Mr. President, I believe this amendment, if adopted, will greatly improve the bill and it will greatly improve the prospects of its receiving approval at the hands of the Supreme Court. The President sent a message here a few days ago on the question of erosion as it applies to what are called navigable rivers, showing, as the Senator from Kentucky [Mr. LOGAN] said, that if we are going to control erosion we must go to the source of the tributaries of all the rivers which it is proposed to try to control.

What I wish to refer to, however—and I am sorry the Senator from Iowa has left the Chamber—is the reference made by him to the 5-to-4 decisions of the Supreme Court, saying that, after all, it is a country of majorities and the majority must rule. If you want to call the Supreme Court a legislature—and that might not be a misnomer and would probably be the proper term if we should continue on much further along present lines—if you want to call the Supreme Court a legislature, then, that statement of the Senator from Iowa is sound. If you are going to call it a court it is not sound.

We start with the proposition that every act of Congress is presumed to be constitutional, and that presumption can only be overcome when the contrary is shown beyond a reasonable doubt. There is no exception to that rule so far as I know. It has been asserted and reasserted by our Supreme Court, by State supreme courts, and is the law without any question on earth. Beyond a reasonable doubt! I should like to ask the Senator from Iowa, or anyone else, when he submits a proposition to nine great lawyers and five of them decide one way and four of them decide another way, does not that leave a doubt in the mind of the ordinary individual?

The very fact of there being a 5-to-4 decision raises a reasonable doubt. A division of judges will raise a reasonable doubt. Suppose the Senator from Iowa were being tried for murder in a Federal court. He would have to be found guilty beyond a reasonable doubt. That is the law. Does he want to be convicted by seven of the jurymen, five being of the opposite opinion? Would a majority decision in such a case suit the Senator from Iowa? Yet this is a country of majorities. Why not apply it in this case? A jury is not a legislature. A jury is going to convict a man only if they find him guilty beyond a reasonable doubt. If five men think one way and seven the other way, of course, there is a reasonable doubt of the defendant's guilt, and he is acquitted and turned loose. The majority does not control.

There is a question, to start with, whether the Supreme Court has any authority, even by unanimous decision, to hold an act of Congress unconstitutional; but I am not raising that point; I am not arguing for that. I am, however, arguing for the safe and sane constitutional view that acts of Congress shall not be set aside by five judges against four. Such a decision raises a doubt as to constitutionality, at least; and the act, of course, ought to be sustained. We can not proceed and live under any other theory, it seems to me.

The idea of the Senate and the House and the President all approving a law, all responsible to the people—and this is supposed to be a democracy where all officials are responsible to the people—and having their judgment, the judgment of over 500 men, set aside by five men who are not responsible to the people, who are not elected by the people, who hold their offices for life.

Thomas Jefferson said—I quoted him day before yesterday—in substance, that the man does not live who can be entrusted with unlimited power when he is responsible to nobody. Human nature is such that that will not bring good government.

I care nothing about the partisan aspects of it; that does not affect me; I am not influenced by the side remark of the Senator from Iowa that this money, coming directly from Washington, is going to be used until the election, and then turned over to the States; but I want to call attention to the fact that soil erosion is a national problem and not a State problem. If we are going to turn it over to the States, as the Supreme Court says we must, then we have no right to appropriate Federal money and turn it over to those agencies. That is just as bad as though we did it ourselves. The truth is that we cannot control erosion—and every man knows it—by State action so far as interstate rivers are concerned.

Take, for instance, the Mississippi River, with all its tributaries, spreading over more than half this Nation. Can one State do any good, and will one State even try, however anxious it may be, to do its part? We know that it requires the cooperation of all the States affected by the Mississippi River and its tributaries in order to bring results that will control erosion.

If we have to leave it to the States, the time will come when we will be another China. It cannot be done in that way. Every sensible man knows it cannot be done in that way. It is a national problem. The whole Nation is involved, and unless the problem is handled as a national one it will ultimately fail. I do not believe anyone will dispute that statement.

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

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

Mr. NORRIS. Certainly.

Mr. ROBINSON. Is it not true that since the close of the World War agencies of the Congress and of the executive departments have continuously dealt with the problem of agriculture, recognizing it as a national problem?

Mr. NORRIS. That is absolutely true.

Mr. ROBINSON. We have enacted a great many laws, most of which have proved futile. The only one that ever has been very helpful was the Agricultural Adjustment Act.

Mr. NORRIS. Yes; and that was "knocked out" by the Supreme Court.

Mr. ROBINSON. Yes. Our committees have been constantly in session trying to find some way to sustain agriculture as of national concern. Until the Supreme Court implied in its argument a few days ago that control or regulation of agriculture is of mere local concern, no authoritative body in this land has made a contention contrary to regarding it as of national concern.

Mr. NORRIS. So far as I know, no one ever made such a proclamation except the Supreme Court. In fact, every man, woman, and child knows that it is a national problem, except some members of the Supreme Court who have not as yet found it out.

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

Mr. NORRIS. Certainly.

Mr. ROBINSON. The assumption by the Court, not based on any evidence in the record, that agriculture involves mere local problems does not constitute a conclusion of law which suggests itself as sound to very many lawyers.

Mr. NORRIS. If the Senator will permit me to interrupt him at that point, I quoted from Abraham Lincoln, where he referred to the Dred Scott decision and said it was erroneous, that it did not comply with certain conditions which were laid down, and the first one of all was that it came from a divided Court. It did not have the approval of all the members of the Supreme Court. I deduct from that statement that a doubt was created at once as to the constitutionality of the act they overthrew.

Mr. ROBINSON. Mr. President, will the Senator permit a further statement?

Mr. NORRIS. Certainly.

Mr. ROBINSON. In nearly all court decisions with which I am familiar legislative findings of fact embraced in statutes are regarded by the courts as binding, and particularly when evidence involving the conclusion of fact is not to be found in the record.

The PRESIDENT pro tempore. The time of the Senator from Nebraska on the amendment has expired.

Mr. NORRIS. Very well.

Mr. ROBINSON. I will take the floor in my own right for just a moment on the amendment.

It is very exceptional for a court, in a case where there is no evidence involving an issue of fact and in a case involving a statute, where the statute states a conclusion of fact reached by the legislative authority, for the court to go outside of its own record and reach a conclusion of fact at variance with that of the legislative authority. This is a feature of the decision of the Supreme Court which, in my judgment, impeaches the value of the decision as law.

There was not a word of evidence in the record to indicate that agriculture or the control of agriculture is a mere local problem, to be determined by townships, counties, States, or other political subdivisions.

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

Mr. ROBINSON. Certainly.

Mr. NORRIS. There was not only a lack of any evidence that it is a local problem but no one had even questioned up to that time that it was a national problem.

Mr. ROBINSON. The whole procedure of our Government during the last 20 years has been on the theory that agriculture is of such definite and general concern, such national concern, that the Congress and its committees have spent

half their time trying to solve the problem. The purpose generally has been to give agriculture a status which would enable those who engaged in it to survive, because if it should fail as an industry, the life of the Nation would end.

Yet, without a word in the record upon which to base such a finding, in contradiction of the whole theory of national legislation and action during the period since agriculture came into a position of distress great enough to attract the attention of the world, the Supreme Court arbitrarily, I respectfully suggest, said the control of agriculture, or the maintenance of agriculture, is a mere local matter, in which the United States Government has no concern and over which it has no control.

I submit that such assumptions of fact, unwarranted by the record and unwarranted by general opinion, raise in the mind of any man who studies the subject a doubt as to the merits of the conclusion reached by the Court.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a joint resolution (H. J. Res. 488) to close Military Road, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes, and it was signed by the President pro tempore.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 488) to close Military Road was read twice by its title and referred to the Committee on Military Affairs.

AGRICULTURAL RELIEF

The Senate resumed consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

Mr. CAPPER. Mr. President, I intend to vote for the pending soil conservation and soil erosion control bill.

I believe the bill is in the best interest of agriculture. It is in the interest of the producer. It is in the interest of the consumer. It is in the national interest.

I will not vote for any measure that I feel is unconstitutional. I am satisfied in my own mind that this bill is constitutional. I hope the courts will take that view of the matter.

The vote I am going to cast for this farm legislation is not a partisan vote. The farm problem is not a partisan political problem. It is an economic problem. It is a national problem. And it should be approached with a full and honest realization that it is economic and national—not political, not local.

This always has been the position I have taken on farm legislation. It is the position taken by farm organizations and farm leaders generally. More and more it is becoming the position taken by the wiser political leaders.

Mr. President, there is a tendency in some quarters to make the farm problem a political football. I deplore this tendency. It is wrong, it is a mistake from the political as well as from the viewpoint of the general welfare.

During the past 15 years we have come to learn that the ultimate prosperity of the Nation is to a great degree dependent upon the prosperity of agriculture. Also that the farm problem will not be solved by a single line of approach.

When I supported the McNary-Haugen bill I did not expect it to be the complete solution of the farm problem. Neither is the export-debenture plan. Neither are protective tariffs on farm commodities. I never believed the Farm Board would solve the whole problem. I voted for all these things. They offered something better than what we had at the time. All of them were helpful in a way, or would have been helpful. None of them were partisan proposals.

The Agricultural Adjustment Act recently invalidated by the Supreme Court was not a partisan measure. True, it was enacted by a Democratic Congress—with the general support of Republican Senators and Congressmen. But, on the other hand, the A. A. A. program, as a matter of fact, followed very closely the farm plank of the national 1932 platform of the Republican Party.

While I always regarded the A. A. A. as an emergency measure, plus a first step toward a permanent national farm program, rather than as the permanent program, anyone at all acquainted with the subject must admit that it was a help to agriculture and, I think, toward national recovery.

From the beginning of this New Deal program I have supported what I believed sound, workable, and that part of it that would benefit the country. I have criticized and opposed what was unsound, unworkable, or that was intended to obtain partisan advantages at the expense of the general welfare.

Mistakes were made in A. A. A. policies. Mistakes were made in its administration. In many instances it was difficult to figure out the proper division of benefits between owners and tenants. The A. A. A. had to take on a job too big to be accomplished smoothly in the short time it had to get going.

I have not hesitated to criticize when I believed mistakes were made. I never could stand for the killing of the little pigs and other unpractical proposals. But also I give due credit for the good work the A. A. A. did.

What we should do is to take advantage of the experience of the A. A. A., continue its good work, and not make the same mistakes again.

Kansas benefited from the A. A. A. I have plenty of evidence to support that statement. Some of it I shall place in the RECORD.

I desire to be perfectly frank. The decision of the Supreme Court that agricultural production is a purely local activity was a great disappointment to me. It was a great disappointment to the agricultural West. The later decision of the Supreme Court that the impounded processing taxes should be returned to the processors was a great shock to our sense of justice and fair play.

But the Court has spoken. The A. A. A. is out. The farm problem, however, was not settled by the Supreme Court decision. Congress and the people must find an adequate solution.

Mr. President, I regard the pending measure as a partial solution of an important phase of the whole farm problem.

The pending measure lays the groundwork for a national land-utilization program. It provides a means that farmers can use to preserve the fertility of the soil, for the benefit of the entire Nation. It provides a means for conserving the soil. It provides a method for preventing soil erosion. The method of adjusting production so as to give producers the benefit of the law of supply and demand through State A. A. A.'s is rather cumbersome, but it is at least worth trying.

Whatever other steps we take—and we shall have to take other steps—we must make provision to conserve our most valuable resource, the soil of the United States.

Millions of acres of fertile soil have been washed into the rivers and the sea. Dust storms are ruining large sections of a half dozen States in the Great Plains region. This wastage must be halted. The United States cannot afford to follow the example of past civilizations that turned fertile areas, some of them nation-wide, into uninhabitable deserts.

So I am giving my support and vote to this measure. It will help. In the long run it should be a great help.

In addition to the soil conservation and soil erosion control program, and such adjustment of production to consumption as may be incidental to this program, there are at least four other major steps which I think are necessary to a prosperous agriculture. I will state them briefly at this time:

First. American farmers are entitled to, and must be guaranteed, the American market. For most commodities

not on a recurring surplus basis this can be effected through the protective-tariff system.

Second. Tariff equivalent payments—subsidies, if we wish to call them that—should be made to producers of at least four basic commodities which are produced on a surplus basis—wheat, cotton, hogs, tobacco. I have a bill, companion to the one introduced in the House by Representative CLIFFORD HOPE, of Kansas, to take care of this situation.

Third. Provision through Government aid must be made for disposing of these surpluses in foreign markets and stabilizing the domestic market. One way of accomplishing this is through cooperative marketing associations, with Federal funds on which to operate. Another is through well-organized programs of utilizing the foreign exchange created by our purchases of agricultural commodities not economically produced in this country, such as coffee, rubber, and sugar. This exchange could be used to help dispose of our own surpluses in foreign markets.

Fourth. More adequate financing of agriculture, at lower interest rates, as provided for in the Frazier-Lemke bill, is a necessity both for agriculture and for the general welfare.

These four avenues of approach to the solution of the farm problem and the soil-conservation plan are, to my mind, interdependent and all necessary. It is with all these considerations in mind that I am supporting the pending bill.

Mr. President, I now desire to call the attention of the Senate and the country to some Kansas thought and action on this question. I have been overwhelmed with telegrams, letters, and petitions from representative farm organizations throughout my State asking me to support this proposed legislation.

First, I wish to read a telegram from Dr. O. O. Wolf, president of the Kansas State Farm Bureau, former president of the Kansas Department of Agriculture, and former president of the Kansas State Livestock Association. He is a staunch Republican, who has served several terms in the Kansas Legislature. I have known Dr. Wolf for many years. He has been a close and intelligent student of farm problems. He has a State-wide acquaintance not only with the people of Kansas but also with the problems of Kansas.

Senator Wolf attended the farm conference here early in January. He took that program back home with him and checked it up to farmers and farm groups in Kansas. The other day I received this telegram from Dr. Wolf:

> Have met with a number of district conferences, each composed of farmers from several counties in Kansas, and find general approval of soil-conservation program now before Congress. Believe you would be voting in line with the wishes of Kansas agriculture if you give this type of legislation your support.

Three different groups in Russell County, which I believe are representative of the sentiment in practically all communities in the western two-thirds of the State, have appealed to me to support this pending bill.

Under date of January 31 I received the following telegram from Carl O'Leary, secretary of the Russell County Bankers' Association:

> The Russell County Bankers' Association, meeting January 30, unanimously urge and recommend that permanent agricultural legislation be enacted covering soil conservation and insuring parity price for agricultural products—the text of a resolution adopted at our annual meeting.

Also from Russell County I received the following from C. A. Tiedman, president of the Russell County Farmers' Union:

> We do hereby unanimously endorse such legislation as will provide a permanent agricultural program, which will insure equality and parity prices for agricultural products; that we heartily indorse the principle of crop-production control; that we believe the processing taxes are a fair and reasonable manner of paying the farmers' tariff. We further unanimously endorse the soil-conservation program.

I also received similar resolutions by the Russell County Farm Bureau, signed by A. C. Gebhardt, president; also similar resolutions adopted at a joint meeting of farm and business organizations, which also asked that the impounded taxes be returned to the Treasury and not to the processors.

Mr. President, I ask unanimous consent at this time to have inserted as part of my remarks resolutions adopted at a joint meeting of the Nemaha County Farm Bureau and county allotment committees, representing 2,000 contract holders, covering the largest corn acreage and hog numbers of any county in Kansas.

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

> *Be it resolved,* That, as the law of the land now stands, there is no present means of equalizing the disparity in price between the commodities the farmer must buy and those he produces for sale; that it is our view that this disparity in price is due to the protection which industry enjoys under the tariff, while the farmer must sell on an unprotected market.
>
> That we commend the efforts of those who made the A. A. A. possible and workable, and especially do we commend the efforts of the Secretary of Agriculture, Henry A. Wallace.
>
> That we shall oppose with our influence and with our ballots, anyone, regardless of their political affiliations, seeking to represent us in the National Government, who does not recognize the plight of agriculture in the light of the above, and who does not militantly seek to correct this plight; be it further
>
> *Resolved,* (a) That a unity of action by all groups to secure expansion of outlets for farm products in both the domestic and foreign markets in such manner as would be beneficial to the domestic market and profitable to the producers of these products in net average returns.
>
> (b) The development by Congress of the most effective legal means for Government to assist farmers in adjusting the volume of production to the demands of markets. We believe this can best be achieved through a comprehensive and well-coordinated program providing for the withdrawal from commercial production at equitable rates, such lands as may be necessary to enable the stabilization of farm commodity prices at parity levels.
>
> (c) Continuance and expansion of a policy of commodity loans to handle surpluses in such manner as would be most effective in stabilizing farm commodity prices in the interest of both producers and consumers.
>
> (d) Whether such program is based upon the conservation of soil fertility or otherwise, to be permanently successful, and to best protect the interests of the family-sized farm, which should be a constant objective of Government, legislation must be coordinated covering all phases of these recommendations.
>
> That we regard the return of the impounded processing taxes to the processors as unwise; be it further
>
> *Resolved,* That we go on record endorsing the Frazier-Lemke farm bill and urge your support, as its passage will help place the farmer in near the same position as industry; be it further
>
> *Resolved,* That we heartily endorse the principles of the National Agricultural Conference report and pledge our support to same; be it further
>
> *Resolved,* That copies of these resolutions be sent to our Senators and Representatives in the Congress, to the President, and to the Secretary of Agriculture.

Mr. CAPPER. Mr. President, I do not wish to use up an undue amount of space in the RECORD, so I shall not ask permission to have printed other similar resolutions from county farm bureaus in Kansas; but I desire to state that similar resolutions have been sent me from farm bureaus of the following counties, among others: Atchison, Lincoln, Cheyenne, Jewell, Rooks, Seward, Thomas, and Sumner.

At this point I wish to read the resolution of the Sumner County Farm Bureau. This resolution says in part:

> We believe that dropping the Agricultural Adjustment Administration at this time is a step backward for agriculture as well as the entire Nation. We urge the immediate development of a new agricultural program that will place and keep agriculture on an equality with other industries.

Also, I have received resolutions of similar nature from the farm bureaus of Thomas County, Gray County, Geary County, Sheridan County, Harper County, Stafford County, Edwards County, Finney County, Doniphan County, Grant County, Rawlins County, Franklin County, Pratt County, Wichita County, and Jefferson County. I may say that almost without exception the county farm bureaus of Kansas has endorsed the general program outlined by the farm group which met here the week the A. A. A. opinion was handed down by the Supreme Court.

I also have received a petition signed by more than 700 farmers in the communities of two northwestern Kansas counties, Thomas and Logan, which I desire to read to the Senate at this time. The petition reads as follows:

> The decision of the Supreme Court affecting agriculture, in declaring the A. A. A. unconstitutional, jeopardizes not only the welfare of agriculture but that of the entire Nation. As loyal American citizens we respectfully submit the following petition:
>
> We, the undersigned, demand that legislation be adopted immediately to reenact the A. A. A. program, because the farm groups are divided upon a satisfactory substitute. If it be necessary in order to make such legislation effective, we hereby peti-

tion Congress to increase the number on the Supreme Court to 13 by adding 4 members.

We do firmly endorse the principles underlying the A. A. A. program, and we believe that crop insurance in constitutional form and parity price levels should be maintained through a system of adjustment of production.

And we believe that the adjustment program has been largely responsible for the decided advance in prices of agricultural commodities, the saving of farm homes, maintaining our public-school system, and the operation of our county and State governmental departments.

Mr. President, I also ask unanimous consent to have printed in the RECORD at this point as part of my remarks the resolution adopted by Fairdale Local 927 of the Kansas Farmers Union, these being typical of many farmers' union resolutions and letters received by me dealing with this subject.

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

Due to the decision of the Supreme Court affecting agriculture, in declaring the A. A. A. unconstitutional, it places the farmer in a position of jeopardy, jeopardizing not only the welfare of agriculture but of the entire Nation. The undersigned members and friends of the Farmers Cooperative Association of Brewster, Kans., do on this date, January 27, 1936, recognize the fact that agriculture is the basic industry of the Nation, and that indirectly a sound program for agriculture is as important to other classes as it is important to farmers; we accordingly, as loyal American citizens, respectfully submit the following petition:

First. That having in good faith carried out the terms of the contract with the United States Government to retire a certain percent of our annual crop acreage, we demand that the Government fulfill its part of the contract by paying the rental for these acres in the form of benefit payments now remaining unpaid.

Second. That despite adverse publicity by those not engaged in the business of farming, we firmly believe a control program emphatically necessary to a constructive planning for agriculture, and that we respectfully demand that if the Constitution does not provide or permit such planning and operation, that immediate action be taken to amend the Constitution to meet the changing conditions of agriculture.

Third. That we firmly endorse the principles underlying the present program; that we believe crop insurance in constitutional form, and parity price levels be maintained through a system of benefit payments.

Fourth. That we respectfully protest the decision of the Supreme Court and demand that processing taxes at present impounded be paid into the general funds of the United States Treasury and not be refunded to the processors, as the real source or origin of these taxes is impossible to establish.

Fifth. That we believe that the adjustment program has largely been responsible for the decided advance in agricultural commodities, and that the saving of farm homes, maintaining of our public-school system, our county and State governmental departments have been made possible by the improved conditions resulting from the A. A. A.

Mr. CAPPER. Mr. President, hundreds of mass meetings of farmers have been held in Kansas communities since the Supreme Court decision was handed down. I ask unanimous consent to place in the RECORD at this point the resolutions adopted at such a meeting, held in Sedgwick County, Kans.

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

Whereas the Agricultural Adjustment Act has been declared unconstitutional by the Supreme Court of the United States, and since the present situation and future prospects of the American farmer demands a national farm program, which will tend to place agriculture on an equality with business and industry; and

Whereas the Supreme Court of the United States has declared the collection of processing taxes unconstitutional and has ordered the return of the impounded taxes to the processors, such return of processing tax which has been impounded by action of the various lower courts of the United States would be unfair to the processors who have not filed injunction proceedings and likewise unfair to the public who have paid same; and

Whereas soil conservation is paramount for the general welfare of the Nation; and

Whereas any future farm program depends largely upon the completion of the existing farm contracts, inasmuch as the farmers have fully complied with that contract and the Government has its moral obligations to the contract signers: Therefore be it

Resolved, (1) That we heartily endorse the seven-point program as outlined by the Representative Farmers, to become effective in the 1936 crop year;

(2) That the Federal Government include in the program adopted by the farm organizations a definite long-time policy which will have as its goal a definite soil-building and soil-conservation program, which will guarantee a supply adequate to take care of domestic consumption and a reasonable carry-over for export demand;

(3) That we believe that a definite injustice is being meted out to the public in general if it is permitted to distribute this impounded tax exclusively to the processors who filed injunctions, and every effort should be made to force all processing taxes levied and unpaid up to January 6, 1936, including those impounded under orders of Federal courts to be paid into the Treasury of the United States where it rightfully belongs: Therefore be it

Resolved, (4) That the Government take immediate steps to appropriate funds to pay farmers the obligations due them; be it

Resolved, (5) That we, a representative group of farmers from the Farm Bureau, Grange, and Representative Farmers of Sedgwick County, Kans., being duly appointed by the farmers of Sedgwick County, Kans., in a meeting assembled, hereby adopt the above resolutions and, furthermore, that a copy of these resolutions be spread upon the minutes and copies be mailed to the President of the United States, Hon. George McGill, Hon. John M. Houston, Hon. Arthur Capper, Henry A. Wallace, Chester A. Davis, Clifford Hope, Edward O'Neal, and L. J. Taber.

Very respectfully yours,

C. C. WINTER, *Andale, Kans.,*
JACOB H. TJADEN, *Clearwater, Kans.,*
E. A. LONG, *Clearwater, Kans.,*
HARRY S. LOYD, *Valley Center, Kans.,*
JOE MCQUILLAN, *Clearwater, Kans.,*
EMMETT BLOOD, *Route 6, Wichita, Kans.,*
Resolutions Committee.

Mr. CAPPER. Mr. President, I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a few other communications and resolutions on the same subject, tending to show the sentiment of the people of Kansas in regard to farm legislation, which I send to the desk.

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

Hon. ARTHUR CAPPER,
Senate Office Building, Washington, D. C.

DEAR MR. CAPPER: Resolution adopted by the nine southwest counties of Kansas—Ford, Gray, Meade, Haskell, Seward, Stanton, Grant, Morton, and Stevens—in conference at Dodge City, Kans., January 16, 1936.

We wish to express our appreciation of your efforts in the past in the support of the Triple A program.

We further solicit your continued effort for a permanent program for agriculture which will replace the Triple A. This new program should stress production-control measures based on farm-management practices which will conserve soil fertility and guarantee a parity price.

ART CUMMINGS, *Chairman.*

HAMILTON COUNTY INDUSTRIAL CLUB,
Syracuse, Kans., January 15, 1936.

Hon. ARTHUR CAPPER,
United States Senator, Washington, D. C.

DEAR SIR: The Hamilton County Industrial Club, an organization composed of businessmen, farmers, and stockmen of the entire county, at its regular meeting Tuesday evening, January 14, 1936, discussed the agricultural situation in this community, with particular reference and attention to proposed substitute legislation to replace the Agricultural Adjustment Act, recently declared unconstitutional by the Supreme Court.

Resolutions were adopted and the meeting voted unanimously in favor of Federal farm legislation providing farm aid on a scale comparable to the allotment plan which operated as an insurance against crop failures and ruinous prices for products of the farm. The undersigned committee was appointed to analyze and summarize the sentiment and action of that meeting and report to our Senators and Congressman.

As members of that committee, and by virtue of the instructions and authority delegated to us, we submit the following statements and recommendations:

We are opposed to the refunding of processing taxes under any pretext, and believe the impounded funds should revert to the Federal Treasury and be used for the benefit of agriculture in order to avoid the necessity for new revenue-raising legislation. We feel that as it would be impossible to refund these taxes to the ultimate consumer who paid them, any sum refunded to the processors amounts to a steal from the public pocket.

We recommend immediate enactment of farm legislation which will place the agricultural industry in a position to make a creditable fight for a fair share of the wealth it produces. As the creator of wealth which enables other industries to operate, employ labor, and prosper, we believe the farmers are entitled to support from the Federal Government to an extent that will enable them to maintain the standard of living that is enjoyed by the average employers and employees of tariff-protected industries.

We recommend your continued cooperation with the Secretary of Agriculture, the Farm Congress, and other leaders of agricultural organizations, without regard to political issues, in an effort to develop a farm-aid plan that will provide reasonable credit for agriculture, some protection against losses incurred through crop failures, and for some method calculated to stabilize the price of farm products. We are confident that our legislative branch of government can formulate such a plan within the bounds of constitutional limitations.

We commend our Senators and Congressmen for their good judgment and wise discrimination as shown by their untiring efforts and efficient assistance rendered in support of farm legislation intended to solve the many complex problems of agriculture during the past several years.

Yours truly,

THE HAMILTON COUNTY INDUSTRIAL CLUB,
R. M. GIBBENS.
E. M. SCOTT.
ALBERT M. JAMES.
BRUCE MACK,
C. W. NOELL.
S. BISHOP.

MARSHALL COUNTY CORN-HOG PRODUCTION CONTROL ASSOCIATION,
Marysville, Kans., January 10, 1936.

Senator ARTHUR CAPPER,
Senate Post Office, Washington, D. C.

DEAR SENATOR CAPPER: We, the undersigned members of the Marshall County Corn-Hog and Wheat Allotment Committees, are taking this means of expressing our hope and desire that you will use every honorable means within your control to give to the farmers of America some legislation as speedily as possible to take place of the Agricultural Adjustment Act which the Supreme Court have held unconstitutional.

So far as we know, in Marshall County there is no ill will or hatred because of the defeat of the A. A. A. We one and all prized greatly the A. A. A., irrespective of race, creed, or political affiliations, and now know as never before its true value to us farmers. The only expression we hear is that of sorrow and grief as though a dear one had departed this life. Even those who were not 100 percent for the program before now express sorrow that it is gone.

And we wish to impress upon you, Senator CAPPER, that the farmers of Marshall County are not a bunch of Bolshevists but good, loyal American citizens, and we each and every one are looking to Washington for something that will take the place of the A. A. A., which was nothing short of a godsend to men.

We are not trying in any way to dictate to you what this legislation shall or shall not be, only that it be something that will accomplish what the A. A. A. was doing, and asking you to use your own judgment in choosing and supporting what you think will accomplish that need.

The money which we have received, and which we had hoped we would continue to receive, in the form of bonus checks was not the only or by any means the greatest blessing we have received from participation in this program. But the really great good that has been accomplished was the spirit of cooperation that has been shown by the contract signers.

For more years than any of us have lived we and our fathers and grandfathers have uncomplainingly paid import tariff in goods that in many cases were not produced farther from our farms than Kansas City, Mo., that American industry might prosper, and in the processing tax we had that which gave us a fair share of the prosperity that is the inherited and inalienable right of every American citizen.

We have borne much patiently, but the time has come and we feel that in fairness that those to whom the A. A. A. was obnoxious that now they have taken it to the highest Court in the land and that Court has declared it unconstitutional. Now they no longer try to kid the American farmer by directing him "around the corner" to prosperity but come out in the open and give us that which will fill our need and also stand the acid test of the Supreme Court.

We are sending a copy of this letter to Senator MCGILL and to Congressmen LAMBERTSON and HOPE and are asking each of you to stand together in supporting that which the farm leaders who will be in session in Washington January 10 and 11 may recommend.

MARSHALL COUNTY WHEAT ALLOTMENT COMMITTEE,
MARSHALL COUNTY CORN-HOG ALLOTMENT COMMITTEE,
W. O'CONNELL, *Secretary.*

DENISON, KANS., *January 27, 1936.*

Senator ARTHUR CAPPER,
United States Senate, Washington, D. C.

DEAR SENATOR CAPPER: I presented the enclosed resolution to a group of 27 dairymen at a meeting in Denison on Thursday, January 23, and they unanimously passed it and instructed me to forward it on to you.

Yours very truly,

L. G. WILL.

(Resolution)

We deeply regret the nullification of the A. A. A., because through it we feel that the increase in prices for farm products, coupled with the benefit payments, have aided much toward the recovery of agriculture.

We therefore submit a resolution favoring legislation which would maintain parity prices for agriculture and maintain soil fertility.

We believe that payments on A. A. A. contracts which are yet unpaid should be paid; we further believe that processing taxes which have been impounded should not be returned to the processors, since it is quite generally believed that the processors have either charged the tax to consumers or passed it back to the producer.

CONCORDIA, KANS., *February 1, 1936.*

Hon. ARTHUR CAPPER,
Senate Office Building, Washington, D. C.:

We urge prompt congressional action in passage of new farm bill making effective control and benefits for 1936 and saving to agriculture the progress made since 1920. Delay may mean disaster.

L. F. DAVIDSON,
President, Cloud County Bureau.
JENS CARR,
President, Cloud County Farmers Union.

SENECA, KANS., *February 5, 1936.*

Hon. ARTHUR CAPPER,
United States Senator, Washington, D. C.:

At a joint meeting of the Nemaha Farm Bureau executive board and the wheat and corn-hog allotment committee, offer the following resolutions:

Resolved, That the Nemaha County allotment committees and farm bureau board of directors pledge our support to our Secretary of Agriculture and Senator CAPPER for their faithful and untiring efforts to better the welfare and happiness of the American farmer; be it further

Resolved, That our Congressmen and Senators lend their willing and speedy hand to help build an immediate program to forestall certain disaster for the farmer if we fail to replace the A. A. A. That a letter is to follow to the Secretary, Senators, and Representatives setting forth in detail the principles for which we stand.

R. L. RAWLINS, *Acting Secretary.*

COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS,
Seneca, Kans., February 6, 1936.

Hon. ARTHUR CAPPER,
United States Senator, Washington, D. C.

DEAR SIR: I have been requested to mail you a copy of the resolutions passed at a meeting on February 5.

These resolutions are those referred to in a telegram on February 5.

We hope you will give them your consideration and at the same time know that the farmers of Nemaha County, Kans., are entrusting you and your coworkers with the problem of developing a workable plan to benefit agriculture and are standing ready to support measures that we are confident will be worked out.

Very truly yours,

R. L. RAWLINS, *County Agent.*

LUDELL, KANS., *January 21, 1936.*

Hon. ARTHUR CAPPER,
Washington, D. C.:

We, the undersigned, endorse the principles underlying the A. A. A. program. We believe crop insurance in constitutional form and in price levels should be maintained through a system of adjustment of production. We also favor legislation to improve our present cooperative marketing structure.

LUDELL EQUITY CO-OP. EXCHANGE.

MCDONALD, KANS., *January 22, 1936.*

Senator CAPPER:

The McDonald Equity Exchange in board assembled resolutions we demand that Congress take such action whereby economic equality and social justice shall be secured not alone for agriculture but for the Nation as well. That soil conservation be embodied into the new farm program. That farmers should be encouraged to produce crops now imported. We commend the action of Secretary of Agriculture for what he has done in behalf of agriculture and support him in a new program he develops.

We commend Senator CAPPER for his war-peace, all voting "yes" on the first five questions, "no" on remaining three.

McDonald Equity Exchange Board of Directors, Paul Wilkens, Secretary; Geo. A. David; Theo. J. Kacirek; A. A. Rummell; Ben Hubbard; L. W. Freeland; Fred W. Brumm; J. S. Burk, President.

MCDONALD, KANS., *January 24, 1936.*

Hon. ARTHUR CAPPER,
Senator, Washington, D. C.:

We, the undersigned, endorse the underlying principles of the A. A. A. program. We believe crop insurance in constitutional form and parity price levels should be maintained through a system of adjustment of production. We also insist the Surplus Commodity Corporation be retained and expanded. We demand legislation be adopted immediately providing a satisfactory substitute for the former A. A. A. program. The old program has been satisfactory as a whole in Rawlins County. We believe the program has been largely responsible for Kansas having a balanced budget. We further demand that farm leaders and representatives support such a legislative program.

LIONS CLUB,
C. R. GAINES, *Secretary.*

BEARDSLEY, KANS., *January 22, 1936.*

Senator ARTHUR CAPPER,
Washington, D. C.:

We endorse the principles underlying the A. A. A. program. We believe crop insurance in constitutional form and parity price levels should be maintained through a system of adjustment of production. We also insist that the surplus commodities corporation to deal with agricultural surpluses be retained and expanded, through storage and commodity loan when necessary. Through seeking outlets for farm products. Through developing more industrial uses for products of the farm. We demand legislation be adopted immediately providing a satisfactory substitute for the former A. A. A. program. The old program has been satisfactory as a whole in Rawlings County. We believe that the adjustment program has been largely responsible for the decided advance in prices in agricultural commodities, the saving of farm homes, maintaining our public-school system, the operation of our county and State governmental departments, and largely responsible for the State of Kansas having a balanced budget. We further demand that farm leaders and representatives support the legislature program as outlined above.

The Beardsley Equity Mer. Exchange, J. F. Sabtka, President; H. E. Harper, Secretary-Treasurer; Frank J. Sabtka, Director; S. J. Kletchka, Vice President; A. J. Holub, Director; Frank Holub, Director; Roy McKain, Director.

LARNED, KANS., *January 20, 1936.*

Hon. ARTHUR CAPPER,
United States Senator:

Whereas the decision of the Supreme Court has annulled the benefit and parity price farmers were receiving for their crops under the A. A. A. and we are again left to the mercies of overproductions and a price for products that has no parity, we therefore urge immediate national legislation that will be acceptable to the Supreme Court that will give the producer a parity price and that will guard against overproduction.

PAWNEE COUNTY CO-OP. ASSOCIATION.

ATWOOD, KANS., *January 21, 1936.*

Senator ARTHUR CAPPER:

We respectfully request Congress to pass suitable farm program immediately.

ATWOOD CHAMBER OF COMMERCE.

FREDONIA, KANS., *January 15, 1936.*

ARTHUR CAPPER,
Washington, D. C.:

We urge Congress to have impounded processing tax paid to Treasury of United States and to appropriate money to pay out to contract signers to end of 1935. May we have your consideration?

OLEY G. APT,
President, Wilson County Farm Bureau.
C. E. HALL,
President, Corn-Hog Control Association.
C. E. SIERMAN,
President, Wheat Control Association.

FARMERS EDUCATIONAL AND COOPERATIVE UNION OF AMERICA,
Salina, Kans., February 11, 1936.

Hon. ARTHUR CAPPER,
United States Senator, Washington, D. C.

DEAR SENATOR CAPPER: I did not immediately reply to your letter asking for my opinion of the Bankhead farm bill because I wanted to take this matter up with our board of directors and get their reaction on the bill.

We discussed the bill thoroughly at our regular meeting in Kansas City on February 6. As a result of this discussion the board instructed me to express to you our confidence and our appreciation of your efforts on behalf of the farmers of the United States and assure you that the Kansas Farmers Union will back any constructive move made to build up a permanent farm policy in the United States.

The Kansas farmers are very resentful of the position taken by the Supreme Court in its majority opinion on the A. A. A. case, which implies that agriculture is not vested with sufficient public interest to be legislated for under the general-welfare clause of our Constitution. We realize that under the decision of the Supreme Court it may be rather hard to frame real constructive farm legislation on national lines. Still, that is the only kind of legislation that can be made of real service to the American farmers. In spite of the decision of the Supreme Court, we feel it is the duty of Congress to frame legislation that will tend to permanently place agriculture on an equal basis with other great industries of this country. They should naturally try to build it so as to conform to the Constitution of the United States, but I believe Congress and the Supreme Court should ever keep in mind that the welfare of the United States is always paramount to the Constitution, and that if the Constitution interferes with the welfare of this country, the Constitution can and should be changed or the Court's interpretation of the Constitution should be changed, since it is only a means to the end, as stated in the preamble of the Constitution.

In discussing the Bankhead soil-utilization bill, which is to take the place of the A. A. A., the board has, in general, approved of the provisions, except in one place where it seems to give the Secretary of Agriculture the choice of making it operate either through the Extension Department or through the associations of the producers. One of the greatest criticisms directed against the A. A. A. was its bureaucratic tendency on account of a large percent of its control being centered in the Extension Department.

We have due regard for the usefulness of the Extension Department in bringing to the farmers the discoveries and results of experiments of our great Department of Agriculture and the land-grant colleges, but we do not believe it should be changed from an educational to control department.

Our board strongly urges that whatever legislation is framed to take the place of the A. A. A., that the control of the machinery be placed in the hands of officers selected by the growers themselves through their county and State associations. Under the Triple A, practically entire control was in the hands of the Extension Department and this was much resented by the people of the State, especially those who were not members of the Farm Bureau, which, on account of its direct connection with the Extension Department through the county agent, was largely the beneficiary of the power and influence given to the Extension Department by the act.

We also ask that there be as little red tape connected with the operation of this bill as is possible, while still retaining the necessary control features.

We feel that since the condition of the farmer has been very much aggravated by the heavy burden of debt placed upon our farmers and, in fact, upon all classes of our citizens except the few of the moneyed class who are members of the American Liberty League and other like organizations, any program of relief to be truly and permanently successful must contain some provisions for controlled inflation, or, in other words, control dollar values so as to keep the buying and debt paying power of the dollar somewhere in line with the 1926 level, or the average level between 1920–29. The Frazier-Lemke farm-refinancing bill, together with the bringing of the recommendations of the Bankhead committee in regard to currency reform into law would go a long ways toward solving our debt problems and would be the right expansion measure to the soil-utilization bill. I certainly hope they can both be enacted into law during this session of Congress.

With best personal regards, I am

Yours very truly,

JOHN VESECKY,
President, Kansas Farmers Union.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. LOGAN] to the amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. WAGNER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from New York to the amendment of the committee will be stated.

The CHIEF CLERK. On page 2, line 17 of the reprint of the committee substitute, it is proposed to strike out all after the word "power" down to and including the word "consumers" in line 21, and in lieu thereof to insert:

The powers under this act for soil conservation shall be used to encourage voluntary action calculated to result in the reestablishment, at as rapid a rate as the Secretary determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of income per person not on farms that prevailed during the 5-year period 1909–14, inclusive, as determined from the statistics available in the United States Department of Agriculture, and the maintenance of such ratio. Such powers shall not be used to discourage the production of supplies of agricultural commodities sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities.

Mr. McNARY. Mr. President, I am not advised as to the point in the bill where the Senator desires to have his amendment inserted.

Mr. WAGNER. On page 2, line 17, after the word "power", to strike out from that place to line 29, and to insert the amendment which I have offered.

The PRESIDING OFFICER. The Chair may state to the Senator that this reference is to the reprint.

Mr. WAGNER. The last substitute.

Mr. McNARY. I think I have the reprint before me.

The PRESIDING OFFICER. It is on page 2, line 17.

Mr. McNARY. I desire to know whether the Senator wishes to strike out from lines 17 to 21.

Mr. WAGNER. Yes; that language is to be stricken out, and the amendment is to be substituted for the words stricken out.

Mr. McNARY. The amendment does not seem bad as it is read, but I really do not know what the Senator intends to be accomplished by the language contained in the amendment. Will he not make a short explanation of the purpose of the amendment?

Mr. WAGNER. Mr. President, the first portion of the amendment was suggested by the Secretary of Agriculture as an addition to the amendment which I originally proposed. It declares it to be one of the policies of this legislation to restore the incomes of farmer and the nonfarming population, respectively, to the relationship which existed between 1909 and 1914, a period regarded as normal by experts.

Mr. BORAH. Mr. President, I am anxious to know how this desirable object is to be attained. The amendment provides:

The powers under this act for soil conservation shall be used to encourage voluntary action calculated to result in the establishment, at as rapid a rate as the Secretary determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of income per person not on farms.

As I understand it, the object of the amendment is to establish a fair ratio between the income of the farmer and the income of those who have to buy farm products.

Mr. WAGNER. Yes.

Mr. BORAH. The question is, How can that possibly be done?

Mr. WAGNER. I might say to the Senator that this part of my amendment was suggested by the proponents of this legislation, particularly by the Secretary of Agriculture. I take it that the end would be accomplished by increasing the purchasing power of the farmer, through the medium of better prices for his products. That, indeed, I understand to be the purpose of whole farm program. Soil conservation will be utilized primarily for that purpose.

Mr. BORAH. Undoubtedly, Mr. President, what the Senator desires is what everyone would desire, that is, a fair ratio between those who produce and those who have to buy.

Mr. WAGNER. Yes.

Mr. BORAH. There must be in the mind of the Secretary of Agriculture some plan or some method by which that is to be accomplished. If a method can be found by which the purchasing power of the farmer can be restored and at the same time the purchasing power of the man who buys from the farmer can be restored, we will have solved the problem of the depression.

Mr. WAGNER. I appreciate that this language merely expresses an aspiration. I am not an expert upon these subjects, and I do not know completely how the Secretary of Agriculture proposes to bring the ideal about. But I am certainly in sympathy with the objectives aimed at.

Mr. BORAH. I will not interfere with the Senator further.

Mr. WAGNER. The other portion of the amendment is designed to give some assurance—it is true not so effective an assurance as I should like to see—that this program of control of production will not, by means of soil conservation, be carried to a point where it would create a condition of scarcity. Pushing up the prices of farm products by a scarcity program would be, as even the proponents of this legislation recognize, a ruinous thing for our country. I rather look toward the day when we shall produce more and more, because it seems to me that that should be our ultimate goal in our desire to raise the standards of living of all of our people.

As the bill reads now, while there are some general declarations, I do see in it a power at least delegated to the Secretary to reduce production below the amounts required for normal consumption. This amendment proposes a standard to prevent that. It provides that production shall fall below the normal domestic human consumption in the years 1920 to 1929.

Mr. BORAH. Mr. President, in 1929, 70 percent of the people of the United States were living upon the bare necessities of life. Fifty percent of them were living on less than the necessities of life. How is that to be changed? If we can only be advised as to the method, perhaps we would all be for the amendment.

Mr. WAGNER. I do not say that even during that period we had anything like the consumption which would exist in this country if there were a fairer distribution of wealth. But at the very least we should not allow production to go below the normal human consumption during that period. The truth is that it has dropped even lower since 1929. I want some assurance given to the consuming public that consumption will be kept up to at least the very modest levels of 1920 to 1929.

The Brookings Institution has estimated, as the Senator has said, that even during 1929 the consumption of commodities was 40 percent below that which was needed for a decent living.

Mr. SMITH. Mr. President, may I ask the Senator whether he means to say that the things which were needed were not here?

Mr. WAGNER. I did not say that. They were not consumed because the purchasing power did not exist for their absorption. We had an artificial surplus which undoubtedly depressed the prices of farm commodities.

Mr. SMITH. I wanted to bring out this point; we had then, as we have now, an abundance.

Mr. WAGNER. Yes.

Mr. SMITH. But the reason for the distress that is abroad is that the consuming public has no means of getting the things which are here to consume.

Mr. WAGNER. That is true.

Mr. SMITH. I take it we are not discussing that feature in connection with the consideration of the pending legislation. I do not wish to take the Senator's time, and perhaps I would better state what I wish to state in my own time.

Mr. WAGNER. Very well.

Mr. SMITH. The Senator is evidently working for a purpose which is not contemplated in the bill.

Mr. WAGNER. As I understand it—and I mean to be perfectly candid and realistic—this bill in effect is intended to control production. It means reduction at least to the point where the farmer will get the prices which the proponents of the legislation feel that he ought to get for different commodities.

I am sure that the great consuming public wants to see the farmer get fair prices for his commodities, because all except those who are uninformed recognize the economic interdependence of all groups.

If the farmer does not get a fair price for his commodity, he does not have any purchasing power with which to buy the goods which the manufacturer produces. On the other hand, if the farmer charges too much, the large wage-earning population of the country will not have money sufficient to purchase farm products.

Mr. President, I am one of those who does not believe that our country can remain one-half broke and one-half prosperous. I am in sympathy with all the efforts made to bring about parity. May I say that reasonable success has already been attained in that direction under the A. A. A. The decision of the Supreme Court respecting the A. A. A. has made some people quite jubilant, but it has not made me jubliant. For under the A. A. A. farm parity reached within 10 percent of normal. The farmers' income increased by $3,000,000,000 since 1933.

I can recall the farmers' plight a few years ago when a large number of you gentlemen on the other side of the aisle were grappling with this baffling problem. You accomplished nothing. The farmers continued to go down, down, and down. When President Roosevelt took office they were on the point of economic and social disintegration. By means of the A. A. A. legislation the farmer has been rehabilitated, and no one rejoices more than I do.

Mr. FRAZIER rose.

Mr. WAGNER. Mr. President, I see that the Senator from North Dakota has risen. I do not mean that the farmer has been completely rehabilitated. But his situation is entirely different from what it was in the spring of 1933.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER (Mr. McGILL in the chair). Does the Senator from New York yield to the Senator from North Dakota?

Mr. WAGNER. I yield.

Mr. FRAZIER. I am glad the Senator from New York modified his statement with regard to the farmer being rehabilitated, because the farmers have not gotten up to the cost of production yet. The Senator by his amendment proposes to strike out:

> In carrying out the purposes of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

Can you get anything fairer than that? Can you get any language which sounds better than that?

The PRESIDING OFFICER. The time of the Senator from New York on the amendment has expired.

Mr. WAGNER. I shall speak on the bill.

Mr. FRAZIER. Of course that may be what the purpose of the bill is, to contain language which sounds nice in order to get votes from the farmers.

Mr. WAGNER. Is the Senator speaking of the bill or of my amendment?

Mr. FRAZIER. I am referring to the paragraph which the Senator cuts out by his amendment. That is the best paragraph in the bill.

Mr. WAGNER. I think my language is an improvement upon it, because it is more specific.

Mr. FRAZIER. Oh, no; it is not. This language is specific in that it says "prices fair both to producers and consumers." The only fair price to the producer is the cost of production. The only fair price to the consumer is that which can be obtained by changing our marketing conditions and cutting out unnecessary handling expense.

Mr. WAGNER. As a temporary expedient I voted for the legislation which attempted to control production.

Mr. FRAZIER. So did I.

Mr. WAGNER. I recognized that there was a tremendous surplus created by the lack of purchasing power among our people and by the loss of the foreign market. The farmer had been suffering for many years because of the agrarian depression. I was willing to accept an expedient to remedy that distressing condition.

But in the long run it will be a ruinous policy to pursue a program of scarcity. This legislation has already in some quarters been labeled as a program of scarcity.

I want to make sure that that fear is unfounded by providing for some limitation upon the authority to control production—some floor level below which the administration must not go. I suggest a very reasonable floor level. I propose simply that restriction of production shall not go below the consumption during the period between 1920 and 1929. The Secretary of Agriculture is at liberty to exercise discretion within these broad limits.

My amendment also provides for further flexibility in administration. It allows for export trends. It allows for abnormal consumption that may have been stimulated by a sudden collapse of farm prices and the shrinkage of the foreign market. It reads—

> Taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period.

In fact, every safeguard is provided. I desire to appeal particularly to the Representatives of the agricultural States. It is certain in their best interests to give some assurance to the large consuming public that there is some limitation to the so-called scarcity program.

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

Mr. WAGNER. I yield.

Mr. WALSH. Has the amendment which the Senator proposes been submitted to the Secretary of Agriculture?

Mr. WAGNER. It has.

Mr. WALSH. Would the Senator be willing to state what the Secretary's objection to this amendment is, if any?

Mr. WAGNER. The Secretary favors the amendment now, because I accepted as a part of my amendment the first provision, with which I am sure the Senator and I are both in sympathy; namely—

> Calculated to result in the reestablishment, at as rapid a rate as the Secretary determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of income per person not on farms.

Mr. WALSH. I am sure that if the Secretary of Agriculture has accepted the amendment, the genial chairman of the Committee on Agriculture and Forestry will also accept it.

Mr. WAGNER. I shall sit down in a moment if I get that assurance from the chairman. I think he ought to accept it.

Mr. SMITH. Mr. President, I like to hear these complimentary adjectives used. I like to be genial, as the Senator from Massachusetts has suggested; but I am not going to stand in the way of the Senate accepting this amendment.

I am perfectly aware that the Senator from New York is very zealously trying to protect his vast number of consumers against any disaster which may befall them by virtue of the rise of the price of farm commodities brought about by reduced production. That is all there is to it. It is a question of an irresistible force meeting an immovable object.

I do not know whether the Senate is willing to accept the proposition with respect to the years designated by the Senator to provide the basis below which the production of the country may not go. So far as I am concerned, I have nothing to say about that; but I think, as was pointed out by the Senator from North Dakota [Mr. FRAZIER], there will be found in the amended form the language carrying out the purpose of this section. The language is:

> Due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

I wish to state that in the committee the consumers were not without friends. All of us recognized that the ultimate object of all production is consumption. The two are forever linked together, and unless we can have an adequate consumption we cannot have an increased production. The committee, of course, considered that question. Some of us had quite a great deal of difficulty in showing that the markets of the world must be cared for in order to take care of those who produce for the markets of the world. I do not like this idea of setting a fixed control.

Mr. BORAH. Mr. President, may I ask how this is going to be carried out? How is it possible for the Secretary to come anywhere near complying with the provisions of the amendment without controlling production?

Mr. SMITH. I do not think it can be done. Of course, every Senator who is at all familiar with the situation in our country recognizes that, far beyond the appreciation of any of us, there is a depletion of our soil and deplorable effects due to erosion. It is not a mere dream; it is a fact. Millions and millions of acres which a few years ago were productive are now practically worthless; the soil has gone and there is nothing left but the bare subsoil. It is in the interest of the general public that we should arrest that process if possible.

The Senator from Kentucky [Mr. LOGAN] this morning offered an amendment, which was adopted, which I think is far more far-reaching than most of us realize, having to do with the preservation of our watersheds. In my lifetime, in the Piedmont section of my State, the watersheds have been cleared to the banks of the streams, so that the precipitation, the result of the rains and snows, goes immediately into the streams, and, in addition, carries the soil with it, whereas when the banks of the streams were forested, there was a slow percolation and no erosion. Now millions of tons of debris are carried down to the Coastal Plain, clogging the streams, causing the overflow basins to become inadequate, and destroying crops from the mountains to the seaboard. If we should not appropriate money for anything else but for the purpose of reforesting our watersheds and preserving

the even flow of our rivers, the subject would be worthy of the attention of this body. In so doing we would necessarily take out of cultivation millions of acres that are now temporarily the most productive of any, but they happen to be situated just where this dangerous and devastating erosion takes place.

Someone has said we have just started along this line. Yes; we are just beginning to realize the effect of this constant leveling of our hills and carrying them to the ocean; but remedying that situation necessarily is going to aid the object which was contemplated by the A. A. A. legislation, namely, the diminution or reduction of the area planted. Not only is soil erosion a menace to this country, but soil depletion is also a menace. I take it that we have both those objects in view, with the ultimate purpose of maintaining an adequte supply of agricultural commodities for our own people and such exports as we may command to the advantage of our people.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Florida?

Mr. SMITH. I yield.

Mr. FLETCHER. The question has been raised by the Senator from Idaho with reference to controlling production. There are many people who do not believe in placing in the Department of Agriculture or in any one agency absolute control. I ask the Senator if it is not possible to influence production by promoting voluntary action on the part of the farmers themselves whereby there can be had the effect on production that would be desirable without absolutely controlling it.

Mr. SMITH. The only reason I consented to this bill was because I believed that two very helpful objects might be attained by it. One was that during this time of an adequate circulating medium of purchasing power to reduce our production to fit the volume of currency rather than to fit the volume of currency to the demands and needs of the people. Senators may talk with all the sophistry they please, but that is the objective. We are going to reduce the actual wealth of this country to the terms of the inadequate circulating medium, rather than exercise our function to see that the circulating medium shall not only be adequate but so controlled as to meet the imperative demands of the law of supply and demand. I think that it is well within the power of Congress so to couple soil erosion and soil conservation as to meet this other crying need until we are wise enough to do the other thing.

Mr. CAREY. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. SMITH. I yield.

Mr. CAREY. I understand this bill is a soil-erosion bill in the interest of saving lands that are being eroded?

Mr. SMITH. That is one of the objects.

Mr. CAREY. Does that mean that only the farmer whose land is being eroded will get any benefits under this bill?

Mr. SMITH. It will also affect the farmers whose land is being depleted.

Mr. CAREY. Suppose a farmer's land is not being depleted, suppose it is not being washed into the rivers and is not being destroyed, will he be paid by the Secretary the same as will the man whose soil is being eroded?

Mr. SMITH. I do not think he ought to be. I am perfectly frank. There is no use to ask me a question to make me give an answer that is absolutely absurd; I am not going to do that.

Mr. CAREY. I do not think it is absurd. Take the cotton farmer, for example.

Mr. SMITH. The idea is that they should all be treated exactly alike. If a man has a very rich farm that is neither being eroded nor depleted, then he should have a slice cut off and get as much as the other who is now a menace to the country.

Mr. CAREY. Assuming that the farmer whose farm is not being eroded is having the same difficulty as other farmers in getting a fair price for his products, what then?

Mr. SMITH. He is having the same difficulty so far as price is concerned because of the unwise use of certain soil that might be preserved at a loss temporarily to the farmer. That is the difference.

Mr. CAREY. I do not quite understand the difference as stated by the Senator; I do not quite see it.

Mr. SMITH. It may be unprofitable marginal land the farming of which cannot keep soul and body together; today thousands of farmers are producing on soil and under conditions that they are not getting a penny out of and the land is going down every year. There are some farmers who have maintained the fertility of their soil and preserved it. Now, they are being destroyed so far as prices are concerned along with the others because of the plight of the aggregate.

Mr. CAREY. Then it is proposed to pay those who have destroyed their farms; it is proposed to pay the poor farmer?

Mr. SMITH. "Destroyed their farms?" They did not destroy them; they were unable to preserve them. I know men, as the Senator does, who are absolutely too poor to economize. That is what is the matter with the farmers now; they are absolutely too poor to economize. They have to pay the highest rates of interest; they have to take indifferent goods and live as best they may because they are bad risks.

Mr. CAREY. The bill, then, is for the bad risks?

Mr. SMITH. Yes; it is for the "bad risks" that we, in our senseless way of economy, have made "bad risks."

Mr. President, so far as I am concerned——

Mr. WALSH. Mr. President, may I ask the Senator from South Carolina a question?

Mr. SMITH. I yield.

Mr. WALSH. The Senator refers to the soil being depleted. Is it not true that all soil that is farmed is subject to depletion?

The PRESIDING OFFICER. The time of the Senator from South Carolina on the amendment has expired.

Mr. SMITH. The Senator from Massachusetts is asking me a question in his time. I reserve some time on the bill.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. WALSH. I will ask the Senator from South Carolina it is true, is it not, that all soil that is cultivated is depleted?

Mr. SMITH. Just to the extent that production is made out of the soil that production is taken from it. That is axiomatic.

Mr. WALSH. The result is that the Secretary of Agriculture will have control of all cultivated soil under this bill?

Mr. SMITH. Yes.

Mr. BORAH. Mr. President, may I ask the Senator from Massachusetts a question?

Mr. WALSH. Certainly.

Mr. BORAH. I have no objection in the world to the objective which the author of the amendment has in mind, but what I should like to know from the Senator from Massachusetts is how the desired result is going to be accomplished?

Mr. WALSH. The amendment is not mine, I will say. I am interested in its objective. However, I agree that there is no clear yardstick by which the result desired can be obtained. That, however, is true of the whole bill. The Secretary of Agriculture has no yardstick by which to gage or control any of the powers delegated to him. It is left to his entire discretion. All the powers under the bill are of the widest and most indefinite character. One of my chief objections to this bill is its indefinite grant of bureaucratic power and control of agriculture.

Mr. BORAH. In other words, we propose to delegate to the Secretary of Agriculture power to adjust income in the United States.

Mr. WALSH. I would not say that the power was so extensive as that.

Mr. BORAH. Yes; that is exactly what it is. The amendment provides:

The powers under this act for soil conservation shall be used to encourage voluntary action calculated to result in the reestablishment, at as rapid a rate as the Secretary determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of income per person not on farms.

That includes the whole United States.

Mr. WALSH. The purpose, as I understand it, as defined by the Senator from New York, is to protect the consumers from excessive prices by defining, as the amendment seeks to do, the factors to be taken into consideration by the Secretary of Agriculture in administering the act.

Mr. WAGNER. Mr. President, as I said before, that is left to the Secretary of Agriculture. But what is the objective of all this type of legislation if not to bring about a normal relationship between the farming and the nonfarming population? It is generally conceded that the period between 1909 and 1914 was normal.

Mr. BORAH. It was exceedingly abnormal.

Mr. WAGNER. I have only the testimony of experts on that proposition. Would the Senator prefer the amendment with that provision stricken out?

Mr. BORAH. I am trying to ascertain how it is we are going to adjust incomes in the United States. It is a thing in which I have been interested for many years. I know that even in 1929 about 70 percent of the people of the United States had no income. They were living on the bare necessities of life.

Mr. WAGNER. I believe it superfluous to assure the Senator of my interest in that subject. A good deal of the legislation that I have been advocating, some of which I have succeeded in having passed, has been designed to bring about a fairer share of the income of the country for the large masses of our population. About 60 percent of our families have been earning less than $1,000 per year.

Mr. BORAH. How is the Senator going to remedy that condition?

Mr. WAGNER. I have suggested several remedies for it.

Mr. BORAH. Until it is remedied, how will the farm question be settled? Until the people in the cities, millions of them with small incomes, can buy what they need to eat, how will the Senator permanently adjust the farm problem of the United States?

Mr. WAGNER. There will be no permanent or satisfying solution until we bring about a condition where the great wage-earning population of the United States will get a fair share of the wealth which they produce. Such has ever been my objective—and of many others here—but it has always been resisted with great force, and at times with success, by the selfish portion of the privileged classes of our country. In spite of that resistance we made some progress, but we are still far away from our goal.

Mr. FRAZIER. Mr. President, did I correctly understand the Senator from New York to say that his amendment was introduced at the request of the Secretary of Agriculture?

Mr. WAGNER. Oh, no. I submitted an amendment several days ago which dealt only with the subject of providing a lower level beyond which curtailment of production could not go. That amendment was opposed by the Secretary of Agriculture, together with some other proponents of the pending legislation. It was suggested by the Secretary that if I would accept certain modifications which have been placed in the amendment, together with certain other modifications to be made at the end of my amendment, he would have no objection. The idea originated with me, but the amendment as it is now before the Senate was modified by the Secretary of Agriculture and now has his approval.

Mr. MURPHY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. FRAZIER. I yield.

Mr. MURPHY. I should like to say, in connection with the amendment submitted by the Senator from New York [Mr. WAGNER], that the amendment which he originally sent to the desk was an amendment upon which our minds could not meet. There followed several hours of discussion of his amendment, as a result of which the proposal was brought to the attention of the Agricultural Department and then submitted to the Senator from New York. The Senator from New York agreed to accept the modifications suggested by the Department of Agriculture.

The objection to his amendment in its original form was that, in my opinion, it made of this bill a consumers' bill, rather than a producers' bill. The thought of the Senator from New York, as I understood, was that we should not put it in the mouth of anyone to say that this bill was in the interest of the consumer. It seemed to me then that the language which is sought now to be stricken out—

In carrying out the purposes of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers—

accomplished the end sought by the Senator from New York, but in his opinion it did not. The suggestion was made of compromising, and the amendment as redrafted and submitted by him now has the approval of the Department.

Mr. FRAZIER. I presume the Senator from New York could not understand how the provision in subparagraph (4) of section 7 could be carried out. It provides "prices fair to both producers and consumers." There is nothing in the bill, of course, to carry out that provision. As the Senator from Idaho [Mr. BORAH] said a moment ago, there is nothing in the bill providing for carrying out the provisions of the amendment of the Senator from New York.

The ratio period based on 1909–14 was a provision in the Agricultural Adjustment Act. It was never fair. The farmers of the United States were not prosperous during those years. According to the records, as I recall them, during that 5-year period farm loans were increased by approximately $400,000,000 or $500,000,000. That increase of farm loans represented the difference between the prices the farmer got for his products during those 5 years and the cost of production. His credit was good and he borrowed $400,000,000 or $500,000,000 to keep going. The 1909–14 period was not a cost-production period for the farmer.

The parity prices established under the A. A. A. provision did not reach the cost of production. Of course, everyone who knows anything about agriculture must admit that the farmer cannot succeed unless he does get cost of production. The language which the Senator from New York wants to strike out, providing for prices fair to both consumers and producers, is really the best part of the bill if its exponents mean what they say, because prices fair to the producer can mean nothing less than average cost of production, and prices fair to the consumer, of course, would mean the distribution of farm products to the consumer as cheaply and as reasonably as could be done.

I think there is room for great improvement in our methods of distribution. The spread is too wide between the price the farmer gets for his products and the price the consumer pays for them. There should be some adjustment made. The provision in the bill which the Senator from New York wants to strike out intimates that something of that kind might be done. The amendment offered by the Senator from New York is simply in substance a part of the old A. A. A. program, the so-called ratio program. That was not satisfactory to the farmers, because their ratio price was under cost of production, and the farmers cannot succeed under cost of production any more than the business men of Wall Street can succeed if they do not get cost of production, overhead expenses, and a little profit. They would not stay in business long unless they could get a profit. The farmers need this just the same as anyone else. They have to get cost of production if they make a success of their business. The paragraph which the Senator from New York would strike out at least intimates that it is the desire to try to get the farmer a price based on cost of production fair to the producer and consumer.

So it seems to me, in the first place, that the bill is not adequate to take care of the situation. No one considers it a permanent means of solving the farm problem. It is simply another one of the stopgap measures which have

been resorted to so many times during the present administration, and which I think perhaps may be of some slight benefit to the farmers. The part dealing with soil erosion is all right. We should have something on soil erosion; but, of course, merely preventing soil erosion is not going to solve the farm problem by any means.

As to the question of the Senator from Wyoming, I think the chairman of the Committee on Agriculture and Forestry, the Senator from South Carolina [Mr. SMITH], did not quite understand what the Senator from Wyoming was getting at. Of course, all lands which are being farmed are being eroded. We cannot get away from that fact. We cannot continue to crop a piece of ground year after year without erosion taking place; and, of course, there should be some method of rehabilitating that land, if possible. That is what this bill, in the soil-erosion part, intends to do, and I think it is a good thing; but, as I have stated, it will not by any means solve the farm problem.

Mr. SMITH. Mr. President, if the Senator from North Dakota will allow me, I thoroughly understood what the Senator from Wyoming was driving it. He used as an illustration the case of an individual who was putting back in the soil as much as his crop took out, and inquired whether such an individual was not entitled to the same consideration as one who did not have the means to do that but had to live and was ruining his soil as a result of having to live.

I understood exactly what the Senator meant.

Mr. FRAZIER. I agree with the Senator; but there is nothing in the bill which provides that anyone who is keeping up the fertility of the soil shall not have the benefits of this measure just the same as anyone else. In actual practice under the Agricultural Adjustment Act the man who had kept up his soil and who had reduced his acreage was provided for. All the Agricultural Adjustment Administration did was to insist that such a man reduce his acreage a little bit more and thus get a benefit payment.

The PRESIDING OFFICER. The time of the Senator from North Dakota on the amendment has expired.

The question is on the amendment proposed by the Senator from New York [Mr. WAGNER] to the amendment in the nature of a substitute. [Putting the question.] The Chair is in doubt.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

Mr. COUZENS. Mr. President, I ask to have the pending amendment stated.

The PRESIDING OFFICER. The amendment offered by the Senator from New York [Mr. WAGNER] to the amendment in the nature of a substitute will be stated.

The CHIEF CLERK. In the amendment offered by Mr. WHEELER, and agreed to, which was to strike out certain words on pages 1 and 2, and in lieu thereof to insert certain words, it is proposed to strike out after the word "power" in line 17, page 2, of the reprint down to and including the word "consumers" in line 21, and in lieu thereof to insert the following:

The powers under this act for soil conservation shall be used to encourage voluntary action calculated to result in the reestablishment, at as rapid a rate as the Secretary determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of income per person not on farms that prevailed during the 5-year period 1909–1914, inclusive, as determined from the statistics available in the United States Department of Agriculture, and the maintenance of such ratio. Such powers shall not be used to discourage the production of supplies of agricultural commodities sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities.

Mr. FRAZIER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Dakota will state it.

Mr. FRAZIER. The Chief Clerk made a statement about this paragraph having been amended by the amendment of the Senator from Montana [Mr. WHEELER]. I should like to have read the portion proposed to be stricken from the amendment of the Senator from Montana.

The PRESIDING OFFICER. The clerk will read the matter proposed to be stricken out.

The CHIEF CLERK. In the amendment of Mr. WHEELER it is proposed to strike out the following words:

In carrying out the purposes of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York [Mr. WAGNER] to the amendment in the nature of a substitute.

Mr. WAGNER. On that I ask for the yeas and nays.

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

Mr. GLASS (when his name was called). I have a general pair with the Senator from Minnesota [Mr. SHIPSTEAD]. Not knowing how he would vote if present, I withhold my vote. If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. TYDINGS. I have a general pair with the senior Senator from Rhode Island [Mr. METCALF]. I do not know how he would vote if he were present. If permitted to vote, I should vote "yea."

Mr. McNARY. I wish to announce the following general pairs:

The Senator from Maine [Mr. WHITE] with the Senator from Alabama [Mr. BANKHEAD];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Kentucky [Mr. BARKLEY]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Indiana [Mr. VAN NUYS].

Mr. FRAZIER. I desire to announce that my colleague [Mr. NYE] is absent. If he were present, he would vote "nay" on this amendment.

Mr. DICKINSON. On this vote I have a pair with the junior Senator from Mississippi [Mr. BILBO], who is absent. Not knowing how he would vote, I withhold my vote.

Mr. GIBSON. I wish to announce that my colleague the senior Senator from Vermont [Mr. AUSTIN] is necessarily absent for the day. He has a general pair with the junior Senator from Utah [Mr. THOMAS].

Mr. MURRAY. I wish to announce that the Senator from Alabama [Mr. BANKHEAD] is detained by illness.

I also wish to announce that the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. BYRD], the Senator from Illinois [Mr. LEWIS], the Senator from Indiana [Mr. MINTON], the Senator from Utah [Mr. THOMAS], and the Senator from Indiana [Mr. VAN NUYS] are detained on important public business.

I wish to announce also that the Senator from Nevada [Mr. McCARRAN] is unavoidably detained.

The result was announced—yeas 25, nays 51, as follows:

YEAS—25

Adams	Donahey	La Follette	Pittman
Barbour	Gerry	Logan	Pope
Black	Gore	Lonergan	Wagner
Bulkley	Guffey	Maloney	Walsh
Chavez	Hatch	Moore	
Coolidge	Johnson	Murphy	
Copeland	King	O'Mahoney	

NAYS—51

Ashurst	Clark	Hayden	Robinson
Bachman	Connally	Holt	Russell
Bailey	Costigan	Long	Schwellenbach
Benson	Couzens	McAdoo	Sheppard
Bone	Davis	McGill	Smith
Borah	Dieterich	McKellar	Steiwer
Brown	Duffy	McNary	Thomas, Okla.
Bulow	Fletcher	Murray	Townsend
Burke	Frazier	Neely	Trammell
Byrnes	George	Norris	Truman
Capper	Gibson	Overton	Vandenberg
Caraway	Hale	Radcliffe	Wheeler
Carey	Harrison	Reynolds	

NOT VOTING—20

Austin	Dickinson	McCarran	Shipstead
Bankhead	Glass	Metcalf	Thomas, Utah
Barkley	Hastings	Minton	Tydings
Bilbo	Keyes	Norbeck	Van Nuys
Byrd	Lewis	Nye	White

So Mr. WAGNER's amendment to the amendment of the committee was rejected.

Mr. CONNALLY. Mr. President, I desire to call up now the amendment I have previously offered and which is on the desk.

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. In the committee amendment, on page 9, after line 25, it is proposed to insert the following:

TITLE II—EXPORT DEBENTURES

ISSUANCE OF EXPORT DEBENTURES

SECTION 1. (a) It shall be the duty of the Secretary of the Treasury to issue to any farmer, cooperative association, or other person, on application therefor, export debentures with respect to such quantity of any debenturable commodity or any manufactured product thereof as such person may from time to time export from the United States to any foreign country. The export debenture shall be in an amount to be computed under the direction of the Secretary of the Treasury, in accordance with such regulations as he may prescribe, at the debenture rate for the commodity or product that is in effect at the time of exportation. Any such computation shall be final.

(b) As used in this act, the term "debenturable commodity" means—

(1) Corn, rice, wheat, cotton, and tobacco.

(2) Any agricultural commodity not specified in paragraph (1), if the Secretary of Agriculture finds the issuance of export debentures with respect to such commodity advisable in order to carry out the policy declared in section 1 of the Agricultural Marketing Act of June 15, 1929, and gives notice of such finding to the Secretary of the Treasury.

(c) The issuance of export debentures with respect to debenturable commodities specified in paragraph (1) of subsection (a) shall commence on August 1, 1936, and continue until otherwise provided by law, and their issuance with respect to other debenturable commodities shall commence and terminate at the time prescribed by the Secretary of Agriculture.

(d) In order to procure the issuance of an export debenture with respect to any commodity or manufactured product, the farmer, cooperative association, or other person shall, in accordance with such regulations as the Secretary of the Treasury may prescribe, make application for such debenture and submit satisfactory proofs (1) that the commodity to be exported was produced in the United States and has not previously been exported therefrom, or (2) that the commodity used in making the manufactured product to be exported was produced in the United States and that neither such commodity nor such manufactured product has previously been exported therefrom.

(e) The Secretary of the Treasury shall prepare and issue all export debentures. Export debentures issued under authority of this act shall be obligations of the United States within the definition in section 147 of the act entitled "An act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909, as amended (U. S. C., 1934 edition, title 18, sec. 261).

REDEMPTION OF EXPORT DEBENTURES

SEC. 2. An export debenture, when presented by the bearer thereof within 1 year from the date of issuance, shall be receivable at its face value by any collector of customs, or deputy collector of customs, or other person authorized by law or by regulation of the Secretary of the Treasury to perform the duties of collector of customs, in payment of duties collectible against articles imported by the bearer. Title to any export debenture shall be transferable by delivery. In order to prevent any undue speculation in the handling of such export debentures, the Secretary of the Treasury is authorized and directed, under such rules and regulations as he may prescribe, to provide for the redemption of such export debentures from any money in the Treasury derived from the payment of duties collectible against articles imported, at a rate of not less than 98 percent of the face value of such export debentures.

DEBENTURE RATES

SEC. 3. (a) Debenture rates in effect at any time with respect to any debenturable commodity shall be one-half the rate of duty in effect at such time with respect to imports of such commodity, except that the debenture rate on the following commodities shall be the amount set forth opposite each such commodity, respectively:

(1) Corn or maize, 7½ cents per bushel of 56 pounds;

(2) Rice, one-half of 1 cent per pound;

(3) Wheat, 21 cents per bushel of 60 pounds;

(4) Cotton, 4 cents per pound; and

(5) Tobacco, 2 cents per pound.

(b) The debenture rate in effect at any time with respect to any manufactured product of any debenturable commodity shall be an amount sufficient, as nearly as may be, to equal the debenture that would be issuable upon the exportation of the quantity of the debenturable commodity used or consumed in the manufacture of the exported manufactured product, as prescribed and promulgated from time to time by the Secretary of Agriculture.

IMPORTED COTTON IN TRANSIT

SEC. 4. Regulations requiring that metal tags or other appropriate markings be placed on all bales of cotton produced in foreign countries and allowed transit through the United States for exportation may be prescribed by the Secretary of the Treasury. Every person who violates any such regulation of the Secretary of the Treasury shall be liable to a civil penalty of $100 for each such offense. Such penalty may be recovered in a civil suit brought by the Secretary of the Treasury in the name of the United States.

PENALTIES

SEC. 5. Any person who shall make any false statement for the purpose of fraudulently procuring, or shall attempt in any manner fraudulently to procure, the issuance or acceptance of any export debenture, whether for the benefit of such person or of any other person, shall be fined not more than $2,000 or imprisoned not more than 1 year, or both.

REDUCTION OF DEBENTURE RATES

SEC. 6. In order to prevent undue stimulation in the production of any debenturable agricultural commodity, whenever the Secretary of Agriculture finds that the production of any debenturable agricultural commodity during any crop year has exceeded the average annual production of such debenturable agricultural commodity for the preceding 5 years, the Secretary shall proclaim such fact, and the debenture rate for such commodity shall be reduced by the percentage hereinafter fixed. Such reductions shall become effective on the date fixed in such proclamation, not less than 60 days from the date of the issuance thereof, and shall remain in effect for 1 year. The term "crop year", as used in this section, means a 12 months' period beginning at a time designated by the Secretary. Reductions in debenture rates under this act shall be made in accordance with the following percentages:

(1) For an increase in production of less than 20 percent there shall be no reduction;

(2) For an increase in production of 20 percent or more but less than 30 percent there shall be a reduction of 20 percent;

(3) For an increase in production of 30 percent or more but less than 50 percent there shall be a reduction of 50 percent; and

(4) For an increase in production of 50 percent or more, there shall be a reduction of 99 percent.

ADMINISTRATION

SEC. 7. (a) The Secretary of Agriculture and the Secretary of the Treasury may each (1) appoint and fix the salaries of a secretary and such experts, and, in accordance with the Classification Act of 1923 and subject to the provisions of the civil-service laws, such other officers and employees; and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding), as may be necessary for the execution of the functions vested in him by this act.

(b) The Secretary of Agriculture and the Secretary of the Treasury are each authorized to make and promulgate such regulations as are necessary to execute the functions vested in him by this act.

DEFINITIONS

SEC. 8. As used in this act—

(1) The term "cotton" means cotton of any tenderable grade under the United States Cotton Futures Act, and which has a staple of less than 1⅛ inches in length.

(2) The term "wheat" means wheat not below grade no. 3 as prescribed by the Secretary of Agriculture under the United States Grain Standards Act.

(3) The term "manufactured product" shall mean any article in the manufacture of which any debenturable commodity is used or consumed.

(4) The term "person" means individual, partnership, corporation, or association.

(5) The term "United States", when used in the geographical sense, means continental United States and the Territory of Hawaii.

SEPARABILITY OF PROVISIONS

SEC. 9. If any provision of this act is declared unconstitutional, or the application thereof to any person, circumstance, or commodity is held invalid, the validity of the remainder of this act and the application thereof to other persons, circumstances, or commodities shall not be affected thereby.

Mr. CONNALLY. Mr. President, I desire again to call the attention of the Senate to the amendment which I have offered, which proposes to incorporate in the bill the plan known as the export debenture plan.

It was suggested in the Senate yesterday that if this amendment should be adopted, foreign countries might not look with sympathy upon it. I desire to say to the Senate that this same kind of plan is already in operation in Germany on grain which is exported. Sweden has an export-debenture system on a number of its exports. The Dominion of Australia has an export debenture on wheat. It is no new or strange device. Senators who are going to be affrighted to vote for what they deem wise and expedient simply because some foreign country may do something in the future are indeed easy of access to terror.

This plan will give the farmer something he can understand. He will not have to have a Supreme Court to explain to him that 21 cents a bushel on wheat means 21 cents a bushel. He will not have to have a chemist to analyze the matter and tell him that 7½ cents on corn means 7½ cents on corn.

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

Mr. CONNALLY. I yield.

Mr. NORBECK. The amendment is not only easy for the farmer to understand, but is it not also true that it is so simple that the Court will understand it?

Mr. CONNALLY. I thank the Senator from South Dakota. The Senator said the Court would understand it also. I wish to make it so simple that the Court, or the porter at the door, or the merchant in the street, or the farmer in the field, or even the statesmen in the Senate, will understand it. I fear some of them do not understand it.

Mr. President, I am told by some members of the Committee on Agriculture, "Oh, we cannot vote for that measure." I asked why? The answer was "Why, because the committee did not consider it at all." It was the business of the Committee on Agriculture and Forestry to consider it, because it was before the Committee on Agriculture and Forestry. What is the Senate for? Can it only consider matters that are approved by the Agricultural Committee? It was the business of the Agricultural Committee to consider the amendment, because it was before the Agricultural Committee. Why not let the Agricultural Committee legislate? Can the Agricultural Committee consider nothing except what is sent to it from one department of the Government? Is it to give up and abdicate all its processes and powers, and simply wait until some bureaucrat puts his initials on a plan and sends it over to the Agricultural Committee? Can it not consider other matters? Is the Senate to give up all its power and can we not here pass upon and deliberate upon a measure even though it has not been considered by the Agricultural Committee?

Mr. President, I have high regard for the Agricultural Committee. I have high regard and respect for all the Senate committees. However, it does not lie within the province of a committee to come before the Senate and say, "You cannot consider a measure, because we did not consider it." This amendment needs consideration somewhere; and if the Committee on Agriculture and Forestry refuses to consider it, it is the duty of the Senate to consider it. The committee is but the instrumentality of the Senate. It is but one of its agencies. When the Committee on Agriculture and Forestry gets to be bigger than the Senate, then——

Mr. SMITH. Go on and finish the sentence.

Mr. CONNALLY. I am going to resign.

Mr. SMITH. Oh, I ask the Senator not to do that! That will ruin things.

Mr. CONNALLY. I know how ridiculous the idea of resignation is to some Senators. I know that some of them look upon the terrors of death with no fear whatever, but they look upon their separation from this body as something which will cause as great a holocaust as any that could visit a waiting world. However, Mr. President, the Senate has acted upon this matter before. The Senator from South Carolina sits as the Chairman of the Committee on Agriculture and Forestry. If I mistake not, he voted for this amendment in 1929.

On October 19, 1929, the Senator from Nebraska [Mr. NORRIS] offered the debenture proposal as an amendment to the Hoover Farm Board legislation, and the Senate adopted it. The Agricultural Committee on that occasion had not considered the proposal; or, if the committee had considered it, the committee had rejected it. But the Senate was not then bound simply to follow the recommendation of the Agricultural Committee. I have here the list of Senators who supported the measure. This RECORD has just been brought to me and I have had no opportunity to investigate it thoroughly.

The Senator from Arizona [Mr. ASHURST] voted for it. Let us see where the Senator from South Carolina [Mr. SMITH] is on this list. The Senator from South Carolina was not present. I apologize to him. The Senator from South Carolina was not present and did not vote. He was absolutely neutral on the question. There were other Senators who did vote. There were other Senators who did have views. The Senator from Arizona, Mr. Ashurst; the Senator from Kentucky, Mr. Barkley; the Senator from Alabama, Mr. Black; the Senator from Idaho, Mr. Borah; the Senator from New Mexico, Mr. Bratton; the then Senator from Tennessee, Mr. Brock; the then Senator from Iowa, Mr. Brookhart; the then Senator from Louisiana, Mr. Broussard; the then Senator from Arkansas, Mr. Caraway; the Senator from Texas, Mr. Connally; and so on. If any Senator would like to be advised as to how he voted at that time, I am ready to advise him.

Let us see how the Senator from Michigan [Mr. VANDENBERG] voted. He was then against the amendment; but he has grown in wisdom in the years which have intervened. The Senator from Michigan today is a more valuable Senator than when he came here fresh from the pavements of Michigan—yes, fresh from the pavements of Michigan—untried and inexperienced as a Senator. Today he knows something about agriculture. He knows its needs. He had been a city resident until he came here; but he has heard the great voice that comes up from the farm, and today the Senator from Michigan is a believer in the debenture plan and is going to vote for it.

Mr. WHEELER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Montana?

Mr. CONNALLY. I yield.

Mr. WHEELER. Let me ask the Senator a question. The Senator from Michigan is a believer in what?

Mr. CONNALLY. He is a believer in the debenture, just as the Senator from Montana was in 1929. Let us look at this RECORD again. Among those voting for the debenture in 1929 was the Senator from Montana [Mr. WHEELER].

I wonder if Democratic Senators who voted for the debenture in 1929, when Mr. Hoover was in the White House, are not going to vote for it now, when a Democratic President is in the White House? If it was good for Mr. Hoover to help pull him out of the bog it ought to be good for us to keep us on the highway, the smooth pavement leading toward prosperity.

The PRESIDENT pro tempore. The time of the Senator from Texas on the amendment has expired.

Mr. CONNALLY. How much time have I on the bill?

The PRESIDENT pro tempore. Fifteen minutes.

Mr. CONNALLY. And how much on the amendment?

The PRESIDENT pro tempore. Ten minutes.

Mr. ROBINSON. Did not the Senator speak on the amendment?

Mr. CONNALLY. No, Mr. President. I shall say for the benefit of the Senator from Arkansas that I spoke yesterday before the rule went into effect.

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

Mr. CONNALLY. I yield.

Mr. OVERTON. I was not present in the Senate in 1929. I was not then a Member of the Senate; but I understand from what the Senator has said, and from what he has read in part from the RECORD, that it is his belief that every Senator ought to have an opportunity of establishing a record of voting at least once in favor of the debenture plan. Is not that correct?

Mr. CONNALLY. I think so. I hope the Senator from Louisiana will embrace that opportunity.

Mr. President, I am not going to read the complete roll call. The Senators who were here in 1929 know how we voted. If this was good doctrine in 1929, it ought to be good doctrine now. The Committee on Agriculture and Forestry did not vote to consider it in 1929 under the edict of Mr. Hoover. His orders were to throw it in the ashcan, and the committee threw it in the ashcan. The Agricultural Committee says, "The Senate cannot consider the amendment because we, the committee, did not consider it." Who kept them from considering it? Nobody except the Members themselves, or some man over in the Bureau who told them not to consider it.

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

Mr. CONNALLY. I yield.

Mr. KING. Does the Senator believe that this amendment, if it shall be adopted, will be reconcilable with the other provisions of the bill?

Mr. CONNALLY. I shall say to the Senator from Utah that I do believe they will be reconcilable. I shall tell the Senator why. There are those who say that the export debenture will stimulate the price. It will. That is what we are trying to do when we are talking about helping the farmer. If we are not going to give the farmer more money for his crop, for God's sake let us leave him alone. If what we propose to do is simply to go out and tell him what time to get up, what he is going to have for breakfast, what he will do after breakfast and at noontime and at night, and how and when to milk the cows—if that is all we are going to do with the farmer, for God's sake let us take our hands off him and let him alone. We are trying to give him some more money for his crops, are we not? If we are not, we had better let him alone. This measure, if adopted, will give him more money for his crops.

Answering the inquiry of the Senator from Utah as to whether my amendment is hostile to the other portions of the bill, my answer is "no." Let us assume that raising the price would stimulate production—and it would. On the other hand, the other provisions of this bill, if they work, or if they are of any value, or if they escape the Supreme Court, are designed to do what? To prevent overproduction; to hold down the farmer's acreage; to conserve the soil; to have an ordered economic plan of agriculture so that the farmer will not overproduce. But when he does not overproduce, when he keeps within the program, ought he not to get something for his crops? Ought he not to get more than he is now getting? This plan will give him more money; and the other sections of the plan, if they are of any value at all, will keep him from overproducing.

This plan is elastic. The Secretary of Agriculture may reduce debentures in amount when it is necessary. It is not a hard and fast system. It is not a Procrustean bed, to get into which the farmer's legs must either be stretched out or cut off. It is elastic.

I do not want to worry Senators, but I am in earnest about this thing. I want a plan that will last beyond November. I want a plan that will give the farmer some real advantage; I want a plan that he can understand; and I am not deterred by threats as to what foreign countries may do. All of them are going to do all they can to us every chance they get.

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

Mr. CONNALLY. I yield.

Mr. CLARK. Is it not a fact that this amendment actually does and is scientifically drafted for the purpose of doing what every other farm-relief bill has pretended to do or held itself out to do, namely, to equalize, so far as may be, the disadvantage which the farmer is suffering and has suffered over a long period of years by reason of the operation of the protective tariff?

Mr. CONNALLY. I thank the Senator from Missouri. Of course, the basis of all these plans for farm relief is that the farmer is on a lower economic level than are the manufacturers and the protected industries by reason of the operation of the tariff.

Mr. CLARK. And this amendment hits at the very heart of that problem?

Mr. CONNALLY. This amendment embodies the rates which were recommended by the Committee on Agriculture and Forestry in 1929, after an exhaustive examination. These rates were found to be those which would give the farmer a parity price in relation to other commodities. There is no haphazard selection of these rates; they were found to be the correct rates by the Committee on Agriculture of the Senate.

Let me ask the Senator from Missouri, further, what was the A. A. A. except a bounty system? What was the Triple A law except a bounty on domestic production? We levied taxes on the processor and thereby made every product cost the American manufacturer more than it cost the foreigner. We rebated to the manufacturer the processing tax when he exported his commodities. Therefore, he could sell his commodities abroad cheaper than he could sell them at home, could he not? That was the rule and that was the theory. Under this very similar plan the American producer will be able to export his products and sell them abroad more cheaply with the bounty, of course, than he sells them at home; but when the bounty to the price he gets in the foreign market is added, the domestic price must rise to the same level.

Mr. O'MAHONEY. Mr. President, may I invite the attention of the Senator to the fact that on page 2, paragraph 1, there are specified certain agricultural commodities to which this plan would apply in any event? They are corn, rice, wheat, cotton, and tobacco.

Paragraph 2 gives the Secretary of Agriculture authority to apply the debenture plan to any other agricultural commodities.

Mr. CONNALLY. That is correct.

Mr. O'MAHONEY. Will the Senator be good enough to explain how that paragraph will operate? I note that there is a reference to the Agricultural Marketing Act of June 15, 1929, which apparently controls the discretion of the Secretary. Will the Senator be good enough to explain how under that act other commodities would be affected?

Mr. CONNALLY. The Senator is referring to an act of Congress passed in 1929?

Mr. O'MAHONEY. I am referring to the language in the pending amendment, on page 2, beginning in line 9.

Mr. CONNALLY. The provision to which the Senator refers reads:

> Any agricultural commodity not specified in paragraph (1), if the Secretary of Agriculture finds the issuance of export debentures with respect to such commodities advisable in order to carry out the policy declared in section 1 of the Agricultural Marketing Act of June 15, 1929.

I think that refers to the declaration of a parity price in the act of June 15, 1929. I have not examined that act recently, but my recollection is that it refers to the declaration of policy in the act as to the parity price with regard to agricultural commodities. It sets up a standard of measurement.

Mr. O'MAHONEY. Would the plan then apply to livestock products?

Mr. CONNALLY. I do not believe it would; I have not consulted that act, and do not know, but livestock products—and the Senator from Wyoming is no more interested in livestock products than is the Senator from Texas—are quite well cared for by a protective tariff at the present time. It is one commodity that gets the benefit of the protective tariff. Cattle and livestock are not in need of aid to the extent of farm products which obtain no benefit from the tariff and are in need of aid.

Mr. President, in conclusion, I invite the attention of Republican Senators to the fact that Alexander Hamilton, in his famous Report on Manufactures, advocated, on the one hand, a protective tariff and on the other hand bounties in the case of industries that need aid and assistance. It is no new doctrine that is embodied in my amendment. There is nothing alien about it. Other countries have adopted it and it has worked. I have here an authority. Dr. Grunzel of Germany is authority for the statement that it has operated to raise the price approximately the amount of the debenture or the certificate.

I appeal to Senators to vote for a plan as to the constitutionality of which there can be no question. There can be no doubt that this proposal is constitutional. It in no wise interfers with the remainder of the bill. It is simply an addendum; it is simply a supplement; it is simply an aid and support to maintain and assist the authorities in carrying out the remainder of the pending bill. If the bill itself should fail because of being unconstitutional, the debenture plan would remain the law, because there is a clause in the bill which provides that if any portion of it should be held to be unconstitutional the other portions may still continue operative and in force.

I appeal to Senators on the basis of the precedent that the Senate established in 1929, after exhaustive debate, after thorough discussion. Twice then the Senate, with solid Democratic support, with the exception of two or three Senators, and large support on the Republican side, adopted the debenture plan, and it would have become the law except for the fact that at the other end of the Capitol a subservient body took the dictation of the then President of the United States, killed the plan, and adopted one that proved a nightmare to agriculture and a continuing threat to the Treasury of the United States.

Mr. VANDENBERG. Mr. President, to the amendment offered by the Senator from Texas I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 7, after line 2, it is proposed to insert the following new section:

LIMITATION ON IMPORTATION

SEC. 7. During any period in which the debenture plan is in effect with respect to any agricultural commodity, no such commodity shall be imported into the United States.

Mr. VANDENBERG. Mr. President, I wish to make merely a brief statement in respect to the amendment to the amendment. It seems to me it is called for by the sheer logic of the situation. The Senator from Texas is proposing to compensate American farmers in respect to exports when there is an exportable surplus. If we are to proceed upon the method of thus dealing with an exportable surplus, surely there should be no competitive imports of the same commodity at the same time, because, if there be imports at the same time, they are simply poured into the reservoir which contains the surplus we are seeking to compensate.

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

Mr. VANDENBERG. Yes.

Mr. NORRIS. I desire to ask a question for information. The amendment is new to me, but this idea struck me at once: Will not the effect of the Senator's amendment, if agreed to, be to abolish the tariff on all commodities on which there is a tariff? If that be true, would it not be objectionable to the other House on the ground that we have proposed an amendment to a bill that is within their jurisdiction? In other words, it is striking at the tariff that now may be producing a revenue.

Mr. VANDENBERG. Mr. President, I submitted to the Senate legislative counsel the precise question which the Senator asks and requested that it be inquired into this morning. The report was that in the form submitted it is nothing more than a regulation of commerce, which clearly falls within the constitutional jurisdiction of the Senate to add to the bill.

Mr. NORRIS. If it has the effect that it seems to me at first blush it does have, I want then to submit another question. I ask the Senator if the effect of this amendment, if agreed to, would not be to abolish the tariff on all agricultural products——

Mr. SMITH. Will not the Senator speak a little louder? We cannot hear him.

Mr. NORRIS. I asked the Senator from Michigan if the effect of his amendment, if agreed to, would not be to abolish the tariff on all the products to which it applied?

Mr. VANDENBERG. I think that so long as the debenture is issued it would have the effect of nullifying the tariff on the four commodities on which tariff duties are levied and on any other commodities that might be brought within the scope of the amendment of the Senator from Texas, so long as they remained subject to it.

Mr. NORRIS. Yes. Then this question is suggested to my mind: If that be true—and I am inclined to think the Senator is correct, that it would have that effect—then would it not destroy the fundamental theory of the amendment itself by abolishing the tariff where the amount of the debenture is based on the tariff? For instance, on wheat?

Mr. VANDENBERG. The tariff remains.

Mr. NORRIS. Not if it is abolished.

Mr. VANDENBERG. It is not abolished; it is suspended.

Mr. NORRIS. Oh!

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

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

Mr. VANDENBERG. I only have 10 minutes, but I will yield to the Senator.

Mr. TYDINGS. Has the Senator considered whether or not, in preventing commodities from entering the United States, upon which the debenture would apply, we might bring about some retaliation on a three- or four-way trade transaction resulting in a minimum of foreign sales rather than a maximum?

Mr. VANDENBERG. I think it would provoke no further retaliation than would be inherent in the debenture plan itself. If we are to proceed upon the debenture plan, we should proceed logically.

Let me add that I have never been able to understand how we may create by artificial means any advantage for the American farmer in respect to his exportable surplus crops except as we give him a complete control of his own domestic market. It is perfectly obvious at the present time that he is progressively losing his domestic market. Let us see what is happening to corn, one of the products which, under the amendment, is to become debenturable. These are the amazing figures in respect to imports of corn.

In the calendar year 1934 the imports of corn were 2,959,000 bushels. In 1935, in 1 year, the corn imports had multiplied 21 times! The corn imports in 1928 were 43,242,000 bushels. Compared with the total amount of corn raised in the United States this is, of course, an insignificant quantity, but the important thing is the direction rather than the size of the increase in importations to which I have been calling attention, because if the increase is proceeding at a rate which multiplies the imports 21 times in 12 months, where will it ultimately lead, and what is the use of attempting by debenturable aid to serve the farmer in respect to his corn except as we stop this particular exposure?

The figures in respect to the other crops, while not so challenging, are nonetheless of a nature to put us upon notice that agricultural imports are rolling into the country in greater degree than ever before. If we are to attempt to deal with these crops in a fashion which will ultimately render tangible, substantial, realistic aid, I fail to understand how we can do it except by stopping competitive imports from abroad in respect to the particular crop which we identify for Federal aid. That is the sole purpose of the amendment. I submit it is completely in line with the philosophy and theory of the debenture itself, and if the debenture plan is to be employed it should be used in connection with an

embargo of this character so that it may reach the results it undertakes to address.

Mr. BONE. Mr. OVERTON, and other Senators addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Michigan yield and if so to whom?

Mr. VANDENBERG. How much time have I remaining?

The PRESIDENT pro tempore. The Senator has 1 minute left.

Mr. VANDENBERG. I will yield, then, to the Senator from Washington, who has been on his feet for some minutes.

Mr. BONE. In view of the fact the Senator's amendment would constitute, in the way, an embargo, I am wondering what effect it might have on the reciprocal trade agreements now in existence.

Mr. VANDENBERG. Does the Senator know of any of the commodities involved in the debenturable program that are included in the reciprocal trade agreements?

Mr. BONE. I do not, but I am wondering if there are commodities of that character involved in any of the trade agreements now in existence or in contemplation.

Mr. VANDENBERG. If any are involved in any of the trade agreements in contemplation, I should hope this might discourage their inclusion in any such agreements.

Mr. McADOO. Mr. President, I shall support the amendment offered by the Senator from Texas [Mr. CONNALLY] and I shall also support the amendment submitted by the Senator from Michigan [Mr. VANDENBERG]. I think if we are to do something real for the farmer in the present circumstances it is very important to embody in the bill the specific provisions contained in the Connally amendment.

If I had my way about it I would put a tariff on every competitive article of agriculture which is entering the country today, and I would put on every processed article of agriculture that comes into this country today a tariff sufficiently high to preserve the home markets to the producers of agricultural products in this country. I think it is time to do something specific about the agricultural question, and to do it directly. I shall support the bill, too, on the soil-erosion plan. While I have some doubts about its validity or its constitutionality I prefer to resolve those doubts in favor of the farmer.

I do not sympathize with some of the criticisms of the Supreme Court because of the majority decision, however well meaning and sincere they may be. But I do not wish to digress to the Supreme Court decision until I complete what I intended to say about the pending bill and amendments.

The Democratic platform adopted at Chicago in 1932 contained this plank:

> We favor the enactment of every constitutional measure that will aid the farmers to receive for their basic farm commodities prices in excess of cost.

That is the kernel of the whole farm-relief plan, and that is the thing to which the Democratic Party in 1932 at Chicago pledged itself unreservedly. The Connally amendment specifically deals with these staple commodities. The reason the platform at Chicago in 1932 limited its application to staple commodities was because staple commodities are at the very base of agricultural prosperity. If we enable the farmer to receive a profit upon the production of staple commodities, we thereby lay the foundation, not only for general agricultural prosperity, but we lay the foundation for general prosperity in the United States.

I had the honor of being a member of the resolutions committee at Chicago in 1932, and I had the privilege of writing the plank which went into the platform and which I have just read. It was adopted by the committee and adopted by the convention without a dissenting vote, as I recall. I think, therefore, we should exert every conceivable legislative power to carry out the platform as expressed in that particular paragraph.

Mr. President, I should like to say a word about the Supreme Court decision in the A. A. A. case. I do not view this matter from a purely legalistic standpoint. I look at it from the standpoint of the necessity for the preservation, unimpaired, of constitutional government in this country. I do not believe our constitutional form of government can survive upon any other basis than that there shall be a supreme judicial body to interpret the Constitution from time to time and determine when Congress has invaded the Constitution and when it has not. There must be an arbiter under a constitutional form of government to determine what is the legislative limit and what is not. Under our system of 48 different States, with a Federal authority superimposed upon all of them within certain definite limitations, it is essential that the rights reserved to the States shall be preserved to the States. Under the Constitution, it is the duty of the Supreme Court to see that those rights are preserved.

There is complaint about majority decisions. Of course, majority decisions are unfortunate, but majority action in this body is unfortunate frequently, as majority action in the House of Representatives is frequently unfortunate. We cannot escape that if we are to preserve a democratic form of government because a rule or a maxim must be found by which the will of the people shall be determined. We make that determination through a majority of the people. Whether the majority in a national election or in a popular election in a State for a Governor or a Member of this body or a Member of the House of Representatives is determined by one vote makes no difference. That is the majority, and that is the basis of our form of government.

So Mr. President, I feel that the Supreme Court in acting through a majority is not subject to legitimate criticism. My distinguished friend the Senator from Nebraska [Mr. NORRIS], for whose views, as well as for whose engaging personality, I have unlimited respect, advanced the idea in a speech a few days ago—an admirable speech—that decisions of the Supreme Court should be effective, so far as the constitutionality of questions is concerned, only by a unanimous vote of the Court.

That would be the most unfortunate thing that could happen to this country. Let us assume that some of the guaranties of the first 10 amendments to the Constitution should be abridged—the amendments which guarantee to every citizen of this country individual liberty, the right of free speech, the right of free religious worship, the right of a free press, the right of peaceable assembly. Let us assume that the Congress passed an act abridging in some form those rights, and that it was a close question as to whether or not the act of Congress was a violation of those amendments. Suppose the question should go to the Supreme Court, and eight of the Justices should decide that the act of Congress attempting to abridge those individual rights which mean liberty of the citizen was unconstitutional, and one of the Justices should say, "No; it is not unconstitutional." There would be given to one judge under the proposed change the power to determine whether or not the rights of the citizen in such circumstances should be infringed.

So, Mr. President, I think it would not do to reverse the present status of the Supreme Court of the United States by making it possible for one Justice to determine the judicial decisions of that body.

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

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

Mr. McADOO. I yield.

Mr. NORRIS. While the Senator is supposing, let us suppose another case. Suppose the Supreme Court is divided four and four, and one justice goes over to one side and makes the number five. While the Senator complains about one judge holding that a law is constitutional or unconstitutional in the case of an 8-to-1 decision, has he not reached the same point when he has one judge, with power to go to either side he chooses, control the constitutionality or unconstitutionality of an act of Congress?

Why does the Senator always suppose that Congress is going to do something that is bad, and always suppose that

the Supreme Court—composed also of men, the only difference being that they are not responsible to anybody—will never do anything that is bad? Why does not the Senator suppose both ways? Why suppose that Congress shall be wrong and the Supreme Court right, when Congress is susceptible to change by the people and the Supreme Court is not?

Mr. McADOO. I think the Senator wholly misunderstands my position. I do not suppose that the Congress always does what is right, or that the Supreme Court always does what is right, or that either always does what is wrong. The Senator's position refutes itself, because if the Court stood 4 to 4, and one justice went over to either side of the question, that would mean that the question would be decided by a majority of the Court in that case; but if one justice, in disagreement with the remaining eight, could overrule the decision of eight of the justices, that would be wholly wrong; it would be a most unwise thing to do.

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

Mr. McADOO. I desire to show the Senator every possible courtesy, but of course my time is limited.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired. He has 15 minutes on the bill.

Mr. McADOO. With 15 minutes on the bill, I shall be glad to yield to the Senator.

Mr. NORRIS. I was about to ask the Senator if he does not concede that the courts ought to hold an act of Congress constitutional unless they feel that it is unconstitutional beyond a reasonable doubt.

Mr. McADOO. I agree with that.

Mr. NORRIS. Then with nine eminent gentlemen on the Court, lawyers, able men all of them, where there is a division, even 8 to 1, does not the Senator have a doubt in his own mind as to whether or not the act under consideration by the Court is constitutional?

Mr. McADOO. If eight judges said the act was unconstitutional and one said it was not, and the decision of the one judge were permitted to prevail, I should say that was altogether wrong, and I should not favor it.

Mr. NORRIS. No; it is not a question of the decision of one prevailing. Let me put the question in another form. If the decision is a 5-to-4 decision, does it leave any doubt in the Senator's mind, he having faith in all the justices, as to which side is right?

Mr. McADOO. Mr. President, of course where there is a division in the Supreme Court, it indicates a division of opinion perhaps in the country and among the members of the bar; but the same thing prevails in the Senate. We have differences of opinion, of course, about the constitutionality of the questions which come before us.

Mr. NORRIS. Oh, yes; but, if the Senator will permit me, I think that is entirely different. Everybody concedes that in the legislature, where we are making laws, the majority ordinarily should rule; but in a criminal case in court, for instance, where it takes 12 men to find a defendant guilty, 1 man out of 12 jurors may hold out and prevent a verdict of guilty. That is because there is a doubt—a reasonable doubt.

Mr. McADOO. I do not think it is always because there is a reasonable doubt. In my experience as a lawyer—and I have to admit that I have been at the bar 50 years—I know that frequently the verdicts of juries do not indicate, where one man holds out, that there was a reasonable doubt.

Mr. NORRIS. The verdicts of which the Senator is speaking, in his experience, come about because the Senator by his great ability has convinced part of the jury against their own judgment.

Mr. McADOO. I thank the Senator for the compliment.

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

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Washington?

Mr. McADOO. I yield for a moment. All this comes out of my time, however.

Mr. BONE. I merely wish to ask the Senator a question. In view of his able and ardent defense of the principle of majority rule, I take it he would be very happy to join with us in removing the two-thirds rule in the matter of nomination of a candidate for the Presidency in the Democratic convention?

Mr. McADOO. I favor it, and I wish it had been in effect in 1924. [Laughter.] Perhaps history might have been a bit different if it had been.

But, Mr. President, speaking about one man's vote, there is nothing so terrible about that in a democracy like ours. Take the case of this body: When we divide equally here, 48 to 48, who decides the question? The Vice President. It is a one-man vote that decides it. In the House of Representatives the Speaker decides it when there is a tie vote; and I might multiply instances. That is the rule of democracy; and whenever we destroy the rule of democracy, and attempt by some fortuitous circumstances or arbitrary legislation to make it different, we put in peril the very foundations of democracy.

Mr. WHEELER and Mr. O'MAHONEY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from California yield, and, if so, to whom?

Mr. McADOO. I yield for a question, first to the Senator from Montana.

Mr. WHEELER. Mr. President, is it the rule of democracy to have nine men who are not responsible to the people knock out completely, by a 5-to-4 decision, an act which has been passed by the Congress of the United States by an overwhelming majority?

Mr. McADOO. Who appoints these men on the Supreme Court, and all the judges of the circuit and district courts of the United States? The President of the United States, elected by the people, appoints these judges; and when a nomination comes here, every Senator votes either for the confirmation of that nomination or for its rejection. The membership of the Court is carefully and properly selected. We have a right to rely upon the fact that they are men of character and men of devotion to their duty; that they are patriots, as much so as any man on the floor of this Chamber; and if they act within their rights—that is, to decide questions by a majority—no just criticism can come from that.

I do not always agree with the decisions of the majority of this great Court, but I do not question or impute to them motives that are unsound or improper. They may be wrong; nevertheless, so long as the decision is a decision of a majority of the Court, it is binding upon the people of the United States. If we desire to change that, let us change it in the lawful method prescribed by the Constitution—by constitutional amendment.

Mr. O'MAHONEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Wyoming?

Mr. McADOO. I yield for a question.

Mr. O'MAHONEY. I desire to call the attention of the Senator to the fact that since 1869 there has been upon the statute books of the United States a law which fixes the quorum of the Supreme Court at one more than a majority. The normal majority of the Supreme Court is five, and yet five Justices cannot hand down a decision in any case if only five sat at the hearing. It seems to me the question is immediately raised by that statute that if Congress has the power to say that a mere majority of the Supreme Court is not a quorum, it certainly has the right to demand the concurrence of six, seven, eight, or nine Justices where a question of constitutionality is involved.

The statute to which I refer, which was enacted April 10, 1869, reads as follows:

SEC. 321 (Judicial Code, sec. 215). Number of Justices: The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight Associate Justices, any six of whom shall constitute a quorum. (R. S., § 673; Mar. 3, 1911, ch. 231, § 215, 36 Stat. 1152.)

Mr. McADOO. I am familiar with that statute. It prescribes what is a quorum of the Court.

Mr. President, the question as to whether or not Congress has the power by legislation to prescribe the number of

Justices who shall have the power to declare an act unconstitutional is one which I do not care to discuss at the moment, because it is not altogether germane to my argument.

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

Mr. McADOO. I yield for a question.

Mr. NORRIS. The Senator said a while ago that he thought we ought to approach such a change by constitutional means. I have not advocated, and I have not heard of anybody else who has advocated, that we should approach this change by any other than constitutional means. Neither have I advocated, and I have heard no other Senator advocate, that we should not abide by the decisions of the Supreme Court. We claim, under the section of the Constitution which has been referred to, that we have a right to legislate on that particular point and it is under the Constitution which we desire to preserve that we are trying to bring about a change.

Mr. McADOO. I hope the Senator does not infer from anything I have said that I take a view contrary to the one he has expressed as to his position. My whole point about the Supreme Court is simply this:

Throughout our history, as has been ably recited here by the distinguished Senator from Nebraska [Mr. NORRIS] and also the distinguished Senator from Kentucky [Mr. BARKLEY] in his noble speech a few days ago on Abraham Lincoln, we have had controversies about the decisions of the Supreme Court; but this Nation has survived all those controversies, and the Supreme Court has been preserved in its pristine power and authority. I do not think the Nation has ever yet suffered from the decisions of the Supreme Court of the United States. We have gone on and evolved under these decisions. The Court has, from time to time, made elastic interpretations of the Constitution, and wisely so, with the progress and development and growth of our democracy and of our economic and social order.

I had not intended, however, to go into that question. I merely wished to say, in referring to the very able speech of the distinguished Senator from Nebraska on the subject, that I did not believe it would be wise, wherever the authority lies—either by constitutional amendment or by act of the legislature—to provide that a unanimous decision of the Supreme Court of the United States should be necessary, and that all nine justices must concur, to declare an act of the Congress unconstitutional.

Mr. NORRIS. Mr. President, may I ask the Senator a question at that point?

Mr. McADOO. Certainly.

Mr. NORRIS. The Senator stated that, in his judgment, we have never suffered from any of these decisions. Does the Senator realize that under the decision made in the processing-tax controversy, where the Supreme Court ordered $200,000,000 returned, and the A. A. A. decision, where they destroyed an expenditure of two or three hundred million dollars, the taxpayers must have suffered? And does he realize also that as a result of the Dred Scott decision, for instance, which I think was conceded to be one of the causes of the Civil War, thousands of men and millions of property were lost, on account of that divided opinion rendered by the Supreme Court?

Mr. McADOO. I take note, of course, of the views expressed by my colleague from Nebraska; but if we are to go back and debate the Dred Scott decision and its effect on the country, I may say that there is a wide difference of opinion as to whether or not it was the cause of the Civil War. I do not think it was. But it is not material to this issue now; it is a dead issue.

As to the A. A. A., and as to the decision about the return of the processing taxes, I confess that I have not had time to read the latter decision. I assume that those decisions were sound decisions under the laws as they existed. At least they represented the decision of the majority of the Court, and we are all bound by them, whether or not we like them, or agree with them in full or not. Every Member of the Senate must concede that so long as those decisions are upon the record, we must be governed by them until there is a change.

After the Dred Scott decision Mr. Lincoln said he thought the decision was erroneous; that he thought the error would be subsequently corrected; and we may assume the same thing with respect to the decision to which I have just referred. While the doctrine of stare decisis, of course, confronts us all the time with regard to these decisions, there might be a change in the personnel of the Court which would result in a different verdict.

I wish, however, to return to the agricultural bill itself for the moment, and to the Smith substitute. On the question of soil erosion and conservation I do not think there is any doubt whatever as to the right of Congress to legislate, and while it has been urged by some that it is merely a cloak or mask by which we are trying to make constitutional something which is not inherently constitutional, my own judgment is that the proposed act is constitutional, that it can be sustained, and that it will be sustained by the Supreme Court if it gets to that Court. In any case, I prefer to resolve the doubt in favor of the farmer, and in favor of the economic necessities of the situation.

Mr. ROBINSON. Mr. President, I ask the attention of the Senate for just a few moments while discussing the amendment of the Senator from Texas [Mr. CONNALLY]. I usually find myself in accord with the views expressed by the very able Senator from Texas. He is one of the most brilliant Members of the Senate and honors this body with his services. He has the faculty of making clear that which is obscure, and light that which is dark.

I contradict confidently the first statement in the argument of the Senator from Texas because I believe it to be erroneous, namely, that there is no inconsistency between an export-debenture plan and the so-called soil-erosion plan for promoting agriculture incorporated in the pending bill.

When the Farm Marketing Act was pending a different question was involved. That act related primarily to marketing; it had no relation, either direct or indirect, to the control of production, although it recognized the importance of that problem.

The first effect of providing a bounty for agricultural commodities exported would be to stimulate their production and the amendment recognizes that, because it allows a range of 20 percent above the 5-year average of production embraced within a certain period. So that I say the able Senator who presents the amendment recognizes the fact that it is calculated, if adopted and carried into effect, to stimulate and increase the production of agricultural commodities, concerning some of which there already exist surpluses.

This would offset the taking out of tillable crops, lands for use in forage crops, or for use in producing other crops which have relation to soil improvement and conservation, so that we would be paying out of one hand a bounty to increase production, and out of the other hand expending large sums to reduce production.

When the Marketing Act was pending before the Congress that question did not arise. I thought then and I think now that the Farm Marketing Act without some additional provisions would prove a failure, and it is believed that experience has shown that position was correct.

Why was it that the Farm Marketing Act failed? We contributed out of the Treasury of the United States approximately $500,000,000 of public funds for the purpose of promoting agriculture through the processes authorized under the Farm Marketing Act, and that $500,000,000 was largely wasted. Why was it wasted? For the simple reason that it did what the export-debenture plan would do; it stimulated production, did not control or regulate it, but promoted a constant increase of surpluses which already existed, so that when the $500,000,000 had been exhausted we found ourselves with large surpluses, surpluses larger than at the beginning, and out of pocket $500,000,000, and from that day until this no one has proposed to use the plan incorporated in the Farm Marketing Act as a method of promoting or sustaining agriculture.

Not only is that true, but as a second reason why I find myself unable to support the amendment of the able Senator from Texas, I do not believe that it would be availing under

present trade conditions either to open new markets or to raise the world prices of agricultural products. There are some disadvantages from incorporating this export-debenture plan, which would promote production, with another plan, which admittedly is designed indirectly to impose some regulations on production, and that is the fact that if as the result of a bounty we sell to foreign manufacturers raw materials produced in the United States we may destroy many factories in the United States.

If an English cotton mill, by virtue of a bounty taken out of the Treasury of the United States, can buy raw cotton 4 cents a pound cheaper than a New England or a South Carolina cotton mill can buy it, what is the inevitable result? The American manufacturer cannot compete with the foreign manufacturer, and the benefit of the bounty enures in the long run to the foreigner.

Furthermore, the bounty will not raise the world price of cotton. There is as chairman of this committee one who is well known because of his experience and his knowledge touching the production and marketing of cotton. I have not always agreed with him on all the proposals he has advanced, but his information is almost unlimited. The Senator from South Carolina knows that the payment of a 4-cent bounty or any other bounty on cotton exported from the United States will tend to have the effect of depressing the domestic price. If I am wrong about that, I wish he would correct me.

Mr. SMITH. That is correct.

Mr. ROBINSON. So there will be little advantage excepting at the very beginning, when we believe there would be an increase in prices due to a bounty paid on any commodity.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired.

Mr. ROBINSON. I will take just a little more time on the bill.

Earlier in my statement reference was made to the conditions pertaining to world trade. They are very different from what they were in 1929. Most Senators understand better than I can tell them that a very strange system has grown up in most of the countries where we formerly found our principal markets for raw materials. They have, in the first place, what they call quotas, which means that only a certain amount of a given commodity may be purchased for import; and then those quotas are allotted to different countries, usually to those countries which take the commodities of the country importing in exchange for the imported goods.

Take, for instance, Germany: Germany has almost quit buying raw products from America, largely for the simple reason that she is on the quota system, and she buys from those who buy from her. She sends her manufactured goods on all the seas of the world, for sale in every port whence she can bring back goods which she needs and thus have an approximate balance in the trade. So, if we should raise the bounty to 10 cents a pound, we would not sell any more cotton in Germany than we sell under the present quota system, until the quota system is abandoned; and that is true of most of the countries where quota systems have been adopted.

Then they also have the countervailing duties. Whenever there is a tariff on cotton or on any other commodity to be exported from the United States and imported into a foreign country, and we pay a bounty on the export, the country imposing the tariff raises its import duty just exactly to the amount of the bounty. During the past few years practically every commercial nation on earth has adopted that system of dealing. They have adopted the practice expressly providing for countervailing duties which will rise in proportion to bounties imposed by other nations seeking their markets. Every commercial nation with which I am familiar has a law against dumping. Our own Nation has such a law. We, ourselves, have a system by which, if producers in other countries, either of raw or of manufactured products, seek to unload them here at unfair prices, we impose either countervailing duties or other restrictions which prevent them from accomplishing their purpose.

So an export bounty adopted under the conditions of world trade as they now exist would merely result in the imposition of additional tariffs or countervailing duties by the importing country, and we would derive little or no benefit after a short period had elapsed and the opportunity to do that had been afforded.

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

Mr. ROBINSON. I yield.

Mr. WHEELER. I desire to call the attention of the Senator to the fact that Germany has been referred to as an illustration of a country having an export bounty on wheat. Of course, it must be remembered that Germany is an importer of wheat. Germany does not produce enough wheat to supply its own demands. So what the Germans have done is simply to sell part of their wheat which is produced in one portion of the country and buy wheat in another section of the country; but Germany does not produce enough wheat for home consumption.

Mr. CONNALLY. They do pay the bounty on certain portions of their exports of wheat.

Mr. WHEELER. Yes, sir; in order to keep it——

Mr. CONNALLY. I did not ask the Senator why they did it. They do it.

Mr. WHEELER. If the Senator asks me a question, I will answer him. I say the people of Germany do not produce enough wheat for their own consumption; and, of course, that cannot be cited as showing that the plan works favorably in Germany.

Mr. ROBINSON. Mr. President, I have already said that if we subsidize our exporters, foreign countries will raise their tariffs and offset our subsidy in order to give what they regard as necessary protection for their own producers. We cannot complain of that system. We are the authors of it. Listen: We cannot expect to shield ourselves behind a wall of tariff protection and then enjoy free markets in all the rest of the world. If anyone who hears me is still living in the primitive period when our statesmen believed they could have the benefits of free trade in the exportation of their own products and the benefit of tariff protection against the importations of their competitors, he is living in an age which has long since passed. And say what you please about reciprocal trade agreements; under present world trade conditions they constitute the only practical method of increasing foreign commerce.

Oh, yes; under the Farm Marketing Act, do you know what we did? We sold billions of dollars' worth of American products abroad and loaned the purchasers the money with which to pay for them. When settling time came, we had parted with the goods and could not make collections. In some instances we had better have given them away.

No; we cannot go back to the Farm Marketing Act if we wish to proceed under the soil-erosion plan. In my judgment, we must make a choice between them. Under present conditions I do not believe the bounty and export plan would long prove effective in sustaining agricultural prices. If it did raise them in the beginning, it would result in increasing production in large surpluses and would not expand markets permanently.

So, as I view the matter, there is an inconsistency, hopelessly irreconcilable, between the export-debenture plan and the soil-erosion plan; and it is emphasized by the fact that it is not proposed in this amendment to make the plan optional. It is proposed to operate both plans at once. Both plans are mandatory. The Secretary of Agriculture must eliminate certain lands from staple-crop production in order to prevent soil erosion, and he must pay a bounty to any farmer who exports, so that we should be piling up surpluses while trying to overcome their effect by taking some lands out of cultivation. The two systems are inconsistent.

Mr. SMITH. Mr. President, I may not hope to add anything to the very clear and masterful presentation which the Senator from Arkansas has made of this question. A reading of part 1 and part 2 emphasizes the fact that one if carried out will neutralize the other; there is no use to attempt to elaborate that point; but I wish to call attention to the fact that all of us are familiar with what occurred upon the passage of the Smoot-Hawley Tariff Act. More than 50 nations immediately retaliated by erecting tariff

walls as high as we had erected, making it impossible for any of our importations, to speak of, to come within their borders. We not only did that, but we passed the anti-dumping clause, which is still in effect, and we went further and passed the Johnson Act, which prevented foreign nations that were indebted to us having certain financial relations with the United States.

Under those almost insuperable difficulties the present administration has been attempting to work out arrangements by which we could increase our exports by dealing directly with the foreign nations that retaliated; in other words, endeavoring, by making certain concessions to them, to have them grant like concessions to us. As the Senator from Arkansas has pointed out, we have now in effect—and their number is constantly increasing—agreements by which concessions are accorded us by various foreign countries. They are set forth in a memorandum I have on my desk, and it is shown that our export trade is increasing in almost every direction, certainly in the very direction that we are attempting here to follow in the case of certain crops, for the benefit of the producer and the consumer. We are making headway. We have negotiated as to certain allotments, quotas, and trade agreements, which each and every day are tending to lessen the evil that grew out of the horrible enactment of Congress commonly known as the Smoot-Hawley law. Certainly foreign nations, when we refused to let them trade with us by erecting such a high tariff barrier, had a perfect right to protect themselves against such a monstrous proposition by erecting walls of a similar character.

We have not made any attempt directly by congressional action to lower our tariff rates, but we have given the President certain discretionary powers. He is using them for our benefit every day. Our State Department and our Department of Commerce are entering into agreements which are beginning to reestablish the old trade relationships.

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

Mr. SMITH. Yes.

Mr. CONNALLY. Will the Senator mention one and set out the details of an agreement that helps our trade and commerce?

Mr. SMITH. I will be very glad to refer to some from this memorandum. I should like to read from it as it has been handed to me by the Department.

Agricultural concessions obtained by the United States—

This is from the State Department.

Mr. CONNALLY. I understood the Senator thought the Agricultural Department knew more about agriculture. Does he now mean to say that the State Department knows more about it?

Mr. SMITH. The State Department certainly is charged with the conduct of foreign relations, and may thus mark out the road along which agriculture will find its benefits.

Mr. CONNALLY. Is the Senator relying on the State Department to take care of agriculture? If so, what is he doing with the bill now before us? What is the use of fooling with it? Let the State Department handle it.

Mr. SMITH. The Senator is too intelligent to beg the question. The State Department negotiates trade agreements, and the Agricultural Department in a memorandum points out that that Department has taken advantage of the agreements negotiated by the State Department for the benefit of agriculture.

Mr. President, every Senator knows that we are trying to control and conserve our depleted soil, depleted both by erosion and by exhaustion, and at the same time are trying to bring about as nearly as possible a balanced production in order to obtain a proper price. Now, right in the face of that situation, shall we adopt an amendment the effect of which by the payment of a bounty from the Treasury will be to encourage production?

Now, I wish to call attention to one of the articles mentioned. I think I know something about the production and sale of cotton. In normal years we make 62 percent of all the cotton made in the world. So the world price of cotton is the American price. If we go above what the domestic and foreign consumption have determined to be the real, comparable, justifiable price by adding 4 cents to the price of export cotton, probably every producer will want to produce as much cotton as possible in order to get advantage of the 4-cent bonus on export cotton. It might happen if we restricted the bounty to export cotton domestic cotton might be 4 cents a pound cheaper than export cotton, unless it is intended to take that 4 cents and distribute it on the basis of entire crop production.

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

Mr. SMITH. I yield.

Mr. CONNALLY. Does the Senator mean to say if 4 cents were added to the export price, and thereby the world price was raised 4 cents, that the domestic price would decline 4 cents? Does the Senator mean if the exporter of cotton should be able to get 4 cents a pound more from a foreign buyer than he would otherwise obtain that he would turn around and sell it to a domestic buyer for 4 cents less than the normal price for which he could export it? The domestic buyer would have to meet the export price or he would not get the cotton.

Mr. SMITH. Very good; I will take that as a fact. Therefore we should be raising the price of cotton to the domestic consumer 4 cents and not raising the price to the foreign buyer.

Mr. CONNALLY. That is exactly right. The Senator is right for once.

Mr. SMITH. Very well. Therefore we should be selling to the foreigner, who competes with the American mills and with all the trade of the world, and confine ourselves, so far as the domestic mills are concerned, to the home trade.

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

Mr. SMITH. Yes.

Mr. CLARK. Is not that precisely what has already been done by the high protective-tariff system?

Mr. SMITH. Exactly.

Mr. CLARK. And the purpose of this amendment is simply to equalize the condition of the farmer in view of the economic disadvantage he has suffered because of the high protective tariff?

Mr. SMITH. I never yet knew two wrongs to make a right, and if we have the courage and the common sense of men we ought not to allow a false principle that has worked itself out in disaster to become a part of our economic system, but we have not the courage to tackle a high protective tariff.

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

Mr. SMITH. Yes.

Mr. CLARK. The Senator knows very well that I am always willing to tackle the high protective tariff. The Senator knows further that the adoption of this amendment would probably do more to break down the high protective tariff in this country by equalizing the interests of the farmers than anything that possibly could be done.

Mr. SMITH. I do not believe anything of the kind, because we know it is impossible, and it has always been impossible, by any kind of legislation, to make available to the disorganized millions of farmers who cannot organize, for all time automatically the benefits which accrue from the tariff.

We put a tariff of 42 cents a bushel on wheat. Promptly wheat went down 42 cents a bushel. Why? Because it was impossible for the farmer to avail himself of the tariff.

If it is proposed that the Government in every department of our organized society shall pay back to every purchaser of high-protected goods an amount equal to the tariff, I will vote for it. If it is proposed as to the consumer, the salaried man, to provide that the minute the price of goods is raised by virtue of the tariff, automatically his salary will be raised, automatically the price of the raw material will be raised, I will vote for it. But so long as it is proposed merely to throw a sop such as this to the nations of the earth by saying, "We are going to use you as a dumping ground because we want to give some people back something we erroneously took away by a high tariff" I shall not vote for it.

Mr. BYRNES. Mr. President, will my colleague yield?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to his colleague?

Mr. SMITH. Certainly.

Mr. BYRNES. What would be the effect upon the farmer if we should adopt both of these plans? Would the Senator withdraw acres from cultivation in order to comply with the soil-conservation features of the bill and thereby receive the benefits, or would he plant all his acres in cotton in order to get the benefit of the 4 cents per pound?

Mr. SMITH. My colleague has put his finger right on the exact contradiction in the two proposals. One of them is to encourage me to grow all I can so as to get the 4 cents plus whatever the other price is, and the other is to cut down production to the point where automatically the price would rise and be beneficial.

Mr. BYRNES. How would the farmer know which would be beneficial, to increase or to decrease?

Mr. SMITH. I think he would be in the fix of the man who tried to decide the question of predestination:

I can and I can't;
I will and I won't;
I'm damned if I do,
And I'm damned if I don't.

[Laughter.]

That is about the situation. Let us not be foolish. If we are going to take the bill as introduced with the concurrence and approval of the State Department, with the concurrence and approval of the Agriculture Department, and work it out along the lines we have been pursuing under the A. A. A. and now under the soil-erosion plan and soil-depletion prevention, let us do it and not contradict ourselves in another part of the bill, which would encourage the farmers to do what we are trying in another part of the bill to encourage them not to do.

Mr. CLARK. Mr. President, it seems to me the very distinguished Senator from South Carolina [Mr. SMITH], for whom I have great respect, has admitted the whole charge against the bill which was made by the minority leader, the Senator from Oregon [Mr. MCNARY]. The Senator from Oregon charged that the bill has nothing on earth to do with soil erosion, that it is simply a measure intended to restrict the production of agricultural products in this country. The other day I heard the eloquent Senator from South Carolina stoutly deny that charge, and yet this afternoon he has absolutely admitted it by his claim of inconsistency between the Connally amendment and the text of the bill itself.

If it be true that the essential purpose of the measure before the Senate is to conserve the natural resources of the country, to prevent soil erosion, to restore or maintain fertility, that is the purpose of the amendment introduced by the Senator from Texas [Mr. CONNALLY].

Mr. MURPHY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. CLARK. I yield.

Mr. MURPHY. Another purpose of the bill is to restore the farmer's purchasing power, in connection with soil conservation and soil erosion.

Mr. CLARK. That is put in merely to make the bill constitutional. I thoroughly understand that.

Mr. MURPHY. I understand that, too. Nevertheless, all those purposes are related to restoration of the farmer's purchasing power.

Mr. CLARK. That is the express purpose of the amendment proposed by the Senator from Texas [Mr. CONNALLY].

It is always a matter of very great regret to me to be forced to disagree with a position taken by the distinguished leader of the majority in this body, but when the Senator from Arkansas [Mr. ROBINSON] rises on the floor of the Senate and makes a plea in behalf of economic isolation which has never been outdone in my experience in this body even by former Senator Reed of Pennsylvania or by the Senator from Iowa [Mr. DICKINSON] or by the Senator from Delaware [Mr. HASTINGS], I am unable to go along with him.

Everyone who has dispassionately studied the farm situation knows that the present deplorable condition of agriculture in this country is fundamentally and primarily due to the long-continued operation of the protective-tariff system. What has happened to the farmers over a long period of years is that through generations he has been compelled to buy everything he had to buy in a protected market, paying a tariff tax, and to sell everything he had to sell in a free market governed by the prices of the world markets. That is the same proposition as a man bucking a faro bank or any other gambling game in which there is a very definite percentage against him. That would bankrupt anybody, even the man who has the biggest fortune in the whole world, if he kept at it long enough, and that is precisely what has happened to the farmer.

Every farm-relief plan that has been introduced into the Congress or suggested outside of the Congress in my experience, ostensibly is designed to equalize the economic disadvantage which the farmer suffers in a comparison of agriculture and industry by reason of the high protective tariff, and yet I undertake to say that the only measure which has ever been proposed that proceeds scientifically to strike at the very heart of the problem—and I say heart of the problem by definition—is the proposal of the Senator from Texas [Mr. CONNALLY] which has been submitted heretofore.

With all respect to the Senator from Arkansas, and with all affection for him, I appeal from the JOE ROBINSON of 1936 to the JOE ROBINSON of 1929. With all respect for my Democratic colleagues, I appeal from the vote they may cast here today to the vote they cast in 1929 when Herbert Hoover was in the White House.

The situation has not changed essentially. While naturally certain minor elements of the situation have changed, the condition with regard to the depressed prices of agriculture by reason of the protective-tariff system is as bad as it was in 1929.

The Senator from Arkansas talks about a quota system which has been established in some of the foreign countries. I agree that that has had a deplorable effect on American agriculture and on American manufacturers. The people of the United States must finally waken to the fact that the other nations of the world are no longer willing for us to go on indefinitely selling everything and buying nothing. We must finally wake up to the fact that not only the retaliatory tariffs which have been imposed in other countries, but the vicious and infamous quota system which has been superimposed on those retaliatory tariffs, inevitably must result in our own failure in the application of prohibitive tariffs in this country.

So far as I am concerned, I very much wish the situation could now be cured by a simple measure which I should be glad to join the Senator from South Carolina or any other Senator in passing. I recognize, as must every other Senator, that we have created a Frankenstein monster which we are powerless to overcome by ourselves; and I agree with the Senator from South Carolina that the system of reciprocal tariff agreements now being sought to be put into effect by the State Department is the only way in which we can proceed. I insist, however, that irrespective of any foreign situation, irrespective of any dealings we may have with foreign countries on tariff matters, the amendment offered by the Senator from Texas is the only simple, effective, and certain way which has yet been proposed in this country, and, as a domestic matter, of doing simple justice to the farmers of the United States.

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

Mr. CLARK. I shall be glad to yield to the Senator from New York in just a moment. I now desire to call attention to another matter.

It has not been contended upon this floor, nor do I think it will be contended, that the bill proposed by the Agricultural Committee is free from very serious constitutional doubts in view of the recent decision of the Supreme Court.

I have not heard a Senator on this floor assert an unqualified opinion in favor of the constitutionality of this measure. In all the debates which have taken place in this body on the subject of export debentures there has never yet been a single expression of doubt, so far as I am advised, on the part of any Senator or of any Member of the body at the other end of the Capitol as to the constitutionality of the proposal of the Senator from Texas. Therefore I insist, in justice to the farmers of the country, that if we mean to give them real relief instead of lip service the Connally amendment should be included in the bill, if for no other reason than that if the measure shall be declared unconstitutional, as it is very likely to be, the farmers will have something to tie to in the way of relief.

I am very glad now to yield to the Senator from New York.

Mr. COPELAND. Mr. President, does the Senator think the situation now confronting us, to meet which the debenture plan is proposed, is on all fours with the situation which faced us in 1930 when a similar plan was suggested?

Mr. CLARK. I will say to the Senator from New York that I am unable to observe any fundamental changes in the situation in the meantime which would make the export debenture a beneficial and meritorious proposal in 1929 and a bad proposal in 1936. Let me say further to the Senator from New York that, so far as I am concerned, I should prefer to vote for the Connally amendment, as a substitute for the pending bill, because I think it would be much more efficacious, much more certain to benefit the farmers of the country, much more logical, much more in accordance with Democratic doctrine, and because I think the Connally amendment strikes at the very vitals of the problem which for generations has confronted the farmer in this country. Since the Senator from Texas has not offered his proposal in that form, however, and has offered it as an alternative and supplemental plan, I am perfectly prepared to vote for it in its present form.

Mr. BORAH. Mr. President, I am very much in favor of the amendment which has been offered by the Senator from Texas [Mr. CONNALLY].

Practically this same proposition was presented to the Senate in 1929. After very extended debate it was adopted by the Senate. It went to the House of Representatives, and would have been accepted there, I have no doubt, had it not been for the objections of the then President of the United States.

I have never had any doubt as to the efficacy of the proposal in assisting the farmer in getting a more equitable price for his products compared with what he must pay for those which he buys.

It has been said that the adoption of this proposal might interfere with the reciprocity agreements which are being made with foreign countries. I should much rather have voted directly to repeal the authority to make those agreements, but not having that opportunity, I am perfectly willing to pursue a course which may modify their effect. I am clear that the plan proposed by the Senator from Texas would be much more beneficial to the farmer than the agreements which are being made supposedly in his behalf.

I do not overlook the fact that 84 percent of the concessions in the Canadian reciprocity agreement are upon farm products; and that cannot possibly be for the benefit of the American farmer. In my opinion, this proposal will militate against that policy to some extent—not sufficient to satisfy me, but to some extent. Therefore I do not hesitate to support it, notwithstanding the fact that these agreements are being made.

Another proposition: The Senator from Missouri [Mr. CLARK] has well said that whatever may be the merits of the American protective-tariff system, it has operated to the disadvantage of the American farmer. It has operated to his disadvantage for the simple reason that the more powerful influence came from the manufacturing interests when the tariff bills were being enacted into law. The fact is that when the special session of the Congress was called in 1929 for the purpose of dealing primarily with the agricultural question, it was supposed that the changes in the tariff would be confined very largely to agricultural products, and accordingly to the campaign which had been made in 1928 they should have been confined to agricultural products; but they were not. The farmer again was placed in a position of inequality by reason of the high rates placed upon manufactured products compared with the rates which were placed upon agricultural products.

The farmer has always been at a disadvantage under that system; and Alexander Hamilton, realizing that fact, and probably that it would always be so, declared that the only way to establish equality for the farmer under the protective system was by means of the very plan which is now before us. In view of the fact that within recent weeks we have adopted the policy of Alexander Hamilton with reference to the taxing power under the Constitution, I think it would be wise to follow his advice with reference to the protection of the American farmer.

Mr. NORBECK. Mr. President, I desire to make a few remarks on the pending amendment to the soil conservation bill.

I intend to support the amendment offered by the Senator from Michigan [Mr. VANDENBERG] proposing an embargo during the period of the debenture. I am going to vote for both of them, but with regret. I do not believe an embargo is justified except in a time of grave emergency, and I think the so-called danger from agricultural imports has been greatly overplayed. The same thing happens in every Presidential election year. Agricultural imports look bigger in the newspapers than they really are.

I have heard numerous speeches on this, the Republican side of the Chamber, calling attention to percentage of increase of exports. Has anyone ever said what actual percentage they bear to the total of our production? It is very small. I agree with the Senator from Michigan when he says that corn is the outstanding one. The imports of corn for the past fiscal year, according to the last figures available, amount to 1½ percent of our production. That is what all this hue and cry is about—1½ percent—and that is the big import, the outstanding one, the dangerous one, the one that is said to threaten the American farmer. I should like to shut out that 1½ percent, though I think it is due largely to crop and marketing conditions, and is in its nature rather temporary; but we have within our own continental boundaries markets that are hard to reach. The freight rate is too high from the Corn Belt to the west coast, which fact makes it easy for Argentina to reach that market as against our own farmers. The producers in the Argentine can send their products there at less cost than we can.

A little more might be said for the embargo amendment—that while only 1½ percent of our corn production is coming in from foreign countries, only 12 percent of our corn is in commerce. The rest stays on the farm, and therefore these imports have an influence on corn prices. I agree to that, but it is not large. The amusing thing is when we see those who are so deeply concerned about this condition that they want to get away from it. We are getting three times as much for our corn, wheat, and hogs as we were under the Farm Marketing Act. These people were not so much concerned about the farmers in those days.

TREATY WITH CANADA

But we of the Northwest have been much distressed since the ratification of the Canadian treaty. We knew that the tariff would never touch the inequality that existed, so we knew we were going to get the worst of it. But we were told that our wheat tariff of 42 cents, which the Tariff Commission has found to equal the difference between the cost of production here and in Canada, had been cut to 21 cents, from 42 cents a bushel to 21 cents a bushel. The tariff is never touched by law or treaty by either party without the farmer getting the worst of it. The farmers comprise only 25 percent of the population and lose out in the strife for tariff privileges.

The distinguished Senator from Iowa [Mr. DICKINSON] has lately mailed to the various Senators a carefully prepared set of figures stating what the treaty has done to agriculture, showing the differences in rates. I have care-

fully gone over this but cannot find any place where the wheat tariff has been reduced by the treaty, though our newspapers have carried the stories about the 50-percent reduction, and many of our farmers are fearful and they explain the lower price of wheat by calling attention to the treaty, but there seems to have been no such reduction except on wheat unfit for human consumption. The Senator from Iowa assures me his figures are complete and accurate.

The Canadian treaty is not good for the Northwest; it is bad. But it is not so much against us as was the Taft treaty, and it is not nearly so bad as the tariff act under President Wilson. But I am going to vote for the Vandenberg amendment, although I do not believe it is well drawn. It would absolutely prevent any importations of the commodities mentioned, even seed wheat of special varieties, sometimes much needed in our section.

Mr. President, we will be taking quite a chance in putting an embargo on anything. A high protective tariff ought to fill the bill and avoid trade retaliations from other countries that can also put an embargo against us and sometimes do. But the treatment of agriculture has been so unjust and so unfair that we are compelled to take any advantage we can get, even temporary, because there is so little we can get.

Mr. President, I shall vote for the Vandenberg amendment, and I shall vote with a good deal of pleasure for the Connally export debenture amendment. When Hamilton suggested a protective tariff for the industries, he said it must be accompanied by a debenture to balance the disadvantage placed upon the farmers. We took the first advice of Alexander Hamilton more than a century ago; let us take the other half today.

It has been said that tariff benefits proposed today for agriculture would tend to interfere with our foreign trade because our prices would be high. But tell me: How can we justify a protection of 100 percent for industry and then say that half that much would be unsound if given to agriculture? If the Senators who voted for debenture in 1929 under a Republican administration will vote likewise today under a Democratic administration, then the amendment will prevail. But will they?

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Michigan [Mr. VANDENBERG] to the amendment offered by the Senator from Texas [Mr. CONNALLY].

Mr. VANDENBERG. I ask for the yeas and nays.

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

Mr. DICKINSON (when his name was called). On this vote I have a pair with the Senator from Mississippi [Mr. BILBO]. Not knowing how he would vote, I do not cast my vote. If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. GIBSON. My colleague the senior Senator from Vermont [Mr. AUSTIN] is unavoidably absent for the day. On this question he has a pair with the junior Senator from Utah [Mr. THOMAS].

Mr. FRAZIER. My colleague the junior Senator from North Dakota [Mr. NYE] is absent. If he were present, he would vote "yea."

Mr. McNARY. Mr. President, I desire to announce the following general pairs:

The Senator from Rhode Island [Mr. METCALF] with the Senator from Indiana [Mr. VAN NUYS];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS];

The Senator from Maine [Mr. WHITE] with the Senator from Alabama [Mr. BANKHEAD]; and

The Senator from Delaware [Mr. HASTINGS] with the Senator from Kentucky [Mr. BARKLEY].

I also wish to announce that I am advised that the Senator from Maine [Mr. WHITE] and the Senator from Delaware [Mr. HASTINGS] would, if present and voting, vote "yea"; and the Senator from Alabama [Mr. BANKHEAD] and the Senator from Kentucky [Mr. BARKLEY] would vote "nay."

Mr. MURRAY. I announce that the Senator from Alabama [Mr. BANKHEAD] is detained on account of illness.

I also announce that the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the Senator from Illinois [Mr. LEWIS], the junior Senator from Indiana [Mr. MINTON], the senior Senator from Indiana [Mr. VAN NUYS], the Senator from Utah [Mr. THOMAS], the Senator from Virginia [Mr. GLASS], the Senator from Oklahoma [Mr. GORE], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are detained on important public business.

I further announce that the Senator from Nevada [Mr. McCARRAN] and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

The result was announced—yeas 25, nays 51, as follows:

YEAS—25

Barbour	Capper	Hale	Russell
Benson	Carey	Johnson	Steiwer
Bone	Copeland	Keyes	Townsend
Borah	Davis	La Follette	Vandenberg
Bulow	Donahey	McAdoo	
Burke	Frazier	McNary	
Byrd	Gibson	Norbeck	

NAYS—51

Adams	Costigan	Logan	Pittman
Ashurst	Couzens	Lonergan	Pope
Bachman	Dieterich	Long	Radcliffe
Bailey	Duffy	McGill	Reynolds
Black	Fletcher	McKellar	Robinson
Brown	George	Maloney	Schwellenbach
Bulkley	Gerry	Moore	Sheppard
Byrnes	Guffey	Murphy	Smith
Caraway	Harrison	Murray	Thomas, Okla.
Chavez	Hatch	Neely	Trammell
Clark	Hayden	Norris	Truman
Connally	Holt	O'Mahoney	Walsh
Coolidge	King	Overton	

NOT VOTING—20

Austin	Glass	Metcalf	Tydings
Bankhead	Gore	Minton	Van Nuys
Barkley	Hastings	Nye	Wagner
Bilbo	Lewis	Shipstead	Wheeler
Dickinson	McCarran	Thomas, Utah	White

So Mr. VANDENBERG's amendment to the amendment of Mr. CONNALLY was rejected.

Mr. McGILL. Mr. President, I offer an amendment to the amendment proposed by the Senator from Texas [Mr. CONNALLY] on page 2, line 13, after the word "in", to add the words "paragraphs (a), 1, 2, and 3 of."

Mr. CONNALLY. Mr. President, I have no objection to that amendment. I am willing to accept it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. McGILL] to the amendment of the Senator from Texas [Mr. CONNALLY].

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is on the amendment offered by the Senator from Texas [Mr. CONNALLY] to the amendment of the committee.

Mr. FRAZIER. Mr. President, I desire to ask the Senator from Texas, who offered the amendment to the committee amendment, if he will not agree to an amendment on page 4 of the pending amendment in the amount of the debenture rates.

The tariff on corn is 25 cents a bushel. It seems to me that if we are going to give any benefits to the farmer, the debenture should be the amount of the tariff. On wheat the tariff is 42 cents a bushel. I should like to offer an amendment with respect to the debenture rates on corn and wheat to raise those amounts to the amount of the existing tariff. I do not know about the other three items. I shall be glad to vote for an increase in them if anyone suggests such an increase.

Mr. CONNALLY. Mr. President, I will say to the Senator from North Dakota that the Senator from Oregon [Mr. McNARY] yesterday explained very clearly and very convincingly how these rates were arrived at. They were arrived at after an exhaustive analysis and study by the Committee on Agriculture and Forestry in 1929. If the Senator now wishes to kill the bill with an amendment, the effective way to do it is to load it up with rates which will not appeal to many Members. I prefer to leave the rates just as they

are. They are not my rates. They are the rates suggested by the Committee on Agriculture and Forestry after an exhaustive examination.

Mr. FRAZIER. Mr. President, I remember very well the discussion on the bill in 1929. The committee decided on the rate simply because the committee thought that was as much as it could get; not that it was all to which the farmer was entitled. As my colleague the Senator from South Dakota [Mr. NORBECK] said a few moments ago, the tariff rate is based upon the difference in the cost of production here and abroad; and if by this measure we are to get any benefit for the farmer, the debenture should be the amount of the tariff.

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

Mr. FRAZIER. I yield.

Mr. BLACK. What is corn selling for today?

Mr. FRAZIER. I do not know.

Mr. BLACK. Does the Senator know what corn is selling for in his own State—not necessarily today, but in the past week or two?

Mr. FRAZIER. I do not know; I think about 50 cents a bushel. I do not come from a corn-producing State, and I do not know. The tariff on corn is 25 cents.

Mr. DICKINSON. In Iowa it is selling for 46 cents.

Mr. FRAZIER. Corn is selling in Iowa for 46 cents, I am informed by the Senator from Iowa.

Mr. BLACK. May I ask what it was selling for in March 1933?

Mr. FRAZIER. I think it was much lower at that time.

Mr. McNARY. May I answer that question?

Mr. BLACK. Yes; I desire to have that information.

Mr. McNARY. I inquired of the Bureau of Agricultural Statistics today concerning prices which obtained on several commodities before as well as after the rendition of the Supreme Court decision in the Butler case, and I find that today yellow corn, No. 3, is selling for 61 cents in Chicago.

Mr. BLACK. May I ask the Senator what it was selling for on March 4, 1933?

Mr. McNARY. I am not a statistician. I do not know.

Mr. BLACK. I have read in the newspapers that corn was being burned for fuel in the West because it would only bring about 12 cents a bushel. I wonder whether that was true. May I ask the Senator what wheat is bringing today?

Mr. FRAZIER. To the farmer in my State it is bringing between 90 cents and a dollar a bushel.

Mr. BLACK. I am sure the Senator from North Dakota, who always keeps up with farming matters, knows. What was wheat selling for on March 4, 1933?

Mr. FRAZIER. It was selling for around 30 cents a bushel in my State.

Mr. BLACK. Thirty cents a bushel?

Mr. FRAZIER. Yes.

Mr. BLACK. And now it is between 90 cents and a dollar a bushel. I thank the Senator.

The PRESIDENT pro tempore. The clerk will state the amendment proposed by the Senator from North Dakota [Mr. FRAZIER].

The LEGISLATIVE CLERK. On page 4, in line 17 of the pending amendment of Mr. CONNALLY to the committee amendment, it is proposed to strike out "7½" and insert "25"; and on the same page, line 20, it is proposed to strike out "21" and insert "42."

Mr. FRAZIER. That would make it read:

(1) Corn or maize, 25 cents per bushel of 56 pounds;

* * * * * * *

(3) Wheat, 42 cents per bushel of 60 pounds.

Mr. BLACK. Would the Senator accept an amendment providing that the rate on cotton should be 10 cents a pound?

Mr. FRAZIER. There is no tariff on cotton, as I understand. I do not know how much is necessary on cotton. I should be willing to vote for anything that is fair to the cotton farmers. I have gone the limit, and have voted for every cotton bill since I have been here.

Mr. BLACK. I am sure of that. I think the Senator's record in voting for the farmer is excellent. I desire it distinctly understood that I was not making any suggestion that his record was not excellent; but it does seem to me that if an amendment providing for a raise in the rate on corn and wheat is to be adopted, justice would require that we also provide 10 cents for cotton. I really think so.

Mr. FRAZIER. Of course, a rate of 10 cents for cotton would be relatively more than 42 cents on wheat at the present time; but I am perfectly willing, as I said at the beginning, to support any amendment that is considered fair on the other three products.

Mr. BLACK. Mr. President, may I ask whether this amendment is subject to amendment?

The PRESIDENT pro tempore. No; it is not. That would be an amendment in the third degree.

The question is on the amendment of the Senator from North Dakota [Mr. FRAZIER] to the amendment of the Senator from Texas [Mr. CONNALLY].

The amendment to the amendment was rejected.

Mr. NORRIS. Mr. President, I should not detain the Senate at this late hour to say anything on this amendment if it were not for the fact that in the past I have taken an active part in favor of legislation such as that proposed in the amendment of the Senator from Texas [Mr. CONNALLY]. But, Mr. President, when we have a certain bill before us, and are mapping out a certain course to take, it seems to me perfectly illogical to put right into that bill another bill, however worthy it may be framed on a different principle, and expect them both to work at the same time. I do not believe they will work in that manner.

The Senator from Missouri [Mr. CLARK] has just said, and it has been said privately by a good many Senators, that it is desirable to have the amendment of the Senator from Texas adopted for the reason that the Supreme Court may hold that the remainder of the bill is unconstitutional.

There may be force to that contention. If we wish to put this amendment in the bill so that it may become operative in case the Supreme Court holds the rest of the bill unconstitutional, then the amendment ought to come here in such form that the Secretary of Agriculture will have the option to put it in force if he desires to do so. If there were that kind of option to it, I should vote for the amendment, although I must admit that there are some things true now that were not true at the other time in the Senate's history when we had the debenture amendment before us. We then had an entirely different condition. There were several reasons for it. I am not going into them in detail, because in my opinion the main reason for opposing the amendment at this time is that an effort is being made to put into this bill another complete bill, have them both become law, and have them both in operation at the same time. If that shall be done I can see nothing but failure for both of them.

It may be that the amendment of the Senator from Texas is better than the one that has come from the committee. I am not going to express an opinion about it. It is not material unless we desire to strike out the entire bill and adopt in its place the amendment of the Senator from Texas. If that were the question, I should have nothing to say.

It seems to me it would be perfectly illogical for us to try to put both of these provisions on the statute books at the same time. We are simply making it impossible for either one of them to work, in my judgment. That is the reason why I am not going to vote for the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Texas [Mr. CONNALLY], as amended, to the amendment of the committee.

Mr. CONNALLY. Let us have the yeas and nays.

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

Mr. COPELAND (when his name was called). On this matter I have a pair with the senior Senator from Maryland [Mr. TYDINGS]. If he were present, he would vote "nay." If permitted to vote, I should vote "yea." Being paired I withhold my vote.

Mr. DICKINSON (when his name was called). On this vote I have a pair with the junior Senator from Mississippi [Mr. BILBO], who is necessarily absent. Not knowing how

he would vote I withhold my vote. If permitted to vote, I should vote "yea."

Mr. NORBECK (when his name was called). On this question I have a pair with the senior Senator from Montana [Mr. WHEELER]. If permitted to vote, I should vote "yea." If the Senator from Montana were present, he would vote "nay."

Mr. FRAZIER (when Mr. NYE's name was called). My colleague the junior Senator from North Dakota [Mr. NYE] is paired on this amendment with the senior Senator from Illinois [Mr. LEWIS]. If my colleague were present, he would vote "yea"; and I understand the Senator from Illinois [Mr. LEWIS], if present, would vote "nay."

The roll call was concluded.

Mr. HALE. I announce that my colleague the junior Senator from Maine [Mr. WHITE] has a general pair with the junior Senator from Alabama [Mr. BANKHEAD]. I do not know how the Senator from Alabama [Mr. BANKHEAD] would vote on this matter, but my colleague [Mr. WHITE] if present would vote "yea."

Mr. GIBSON. I announce that my colleague, the senior Senator from Vermont [Mr. AUSTIN] is necessarily absent. On this vote he is paired with the Senator from Utah [Mr. THOMAS].

Mr. McNARY. I announce the following general pairs:

The Senator from Rhode Island [Mr. METCALF] with the Senator from Indiana [Mr. VAN NUYS];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Delaware [Mr. HASTINGS] with the Senator from Kentucky [Mr. BARKLEY].

I am advised that the Senator from Delaware [Mr. HASTINGS] would vote "yea" if present.

Mr. MURRAY. I announce that the junior Senator from Alabama [Mr. BANKHEAD] is detained by illness.

The Senator from Nevada [Mr. McCARRAN] and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

The following-named Senators are detained on important public business: The Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the junior Senator from Illinois [Mr. DIETERICH], the Senator from Virginia [Mr. GLASS], the senior Senator from Illinois [Mr. LEWIS], the junior Senator from Indiana [Mr. MINTON], the Senator from Utah [Mr. THOMAS], the Senator from Maryland [Mr. TYDINGS], the senior Senator from Indiana [Mr. VAN NUYS], and the Senator from New York [Mr. WAGNER].

The result was announced—yeas 32, nays 42, as follows:

YEAS—32

Bailey	Carey	Johnson	Pittman
Barbour	Clark	Keyes	Reynolds
Benson	Connally	La Follette	Russell
Borah	Davis	McAdoo	Sheppard
Bulow	Duffy	McGill	Steiwer
Burke	Frazier	McNary	Townsend
Byrd	Gibson	Murray	Truman
Capper	Hale	Neely	Vandenberg

NAYS—42

Adams	Costigan	Holt	Overton
Ashurst	Couzens	King	Pope
Bachman	Donahey	Logan	Radcliffe
Black	Fletcher	Lonergan	Robinson
Bone	George	Long	Schwellenbach
Brown	Gerry	McKellar	Smith
Bulkley	Gore	Maloney	Thomas, Okla.
Byrnes	Guffey	Moore	Trammell
Caraway	Harrison	Murphy	Walsh
Chavez	Hatch	Norris	
Coolidge	Hayden	O'Mahoney	

NOT VOTING—22

Austin	Dieterich	Minton	Van Nuys
Bankhead	Glass	Norbeck	Wagner
Barkley	Hastings	Nye	Wheeler
Bilbo	Lewis	Shipstead	White
Copeland	McCarran	Thomas, Utah	
Dickinson	Metcalf	Tydings	

So Mr. CONNALLY's amendment, as amended, to the committee amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment in the nature of a substitute as amended.

Mr. ROBINSON. Mr. President, unless we may have a vote at once and there is to be no further discussion, I should like to move an executive session and then take a recess. It is apparent that we cannot conclude consideration of the bill today.

Mr. McNARY. When the Senator refers to the "committee amendment as amended", he refers to the amendment in the nature of a substitute offered by the Senator from South Carolina [Mr. SMITH]?

Mr. ROBINSON. Yes. It is really the bill.

Mr. McNARY. If we should vote on that, it would foreclose further amendment.

Mr. ROBINSON. That is true. I am satisfied we cannot conclude consideration of the bill today without remaining in session until a very late hour, and with the approval of the chairman of the committee in charge of the bill I shall now move an executive session.

Mr. SMITH. Very well.

Mr. CLARK. Mr. President, I offer an amendment to the committee amendment, which I send to the desk and ask to have printed and lie on the table.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Robert H. Jackson, of New York, to be an Assistant Attorney General, vice Frank J. Wideman, resigned, which was referred to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Commerce, reported favorably the nomination of Alexander Vincent Dye, of New York, to be Director, Bureau of Foreign and Domestic Commerce, vice Claudius T. Murchison, resigned.

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

The PRESIDENT pro tempore. The reports will be placed on the calendar.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Mr. COPELAND. Mr. President, a few moments ago I reported favorably from the Committee on Commerce the nomination of Alexander Vincent Dye, of New York, to be Director of the Bureau of Foreign and Domestic Commerce.

This nomination was delayed in the committee by reason of the fact that we were engaged in a certain investigation. I learn that Mr. Dye, who has been on duty here for 2 months, is needed on Monday to present certain matters to the Appropriations Committee. Therefore, I request that his nomination be confirmed today.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of the nomination of Alexander Vincent Dye, of New York, to be Director, Bureau of Foreign and Domestic Commerce, vice Claudius T. Murchison, resigned. Is there objection to the present consideration of the nomination?

Mr. ROBINSON. Mr. President, I desire to supplement what the Senator from New York has said. This nomination has been delayed for some time. There is no one in the Department who is authorized to act for the Bureau; and it is important that the nomination be disposed of, as the Senator from New York has stated.

Mr. McNARY. I have no objection, Mr. President.

The PRESIDENT pro tempore. Is there objection? The Chair hears none; and, without objection, the nomination is confirmed.

Mr. COPELAND. I ask that the President be notified of the confirmation of this nomination.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York that the President be notified of the confirmation of the nomination of Mr. Dye? The Chair hearing none, it is so ordered.

If there be no further reports of committees, the clerk will state the first business in order on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Dudley G. Dwyre, of Colorado, to be consul general of the United States of America.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTER

The legislative clerk read the nomination of Walter S. Cressman to be postmaster at Gwynedd Valley, Pa.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

That completes the calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. Mr. President, in order that the Senate may conclude its labors on this bill and make a final disposition of it tomorrow, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

Mr. McNARY. Mr. President, that conforms to the wishes of the Republican Members of the Senate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arkansas.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate took a recess until tomorrow, Saturday, February 15, 1936, at 11 o'clock a. m.

NOMINATION

Executive nomination received by the Senate February 14 (legislative day of Jan. 16), 1936

ASSISTANT ATTORNEY GENERAL

Robert H. Jackson, of New York, to be an Assistant Attorney General, vice Frank J. Wideman, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 14 (legislative day of Jan. 16), 1936

DIRECTOR, BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Alexander Vincent Dye to be Director, Bureau of Foreign and Domestic Commerce.

DIPLOMATIC AND FOREIGN SERVICE

Dudley G. Dwyre to be consul general of the United States of America.

POSTMASTER

PENNSYLVANIA

Walter S. Cressman, Gwynedd Valley.

HOUSE OF REPRESENTATIVES

FRIDAY, FEBRUARY 14, 1936

The House met at 12 o'clock noon.

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

Merciful Father, author of all good, Thou who dost pour out Thy bounty on the small and large, the bad and the good, bring us into companionship with Thee; let us know that sweetness of spiritual power that is born of exceeding loveliness. Gracious Lord, teach us how to walk with patience, with faithfulness, rebuking evil with discernment. Give us courage to speak the truth with that spirit which suppresses vexation and trouble. "The Lord God is a sun and shield; He will give grace and glory; no good thing will He withhold from them that walk uprightly." "The Lord redeemeth the souls of His servants, and none of them that trust Him shall be desolate." In the name of our Savior. Amen.

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

SWEARING IN OF RESIDENT COMMISSIONER FROM THE PHILIPPINES

The SPEAKER laid before the House the following communications:

THE WHITE HOUSE,
Washington, February 13, 1936.

The SPEAKER, HOUSE OF REPRESENTATIVES.

MY DEAR MR. SPEAKER: I transmit herewith a communication from the President of the Philippines, dated January 9, 1936, advising of the appointment by him of the Honorable QUINTIN PAREDES as Resident Commissioner to the United States.

Very truly yours,

FRANKLIN D. ROOSEVELT.

MALACANAN PALACE,
Manila, January 9, 1936.

His Excellency the Honorable FRANKLIN D. ROOSEVELT,
President of the United States, Washington, D. C.

MR. PRESIDENT: I have the honor to inform Your Excellency that, pursuant to the provisions of the act of Congress approved March 24, 1934, and of the constitution of the Philippines, I have duly appointed the Honorable QUINTIN PAREDES Resident Commissioner to the United States. Having full confidence in his ability, zeal, and fidelity, and knowing his sincere desire to promote to the fullest extent the friendly relations now existing between the United States and the Philippines, I sincerely hope that he will render himself acceptable to Your Excellency and to the Government of the United States.

With expressions of my respect and esteem, I beg to remain,

Very respectfully,

MANUEL QUEZON.

By the President:
[SEAL]

ELPIDO QUIRINO,
Secretary of the Interior.

Mr. PAREDES appeared at the bar of the House and took the oath of office.

FRANK J. WIDEMAN

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

The SPEAKER. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, Mr. Frank J. Wideman, of Florida, has resigned as Assistant Attorney General. He has filled the position with much ability and has shown an intimate knowledge of intricate legal questions. Having watched Mr. Wideman's work during the time that he has been Assistant Attorney General, I rise to say that the country is losing the services of a very distinguished and able lawyer. For one I regret his resignation and wish him great future success. [Applause.]

OREGON

The SPEAKER. Under a special order the Chair recognizes the gentleman from Oregon [Mr. EKWALL] for 15 minutes.

Mr. EKWALL. Mr. Speaker, with pardonable pride, I present on this, the seventy-seventh anniversary of the admission of the great State of Oregon into the Union, a brief résumé of its history.

The State of Oregon is my adopted State. I have lived there for 30 years. It has been kind to me. It and its people have conferred upon me the honor of two judgeships in its courts and have elected me to sit in this Congress as a Representative of the Third Congressional District. I would be less than human if I did not love my adopted State as I do the memory of my mother. It is a State which contains a portion of the last frontier of the United States, because beyond its coast line lies the Pacific Ocean, stretching to the Orient. If I were a poet or great litterateur, I could not do justice to my State in attempting to describe its beauty and grandeur.

Last fall, accompanied by our colleague, MELVIN J. MAAS, of Minnesota, a member of our fine Naval Affairs Committee, I flew over a portion of the State. There, several thousand feet above the ground, we saw a sight never to be forgotten. Stretching in a vast panorama was a group of snowcapped mountains—the incomparable Rainier, St. Helens, Adams, Hood, Jefferson, and the Three Sisters. We followed a course along the magnificent Columbia River, flying low over that great Federal project, the Bonneville Dam, which, when completed, will harness the limitless water power of the Columbia and compel it to work henceforth for the benefit and well-being of mankind. We then circled entirely around

Mount Hood, perpetually snowcapped, which for a million years has stood guard over that vast stretch of country. We passed over the beautiful Hood River Valley, where nature has so combined the elements that the finest apples in all the world are grown; apples which have been for years the pride of Oregon and the despair of those who have tried to equal them.

OREGON INCOMPARABLY BEAUTIFUL

This air trip having been made in the month of October, beneath our plane was disclosed a scene which beggars description. Against the evergreen of our native fir trees, and matted in between, were thousands of clusters of autumn leaves of yellow and gold. It was as if nature, in her most-favored mood, taking her palette in hand, and dipping her brush in the colors of the rainbow, had created this exquisite picture and defied comparison in all the universe.

The Honorable Charles H. Carey, who succeeded our colleague, JAMES W. MOTT, representing the First Oregon District, as corporation commissioner of Oregon, and who is president of the Oregon Historical Society, has furnished the following information as to the early history of Oregon:

It was the keen desire of the Chinese for furs, and especially for the fur of the sea otter, that attracted the world's attention to Oregon in the eighteenth century. At the time of the American Revolution, Capt. James Cook, the British explorer, was sent by his Government on his third great exploring expedition. He approached the west coast of North America, opposite Oregon, at 43° north latitude, to explore and to search for the fabled northwest passage, supposed to lead through that continent from the Atlantic Ocean. He did not find the passage, but the native tribes along the coast as far as Alaska had beautiful furs that they were eager to trade for whatever the white men could offer, and so for pieces of iron, copper, cloth, or for nails, knives, and handkerchiefs they parted with valuable furs of various kinds, including those of the sea otter.

There was keen rivalry between the Spanish, English, and American fur-trading companies. Little was actually known about many of the rivers and harbors located in the Northwest. On May 11, 1792, Capt. Robert Gray, an American, who was the master of the vessel *Columbia*, discovered and sailed into a large river which he named the Columbia, and which has borne the name ever since that time. He reported his find to Captain Vancouver, an Englishman, who sent one of his smaller ships into the Columbia, and its commander, Lt. William Broughton, took possession of the land about 100 miles from the mouth of the river in the name of Great Britain. From near the mouth of the Willamette River, which flows through my home city of Portland, on October 29, 1792, Lieutenant Broughton first saw Mount Hood, which he named for Lord Hood, a brilliant British naval officer.

LEWIS AND CLARK EXPEDITION

On October 17, 1803, President Thomas Jefferson concluded a treaty with France whereby the vast area known as the Louisiana Purchase was bought for $15,000,000. On May 14, 1804, President Jefferson sent out the Lewis and Clark Expedition, headed by his secretary, Meriwether Lewis, and William Clark, to explore the land beyond the Rocky Mountains, the western boundary of the Louisiana Purchase, with a view to ascertaining whether it should be acquired by the United States. As a result of this expedition much valuable information was secured. Construction of a fort at Astoria, Oreg., was begun in March 1811, and the Hudson's Bay Co. constructed Fort Vancouver, now in the State of Washington, in 1825. Dr. John McLoughlin was placed in charge of the company's business west of the Rocky Mountains, and managed it for a period of 20 years, practically as a ruler over that vast territory. His old home at Oregon City, Oreg., is now being preserved. There he lies buried alongside the remains of his faithful Indian wife. At a later date application will be made for funds with which to rehabilitate this historic house as a patriotic shrine.

During this period of time, and until 1846, the vast country known as the Oregon country was jointly occupied by the British and Americans.

Owing to the fact that the United States did not provide a local government or system of laws in Oregon while under joint occupancy, the settlers as early as 1841 began to consider organizing a voluntary provisional government to function until Congress would create the Territory. It was not until May 2, 1843, however, that definite action was taken by the settlers at a public meeting at Champooick—Champoeg. There had been a heavy immigration in 1842, greatly increasing the number of Americans. At the public meeting a vote was taken and a majority favored organizing, whereupon various officers were chosen; a legislative committee was selected to draft a code of laws to be presented at a public meeting to be held July 5, 1843.

On the day named, the report of the legislative committee was accepted, with few changes, and in accordance therewith an executive committee of three was elected instead of a Governor. The statute laws of Iowa, excepting as to fees for jurors and witnesses, were adopted. The organic law followed closely the provisions of the ordinance of 1787 for the Northwest Territory.

The Territory of Oregon was created by act of Congress of August 14, 1848. Joseph Lane was appointed Governor and took office at Oregon City on March 3, 1849. Oregon City was the capital until 1850, when the capital was removed to Salem. In 1855–56 the legislature met at Corvallis, but it promptly passed a bill relocating the capital at Salem, and in 1864 Salem was confirmed as the capital by popular vote. The Federal donation land law, giving 620 acres to man and wife and 320 acres to an unmarried person, was adopted by the Congress on September 28, 1850. There was a strong local feeling that a State should be created, but statehood was voted on several times with negative results. In 1857 a constitutional convention of 60 delegates assembled at Salem and prepared a constitution which was submitted to popular vote at a special election on November 9, 1857. The constitution was adopted by a majority of 3,980 votes. Slavery was voted down by a majority of 5,082 votes. During the 10-year period of the Territory there were Indian wars in various parts of the Territory. In 1854 the Territory of Washington was created, taking the greater part of old Oregon.

The act of Congress admitting Oregon as a State was on February 14, 1859. It was not until March 3 that the first State Governor, John Whiteaker, was sworn into office and took over the duties. Joseph Lane and Delazon Smith were the first Senators and Lafayette Grover was the first Representative. They were Democrats. Lincoln carried the State in the 1860 Presidential election by a plurality of 260. The part that the State played in the Civil War was not conspicuous, but it was much harassed during that period by Indian uprisings. Portage railroads at the Cascades and The Dalles on the Columbia were constructed with iron rails in 1861–62 and main-line railroads from 1868. The Modoc war was in 1872–73 and the Nez Perce war in 1873. Piute-Bannock war was in 1878. Gold discovery at Griffin Gulch in eastern Oregon was in 1861, and on Jackson Creek in southern Oregon in 1851–52.

"ORIGIN OF NAME OREGON"

Until recently the origin and meaning of the name Oregon was shrouded in mystery. Although there were numerous suggestions more or less plausible, none of these, from French, Spanish, or Indian words of somewhat similar sound, was supported by any credible evidence that such derivation was authentic. Research has revealed the fact that the written word Oregon, or Ouragon, was first used by Maj. Robert Rogers in 1765 in a petition addressed to King George III of Great Britain. He asked permission to lead an expedition to the Pacific Ocean by following the stream "called by the Indians 'Ouragon'." The word next appeared in printed form in Jonathan Carver's Travels in 1778, as the name of the same river, although it was as yet undiscovered by white men. Carver also called it the River of the West, and he described it as flowing through the mountains of Bright Stones—Rocky Mountains—to the Pacific. Carver was one of the men selected by Rogers for his proposed expedition, and, in preparation, Carver spent some months with native tribes west of Lake Superior, where he claimed to have heard the name applied to this river. As the book was popular and went through several

editions, it is to this source that general use of the name is traced.

One of our former Governors, the Honorable WALTER MARCUS PIERCE, now sits in this Congress as a Representative of the Second Oregon District.

The Member whom I had the honor of succeeding in this Congress, the Honorable Charles H. Martin, is now our Governor. A man of sterling qualities and great ability, known and loved by many Members of this Congress, he is making a fine record for the State of Oregon as its chief executive. He has contributed the following and concluding lines:

Oregon bids all of America to visit and to enjoy our natural playground. No section of the country can boast of a greater variety of healthful recreations. Game and fish are to be found in abundant plentitude. Mountain, plain, valley, and miles of coast line offer diversity to the most discriminating and exacting of recreation seekers. Winter sports, hiking, mountain climbing, golfing, and surf bathing are offered.

Our transportation facilities are sufficient for our present needs. On land, in air, or on water the opportunities to travel in Oregon are of the finest anywhere. Our highways, primary and secondary, penetrate into every section of the State. Oregon is proud of its highways. These roads have brought about a greater cohesion of our people. No longer have we isolated sections. The ribbons of concrete literally bind our State into a unified whole.

Our valleys produce an interminable variety of products. Fruit of all kinds—incomparable Hood River apples, choice cherries from the Willamette Valley and The Dalles, luscious pears from the Rogue River Valley, prunes from the Umpqua, finest hops grown anywhere in the world are found in the Willamette. And if that were not enough, the Willamette Valley now has a fast-growing flax industry.

To the west, in addition to the great forests, are the countless dairy farms and the finest dairy herds in the western portion of our country. The milk, cream, and cheese products from this section are nationally known.

East of the Cascade Mountains are the hundreds of thousands of acres of wheatlands that stretch as far as the eye can observe like a shimmery golden sea. On the boundless ranges roam cattle and countless sheep. The open-heartedness of the east Oregonians is as great as the wide open spaces they inhabit and is demonstrated in such annual shows as the Pendleton Round-Up.

In the eastern section of the State also are to be found vast mineral resources of great variety—gold, quicksilver, copper, and platinum—which have brought wealth to the State.

The history of our State is luminous with names and deeds. Our people, steeped in pioneer traditions of achievement, are overwhelmingly of the finest American stock. The pioneers who settled here stand high in the forces of civilization. The suffering and privations endured, the courage manifested, and the fortitude exemplified in every stage of the trek across the continent and in combat with the aborigines and the forces of nature forever will stand high on history's page.

We turn to our pioneer forbears in a sense of deepest reverence and greatest affection. They builded well. They dominated every element that undertook to thwart their way. They put life and strength into the fundamentals which were intended to be the foundation of one of America's greatest commonwealths.

We are the beneficiaries of their hardihood. They led in water transportation, reaching the distant markets of the Pacific shore lines. They navigated the waters of the interior, with strong companies, possessing the most modern equipment of the age for such service. They spread out over the soil and initiated agricultural production on the Pacific coast in a substantial way.

Further, they entered into our forest primeval. They proceeded into the labyrinthian recesses where rose the stately, towering, and forbidding trees, and in these deep, dark, and almost impenetrable areas they laid the foundations for cities, industries, and farms. They financed the business of the Northwest. Their traders penetrated every section of this region. In the great social and economic struggles of the Nation marking that period, they alined themselves with those powers which were carving the structure for the greatest democracy civilization has produced.

Why this accolade paean of praise for our pioneers? Because the story of these valiant pioneers is the story of Oregon! [Applause.]

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes to speak on the subject of the State of Oregon.

The SPEAKER. Is there objection?

There was no objection.

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

Mr. PIERCE. I yield for a question.

Mr. COLDEN. Just to ask whether the historians who are checking up on the rich history of Oregon have looked into the CONGRESSIONAL RECORD of about 1821, at which time a resolution was pending before the Congress authorizing President Monroe to plant the American flag on the shores of Oregon at his discretion. Mr. Cadwalader Colden, a Member of Congress from New York City, was one of the champions of that resolution, and the opposition to it at the time was very energetic, the statement being made that Oregon was a worthless country, not worth while for Uncle Sam to take the hazards of planting the American flag on its shores.

Mr. PIERCE. Oregonians appreciate their great river, beautiful mountains, their fertile fields, and magnificent forests, and invite you to come to the coast and share their pleasure in them. Oregon's greatest contribution to the Union is, however, in the field of government, what is known as the Oregon system—the initiative, the referendum, the recall, direct election of Senators by the people, Presidential preference primaries, and the Voters' Pamphlet. From the mountains of Switzerland came the initiative and referendum, engrafted more than a third of a century ago upon the political system of Oregon and now fundamental to our system of government. The recall was native to New Zealand.

Under the initiative, the electorate becomes a coordinate legislative body, and on bills passed by the people the Governor does not have the right of veto. Under the referendum, any legislative act not carrying an emergency clause may be referred to the people. Under the recall any elected official may be required to stand the test of a vote. Oregon may even amend its constitution through the initiative, and by direct vote of the people.

Oregon blazed the way and initiated the movement for direct election of United States Senators by the people, instead of having them elected, as provided by the original Federal Constitution, by the State legislatures.

Thirty-one years ago Oregon's Legislature enacted a law providing that candidates for the legislature might take a pledge to vote for the people's choice for United States Senator. This pledge was known as statement no. 1. Statement no. 2 provided that they would simply consider the vote of the people, but would not feel bound by it. Under this law Hon. Jonathan Bourne, Jr., was elected by the legislature United States Senator in 1907 because he was the choice of the people in the election of 1906. In 1908 the Honorable George E. Chamberlain was the people's choice for United States Senator, and confirmed by 51 pledges out of the 90 members of the legislature in 1909. Senator Bourne was a Republican and Senator Chamberlain a Democrat. This paved the way for the amendment to the Constitution of the United States which gave other States the privilege of having their Senators elected by the people instead of by legislatures.

Oregon initiated the Presidential preference primaries under which the electorate in each party may indicate their choice to their delegates who nominate Presidential candidates at the national conventions every 4 years. At one time 24 of our States had some kind of Presidential primary. Under the operation of this law Theodore Roosevelt became a candidate for the Republican nomination for the Presidency in 1912. It was the Presidential preference primary that had made it possible for the present President of the United States, Franklin D. Roosevelt, to be nominated in June 1932. The stop-Roosevelt group, with its money and power, would have been effective had it not been for the large number of delegates that had come to the convention instructed by the electorate within their States to vote for Mr. Roosevelt. Today William E. Borah, pride of the Republican voters of the Pacific Northwest, is a strong contender for the Republican nomination next June at Cleveland, owing to the fact that his name can be entered in the Republican primaries in 17 States now having some sort of a preferential primary.

Last, but not least, of these three great reforms initiated in Oregon was the Voters' Pamphlet, published and distributed to every voter, by the State, preliminary to primary and general elections. The purpose is to allow candidates, and proponents or opponents of measures, to tell their stories to the voters, at a cost of from $10 to $100 a page. Statutory provision is made for affirmative and negative arguments on all measures coming before voters through initiative or referendum. For the general election, following the primaries, a

page in the pamphlet can be secured for $50, and on it the party may set forth the reasons why the candidates of its choice should be elected.

Two weeks ago today a special election was held in the State of Oregon to pass on four measures, three referred by the legislature and one held up for referendum through petition. The one which attracted most attention was to change the date of the primary election from May to September, doing away with presidential primaries and making national committeemen and delegates subject to election by a State committee instead of by the people. Newspapers in the State, with few exceptions, openly advocated the change, but the Voters' Pamphlet, going into the hands of every voter of the State created a sentiment which defeated the united effort of the press and by a vote of 60,000 to 150,000 the people defeated the proposed change, showing conclusively the power of the Voters' Pamphlet. This Voters' Pamphlet for measures and candidates should be extended to cover every State, and the Nation as a whole.

Oregon claims special distinction on account of these great political changes. It is often called the "political experiment station." This remarkable movement toward popular or people's government came about as a result of the usual political corruption of the old system culminating in a unique session of the State legislature which failed to organize. In the election of 1896 a vast sum of money had been spent to secure pledges from legislative candidates for the reelection of a certain United States Senator who had promised to support the silver program. After the election of the members of the legislature it was ascertained by friends of free silver in Oregon that the senatorial candidate, when he returned to Congress, would change his position on the money question, and would vote to support the gold standard.

The Senator was then informed that if that was his attitude, he had betrayed the people and could not be reelected to the Senate. He informed those who opposed him that he had the pledges from the members of the legislature, they had been paid for, and the legislators could not go back on their pledges to vote for him when his name came before the legislature. So the fight began. The only possible way to defeat him was to prevent the House from organizing. The 60 members of the House remained in the State capital for the 40-day session fixed by our constitution, but they failed to organize. The Senator and his friends could not force them to organize or fine those who did not appear to take the oath, and take part in the organization; so at the end of the 40 days they all went home without a session.

The outstanding figure in that historic fight was Hon. Jonathan Bourne, Jr., who was afterward United States Senator from Oregon, now a resident of Washington, D. C. Born in New England, endowed with Yankee shrewdness, great ability, and political genius, he saw that the Republic was doomed unless the Government could move closer to the people. He had faith in what he calls the "composite citizen." Out of the hold-up legislative session, and as a result of it, under his leadership, came the Oregon system of popular government which has made the people of Oregon politically conscious. Senator Bourne's speech of May 5, 1910, Popular Versus Delegated Government, was perhaps the most widely circulated speech ever delivered in Congress, 9,000,000 copies having been distributed through every State in the Union and to every country on the globe. He can truthfully be called the father of the Oregon system.

So today, on Oregon's birthday, I am glad to tell you that we in Oregon prize our liberties and think we have found a way to protect them. I hope that you will all take this message home to your States and that you will someday join Oregon in the Presidential primary and the Voters' Pamphlet, and that you will sometimes recall that Oregon's example gave to the Nation the direct election of United States Senators.

[Here the gavel fell.]

CLOSING MILITARY ROAD

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution (H. J. Res. 488) to close Military Road, with amendments proposed by the committee.

The Clerk read the title of the joint resolution.

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

Mr. SMITH of Virginia. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from South Carolina to explain what this bill means, the point of issue between us being whether it means to close Military Road to the traveling public, or whether it does not. If it does not close the road to those who travel over the highway, I have no objection. If it does, I shall object.

Mr. SNELL. I think the gentleman should make a short explanation. I understand this has the unanimous approval of the Committee on Military Affairs.

Mr. McSWAIN. Yes; it has the unanimous approval, as I remember.

This is the construction of the language as I have formulated it. It is my construction of the language of the resolution as amended by the committee that the Secretary of War may prescribe the conditions under which Military Road may be used by vehicular traffic and pedestrians; also by aircraft in crossing same. From the attitude implied in the letter of the Secretary of War, dated February 12, 1936, I feel he will not deny either class of users of such road to use the same, but will prescribe fair and reasonable rules and see them enforced, to protect all persons traveling along said road, and also those crossing said road in aircraft.

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

Mr. SMITH of Virginia. Further reserving the right to object, Mr. Speaker, I am trying to agree with the gentleman from South Carolina. I ask unanimous consent under my reservation of objection to proceed for 5 minutes.

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

Mr. PARKS. Reserving the right to object, Mr. Speaker, I am advised that this will only take a few minutes at the outside; and, believing that, I have no objection, because it is an important matter and should be disposed of.

The SPEAKER. Without objection, the gentleman from Virginia is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, this resolution has to do with the troublesome controversy that has been going on relative to closing Military Road. This is a public highway which was constructed by the United States. The United States owns in fee simple the ground upon which the highway has been constructed. It has been used as a public highway by the traveling public for 24 years. I have been before the Military Affairs Committee a number of times in an effort to get this straightened out. The gentleman from South Carolina [Mr. McSWAIN] and I are trying to straighten it out. We went before the Military Affairs Committee of the Senate this morning, and it is my understanding—and the gentleman from South Carolina will correct me if I am wrong—that if this resolution passes the House it will then go to the Senate; and the gentleman from South Carolina [Mr. McSWAIN] and I will appear before the Senate committee and endeavor to clarify whatever may need clarification with respect to what the language of this resolution means. If it means to close the public highway to those people who have been traveling over it for 24 years, of course, I shall be forced to object. If, however, it means what the gentleman from South Carolina [Mr. McSWAIN] thinks it means—with guards, lights, and traffic signs maintained so that the traveling public on the highway as well as the traveling public by air may continue to use it as at present—it is entirely agreeable to me, and it is a very fine solution of the situation.

It is my understanding that we will go to the Senate committee and, if necessary, clarify that language so we will know what it means and so it will not close the highway to the traveling public. In the meantime, we are going to have someone from the War Department appear before the Senate committee. I am most anxious to know whether the War Department places the same construction upon the

language of this bill that the gentleman from South Carolina [Mr. McSWAIN] does. If they do, that settles the whole controversy, and the travelers on the highway will be permitted to continue to use it under such safeguards for the crossing of airplanes as the Secretary of War may prescribe. Am I correct in that? I understand the gentleman from South Carolina will cooperate with me before the Senate committee to straighten out whatever is necessary?

Mr. McSWAIN. I will assure the gentleman that I will cooperate with him to the fullest. Were it not for the fact that I am the agent of the committee, I should be glad to make the language conform to our agreement at this time. But, assuming I am one of the conferees, if the Senate should amend this resolution I can assure the gentleman of the most sympathetic consideration of his attitude and views on this matter.

Mr. SMITH of Virginia. It is not the purpose of the gentleman to close the highway to the traveling public?

Mr. McSWAIN. No more to the vehicular traffic than to the aircraft themselves, but to allow both to use it under safe conditions.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. McSWAIN]?

There was no objection.

The Clerk read as follows:

Resolved, etc., That, pending the time when a public airport is established and maintained for the District of Columbia, while many thousands of passengers are being handled annually by various air lines at the landing field generally known as Washington-Hoover Airport belonging to National Airport Corporation, incorporated under the laws of the State of Delaware, and in order to make the operation of aircraft at said airport less hazardous, the strip of land comprising that portion of the road leading from the south end of the Highway Bridge across the Potomac River toward the southeast side of the Arlington National Cemetery, and commonly known as Military Road, which intersects the Washington-Hoover Airport, shall be closed to all traffic and the public excluded therefrom, until the performance of the conditions and execution of the power hereinafter stipulated, and the Secretary of War is authorized and directed to maintain such barricades, gates, warning signs and stop lights, guards, watchmen, and other devices as he deems necessary to protect the public, at the expense of said National Airport Corporation, and if it refuse or fail to pay such expense, the Secretary of War is authorized to prohibit and prevent said Airport Corporation, its agents, lessees, or guests from using any part of said road for any purpose; and be it further

Resolved, That upon satisfactory evidence that said National Airport Corporation, owner of said Washington-Hoover Airport, has paid unto the proper officer or fiscal agent of Arlington County, in the State of Virginia, the sum of $50,000 to be used in acquiring, constructing, repairing, and/or maintaining a substitute road or roads, the Secretary of War be, and he is hereby, authorized and directed to convey by quitclaim deed the title to said portion of Military Road beginning at the south bridgehead of Highway Bridge and ending at the line of the connecting railroad track between Alexandria railroad yards and Rosslyn, Va., to said National Airport Corporation; and be it further

Resolved, That if said National Airport Corporation fail or refuse to pay said $50,000, in order to obtain title to said portion of said road, then in such event the Secretary of War is hereby authorized and directed to advertise said land for sale in some newspaper or newspapers having general circulation in the vicinity of Arlington County Va., and Washington, D. C., for 30 days and on a date designated in said advertisement to sell said portion of said road on the road itself at public auction to the highest bidder for cash, and if any bidder fail to comply or give security for compliance within 1 hour after his bid is accepted, then the Secretary of War shall immediately resell said portion of said road at public auction to the highest bidder and at the risk of the former purchaser, but in no event nor at any time shall the Secretary of War accept any bid for less than $50,000, and upon receipt of payment of the highest bid shall convey by quitclaim deed the title to said portion of said road to the bidder entitled to same.

With the following committee amendments:

Page 1, line 3, strike out everything after the word "pending" down to and including the word "hazardous" on page 1, line 10, and insert the following: "further legislation by Congress."

Page 2, line 4, strike out all after the word "public" down to and including the word "stipulated" on line 6, and add the following: "except as the Secretary of War may prescribe."

Page 2, line 10, strike out the word "said" and insert in lieu thereof the word "the."

Page 2, line 14, strike out the semicolon and insert a period and strike out all following language.

The amendments were agreed to.

The House joint resolution 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.

INVESTIGATION OF REAL-ESTATE BONDHOLDERS REORGANIZATIONS

Mr. COCHRAN. Mr. Speaker, I present a privileged report from the Committee on Accounts and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 403

Resolved, That the further expenses of conducting the investigation authorized by House Resolution 412 of the Seventy-third Congress and supplemented by House Resolution 39, House Resolution 79, and House Resolution 354 of the Seventy-fourth Congress incurred by the Select Committee to Investigate Real Estate Bondholders Reorganizations, acting as a whole or by subcommittee, shall not exceed an additional $50,000.

The Committee on Accounts, having given consideration to the above resolution, recommend that the same do pass with the following amendment:

In line 7, strike out the figures "$50,000" and insert in lieu thereof the figures "$25,000."

Mr. COCHRAN. Mr. Speaker, the resolution which I present by direction of the Committee on Accounts provides for continuing the investigation of the special select committee that has been investigating the activities of real estate bondholders' committees throughout the country.

The members of the committee have assured us that they can complete their investigation and make a final report with this $25,000. Testimony before our committee convinced us that in the end, as a result of information furnished to the Bureau of Internal Revenue, many times this amount will be collected in back taxes by assessments and penalties.

It is hard for one to understand why many of the offenders who actually defrauded investors are not in the penitentiaries. Millions of citizens have lost their life savings, while trust funds created to take care of widows and orphans have been wiped out through the operations of these racketeers. The chairman of the special committee [Mr. SABATH] tells us that something in the neighborhood of $10,000,000,000 in investments are a total loss, but he likewise shows that, due to the activity of his committee, the racket has been practically stopped. He exhibits many letters from Federal and State judges thanking the committee for the information it has furnished that has resulted in the courts' saving for investors hundreds of millions of dollars that might otherwise have been lost.

Information has also been furnished to many district attorneys, and investigations are now being made to determine if it is possible to indict some of the offenders. I was very much surprised yesterday to be advised by a post-office inspector of high rank that up to this time his office has not been called upon to investigate possible violations of the postal laws.

The distress and suffering that has resulted from wiping out the savings of hundreds of thousands of citizens can hardly be pictured in words. It can be said to the credit of this special committee that it stopped the activities of many bondholders' committees, and facts were presented showing that in many instances bonds which investors considered worthless through the conniving of these racketeers have increased in value and in one instance are now selling at 70 cents. It must be admitted, however, that billions have been lost, and there is no chance now for recovery, but I say that those who have been guilty of misleading the people who held the bonds should be punished if it is possible to do so.

Two bills have been introduced as a result of the activity of this committee, one pending before the Committee on Banking and Currency and another before the Judiciary Committee which the special committee hopes, if enacted, will prevent a recurrence of what has happened since 1929. The leaders of the House join with the special committee in urging the continuance of the investigation.

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

Mr. COCHRAN. Yes.

Mr. SNELL. When the original resolution providing for this investigation was before the House I supported it because I thought there was a proper work to be done along this line; but this select committee has been investigating now going on 2 years, and it seems to me the time has come when its work should be brought to a conclusion. Is not this the third or fourth time the committee has come before the House asking additional funds?

Mr. COCHRAN. This is the third time.

Mr. SNELL. I think we ought to have a very definite statement that something is going to be done and a report filed that will show the conditions they claim exist—and I have no doubt that they do exist. I do not, however, think this should be a continuing proposition forever. There is a limit to all good things.

Mr. COCHRAN. I may say to the gentleman that the select committee assured the Committee on Accounts it would not be back; that it would make its final report. Further, as a result of the activities of this committee, two bills now are pending in committees of the House, one before the Committee on Banking and Currency and one before the Committee on the Judiciary, seeking to prevent a recurrence of what has happened.

Mr. SNELL. That is one of the points I wanted to bring out. I understood they had reached a point where they had presented legislation to the House. What additional information is necessary in order to prosecute this legislation?

Mr. COCHRAN. They have not completed their investigation, and these are hearings which they must hold in order properly to present their case to the two committees of Congress. This resolution now pending will permit them to do this and to close their investigation and make their final report, which the select committee says it will do. So far as I am concerned, I do not propose to vote for any additional funds for this committee unless something out of the ordinary develops.

Mr. SNELL. When does the gentleman expect them to make a final report?

Mr. COCHRAN. I shall have to let the gentleman from New York ask one of the members of the committee to whom I intend to yield time.

Mr. SNELL. It seems to me that sometime we must bring an end to all these investigations that are going on.

Mr. COCHRAN. I agree with the gentleman.

Mr. SNELL. They cannot be allowed to become a continual performance.

Mr. COCHRAN. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. McLEAN], a member of the Committee on Accounts.

Mr. McLEAN. Mr. Speaker, it is not an easy thing to differ with gentlemen who are earnest in their proposals, especially when they are gentlemen for whom one has the highest esteem. The reason we differ now is, no doubt, due to their zeal and interest in the matters they have in hand and my own desire to properly perform my duties as a member of the Committee on Accounts. It is in this attitude that I speak, and I hope what I have to say will be likewise accepted.

This resolution will further increase the expenditures which this committee has been authorized to make. It carries with it an inference that the committee may continue its activities indefinitely. The practice of anticipating additional appropriations is unwise and ought not to be encouraged. It lends itself to the temptation to overrun appropriations without authority.

The purpose of the Committee on Accounts is to audit and control the expenditures of special committees made out of the contingent fund. If a special committee makes disbursements beyond the amount authorized, anticipating a further appropriation, then the Committee on Accounts loses its control.

I am sensible of all the good this committee has accomplished. I know the evils that have been unearthed. The committee has advanced the thought that its continuance would deter further wrongdoing, result in realization of large amounts of income taxes, as well as savings to the investing public, and the recovery of money which would otherwise be lost through the manipulation of real-estate securities. Also I anticipate that there will be legislation of a permanent character which will be presented as a result of the activities of the committee. This should result in permanent reforms which will replace this rather indefinite and temporary manner of preventing evil practices that have been disclosed. In such a situation the purposes of the committee will have been accomplished, and further investigations by a congressional committee will be unnecessary. My suggestion would be that this resolution be amended so as to carry a sufficient amount to enable the committee to continue its activities until the end of the session in the hope that in the meantime the necessary permanent legislation will be enacted.

My particular purpose is to warn the House that there are seven special select committees which are now spending money out of the contingent fund. Similar resolutions may, therefore, be anticipated. This is the first of the series of the year 1936. It appears a little early in the session. Such resolutions usually come along toward the end of the session when sales resistance is low.

The Committee on Accounts has been endeavoring to limit the amount of disbursements from the contingent fund, and to avoid the temptation of an investigating committee beginning on a small scale and gradually enlarging its jurisdiction and its authorized expenditures. Once the House is committed to an investigation, there is the danger of going beyond the anticipated limits. Once the hand of spending gets into the contingent fund, it is difficult to get it out.

At a time when economy in governmental expenditures is constantly in our thoughts, the House of Representatives ought to set the example.

I would point out to the Members of the House that the rules for disbursements from the contingent fund are very often lost sight of, and that we should have due regard for the authorized limit of disbursements that are to be made from these appropriations for special investigations. The contingent fund of the House of Representatives was never intended to be used as a means whereby offices could be created on an annual basis to continue indefinitely and contingent expenses covered without limitation. When the temporary exigency for which the committee was designated has been met, other arrangements should be made in an orderly way through the medium of the legislative appropriation bill.

Mr. RICH. Will the gentleman yield?

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

Mr. RICH. I should like to ask the gentleman if he knows when they are going to conclude this investigation?

Mr. McLEAN. Mr. Speaker, I assume what has been said by the gentleman in charge of the bill is true, that this appropriation will finish the committee's work.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas [Mr. FULLER].

Mr. FULLER. Mr. Speaker, I realize there is food for thought in the suggestion that this committee should conclude its work immediately. I wish it were possible to do that. In fact, I returned here with a firm determination that I would not serve on this committee longer and that its work should be concluded. The task is not completed and I have never been known as a quitter. May I say that during the recess of Congress we spent 3 months out of the 4 months on this work.

Mr. Speaker, this is the biggest investigation and is of more consequence to the people of this country than anything that has been before the Congress in years. There are 400,000 people interested in this investigation. These people consist of widows, orphans, and old people who have had all of their money invested in what was known as real-estate gold-bond securities drawing 6- and 7-percent interest. When the climax came, shrewd businessmen, racketeers, men who did not have anything invested in these propositions, constituted themselves as self-appointed protective committees. They got big lawyers of high standing throughout the country to draw agreements so worded that when the bondholders signed and turned over their bonds they lost all claim. The practice was for the committee to put these bonds up as security on a loan and in almost all instances spend the loan for fees, attorneys, and so forth. In New York City alone there are two different protective committees, each of which hold and control over 100 pieces of property. All these so-called protective committees have been robbing the bondholders. When we started the investigation the bonds were selling at 3, 4, and 5 cents on the dollar. In the beginning the courts would not recognize a representative of this congressional committee, but

we came back and got authority from this House so that now the district and Federal courts are recognizing our representatives.

While we were in New York City last October, by reason of our efforts, as the gentleman from New York [Mr. CULKIN] well knows—and he has been very much interested in this matter—there was saved over $2,000,000 in attorneys' fees alone on just one transaction. We want to conclude this work. None of the members of the committee want to go on with this hard work; but if we should stop now, do you know what they would do? These protective committees would mop up and clean out the interests of the bondholders.

Mr. BOLAND. Will the gentleman yield?

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

Mr. BOLAND. Will the gentleman explain whether this committee has done any work in Pennsylvania?

Mr. FULLER. We have just started to do a little work in Pennsylvania. May I say that we are going to Pennsylvania, and especially to the city of Philadelphia, which is one of the most crooked places we have found in the United States, so far as this particular matter is concerned. [Laughter and applause.] In one instance a local committee supposed to be acting for the protection of the bondholders sold out to another similar committee from New York for $70,000, divided the swag, and, of course, this was charged up against the bondholders—for experience and misplaced confidence.

May I say to the gentleman from New York [Mr. SNELL], whose heart I know is in this matter, that the Legislature of New York has passed a similar resolution to the one adopted by this House. It created a committee to investigate this same matter. In the New York Times of last Monday will be found a report which that committee is making to the Legislature of the State of New York, with certain recommendations as to what should be done to curb these things in the future; but there is nothing to show what they want to do with past conditions. I may say that this New York committee is working with us hand and glove, and they are in earnest about the matter. These self-constituted, so-called protective committees have developed a racket, the like of which has never been witnessed in this country. They should not only be driven from their positions, but their methods and transactions should be well known. Most of them should be driven from respectable society and business. Most of their attorneys and the trustees who fail to perform their duty are as bad, if not worse. The racketeers had nothing on this crowd.

Mr. Speaker, your committee wants to close this matter, and expects to, within as short a time as possible. Under no circumstances will I serve longer than the next session. This Congress should not hesitate to support and pass the remedial legislation recommended by this committee. I wish the situation were such that we could close now. This is no junket. It is not a pleasure for the Members to serve on this committee. We do not have authority and money to employ outstanding, able, and influential lawyers. Most of our legal talent have volunteered and received no compensation, but are doing excellent work and are deserving of great credit. At the same time, we have been up against the legal brains of the country when we sought to investigate this situation. We have only spent $85,000. We have caused three times that amount to be collected by the Internal Revenue Department, this money having been turned into the Federal Treasury.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. FULLER. Mr. Speaker, may I say in addition that the Internal Revenue Department has representatives in our office checking the evidence we have obtained. That Department is going out into every avenue of the country to collect this money. The Treasury Department assigned us about 30 men for a short period. We mean to stop this racket and obtain results.

If we stop now, which I know the Members are not going to have us do, it would be ruinous to these bondholders. They would be wiped out. There are no politics in this matter. The committee consists of four Democratic members and two Republican members. There has never been any feeling in the matter. We are all in hearty accord, and it does not make any difference where we go or who is involved; we try to get at the true facts regardless of who it exposes. Our fifteen billions of defaulted bonds belonging to the aged and poor are involved. [Applause.]

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, it is to be presumed that when this House, by its action, commissions a committee to investigate some problem that committee, after sifting the evidence, will make a report and very possibly recommend legislation; but sometimes committees of the House can serve a useful function quite aside from the proposing of legislation to cure some particular existing evil. This is particularly true in the case of this select committee.

I quite agree with my friend from New Jersey that so far as legislation is concerned this committee has fulfilled its purpose. It has sifted tons of evidence that has been secured from every metropolitan center in the country. We have enough evidence accumulated to fill one of the rooms in the New House Office Building; and for the purposes of the bill which has been recommended and which is now pending before the Judiciary Committee, any further investigations will only have the cumulative effect of producing more evidence; but this committee serves still another function, and that is a purely psychological one which arises from the fact it has authority to exercise the power of subpena and cite people for contempt and to threaten them with some condign punishment in case they do not produce records or in case the committee can establish by proper evidence that they have been guilty of some misfeasance or malfeasance.

This probably is the best reason this committee ought to continue for a while. We have done very little in the city of Philadelphia. We have done very little in the city of Cleveland. We have had one hearing in the city of St. Louis, and I could cite other cities where this committee ought to sit, where they ought to subpena witnesses, and where they ought to investigate the fiscal structure of a great many properties on which bonds have been sold to the public. By so doing they have thrown a species of apprehension and fear into people who have been duping the poor, innocent bondholders, which has had the psychological effect of appreciating the market price of a great many of these securities and expediting reorganization of many properties. I believe that in this respect the committee can very well continue its efforts during the balance of the Seventy-fourth Congress in the hope of carrying on investigations in other localities and bringing some of these evildoers to justice.

When I think of a committee that was invested with authority in another legislative body and which spent $130,000 merely to investigate the background of the war in 1917 and 1918, for the purpose of creating a foundation upon which the new neutrality legislation shall be built, and compare the $130,000 they have expended with the $85,000 this committee has spent, giving 3 of its 4 months of the summer recess to the work which carried them into all sections of the country, the value of the work of our committee becomes quite apparent. When the Commissioner of Internal Revenue advised the chairman of the select committee that the amount of money that will be turned into the Treasury Department as a result of our investigations will exceed twofold or threefold all the appropriations that were made for this committee, it means this appropriation is not an expenditure, but rather an investment on the part of the House that brings interest in large measure and did a vast amount of good for the people who are still holding what were once upon a time worthless pieces of finely engraved paper but which are now assuming some kind of

tangible value and on which in a great many instances interest has been paid.

I fully endorse the sentiment expressed by my colleague the gentleman from Arkansas [Mr. FULLER] that this has been no junket. When people get you from the luncheon table and the dinner table day after day to listen to their pathetic story, when you go from one place to another to sit up half the night to digest a great deal of this material assembled by investigators in order that you may carry on an intelligent hearing and discussion the following day, it certainly is not a junket. Speaking for myself, I would gladly go off the committee. We are, however, under a deep obligation to thousands of innocent bondholders to carry on until the work has been completed, and when that is done we will have a respite from our arduous duties on this select committee. [Applause.]

Mr. COCHRAN. Mr. Speaker, I have only one more speaker. I yield 5 minutes to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Speaker, I desire to restate the position taken by the gentleman from Arkansas [Mr. FULLER] and the gentleman from Illinois [Mr. DIRKSEN], and that is that service on this type of committee is difficult, onerous, and unpleasant.

In this case our work has resulted in a saving to these unfortunate bondholders to date, so far as can be estimated, of perhaps $500,000,000. This, on its face, would seem to justify a disbursement of $85,000 on the part of this House.

The psychology of this situation is that if this committee is now permitted to go down, much as the members of the committee would like to be relieved of this onerous and unpleasant duty, then the ground that has been gained on behalf of this unfortunate type of investors who have $10,000,000,000 in this kind of security would be largely lost. The discipline that has been injected into these racketeering bond committees would cease and the whole situation would result in a debacle, where the bondholders would have no chance to recoup themselves.

Much as I would appreciate being relieved from the work of this committee, I feel that in duty to the unfortunates who made these investments, the finest type of American citizens, who put their money into this type of security, I would feel I was in fact abandoning them.

The committee has worked faithfully. Our chairman has worked faithfully. His spear has known no brother, nor have those of the members of the committee; and while I appreciate, and more or less endorse, the remarks of the distinguished gentleman from New Jersey [Mr. MCLEAN] upon the necessity of finishing up this type of investigation, I think this appropriation is proper, and that this type of investigation for the purpose of curing this situation must, for the time being, be more or less what we call in law, continuing.

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

Mr. CULKIN. Yes.

Mr. BANKHEAD. I am glad to hear the commendation of the gentleman of the work of the committee. Is it the opinion of the gentleman that, as a result of this investigation, laws may be framed to protect a situation of this sort hereafter?

Mr. CULKIN. A bill has already been formulated creating the position of conservator. It has been introduced and has gone before the Committee on the Judiciary. It will correct this situation in the future, but it will not aid the present condition of these unhappy investors who are being exploited.

Mr. BANKHEAD. And is the gentleman of the opinion that that legislation will run the gauntlet of the Supreme Court?

Mr. CULKIN. Oh, the gentleman surely does not ask me to speak for the Supreme Court; but, in drawing the legislation, due regard will be had for that Court's recent holdings.

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

Mr. CULKIN. Yes.

Mr. MAY. I think it is the purpose of the investigation to formulate a plan and get information on which to base proper legislation, is it not?

Mr. CULKIN. That is only one phase of it. It involved an investigation into a great number of issues, where, as I said a moment ago, conventionalized grand larceny was the order of the day in practically every one of the issues examined. The continuance of the committee will hold the existing committees up to a high standard of fidelity.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. COCHRAN. Mr. Speaker, I move the previous question on the resolution and amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution, as amended.

The resolution was agreed to.

A motion to reconsider the vote by which the resolution was agreed to was laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent that on Monday next, immediately following the reading of the Journal and the disposition of business on the Speaker's table, I may address the House for 15 minutes on the subject of free speech and a free press.

Mr. KNUTSON. Mr. Speaker, I reserve the right to object. I shall not object providing this side is granted a similar time, following the gentleman from Maine.

The SPEAKER. The Chair will put the requests separately. The gentleman from Maine asks unanimous consent that on Monday next, immediately following the reading of the Journal and the disposition of business on the Speaker's table and the special order heretofore granted, he be given 15 minutes in which to address the House. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I make a similar request for 10 minutes, following the gentleman from Maine.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that on Monday next, immediately after the reading of the Journal and the disposition of business on the Speaker's table and the two special orders heretofore granted, he may address the House for 10 minutes. Is there objection?

Mr. BANKHEAD. Mr. Speaker, I reserve the right to object. Next Monday is a special calendar day. I realize that a number of gentlemen would like to address the House on particular subjects. I hope no further requests will be made to address the House on Monday next.

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

There was no objection.

Mr. SABATH. Mr. Speaker, I fully appreciate that the gentleman from Missouri [Mr. COCHRAN] desired to save me as much exertion as possible in view of my present physical condition. However, as several questions were propounded to the gentleman, I should like to clear up a few points at this time.

I feel certain that the Members of the House must be aware of the tremendous work its select committee has done in securing evidence relative to the questionable and too often thieving practices of these "protective" committees, banks, trust companies, houses of issue, and large law firms. But I am positive, gentlemen, that the groups I have referred to have kept an even closer and a more anxious watch over our activities.

The penetrations of our committee have resulted in huge savings to the bondholders and have restricted these "protective" committees, banks, and houses of issue to a point that they are alarmed lest once and for all a stop be made of their milking the $20,000,000,000 worth of real estate and the billions of dollars' worth of industrial, municipal, and foreign bonds.

We have shown that it is the ultimate aim of these groups to obtain control, management, and ownership of the finest properties in the country.

It is only to be expected that our investigations would result in some retaliatory measures being attempted by these groups, and I have not been surprised to find that their lobbyists are active. During the past few months, especially, every pressure has been brought to halt us. Most poisonous of all have been the widespread reports that these groups through pressure at Washington would block a further appropriation and prevent further investigations.

Fortunately, I do not believe that the House has been unaware of what these people have sought to do, nor is it ignorant of the extremes to which they have gone in their efforts to stop the committee. Nevertheless, I want to briefly reiterate some of my previous statements, to show the necessity that this committee be enabled to continue its investigations.

In 1929, when defaults started to occur on many bond issues, the houses of issue, guaranty trust companies and title companies, formed their own "protective" committees, composed of the firm employees, their friends, or dummies. For "window dressing" the names of prominent local citizens would be placed on the committee. They would then locate the bonds—which in many cases had originally been sold through misrepresentation—and solicit their deposit, on the grounds that the committee would be in a better position to protect the rights of the bondholders than the individuals themselves could do. Under the so-called deposit agreements, which depositing bondholders never saw, they virtually forfeited all claims and rights to the bonds.

The racketeers, to use the right name for these men, were hungry for money. They borrowed on the deposited bonds to pay huge fees, charges, and costs to themselves and to their lawyers. Often bonds were even sold to pay these loans, resulting in the bondholders ultimately receiving only a few cents on the dollar for their bonds.

Close to twenty billions of bonds have been deposited with the "protective" committees; and under the terms of a provision in the deposit agreements, the bondholders, knowingly and, in most instances, unknowingly, judging from the thousands of complaints received, agreed that from 3 to 5 percent of the face value of their bonds could be used by these "protective" committees for salaries, fees, and other expenses. Allowing the low figure of 3 percent, the fees of these committees alone, saying nothing of the outside fees for attorneys, appraisers, and other set-ups, would amount to $600,000,000.

Once bonds were deposited, bondholders found that in order to obtain their return they would generally be forced to pay 5 percent of the face value, which was often more than the market value of the bonds.

The moment bonds were deposited the committees took charge of the property, appointing managing committees, advisory committees, a depositary, an appraising committee, then filed suit to foreclose and had their own nominee appointed as receiver. Their own managing committee would then make new or change existing leases to suit their own purpose or profit, and revenues of the property would be diverted, to the detriment of bondholders.

The next step came when the bondholders were notified that the property was being sold for taxes; that revenues and the value of the property had depreciated, and doubt existed as to the value of their bonds. Then, through their agents and brokers these men would buy up the bonds for as low as 3 cents on the dollar. There would follow the order for sale of the property, and sometimes sale would be made even without court order, or when under section 77B, with the approval of the court, for as low as 5 cents on the dollar. Nondepositing bondholders would be frozen out completely, and the depositing bondholders would get but a cent or less on the dollar, after fees and charges had been paid.

In many instances in reorganizations under 77B they would have themselves appointed by the court, or under depositary agreement, as voting trustees, obtaining and retaining control of these valuable properties for 10 and even 15 years, by which time there will be nothing left for the bondholders.

I wish it were possible for the Members to read my preliminary report, or at least my recent speech. Its revelations of practices we found to exist will prove amazing, and I know that the Accounts Committee, if it fully realized the extent of this racket and the sum of money involved, would not only have voted for the $50,000 we requested, but would suggest that the committee increase the scope of its activities and double the amount asked for.

For every dollar the committee has expended it already has brought to the Treasury of the United States at least from $3 to $5, and will eventually result in the recovery of from two to four times these figures through evidence we have turned over to the Bureau of Internal Revenue. This, however, was only incidental to our basic investigation of "protective" committees, and so forth.

The influential and powerful men who constitute these "protective" committees from coast to coast have done everything possible in an effort to harass, hinder, thwart—yes, and even to besmirch the committee. I wish to assure the House that the committee has been extremely fair. As chairman I have at all times refused to allow politics to enter into this investigation.

Most of the protective committees are centered in New York, Chicago, Detroit, and Los Angeles, and control properties all over the country. What they are doing to real estate they are also doing to municipal and industrial issues. I wish I had time to read the hundreds of letters from the bondholders who, through this investigation, have been saved at least part of their investments.

We have succeeded in obtaining the elimination of some of these crooked committees and placed the properties in the hands of the bondholders themselves. We have stopped the outrageous fees of lawyers, receivers, and trustees, and have increased the value of bonds as high as 1,200 percent.

I am satisfied that the work of this committee has to a great extent stopped the wholesale plundering of 5,000,000 investors by the most conniving bunch ever banded together—who without putting up any ante whatsoever, grab for stakes which means millions in present fees and the proceeds for years to come of thousands of pieces of the most outstanding properties in the United States, and for their ultimate ownership.

Our work is not done, however, and will not be until we have succeeded in passing the bill, H. R. 10634, which we introduced and which is now before the Judiciary Committee. I desire to have the bill inserted in the RECORD at this point, together with a résumé thereof.

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

There was no objection.

The matter referred to is as follows:

A bill to prevent excessive charges and loss of assets in connection with certain reorganizations, compositions, and extensions; to amend the Bankruptcy Act of July 1, 1898; to aid the district courts in the administration thereof; to authorize the Reconstruction Finance Corporation to make loans to finance certain reorganizations, compositions, and extensions; and for other purposes

Be it enacted, etc., That chapter VIII, as amended, of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, is amended by adding at the end of such chapter the following new section:

"SEC. 77C. CONSERVATOR IN BANKRUPTCY.—(a) (1) There shall be a conservator in bankruptcy (hereinafter referred to as the 'Conservator'). The President shall—

"(i) Designate by Executive order, as the Conservator, the Securities and Exchange Commission, the Comptroller of the Currency, or any other appropriate agency of the Government, whichever the President may find and proclaim in such order to be the most appropriate, economical, and efficient agency for the purpose of carrying out the provisions of this section, or

"(ii) Establish, by Executive order, a new agency as Conservator, if he finds and proclaims in such order that the establishment of a new agency will be a more economical and efficient means of carrying out the provisions of this section than the use of an existing agency. The Conservator is authorized to act as a trustee, custodian, or receiver, as hereinafter in this section provided, and to perform such other functions as may be vested in it by this section or by any other law.

"(2) The Conservator is authorized to prescribe and publish such rules and regulations, make such investigation and examinations, and require such information and reports, as are necessary, in its opinion, to carry out and enforce the provisions of this section. The rules and regulations prescribed by the Conservator shall be published in the Federal Register, and they may be altered, amended, or revoked by the Conservator.

"(3) For the purpose of any investigation or examination which, in the opinion of the Conservator, is necessary and proper for the enforcement of this section, the Conservator or any officer or employee designated by it is empowered to administer oaths and affirmations, take evidence, and require by subpena or otherwise the attendance of witnesses and the production of any books, papers, or documents which the Conservator deems relevant or material to the inquiry. Such attendance of witnesses and the production of such books, papers, or documents may be required from any place in the United States or any Territory at any designated place of hearing. In case of contumacy by, or refusal to obey a subpena issued to, any person, any district court of the United States (including the Supreme Court of the District of Columbia) within the jurisdiction of which such person guilty of contumacy or refusal to obey is found or resides, upon application by the Conservator may issue to such person an order requiring such person to appear before the Conservator, or officer or employee designated by it, there to produce books, papers, or documents, if so ordered, or there to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof. No person shall be excused from attending and testifying or from producing books, papers, or documents in obedience to the subpena of the Conservator, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(4) The Conservator is authorized, without regard to the provisions of the civil-service laws or the Classification Act of 1923, as amended, to employ and fix the compensation of such attorneys, officers, deputy conservators, special experts, examiners, clerks, and other employees, as are necessary for the enforcement of this section. Any power, function, or duty authorized by this section or by any other law to be exercised or performed by the Conservator may be exercised by any deputy conservator under the direction of the Conservator. Any attorney or attorneys of the Conservator may be designated to act as counsel for the Conservator in its capacity as trustee, custodian, or receiver.

"(b) In any proceeding under section 74 or 77B of this chapter, as amended, involving a debtor corporation or an individual debtor, the court shall appoint the Conservator as sole trustee, custodian, or receiver, without bond, whether or not a trustee, custodian, or receiver shall theretofore have been appointed, and in any such proceeding the court shall not appoint any person other than the Conservator as trustee, custodian, or receiver.

"(c) No composition or extension proposal or reorganization plan for the debtor in any proceeding referred to in subdivision (b) of this section shall be confirmed by the court unless—

"(1) A copy of the petition or the answer filed with the court in such proceeding shall forthwith be filed with the Conservator. In no case shall a petition or answer be approved by the court as properly filed without first giving the Conservator an opportunity to be heard and to submit its recommendations with respect thereto in writing to the court.

"(2) The plan of reorganization or proposal for a composition or extension in such proceeding has either been proposed by the Conservator, or has, prior to being filed in the proceeding, or submitted to the court or the judge for any purpose, been submitted to the Conservator and either approved or disapproved by the Conservator, and if disapproved, the objections and recommendations required by subdivision (d) of this section have been filed in the proceeding and the court has given the Conservator an opportunity to be heard in respect thereto.

"(3) All fees, expenses, and remuneration, to whomsoever paid or to be paid (except amounts fixed pursuant to section 48, as amended, of this act) in connection with such proceeding or plan of reorganization or proposal for an extension or composition have been approved by the Conservator as fair and reasonable. The provisions of this paragraph shall not be construed to prohibit the allowance of any fees, expenses, or remuneration in a lesser amount than those approved by the Conservator.

"(d) The Conservator shall not approve any plan of reorganization or proposal for a composition or extension unless the Conservator finds that such plan or proposal is fair and equitable, after a thorough study of such plan or proposal and a complete examination and investigation with respect thereto. In case of an approval by the Conservator it shall file a certificate of approval in the proceeding. In case of a disapproval by the Conservator it shall state its objections to the plan or proposal and make such recommendations with respect thereto, shall file the objections and recommendations in the proceeding, and shall take such further action not inconsistent with the provisions of this section as may be necessary, in order that a fair and equitable plan or proposal may be developed. In deciding whether any such plan or proposal is fair and equitable, the Conservator shall take into consideration the initial investment of any creditors or stockholders to be affected by the plan or proposal, if in its opinion such investment and the provision made therefor in the plan or proposal materially affect the fairness of such plan or proposal.

"(e) In any proceeding under section 77B of this chapter, as amended, for the reorganization of a debtor corporation the Conservator shall be deemed to be a party in interest within the provisions of subdivision (f) of such section 77B. A composition or extension proposal or a reorganization plan in any proceeding referred to in subdivision (b) of this section may be proposed to the court in the first instance by the Conservator.

"(f) No person shall solicit or knowlingly permit the use of his or its name to solicit any proxy, consent, acceptance, authorization, power of attorney, deposit, or dissent in respect of any composition or extension proposal or reorganization plan in any proceeding referred to in subdivision (b) of this section unless—

"(1) Each such solicitation is accompanied or preceded by a copy of a report on the proposal or plan which shall be made by the Conservator after an opportunity for a hearing on the proposal or plan and such other proposals or plans as may have been submitted to or sponsored by it, or by an abstract of such report made by the Conservator or approved by the Conservator as accurately setting forth the substance of such report; and

"(2) Each such solicitation is made not in contravention of such rules and regulations as the Conservator may deem necessary to insure that persons solicited will not be misled as to any matter in respect of such proceeding.

"(g) (1) No court of bankruptcy shall have jurisdiction (i) to entertain, or to take any action in respect of, any petition to institute any proceeding referred to in subdivision (b) of this section, or praying for leave to intervene in any such proceeding, filed by or on behalf of any protective committee in its capacity as such, or (ii) to allow, or to entertain or take any action in respect of any petition praying for an allowance of any fees, expenses, or other remuneration in respect of any plan of reorganization or proposal for a composition or extension in any such proceeding, filed by or on behalf of any protective committee, member thereof, or attorney therefor, in its or his capacity as such, unless there is attached to such petition, or filed in such proceeding, a certificate of the Conservator certifying that—

"(i) There have been filed with the Conservator the protective committee agreement under which such committee is acting, or proposing or purporting to act, and a statement regarding the membership of such committee and the affiliations of the members thereof;

"(ii) The provisions or limitations of such agreement, and the membership of such committee have been approved by the Conservator; and

"(iii) The changes, if any, in such agreement or in the membership of such committee, made prior to the time the court acts in respect of the matter in question, have been submitted to the Conservator, and have been approved by the Conservator.

"(2) The Conservator shall approve the provisions or limitations of such an agreement (including any changes therein) unless the Conservator finds that such provisions or limitations (i) deny, or place undue restrictions upon, the right of depositors to withdraw their securities from such committee; (ii) give to such committee power to hypothecate securities of depositors for any purpose other than that of paying actual, necessary, reasonable, legitimate expenses of the committee (as such expenses may be defined by rules and regulations of the Conservator); (iii) entitle such committee, in view of the par value of securities deposited, or which may be deposited, with such committee, to an unreasonable amount for the purpose of paying fees, expenses, or other remuneration to the members of such committee, attorneys for the committee, or any person performing services for such committee; or (iv) otherwise prejudice the formulation and acceptance of a fair and equitable plan or proposal. The Conservator shall approve the membership of such committee (including any change therein) unless the Conservator finds (i) that any member of such committee is or has been directly or indirectly connected with the issuer of the securities deposited with such committee, the underwriter of such securities, the debtor or the person who would be the debtor in the proceeding, or any guarantor of such securities, or (ii) that the membership of such committee otherwise gives rise to a conflict of interests between the members of such committee and its depositors.

"(3) As used in this subdivision—

"(i) The term 'protective committee' means any person or group of persons acting, or proposing or purporting to act, for or in behalf of owners or holders of securities for the purpose of protecting, preserving, and forwarding, or either, the common interests of owners or holders of such securities in connection with, or in anticipation of, any proceeding referred to in subdivision (b) of this section; but such term shall not include any person or group of persons upon whom authority so to act was or is conferred by the instrument under which the securities were originally issued or by any amendment to such instrument.

"(ii) The term 'protective committee agreement' means any agreement by which the owner or owners, or holder or holders of securities confer upon a protective committee authority to act for or in their behalf.

"(iii) The term 'depositor' means any person conferring upon a protective committee power to act for or in his behalf.

"(h) In any proceeding referred to in subdivision (b) of this section the judge may on his own motion or at the request of the Conservator refer any matters for consideration and report, either generally or upon specified issues, to one of several special masters

who shall have been previously designated to act as special masters in any such proceeding by order of any circuit court of appeals, and may allow such master a reasonable compensation at a rate not in excess of $7,500 per annum in the aggregate for his services, and actual and reasonable expenses. The circuit court of appeals of each circuit shall designate three or more members of the bar who have been recommended by the Attorney General as such special masters whom they deem qualified for such services, and shall from time to time revise such designations by changing the persons designated or their number, as the public interest may require. There shall always be three of such special masters qualified for appointment in each circuit who shall hear any matter referred to them under this section by a judge of any district court. The Conservator, the debtor, any creditor or stockholder, or the duly authorized committee, attorney, or agent of either or the trustee or trustees of any mortgage, deed of trust, or indenture pursuant to which securities of the debtor are outstanding and any interested party, upon petition therefor and cause shown, may, subject to the provisions of subdivision (g) of this section, be permitted to intervene. The judge may, after hearing, make reasonable rules defining the matters upon which notice shall be given to other than interveners and the manner of giving such notice.

"(i) No petition to institute any proceeding referred to in subdivision (b) of this section may be filed by any person if a receiver or trustee of all or any part of the property of the person who would be the debtor in such proceeding has been appointed (other than in a proceeding under the provisions of sec. 74 or 74B of this chapter) by any court, State, Federal, or Territorial, unless there is attached to such petition a certificate of the Conservator that further proceedings in such State or Federal court will be of no substantial benefit to creditors and stockholders.

"(j) The Conservator may petition the court within 180 days after the date of designation of the Conservator by the President, to reopen any proceeding involving a debtor corporation or an individual debtor in which a plan of reorganization or proposal for a composition or extension has, since July 1, 1934, and prior to such date of designation, been finally confirmed if, in the opinion of the Conservator, material facts which would have affected such confirmation were not brought to the attention of the court.

"(k) Any person who willfully violates any of the provisions of this section, or any rule or regulation made or promulgated by the Conservator under authority of subdivision (f) of this section, shall, upon conviction be fined not more than $5,000 or imprisoned not more than 5 years, or both.

"(l) As used in this section—

"(1) The term 'debtor corporation' means a debtor as used in section 77B of this chapter, whose liabilities include obligations in a total amount of $50,000, or over, which are evidenced by at least 10 credit instruments severally owned by not less than 10 persons.

"(2) The term 'individual debtor' means a debtor (except a corporation) as used in section 74 of this chapter, whose liabilities include obligations in a total amount of $50,000, or over, which are evidenced by at least 10 credit instruments severally owned by not less than 10 persons.

"(3) The term 'plan' and 'plan of reorganization' means a plan of reorganization as used in section 77B of this chapter.

"(4) The term 'proposal' and 'proposal for a composition or extension' means a proposal for a composition or extension as used in section 74 of this chapter.

"(m) The Conservator shall be entitled to, and the court may allow the Conservator, a reasonable fee for services performed by it under this section in connection with a plan of reorganization or proposal for a composition or extension in order to defray its expenses in connection with such services. Such fees shall be in lieu of all other fees to which the Conservator would otherwise be entitled by law, shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.

"(n) There is hereby authorized to be appropriated for expenditure by the Conservator—

"(1) For the fiscal year ending June 30, 1937, $2,000,000, or so much thereof as may be necessary, which may be made available immediately;

"(2) For the fiscal year ending June 30, 1938, $2,000,000, or so much thereof as may be necessary; and

"(3) For each fiscal year thereafter, such sums as may be necessary, except that the aggregate of appropriations for any such fiscal year and all prior appropriations for such purpose available for any period after June 30, 1938, shall not exceed the total amount of fees deposited in the Treasury pursuant to subdivision (m)."

LOANS BY THE RECONSTRUCTION FINANCE CORPORATION

SEC. 2. (a) The Reconstruction Finance Corporation or any agency thereof is authorized and empowered:

(1) To make loans to the debtor or other corporation or corporations provided for in a plan of reorganization under section 77B of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, for the purpose of financing and carrying out such reorganization, if such plan has been approved by the Conservator in Bankruptcy in accordance with the provisions of section 77C of such act;

(2) To make loans to any individual debtor for the purpose of financing a composition or extension of his debts under section 74 of such act of July 1, 1898, as amended, if the composition or extension proposal has been approved by the Conservator in Bankruptcy in accordance with the provisions of section 77C of such act.

(b) Loans made under this section shall be made for such periods and at such rates of interest and under such other terms and conditions as the Reconstruction Finance Corporation may prescribe. The aggregate amount of the notes, debentures, bonds, or other obligations which the Reconstruction Finance Corporation is authorized to have outstanding at any one time, is hereby increased by such amounts as may be necessary to carry out the provisions of this section. Without regard to any provision of the bankruptcy laws or of the Judicial Code empowering any court of the United States to enjoin the sale of any collateral held by a creditor of a bankrupt or of a debtor under such bankruptcy laws, the Reconstruction Finance Corporation, under such conditions as it shall prescribe, may take over or provide for the administration and liquidation of any collateral accepted by it as security for any loans made under this section.

(c) Any assistance, or any renewal or extension thereof, given to or for any financial institution by the Reconstruction Finance Corporation, or any agency thereof, shall be conditioned upon the agreement of such financial institution that it will not, during the period of such assistance, or renewal of extension thereof, use, directly or indirectly, any of its funds, or the funds so obtained, for the purpose of financing or carrying out any plan of reorganization or proposal for a composition or extension to which the provisions of section 77C of such act of July 1, 1898, as amended, relate, unless the plan or proposal (as the case may be) and any fees and expenses to be paid in connection with such plan or proposal shall have been approved by the Conservator in Bankruptcy in accordance with the provisions of such section.

MISCELLANEOUS AMENDMENTS TO THE BANKRUPTCY ACT

SEC. 3. (a) Subdivision (i) of section 74 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is hereby amended by striking out the proviso in said subdivision and inserting in lieu thereof the following: *"Provided, however,* That, except as hereinafter provided, no extension or composition shall reduce the amount of or impair the lien of a secured creditor, but shall affect only the time and method of liquidation."

(b) Such subdivision (i) is further amended by adding at the end thereof a new sentence as follows: "A composition or extension of the debts of an individual debtor may reduce the amount of or impair the lien of secured creditors if the proposal for such composition or extension shall have been approved by the Conservator, as provided in section 77C of this chapter, as amended, and by at least two-thirds in number of the creditors to be affected by such composition or extension, which number must represent at least two-thirds in amount of each class of claims held by the creditors so affected."

SEC. 4. Subdivision (m) of section 74 of such act of July 1, 1898, as amended, is amended by inserting after the first sentence thereof the following: "In the case of such a proceeding brought to foreclose a lien on property, a 'final decree' means a decree finally confirming the sale of such property."

SEC. 5. Subdivision (a) of section 77B of such act of July 1, 1898, as amended, is amended by adding at the end thereof the following: "As used in this section the term 'equity receivership' includes a proceeding to foreclose a lien on property. A final decree in the case of such a proceeding means an order or decree finally confirming a sale of such property."

SEC. 6. Subdivision (a) of section 40 of such act of July 1, 1898, is hereby amended to read as follows:

"SEC. 40. Compensation of referees: (a) Referees shall receive as full compensation for their services payable after they are rendered, a fee of $15 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and 25 cents for every proof of claim filed for allowance, to be paid from the estate, if any, as a part of the cost of administration, and from estates which have been administered before them 1-percent commissions on all moneys disbursed to creditors by the trustee, or one-half of 1 percent on the amount to be paid to creditors upon the confirmation of a composition, or, in case of an extension proposal, one-half of 1 percent commissions on the amount of debts whose maturity is to be extended and of the debts, if any, to be paid in full under the terms of an extension confirmed by the court: *Provided, however,* That in the case of an extension, the judge may provide the terms and conditions for the payment of commissions to the referee.

"Referees in an ancillary proceeding shall receive as full compensation for their services, payable after they are rendered, a fee of $15 deposited with the clerk of the ancillary court at the time the ancillary proceedings is instituted, 1-percent commission on all money disbursed in the ancillary proceeding by the receiver, the ancillary receiver, and the trustee, and on the fair value of all property transmitted in kind by the ancillary court to the court of primary jurisdiction: *Provided further,* That the judge may by standing rule or otherwise fix the maximum amount of compensation in any 12-month period to be retained by any referee out of the commissions aforementioned and out of any fees which may be allowed to him as special master in any proceedings under this act, and the excess, if any, of such maximum amount so fixed shall be paid monthly by every such referee to the clerk of the United States district court.

"In those districts where the maximum amount of any referee's compensation has been fixed as aforesaid, any such referee shall be deemed to have earned one-twelfth of such compensation for each month in which he served, and if at the time of the resignation, removal, or death of any such referee, the amount received by the referee is in excess of the amount so earned, then the excess thereof shall be paid to the clerk of such district.

"The clerk of the United States district court shall annually pay into the Treasury of the United States any sums so paid to them by referees."

SEPARABILITY CLAUSE

SEC. 7. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SHORT TITLE

SEC. 8. This act may be cited as the Conservator in Bankruptcy Act.

SUMMARY OF PROVISIONS (H. R. 10634), A BILL TO PROTECT BONDHOLDERS IN REORGANIZATION, COMPOSITIONS, AND EXTENSIONS, AND PREVENT EXCESSIVE CHARGES AND LOSS OF ASSETS, INTRODUCED BY HON. A. J. SABATH

The bill provides that a Federal agency be established to act as a conservator in all 74 and 77B proceedings in bankruptcy.

In all such proceedings, the Conservator shall act as sole receiver, custodian, or trustee, with compensation limited to actual expenses. Attorneys of Conservator may act as its counsel when acting as trustee, receiver, or custodian. (This procedure will materially minimize the costs of reorganization, as well as enable the Conservator to have full knowledge of and control over the entire proceedings and estate.)

The Conservator may, by its rules, regulate protective committees and its personnel, may prescribe the provisions and limitations of deposit agreements, and the solicitation of proxies, assents, deposits, consents, etc.

The Conservator may itself propose a plan of reorganization or proposal for a composition or extension, and shall approve all plans or proposals by others before it is submitted to court, as well as all fees, expenses, and compensation in all such proceedings.

The court, or upon suggestion of Conservator, may refer any issues, either specially or generally, to a special master. The salaries of masters are limited to no more than $7,500 per annum (present fee system abolished).

Provision for a fine of not more than $5,000 and imprisonment for no more than 5 years is made for the willful violation of any provisions of this act or of any rule or regulation promulgated by the Conservator.

This bill includes any reorganization, composition, or extension, which involves liabilities in the amount of $50,000 or over, evidenced by at least 10 credit instruments owned by at least 10 persons.

Referees are placed upon a salary basis to be fixed by the respective district judges instead of on the old fee system. All fees in excess of salary revert to the Treasury of the United States.

In addition to present powers, the Reconstruction Finance Corporation is authorized to make loans to finance such reorganizations, compositions, or extensions if approved by the Conservator.

Loans by the Reconstruction Finance Corporation to mortgage companies and other financial institutions are conditioned upon the agreement that none of the funds so loaned will be used in such reorganization, composition, or extension unless approved by the Conservator.

Mr. SABATH. The other members of the committee and myself are extremely anxious to conclude our investigations and hearings this year. We feel, however, that we must hold hearings in Philadelphia, Nashville, and Cleveland and complete the hearings in California, New York, Boston, and Chicago.

The gentleman from New York raised the question as to whether any of the provisions of our bill, H. R. 10634, would lead to questions of constitutionality. May I say at this time that we have revised this bill—there were two bills previously introduced which were not passed—and I am certain that no question of constitutionality will arise. It is true that we have to some extent restricted the power of judges, which Congress has the right to do. This was necessary because of abuses which crept in under 77B, and all fair-minded judges recognize that such abuses should be halted.

Of course, there are some who still feel that they should have the power to appoint as trustee members of these racketeering committees, those recommended by banks or their friends, and still others for special reasons. We intend to penetrate this angle along with our other investigations.

I want these banking and investment groups to know that they cannot dominate the Congress of the United States. If for any reason this committee cannot finish its Nation-wide investigations because of lack of appropriations or otherwise, or if our bill is delayed in passing, I shall insist that a larger committee, with still greater power and sufficient funds, be appointed for the protection of these bondholders and to reestablish confidence in real estate. I know that Congress will be with me in this. However, I am confident of the passage of the bill rendering appointment of such a committee unnecessary.

In conclusion, I again want to thank the select committee members for their work and the many accountants, attorneys, investigators, and others who have given their services without compensation.

Particularly at this time I want to give voice to my appreciation of the Treasury Department's splendid cooperation. The committee is indeed grateful for the aid they rendered. Were it not for this Department we would have been obliged to suspend our investigations and even the hearings, and I cannot too heartily thank them for their timely and invaluable assistance. [Applause.]

INDEPENDENT MERCHANTS VERSUS MONOPOLY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therein certain amendments suggested to a bill I expect to discuss in the extension.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated and to insert certain amendments. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, Senator JOSEPH T. ROBINSON, of Arkansas, introduced in the Senate S. 3154, and I introduced in the House H. R. 8442—

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

STATUS IN HOUSE

These bills were introduced in June 1935. Hearings were held by the House Committee on the Judiciary, of which the Honorable HATTON W. SUMNERS is chairman, commencing June 10, 1935, and continued for several days. The House Committee on the Judiciary, before the adjournment of the last session of Congress, referred the bill to a subcommittee. Congressman HUBERT UTTERBACK, of Iowa, is chairman of that subcommittee. Congressman UTTERBACK has worked for months on this legislation, and will probably, I am told, be in a position to report to the whole committee within a few days. The whole committee, as well as the subcommittee, has been very patient and considerate with all who were sponsoring and opposing this legislation. Everyone having views on the subject who requested time has been given time to express his views. The record is full of valuable testimony.

STATUS IN SENATE

The Senate Committee on the Judiciary, of which Senator HENRY F. ASHURST, of Arizona, is chairman, referred Senator ROBINSON's bill to a subcommittee, of which Senator MARVEL MILLS LOGAN, of Kentucky, is chairman. This subcommittee reported the bill favorably and unanimously to the whole committee with amendments suggested by authors of the legislation. The whole Committee on the Judiciary, on February 3, 1936, unanimously reported the bill agreed upon by the subcommittee to the Senate, and it is now on the Senate Calendar. The Senate committee did not have open hearings on the bill, but considered information obtained from the three following sources:

First. Investigation conducted by the Federal Trade Commission on chain stores.

Second. Hearings before the Committee on the Judiciary of the House.

Third. Hearings conducted by the special committee, of which I am chairman, investigating the American Retail Federation and large-scale buying and selling at wholesale and retail.

COPY OF BILL

This bill is expected to pass the Senate in a short time. The bill, as pending on the Senate Calendar, is as follows:

[S. 3154—Rept. No. 1502—Calendar No. 1567]

Be it enacted, etc., That section 2 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended (U. S. C., title 15, sec. 13), is amended to read as follows:

"SEC. 2. (a) That it shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price or terms of sale between different purchasers of commodities of like grade and quality, where either or any of the purchases involved in such discrimination are in commerce, where such commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, and where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or receives the benefit of such discrimination, or with customers of either of them: *Provided*, That nothing herein contained shall prevent differentials in prices as between purchasers depending solely upon whether they purchase for resale to wholesalers, to retailers, or to consumers, or for use in further manufacture; nor differentials which make only due allowance for differences in the cost, other than brokerage, of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered: *Provided, however*, That the Federal Trade Commission may, after due investigation and hearing to all interested parties, fix and establish quantity limits, and revise the same as it finds necessary, as to particular commodities or classes of commodities, where it finds that available purchasers in greater quantities are so few as to render differentials on account thereof unjustly discriminatory or promotive of monopoly in any line of commerce; and the foregoing shall then not be construed to permit differentials based on differences in quantities greater than those so fixed and established: *And provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.

"(b) That it shall be unlawful for any person engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

"(c) That it shall be unlawful for any person engaged in commerce to pay or contract for the payment of anything of value to or for the benefit of a customer of such person in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such person, unless—

"(1) Such payment or consideration is offered on proportionally equal terms to all other customers competing in the distribution of such products or commodities; or unless

"(2) The business, identity, or interests of such customer are in no way publicly associated, by name, reference, allusion, proximity, or otherwise, with or in the furnishing of such services or facilities, and the consideration paid therefor does not exceed the fair value of such services or facilities in the localities where furnished.

"(d) For purposes of suit under section 4 of this act the measure of damages for any violation of this section shall, where the fact of damage is shown, and in the absence of proof of greater damage be presumed to be the pecuniary amount or equivalent of the prohibited discrimination, payment, or grant involved in such violation; limited, however—

"(1) Under subsections (a) and (b) above, by the volume of plaintiff's business in the goods concerned, and for the period of time concerned, in such violation;

"(2) Under subsection (c) above, to the amount or share, or its pecuniary equivalent, to which plaintiff would have been entitled if the payment concerned in such violation had been made or offered in accordance with paragraph (1) of said subsection (c).

MAIN PROVISIONS OF BILL

It will be noticed that the main provisions of this bill are as follows:

First. It prevents manufacturers from discriminating in price or terms of sale between purchasers of commodities of like grade and quality. This will not prevent manufacturers from competing, but each manufacturer must deal with his customers in the same fair and square way. Neither will it prevent retailers competing, but if the retailers purchase from the same manufacturer, they will be on an equal footing. In other words, it is not a price-fixing bill but a bill that will afford fair competition.

Second. The present treble damage provision of the antitrust laws is not sufficiently effective for the small man who has his business crushed by unfair and illegal methods. Our bill amends the provision in a way that a measure of damage is provided for and may be enforced by the smallest concern against the greatest.

Third. Under section 2 (a) of this bill—the last part of that section—a quantity limit may be fixed by the Federal Trade Commission for the guidance of manufacturers in dealing with their customers in interstate commerce. If a manufacturer sells one unit so fixed by the Federal Trade Commission, it receives the same price per unit as if it sold several hundred such units. The same principle is enforced on freight rates—Mr. John Q. Citizen pays the price for transporting a carload of freight as the Standard Oil Co. or any other concern that has several thousand times as many carloads of freight transported. The Supreme Court of the United States in the case of the *Interstate Commerce Commission* v. *Baltimore & Ohio Railroad* (145 U. S. 263) stated:

> The real question is whether this operates as an undue or unreasonable preference or advantage to this particular description of traffic, or an unjust discrimination against others. If, for example, a railway makes to the public generally a certain rate of freight, and to a particular individual residing in the same town a reduced rate for the same class of goods, this may operate as an undue preference, since it enables the favored party to sell his goods at a lower price than his competitors, and may even enable him to obtain a complete monopoly of that business. Even if the same reduced rates be allowed to everyone doing the same amount of business, such discrimination may, if carried too far, operate unjustly upon the smaller dealers engaged in the same business and enable the larger ones to drive them out of the market.

Although the language of the Court was not directly in point on the issues involved, it was an expression of the Supreme Court, and it is certainly on all fours with our proposal.

It is admitted that a trainload shipment can be made at much less cost per car than a single-car shipment. If, however, lower rates were permitted in such a case, large dealers would be able to destroy small dealers. Our quantity provision will apply to all modes of transportation including trucks, barges, and railroads. That is, a quantity would be fixed at an amount equal to a carlot in most cases but smaller quantities in others. One who purchases such a "fixed quantity" from a manufacturer will be permitted to receive it for the same price and terms as one who purchases many hundred such fixed quantities; the same theory that one who causes one carload of freight to be transported pays the same price per car as one who ships thousands of cars at the same time.

Fourth. Pseudo-advertising allowances are abolished.

Fifth. The payment of brokerage or commission under certain conditions is prohibited.

OBJECT OF LEGISLATION

The object of the legislation is to protect the independent merchant, the public whom he serves, and the manufacturer from whom he buys from exploitation by unfair competitors, and to prevent monopoly which is destructive to the interest of farmers, wage earners, and consumers. The aid and assistance of all Members of the House is desired in our efforts to enact this legislation.

The following Members of the House have expressed interest in this legislation, and many of them are assisting in securing the passage of this bill and have pledged their 100-percent cooperation: Alfred F. Beiter, New York; William M. Berlin, Pennsylvania; Fred Biermann, Iowa; C. G. Binderup, Nebraska; R. T. Buckler, Minnesota; Clarence Cannon, Missouri; William M. Citron, Connecticut; John J. Cochran, Missouri; William M. Colmer, Mississippi; Fred L. Crawford, Michigan; Eugene B. Crowe, Indiana; René L. DeRouen, Louisiana; John D. Dingell, Michigan; Matthew A.

Dunn, Pennsylvania; Joe H. Eagle, Texas; Albert J. Engel, Michigan; Marcellus H. Evans, New York; Joachim O. Fernandez, Louisiana; William L. Fiesinger, Ohio; Brooks Fletcher, Ohio; Finly H. Gray, Indiana; Paul R. Greever, Wyoming; Harry L. Haines, Pennsylvania; Arthur D. Healey, Massachusetts; Fred H. Hildebrandt, South Dakota; Knute Hill, Washington; Clare E. Hoffman, Michigan; John M. Houston, Kansas; Kent E. Keller, Illinois; Charles Kramer, California; Arthur P. Lamneck, Ohio; Josh Lee, Oklahoma; John Lesinski, Michigan; Carl E. Mapes, Michigan; John A. Martin, Colorado; Sam C. Massingale, Oklahoma; Dan R. McGehee, Mississippi; James A. Meeks, Illinois; Numa F. Montet, Louisiana; Theodore L. Moritz, Pennsylvania; Edward W. Patterson, Kansas; James L. Quinn, Pennsylvania; Adolph J. Sabath, Illinois; Harry Sauthoff, Wisconsin; William T. Schulte, Indiana; Howard W. Smith, Virginia; Joe Starnes, Alabama; Karl Stefan, Nebraska; Henry E. Stubbs, California; Clarence W. Turner, Tennessee; Fred M. Vinson, Kentucky; Francis E. Walter, Pennsylvania; Theodore B. Werner, South Dakota; B. Frank Whelchel, Georgia; Compton I. White, Idaho; and Orville Zimmerman, Missouri.

LEAVE TO ADDRESS THE HOUSE

Mr. WITHROW. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the reading of the Journal and disposition of business on the Speaker's table, my colleague the gentleman from North Dakota [Mr. LEMKE] may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

PAYMENT OF THE ADJUSTED-SERVICE CERTIFICATES

Mr. SCHULTE. 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. SCHULTE. Mr. Speaker and Members of the House of Representatives, the bonus fight is over. The measure providing for payment of the adjusted-compensation certificates has been passed. Today veterans are scurrying to and fro in every city and hamlet in this great country of ours filling out their bonus applications.

I am glad that it was my pleasure to cast my vote for the payment of this debt to the veterans of this country who so willingly answered the call to duty in 1917–18.

I have nothing but the deepest gratitude for the boys of 1917–18—the flower of our youth—who marched away to war when our country called. We did not ask these young men if they wanted to go into the trenches and give their lives for their country. We did not, nor could we in time of national peril, consult their wishes in the matter. War was at hand. So we took them and sent them out to perform the supreme duty of patriotism. The life of the Nation was at stake and it was they who had to save it. Therefore, with bands playing and flags waving and the arms of their loved ones beckoning godspeed on their perilous journey across a mine-embedded ocean, the flower of this country's youth went to fight the battles of this country in the blood-soaked trenches of France.

Millions of our young men were mustered together on the bloody battlefields of France, and after months of victorious campaigns, during which time thousands made the supreme sacrifice, the war ended on November 11, 1918.

The victorious heroes then returned home. With justified pride and deep emotion they again trod the soil of their native land amid the plaudits of the multitude. Then they were mustered out. Their swords were sheathed, their guns stacked, their uniforms laid aside, and the undramatic and crowded fields of civil life stretched before them. These young heroes had come from the farms, the villages, the towns, and the cities of every part of the land. They had given up their jobs and occupations to face the shot and shell of the enemy. They had changed their environments for something new, something different, something uplifting. Their horizons had been widened. They had fought for great ideals and noble objects. They had been reforged in a crucible fire and remade in the grim school of discipline and danger. They were bigger men; they were broader men than the unsophisticated youths who entered the Army as raw recruits from the farms, the plains, the mountains, and the cities of this great Nation of ours. They had to start life anew, with enlarged vision, with new and finer conceptions of duty, with higher aims and ambitions.

Thousands of them could not look with patience on the narrow and provincial life from which they had been drawn. They wanted larger opportunity to make themselves useful citizens of our great Republic. They wanted a chance at a larger and more fruitful life. But what was there to begin with except experience and bright hope? They had emerged from the warm atmosphere of a national welcome to find themselves faced with the grim indifference of civil life. Where were the jobs they had been led to believe were awaiting them for their priceless contribution to the cause of liberty and democracy? They were gone. Life stretched before these heroes, but what was there to start with?

It was this very need of assistance, resulting from the inadequate pay granted the soldiers as they marched off to face the deadly artillery fire of the enemy, that prompted the suggestion that a grateful nation recognize their inestimable services by increasing the compensation paid them during the war. This was generally called "adjusted compensation" or "soldiers' bonus." This was designed as a genuine help to the 4,000,000 men and women who saved the Nation in its hour of grave peril. As a matter of justice, payment of the bonus at this time means everything to them.

While these men were fighting and sacrificing for their country, every class in America, protected by their valor and sacrifice, was living in safety and earning more money and making larger profits than ever before in our history.

Now that the veterans have won their fight I can look with pride to the fact that one of the planks of my pre-election campaign has been nailed down securely in the platform I pledged to the veterans of my district—that of paying the veterans the bonus I felt was owed to them now. I believe that the same arguments advanced for payment of this debt years ago have not changed now. The years have not altered the justice of the claim for the boys who wore the khaki or navy blue in 1917–18.

Congress adjusted the pay of the railroads. Huge war profits were made by the munition manufacturers, and Congress also adjusted the pay of the war contractors in excess of $2,000,000. Take into consideration the vast sums—millions; yes; billions—that we have given to other nations. We have allowed them to filch millions from us in the sale of worthless bonds and securities. We have fed and clothed and rehabilitated the Belgians and the French, fed the Armenians and the Chinese—but we have failed miserably in feeding our own. Why, then, should our veterans be denied?

I can see many advantages to be gained by payment of this vast sum. Immediately after the 1st of July, when the vets start cashing in their bonds, they will meet their creditors face to face with a smile and wipe off forever old debts that were created months or years ago. Payment of these debts will stimulate all lines of business, and not only those who received the bonus will profit but also those in the various channels of trade.

With more millions of dollars in circulation as the result of this payment of this debt, all our people are bound to feel the acceleration which spending of this money will mean.

Payment of the bonus will put approximately $5,000,000 in circulation in my district, which will give tremendous impetus to business and result in employment to many now unemployed, as approximately 5,000 veterans will share in the $2,200,000,000 to be expended for adjusted-service certificates.

Payment of this debt will put money in circulation in every nook and corner of the First District of Indiana and in every precinct and township. It will permit men to pay debts. It will permit them to buy. Merchants and manufacturers of my district have the goods to sell. But they lacked buyers because the man on the street lacked money.

However, I hope that all of our veterans spend their money wisely—if it is necessary that they spend it. But more than that, I hope that when they receive their bonds that they hold them, if possible, until date of maturity. The men who receive these bonds are mature in years. They have families to support, and because of that fact I urge the veterans to spend their money wisely if it is necessary, but to hold the bonds if they can for a future nest egg. After all, these bonds will be as good as the Government. They will pay more interest and will be better than other bonds of the Government, because, while other bonds may sell for less than face value, these bonds can be cashed at any time for full value.

I am glad that I voted for every bonus measure that has come before the House while I have been a Member of Congress, because I pledged to the veterans of the First District of Indiana in my precampaign talks that I believed in their cause and I felt that their debt was a just debt.

There are some things which cannot be measured in dollars. Justice is one of them. Liberty is another. Democracy is still another. Liberty and democracy are founded on justice, and the Nation must stand for justice and do justice, no matter what the cost may be in blood or treasure.

If this Congress had refused to do justice to the great army of men and women who saved the Nation in its hour of extremity, we would have continued to leave in the hearts of the 4,000,000 defenders of the Nation and in the hearts of their families and friends the feeling that this great Nation of ours was not only unjust but ungrateful.

In the wave of materialism which has swept over the country since the war was fought our higher ideals seem to have been obscured. What Armistice Day ought to celebrate instead of merely signify has not yet been secured. The triumph over war, injustice, and oppression has not yet come. It may never come in full perfection, but it is our duty to fight unfalteringly for this noble end.

In conclusion I take pride in the honest advice of the late Theodore Roosevelt, who in paying a lasting tribute to the members of our fighting forces said:

> A man who is good enough to shed his blood for his country is good enough to be given a square deal afterward. More than that no man is entitled to, and less than that no man shall have.

As I said in the beginning, the bonus fight is over and tonight lights are burning brighter in the homes of millions of veterans in the greatest country on earth.

WAR DEPARTMENT APPROPRIATION BILL, 1937

Mr. PARKS. Mr. Speaker, I ask unanimous consent to proceed for half a minute to make a statement.

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

There was no objection.

Mr. PARKS. Mr. Speaker, many Members have asked when we expect to conclude the War Department appropriation bill. There are only two more subjects that are controversial, one with reference to the Reserve officers and the other with reference to the items in the river and harbor improvements. All of them have been very thoroughly discussed. It is almost imperative that this bill be finished sometime today or tonight, and I hope the Members will bear that in mind.

Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11035, with Mr. PARSONS in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

> For procurement of forage, bedding, etc., for animals used by the National Guard, $512,366.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word. I have made this pro-forma motion for the purpose of getting some information with reference to one feature of the service of the National Guard. There was quite a bit of discussion last year concerning the necessity for armories over the entire country for this organization. I understand some of the present armories have been burglarized and quite a considerable quantity of equipment stolen. It was understood last year that it was quite probable funds would be allotted from appropriations for Public Works for the construction of armories for the National Guard, and many connected with the National Guard were so advised. However, in spite of very diligent effort and argument on the part of those in charge of this branch of the service, that money was not allocated. I should like to get some information from the committee as to what the present situation is and as to what steps are contemplated with reference to the correction of it. If there is any member of the committee who can give that information, I should like to have it.

Mr. PARKS. As I understand, what the gentleman is trying to learn is what money there is for armories, or watchmen, or just what information is it the gentleman desires?

Mr. LANHAM. For armories. The matter was discussed last year and there was a kind of general understanding that funds for this purpose would probably be allotted from appropriations for Public Works. Such allocation was not made, in spite of very earnest entreaties on the part of the National Guard. It is a matter of concern which I have heard many Members of Congress discuss. It seems that it is a subject that deserves very serious consideration.

Mr. McSWAIN. Will the gentleman yield?

Mr. LANHAM. I yield.

Mr. McSWAIN. I wonder if the gentleman is acquainted with the fact that the Works Progress Administration has been cooperating with municipalities in building numerous armories throughout the country? I know something like 20 or 30 are in progress in South Carolina now.

Mr. LANHAM. Are those armories for the National Guard?

Mr. McSWAIN. Oh, yes; and for any other community or social purpose.

Mr. LANHAM. The latest information I have is to the effect that the armories are not being provided for the National Guard, and that the Government is losing quite a bit of its equipment, and that the efficiency of this service is being impaired. Of course, this is a most important service because it is a branch of our system of defense whose members work in time of peace and fight in time of war and it is a very necessary and important adjunct of our military organization.

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

Mr. LANHAM. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes in order to yield to the gentleman from Pennsylvania.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LANHAM. I yield to the gentleman from Pennsylvania [Mr. SNYDER].

Mr. SNYDER. The gentleman just spoke about the Government losing quite a bit of its equipment. I wish he would make that a little clearer.

Mr. LANHAM. I wish I could make it a little clearer, but I have been informed by several who are familiar with this subject that a number of these armories have been burglarized and guns and other equipment belonging to the Government stolen, thereby impairing the efficiency of the National Guard and, in a sense, breaking down the morale and entailing considerable financial loss.

Mr. BOLTON. Will the gentleman yield?

Mr. LANHAM. I yield.

Mr. BOLTON. The gentleman from Pennsylvania may have in mind the same thought I wanted to express, namely,

that in this bill there is carried an appropriation for additional caretakers for the very purpose of which the gentleman is speaking.

Mr. LANHAM. I am glad to know there will be additional caretakers to provide against the theft of the property.

Mr. BOLTON. That is one of their duties.

Mr. LANHAM. May I inquire also if the armories now in existence are adequate for their particular purpose, and whether or not the present situation can either be corrected or greatly relieved merely by additional caretakers?

Mr. BOLTON. My understanding of the matter is that the armories, in many States, are very inadequate. Of course, the gentleman understands that the provision for armories is the primary duty of the States and not of the Federal Government. I quite agree with the gentleman that in many States the armory situation is inadequate, but as I said, of course, that is the primary duty of the State itself to provide proper armories for the National Guard. I might add, however, that my understanding is that out of either P. W. A. or W. P. A., or some emergency fund, moneys are being set aside for the various States to build new armories.

Mr. LANHAM. I thank the gentleman, and I hope they will be adequate for the purpose.

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

Mr. LANHAM. I yield to my friend from Texas.

Mr. THOMASON. Is it not a fact, too, that the need for armories to take care of this property is so urgent that the officers of the National Guard met here last year, in fact, the commanding officers from many of the States, including General Hulen, of Texas, and others had a meeting with the Senate and House committees on this question and that it was the unanimous opinion of this joint committee that the W. P. A. or some other of these new agencies should work out a plan for the States and municipalities by which they might get adequate housing in the way of armories? I well remember the great interest you manifested in this worthy proposal.

Mr. LANHAM. It was my understanding—and my inquiry was prompted by the failure of their efforts to bring the results they had anticipated.

[Here the gavel fell.]

By unanimous consent the pro-forma amendment was withdrawn.

The Clerk read as follows:

To procure by purchase or manufacture and issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general, National Guard of the District of Columbia, such military equipment and stores of all kinds and reserve supply thereof as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, including motor trucks, field ambulances, and station wagons and to repair such of the aforementioned articles of equipage and military stores as are or may become damaged when, under regulations prescribed by the Secretary of War, such repair may be determined to be an economical measure and as necessary for their proper preservation and use, $10,034,915, of which $500,000 shall be available exclusively for defraying the cost of increasing the strength of the National Guard from approximately 195,000 to not exceeding an average of 200,000 officers and men, and all of the sums appropriated in this act on account of the National Guard shall be accounted for as one fund and of the total of such sums $1,500,000 shall be available immediately: *Provided*, That specifications for motor vehicles, which shall be so drawn as to admit of competition, shall to the extent otherwise practicable conform with the requirements of the National Guard: *Provided further*, That the value of issues made to any State, Territory, or the District of Columbia to replace property surveyed in accordance with section 87, National Defense Act of June 3, 1916, as amended, shall not be charged to the apportionments required by section 67 of that act, but no such replacement issue shall be made in excess of receipts theretofore collected and covered into the Treasury as miscellaneous receipts pursuant to said section 87, as amended, and section 4 (a) and (b) (22) of the Permanent Appropriation Repeal Act of June 26, 1934: *Provided further*, That the Secretary of War is hereby authorized to issue surplus or reserve stores and material on hand and purchased for the United States Army such articles of clothing and equipment and field artillery, engineer, and signal material and ammunition as may be needed by the National Guard organized under the provision of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916 (U. S. C., title 32, sec. 21), as amended. This issue shall be made without charge against National Guard appropriations except for actual expenses incident to such issue.

Mr. ZIONCHECK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZIONCHECK: Page 49, line 9, after the word "use", strike out "$10,034,915 of which $500,000 shall be available exclusively for defraying the cost of increasing the strength of the National Guard from approximately 195,000 to not exceeding an average of 200,000 officers and men, and all of the sums appropriated in this act on account of the National Guard shall be accounted for as one fund and of the total of such sums $1,500,000 shall be available immediately", and insert in lieu thereof "$6,887,638."

Mr. ZIONCHECK. Mr. Chairman, this is the first time in the Army appropriation bill that we have dealt with what is known as the National Guard. The appropriation for the National Guard last year was the largest ever made. This year's appropriation exceeds that of last year, however, by more than $3,000,000.

We heard the chairman of the Military Affairs Committee, the gentleman from South Carolina [Mr. McSWAIN], state that the National Guard has been used in national emergencies not more than once or twice in recent years and that was for seeing that the mails were carried, and that if any atrocities were committed by the National Guard they were committed at the instance and behest of the Governors of the various States.

At this time, Mr. Chairman, I ask unanimous consent to submit for the RECORD the official document submitted to me by the responsible officers of the Army as to what the National Guard has been doing in the years 1934 and 1935 together with the summarization which I have prepared which if time permits I shall read, together with their letters of transmittal.

Mr. TABER. Mr. Chairman, reserving the right to object, how bulky a document is that?

Mr. ZIONCHECK. It is a rather tersely stated document. The gentleman knows how War Department documents are prepared with numbered paragraphs.

Mr. TABER. I was wondering if the gentleman had in his hand the document he proposed to insert.

Mr. ZIONCHECK. No; there is a lot of paper in there that has no relevancy whatever.

Mr. TABER. It looked as though it was 60 or 70 pages. How many pages of the RECORD will it take?

Mr. ZIONCHECK. It should not take over a page and a half in the CONGRESSIONAL RECORD.

I was just wondering why the gentleman from New York is here today when he was not here yesterday. He is very careful about the Treasury, and we are just raping it with this bill.

Mr. TABER. Is the gentleman going to talk on the bill or not?

Mr. ZIONCHECK. I am talking on the bill.

The only reason I make reference to the gentleman from New York's failure to be present during the consideration of this most important bill—a bill appropriating more money than all the other appropriation bills we have heretofore considered—is that the gentleman has gained for himself the enviable reputation of being the watchdog of the Treasury. This appropriation bill appropriates more than $24,000,000 more than the Army appropriation bill of 1936, which was the largest of peacetime appropriation bills for this country I know, and for any other country that I know of. Still the gentleman from New York so far has not let a peep out of him concerning this outrageous spending of the public money and not particularly for the public's benefit. Here I am trying only to keep this appropriation bill down to the 1936 level—trying in a small degree to approach a balanced Budget which we all know is impossible at this time. To say that I am sorely disappointed that I am not getting any support, moral or otherwise, or even a little encouragement from

the gentleman from New York [Mr. TABER] as well as any other Member from the Republican side who advocate a balanced Budget and economy is disillusioning, to say the least, to one as young as myself.

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

There was no objection.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF THE NATIONAL GUARD BUREAU,
Washington, February 11, 1936.

Hon. MARION A. ZIONCHECK,
House of Representatives, Washington, D. C.

MY DEAR MR. ZIONCHECK: In reply to your request by telephone this morning for information regarding active service performed by the National Guard, the following is compiled from our latest reports:

During the fiscal year ending June 30, 1934, 35 States found occasion to use their National Guard. In 13 instances troops were used in disasters. Fire, flood, hurricane, drought, earthquake, and explosions all afforded the National Guard opportunities to serve their State and to give aid to distressed fellow citizens. In 43 other instances the guard gave assistance to State authorities by aiding law-enforcement officers in guarding persons from bodily harm or property from threatened mischief, in suppressing or preventing civil commotions or prison riots.

During the fiscal year ending June 30, 1935, 32 States and 1 Territory had occasion to use the National Guard in connection with State emergencies. In 17 instances State troops were used in public disasters, serving their fellow citizens in flooded areas and in fighting forest fires and in feeding the unemployed. In 60 other cases the guard was employed in assisting civil authorities, aiding law-enforcement officers in the preservation of law and order, safeguarding persons and property, and assisting in the pursuit and capture of bank bandits and escaped convicts.

This Bureau receives an annual report every spring from all States, and as yet this has not reached us for the present year.

I hope that this will give you the information you desire for the present, and more detailed data will be furnished your office tomorrow.

Very truly yours,

ALBERT H. BLANDING,
Major General,
Chief, National Guard Bureau.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF THE NATIONAL GUARD BUREAU,
Washington, February 12, 1936.

Hon. MARION A. ZIONCHECK,
House of Representatives, Washington, D. C.

MY DEAR MR. ZIONCHECK: In reply to your telephone request this date, further information regarding the active service performed by the several States during the past 2 years is enclosed.

The report for the present fiscal year will be made by the several States in July of this year.

Sincerely yours,

JOHN F. WILLIAMS,
Colonel, National Guard Bureau,
Assistant to Chief, National Guard Bureau.

(Enclosure.)

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1934 (July 1, 1933, to June 30, 1934)

[No emergency service during fiscal year 1934: California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Iowa, Michigan, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Puerto Rico, Rhode Island, South Dakota, Utah, Vermont, and Wisconsin]

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
ALABAMA						
One Hundred and Twenty-seventh Engineer Squadron.	Aug. 28 to Sept. 4, 1933	Decatur	13	0	115	Protecting prisoners.
First Battalion, One Hundred and Sixty-seventh Infantry.	Sept. 14-17, 1933	Tuscaloosa	8	0	119	Do.
Company B, One Hundred and Sixty-seventh Infantry.	Sept. 16-17, 1933	Greensboro	2	0	22	Do.
Company M, One Hundred and Sixty-seventh Infantry.	Feb. 25-28, 1934	Mineral district of Alabama.	2	0	24	Protection of life and property in mineral district during miners' strike.
Do	Mar. 1-15, 1934	do	2	0	43	Do.
Do	Apr. 18 to May 2, 1934	do	3	0	25	Do.
Company F, One Hundred and Sixty-seventh Infantry.	Mar. 9-17, 1934	do	2	0	8	Do.
Do	Apr. 18-26, 1934	do	3	0	45	Do.
Company I, One Hundred and Sixty-seventh Infantry.	Mar. 1-18, 1934	do	3	0	61	Do.
Headquarters Troop, Fifty-fifth Cavalry Brigade.	Mar. 9-17, 1934	do	3	0	57	Do.
Do	Apr. 22 to May 2, 1934	do	2	0	42	Do.
Headquarters and Headquarters Company, Third Battalion, One Hundred and Sixty-seventh Infantry.	Feb. 25-28, 1934	do	5	0	19	Do.
Do	Mar. 1-17, 1934	do	2	0	20	Do.
Company L, One Hundred and Sixty-seventh Infantry.	Feb. 24-28, 1934	do	3	0	49	Do.
Do	Mar. 1-18, 1934	do	3	0	58	Do.
Do	Apr. 18-27, 1934	do	3	0	33	Do.
Company K, One Hundred and Sixty-seventh Infantry.	Feb. 25-28, 1934	do	3	0	42	Do.
Do	Mar. 1-17, 1934	do	3	0	39	Do.
Do	Apr. 18-25, 1934	do	0	0	19	Do.
One Hundred and Sixth Observation Squadron.	Mar. 9-29, 1934	do	4	0	0	Do.
Do	Apr. 22, 1934	do	3	0	0	Do.
Company E, One Hundred and Sixty-seventh Infantry.	Apr. 22-27, 1934	do	1	0	42	Do.
Company H, One Hundred and Sixty-seventh Infantry.	Apr. 18-27, 1934	do	2	0	50	Do.
Company G, One Hundred and Sixty-seventh Infantry.	Apr. 19-26, 1934	do	3	0	59	Do.
State detachment	Feb. 25 to Mar. 20, 1934	do	0	0	10	Do.
Headquarters and Headquarters Company, One Hundred and Sixty-seventh Infantry.	Mar. 9-17, 1934	do	3	0	2	Do.
Do	Mar. 28, 1934	do	3	0	1	Do.
Headquarters Detachment, Alabama National Guard, composite group.	Apr. 1-16, 1934	do	6	0	1	Do.
Do	Apr. 17 to May 2, 1934	do	4	0	7	Do.
One Hundred and Seventeenth Field Artillery and State detachment, composite group.	Apr. 18 to May 3, 1934	do	1	0	27	Do.
Composite Regiment, Alabama National Guard.	May 8 to June 30, 1934 [1]	do	23	0	395	Do.
ARIZONA						
Detachment One Hundred and Fifty-eighth Infantry.	Mar. 9	Parker	1		5	Patrolling Parker Dam site to prevent construction of any diversion dam on Arizona soil.
ARKANSAS						
Company E, One Hundred and Fifty-third Infantry.	Dec. 26-27	Marshall	2		15	In aid civil authorities.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1934 (July 1, 1933, to June 30, 1934)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
FLORIDA						
Detachment One Hundred and Sixteenth Field Artillery.	July 4-6, 1934	Tooke Lake	4	0	45	Aiding civil authorities, prison riot.
Detachment Two Hundred and Sixty-fifth Coast Artillery.	Aug. 14, 1934	Key West	6	0	100	Aiding civil authorities protecting the family of President Muchado of Cuba.
Detachment State staff	Sept. 5-10, 1934	Stuart and Fort Pierce.	1	0	0	Aiding civil authorities in vicinity hurricane Sept. 4, 1934.
Detachment Company B, One Hundred and Twenty-fourth Infantry.	Sept. 6-22, 1934	do	1	0	1	
Detachment State staff	Dec. 4-6, 1934	Daytona Beach	1	0	1	Aiding civil authorities election trouble.
Detachment Battery C., Two Hundred and Sixty-fifth Coast Artillery.	do	do	3	0	40	
GEORGIA						
Detachment One Hundred and Twenty-second Infantry.	Nov. 1-2, 1933	Homer	3	0	66	Protecting prisoner.
ILLINOIS						
Detachment One Hundred and Thirtieth Infantry.	July 1-26	Christian County	7		69	(2).
Detachment One Hundred and Twenty-second Field Artillery.	July 26 to Aug. 15	do	9		65	(2).
Detachment One Hundred and Thirtieth Infantry.	Aug. 15 to Nov. 7	do	7		70	(2).
Detachment One Hundred and Twenty-third Field Artillery.	Nov. 7-28	do	8		65	(2).
Detachment One Hundred and Thirtieth Infantry.	Oct. 19-23	Sangamon County	9		160	(2).
Do	Oct. 5 to Nov. 2	Saline County	21		336	(2).
Detachment One Hundred and Sixth Cavalry.	Nov. 2-19	do	17		166	(2).
Detachment One Hundred and Twenty-ninth Infantry.	Nov. 19-26	do	10		65	(2).
Second Battalion One Hundred and Thirtieth Infantry.	May 30 to June 1	Tazewell County	15		266	(2).
INDIANA						
One Hundred and Thirteenth Engineers	Sept. 27-28, 1933	Gary and vicinity	10		133	Apprehending escaped prisoners.
One Hundred and Thirty-ninth Field Artillery, One Hundred and Fifty-first Infantry.	Oct. 9 to Nov. 15, 1933	Sullivan County	5		71	Civil disturbance in mining district.
One Hundred and Fifty-first Infantry	Oct. 12-18, 1933	do	3		40	Do.
Do	Oct. 13-23, 1933	do	1		1	Do.
KANSAS						
Troop B, One Hundred and Fourteenth Cavalry.	Aug. 2	Coffeyville	2		40	Bank robbery, bridge blocking.
Detached officers, Kansas National Guard	Aug. 9-12	Topeka	4			Guard at State Treasury.
Do	Aug. 10-12	do	3			Do.
Do	Aug. 12 to Oct. 3	do	6			Do.
HBCT, First Battalion, One Hundred and Sixty-first Field Artillery.	Aug. 16	Burlington	2		23	Bandit hunt, bridge blocking.
Battery B, One Hundred and Sixty-first Field Artillery.	Sept. 3	Ottawa	1		2	Harris bank robbery.
Service Battery, One Hundred and Sixty-first Field Artillery (less band).	Sept. 21	Great Bend	1		19	Hays bank robbery, road control.
Capt. W. A. Beasley	Oct. 2-7	Topeka	1			Guard duty at State House.
Company C, One Hundred and Thirty-seventh Infantry.	Oct. 19	Council Grove	1		3	Bank robbery—bridge, road control.
Detachment One Hundred and Thirtieth Field Artillery	Dec. 11	Hutchinson	2		14	Riot and mob violence, convoy of prisoner.
Detached State Staff	Jan. 19-20	Topeka	2			State prison break.
Headquarters, One Hundred and Thirty-seventh Infantry.	do	Kansas City	3			Do.
State detachment	do	do			1	Do.
Headquarters Troop, One Hundred and Fourteenth Cavalry.	do	Topeka			12	Do.
Machine Gun Troop, One Hundred and Fourteenth Cavalry.	do	Kansas City	4		58	State prison break, road control.
Troop A, One Hundred and Fourteenth Cavalry.	do	Iola	2		35	Do.
Troop F, One Hundred and Fourteenth Cavalry.	Jan. 19-21	Pleasanton	3		34	Do.
Troop K, One Hundred and Fourteenth Cavalry.	Jan. 19-22	Paola	1		1	Captured 3 escaped convicts.
Company A, One Hundred and Thirty-seventh Infantry.	Jan. 19-20	Atchison	3		40	State prison break, road control.
Company G, One Hundred and Thirty-seventy Infantry.	do	Kansas City	3		51	Do.
Company H, One Hundred and Thirty-seventh Infantry.	do	Lawrence	4		21	Do.
Company M, One Hundred and Thirty-seventh Infantry.	do	do	2		22	Do.
Headquarters Company, Second Battalion, One Hundred and Thirty-seventh Infantry.	do	Kansas City	3		23	Do.
Battery B, One Hundred and Sixty-first Field Artillery.	do	Ottawa	2		20	Do.
Battery D, One Hundred and Sixty-first Field Artillery.	do	Olathe	1		10	Do.
Battery E, One Hundred and Sixty-first Field Artillery.	do	Fort Scott	1		25	Do.
Thirty-fifth Signal Company	do	Kansas City	3		7	Do.
Troop A, One Hundred and Fourteenth Cavalry.	Jan. 31	Iola	3		16	Bank robbery, road control.
Troop B, One Hundred and Fourteenth Cavalry.	do	Coffeyville	3		31	Do.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1934 (July 1, 1933, to June 30, 1934)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
KANSAS—continued						
Battery E, One Hundred and Sixty-first Field Artillery.	Jan. 31	Fort Scott	3		16	Bank robbery, road control.
Troop F, One Hundred and Fourteenth Cavalry.	do	Pleasanton	3		28	Do.
Headquarters Company, Sixty-ninth Infantry Brigade.	do	Topeka	1		1	Bank robbery, operating radio station.
Company E, One Hundred and Thirty-seventh Infantry.	Mar. 12	Holton	1		10	Bank bandit, road control.
Battery B, One Hundred and Sixty-first Field Artillery.	do	Ottawa	2		15	Do.
Troop B, One Hundred and Fourteenth Cavalry.	Apr. 6-7	Coffeyville	2		18	Outlaw hunt (Clyde Barrow patrol).
Battery F, One Hundred and Sixty-first Field Artillery.	Apr. 8	Arkansas City	2		41	Do.
Company I, One Hundred and Thirty-seventh Infantry.	May 10	Wichita	3		48	Unemployed relief riots.
Company K, One Hundred and Thirty-seventh Infantry.	May 10-13	do	3		58	Do.
Troop E, One Hundred and Fourteenth Cavalry.	May 10-11	do	3		56	Do.
Battery C, One Hundred and Thirtieth Field Artillery.	May 10	do	6		63	Do.
Company E, One Hundred and Thirty-seventh Infantry.	May 31 to June 1	Soldier	1		20	Fire-guard duty, relief work, and traffic control.
KENTUCKY						
One Hundred and Forty-ninth Infantry	Jan. 22, 1934	Scottsville	2		10	Protecting prison and maintaining order.
One Hundred and Thirty-eighth Field Artillery.	Feb. 11, 1934	Liberty	2		9	Do.
Provost detachment	May 2, 1934	Franklin County	9		8	Protecting life and Governor and family.
One Hundred and Twenty-third Cavalry	July 16-17, 1934	do	2		19	Protecting life and Governor and family and Frankfort representatives.
Do	May 21, 1934	do	2		29	Protecting life and Governor and family and Frankfort reformatory.
LOUISIANA						
Headquarters One Hundred and Fifty-sixth Infantry.	Apr. 17-23, 1934	Shreveport	2	0	0	Suppression of riot in connection with attempt of mob to seize prisoner in Cadde Parish Jail—some troops remaining on duty until trial and conviction of prisoner for assault and murder.
Headquarters Second Battalion, One Hundred Fifty-sixth Infantry.	do	do	1	0	0	Do.
Company E, One Hundred and Fifty-sixth Infantry.	do	do	2	0	59	Do.
Company F, One Hundred and Fifty-sixth Infantry.	do	do	3	0	36	Do.
Company G, One Hundred and Fifty-sixth Infantry.	do	do	3	0	45	Do.
Company H, One Hundred and Fifty-sixth Infantry.	do	do	3	0	33	Do.
Detachment One Hundred and Fifty-sixth Infantry.	Feb. 9-18, 1934	New Orleans	1	0	22	Service as guards and in traffic control during events dedication the Shushan Airport at New Orleans, La.
Detachment One Hundred and Forty-first Field Artillery.	do	do	1	0	44	Do.
Detachment One Hundred and Eighth Calvary.	do	do	1	0	20	Do.
MAINE						
Two Hundred and Fortieth Coast Artillery	May 31 to June 4	Georgetown	8		127	Fighting fire.
MARYLAND						
Fifth Infantry	Nov. 27-28	Salisbury	22		205	Arrest in lynching.
MASSACHUSETTS						
One Hundred and Eighty-first Infantry	July 4-5	Natick	4		61	Search for wrecked auto.
MINNESOTA						
Detachments: One Hundred and Eighteenth Motor Replacement Section; State staff; Headquarters, Ninety-second Brigade; Two Hundred and Fifth and Two Hundred and Sixth Infantries; and One Hundred and Thirty-fifth Infantry.	Nov. 11-13	Austin	14		225	Hormel Packing Co. strike.
State Staff; Detachments: Headquarters, Thirty-fourth Division; Headquarters, Sixty-eighth Infantry Brigade; One Hundred and Fifty-first Field Artillery; Two Hundred and Fifth Infantry; Two Hundred and Sixth Infantry; One Hundred and Thirty-fifth Infantry; Detachment, One Hundred and Twenty-fifth Field Artillery; Detachment, One Hundred and Ninth Observation Squadron; and One Hundred and Eighteenth Motor Replacement Section.	May 23-26	Minneapolis	195	1	2,792	Truckmen's strike.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1934 (July 1, 1933, to June 30, 1934)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
MINNESOTA—continued						
Headquarters, Fifty-ninth Field Artillery Brigade, One Hundred and Twenty-fifth Field Artillery, One Hundred and Fifty-First Field Artillery, Two Hundred and Sixth Infantry, Two Hundred and Fifth Infantry, One Hundred and Thirty-fifth Infantry, and One Hundred and Eighteenth Motor Replacement Section.	June 2-14	(4)	32		643	Enforcement of livestock quarantine regulations of State and livestock embargo in drought areas of State.
MISSISSIPPI						
SS and SD	Feb. 11-13, 1934	Hernando	2	0	2	Guarding 3 negroes, prisoners, during the trial on Feb. 12, 1934.
Service Company, One Hundred and Fifty-fifth Infantry.	do	do	2	0	18	Do.
Headquarters, First Battalion, One Hundred and Fifty-fifth Infantry.	do	do	1	0	0	Do.
Headquarters Company, First Battalion One Hundred and Fifty-fifth Infantry.	do	do	2	0	10	Do.
Company B, One Hundred and Fifty-fifth Infantry.	do	do	3	0	25	Do.
Company C, One Hundred and Fifty-fifth Infantry.	do	do	2	0	24	Do.
Company D, One Hundred and Fifty-fifth Infantry.	do	do	3	0	17	Do.
Headquarters, Second Battalion, One Hundred and Fifty-fifth Infantry.	do	do	1	0	0	Do.
Headquarters Company Second Battalion, One Hundred and Fifty-fifth Infantry.	do	do	2	0	10	Do.
Company E, One Hundred and Fifty-fifth Infantry.	do	do	2	0	25	Do.
Company F, One Hundred and Fifty-fifth Infantry.	do	do	2	0	31	Do.
Company G, One Hundred and Fifty-fifth Infantry.	do	do	2	0	18	Do.
Company H, One Hundred and Fifty-fifth Infantry.	do	do	2	0	18	Do.
Company I, One Hundred and Fifty-fifth Infantry.	do	do	2	0	18	Do.
Medical detachment, One Hundred and Fifty-fifth Infantry.	do	do	2	0	8	Do.
Company C, One Hundred and Sixth Engineers.	do	do	2	0	24	Do.
Headquarters, Thirty-first Division trains	do	do	1	0	0	Do.
One Hundred and Twenty-second Motor Transport Company.	do	do	2	0	19	Do.
SS and SD	Mar. 15-16, 1934	do	1	0	2	Purpose of assisting the civil authorities in transferring and executing 3 negroes—prisoners—maintaining public peace and order.
Headquarters, Thirty-first Division trains	do	do	1	0	0	Do.
One Hundred and Twenty-second Motor Transport Company.	do	do	1	0	3	Do.
Headquarters detachment, Sixty-first Brigade	do	do	1	0	0	Do.
Headquarters battery and combat train, First Battalion, One Hundred and Fourteenth Field Artillery.	do	do	1	0	0	Do.
Headquarters, First Battalion, One Hundred and Fifty-fifth Infantry.	do	do	1	0	0	Do.
Headquarters, Second Battalion, One Hundred and Fifty-fifth Infantry.	do	do	1	0	0	Do.
Company B, One Hundred and Fifty-fifth Infantry.	do	do	3	0	25	Do.
Company C, One Hundred and Fifty-fifth Infantry.	do	do	3	0	25	Do.
Company E, One Hundred and Fifty-fifth Infantry.	do	do	2	0	25	Do.
Company F, One Hundred and Fifty-fifth Infantry.	do	do	3	0	28	Do.
Medical detachment, One Hundred and Sixth Engineers.	do	do	1	0	2	Do.
MISSOURI						
Thirty-fifth Tank Company and Battery C, One Hundred and Twenty-eighth Field Artillery.	Nov. 28-29	St. Joseph	8		115	Guarding prisoner.
Battery E, detachment headquarters detail and combat train, and detachment Medical Department detail, Two Hundred and Third Coast Artillery (Army Artillery), Batteries G and H, Two Hundred and Third Coast Artillery (Army Artillery), and 2 planes, Thirty-fifth Division, Aviation.	Apr. 30 to May 4 Apr. 30 to May 2 Apr. 30 to May 1	Minden Mines do do	17		195	Maintaining law and order—threatened mob invasion of coal-mine strikers.
Battery B, One Hundred and Twenty-eighth Field Artillery and 1 plane, Thirty-fifth Division, Aviation.	May 18-21 May 18	Moberly do	5		36	Threatened mob invasion of coal-mine strikers.
NEW MEXICO						
Headquarters Troop, Troops A, B, Detachment Troop E, Medical Detachment One Hundred and Eleventh Cavalry.	Aug. 29 to Dec. 15	Main body at Gallup, detachments at Gamerco, Allison, Mentmore, Coal Basin, Navajo, Gibson.	22		243	Patrolling and guarding mine properties, preventing disorders in coal camps at and near Gallup.
Do	Jan. 15	Raton	2			Aiding civil authorities during election.
Do	Apr. 3	Belen	4			Do.
Do	do	Las Vegas	4			Do.
Do	July 30	Tecolote	2			Do.
Do	May 25	Raton	1			Do.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1934 (July 1, 1933, to June 30, 1934)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
NORTH DAKOTA						
Company A, One Hundred and Sixty-fourth Infantry.	Dec. 1	Bismarck	1		4	To prevent the foreclosure of real estate, chattel mortgages, and evictions.
Do	Mar. 27	do	1		1	
Do	Apr. 14	Slope County	1			
Do	June 25	Sioux County	1		1	
Company K, One Hundred and Sixty-fourth Infantry.	Oct. 28	Beach	1			Do.
Do	Apr. 13	Belfield	1		1	
Do	Apr. 17	Slope County	1		1	
Do	Apr. 23	Sioux and Hettinger Counties.	1		1	
OHIO						
Headquarters, Seventy-third Brigade	May 23 to June 4	Toledo	3			Guarding property American Auto Lite Co.
Headquarters Company, Seventy-third Brigade.	May 24 to June 2	do	1		3	Do.
Headquarters, One Hundred and Forty-fifth Infantry.	May 23 to June 4	do	2			Do.
Headquarters, First Battalion, One Hundred and Forty-fifth Infantry.	May 23-27	do	1			Do.
Headquarters, Third Battalion, One Hundred and Forty-fifth Infantry.	May 24 to June 2	do	1			Do.
Howitzer Company, One Hundred and Forty-fifth Infantry.	May 26 to June 2	do	1		17	Do.
Company E, One Hundred and Forty-fifth Infantry.	May 24-31	do	2		52	Do.
Company G One Hundred and Forty-fifth Infantry.	do	do	2		54	Do.
Headquarters, First Battalion One Hundred and Forty-eighth Infantry.	May 23-31	do	1			Do.
Headquarters, Third Battalion, One Hundred and Forty-eighth Infantry.	May 23 to June 2	do	1			Do.
Headquarters Company, One Hundred and Forty-eighth Infantry.	do	do	2		39	Do.
Service Company, One Hundred and Forty-eighth Infantry.	do	do	4		22	Do.
Company A, One Hundred and Forty-eighth Infantry.	do	do	2		54	Do.
Company B, One Hundred and Forty-eighth Infantry.	do	do	3		59	Do.
Company C, One Hundred and Forty-eighth Infantry.	do	do	3		44	Do.
Company D, One Hundred and Forty-eighth Infantry.	do	do	2		52	Do.
Company E, One Hundred and Forty-eighth Infantry.	do	do	3		51	Do.
Company F, One Hundred and Forty-eighth Infantry.	do	do	3		47	Do.
Company G, One Hundred and Forty-eighth Infantry.	May 23-31	do	2		42	Do.
Company H, One Hundred and Forty-eighth Infantry.	May 23 to June 2	do	3		54	Do.
Headquarters Company, Third Battalion, One Hundred and Forty-eighth Infantry.	May 23-31	do	1		19	Do.
Company I, One Hundred and Forty-eighth Infantry.	May 24-31	do	3		60	Do.
Company K, One Hundred and Forty-eighth Infantry.	May 23-31	do	2		50	Do.
Company L, One Hundred and Forty-eighth Infantry.	May 23 to June 2	do	3		39	Do.
Company M, One Hundred and Forty-eighth Infantry.	May 24-31	do	3		57	Do.
Medical Department Detachment, One Hundred and Forty-eighth Infantry.	May 23 to June 2	do	1		11	Do.
Machine Gun Troop, One Hundred and Seventh Cavalry.	May 23-28	do	4		52	Do.
OKLAHOMA						
Headquarters Company First Battalion, One Hundred and Seventy-ninth Infantry; Company C, One Hundred and Seventy-ninth Infantry; One Hundred and Thirty-ninth Motor Repair Section.	July 11-12	Oklahoma City	5		63	Prevent unloading of beer cars prior to canvassing election returns.
Service Company, Headquarters Company, Company A, One Hundred and Seventy-ninth Infantry.	Sept. 21-22	do	2		17	Halt drilling of oil well near State capitol.
Battery B, One Hundred and Eighty-ninth Field Artillery.	Nov. 30 to Dec. 1	Norman	3		33	Maintain order and guard gate receipts O. U. & A. & M. football game.
First Battalion, Battery A, and Medical Detachment, One Hundred and Eighty-ninth Field Artillery; Second Battalion, Battery F, One Hundred and Fifty-eighth Field Artillery.	Dec. 10	Kingfisher	14		90	Disperse mob and maintain order; protect prisoner.
Service Company, Company L, First Battalion, One Hundred and Eightieth Infantry.	Feb. 3-4	Sapulpa	6		36	Protect prisoner and prevent formation of mob.
Company E, One Hundred and Eightieth Infantry.	Feb. 18	Atoka	2		18	Do.
First Battalion and Battery D, One Hundred and Fifty-eighth Field Artillery.	Apr. 7-19	Clinton and Hammon.	7		82	Patrol flooded district and prevent looting.
Company E, One Hundred and Eightieth Infantry.	Mar. 5	Idabel	3		19	Protect prisoner and prevent formation of mob.
Second Battalion, One Hundred and Eighty-ninth Field Artillery.	Apr. 15-18	Beaver	1		3	Prevent tax sale.
First Battalion, One Hundred and Seventy-ninth Infantry.	do	Duncan	1		3	Do.
First Battalion, One Hundred and Eighty-ninth Field Artillery.	do	Watonga	1		3	Do.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1934 (July 1, 1933, to June 30, 1934)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
OKLAHOMA—continued						
Second Battalion, One Hundred and Fifty-eighth Field Artillery.	Apr. 15-18	Fairviews	1		3	Prevent tax sale.
Headquarters, One Hundred and Seventy-ninth Infantry, and Company A, One Hundred and Seventy-ninth Infantry.	do	Enid	1		3	Do.
Forty-fifth Military Police Company	do	Walters	1		3	Do.
First Battalion, One Hundred and Eightieth Infantry.	do	Durant	1		3	Do.
Company E, One Hundred and Eightieth Infantry.	do	Hugo	1		3	Do.
First Battalion, One Hundred and Eightieth Infantry.	do	Bartlesville	1		3	Do.
Service Battery, One Hundred and Fifty-eighth Field Artillery.	do	Idabel	1		3	Do.
Second Battalion, One Hundred and Sixtieth Field Artillery.	do	Vinita	1		3	Do.
PENNSYLVANIA						
One Hundred and Twelfth Infantry and attached Twenty-eighth Division staff.	July 29 to Aug. 12	Fayette County (Brownsville).	19		297	Strike duty.
Do	Sept. 13	do				
Do	Oct. 5	do				
One Hundred and Ninth Field Artillery	Sept. 16-18	West Nanticoke	3		49	Flood relief.
Twenty-ninth Military Police Company	Sept. 23-24	York	1		17	Do.
SOUTH CAROLINA						
Company H, One Hundred and Eighteenth Infantry.	Oct. 27 to Nov. 4, 1933	Bath, Langley, Clear Water.	2	0	50	Strike duty.
TENNESSEE						
Headquarters First Battalion, One Hundred and Seventeenth Infantry.	Aug. 30-31, 1933	Cookeville	1	0	0	Maintenance of order during trial of Negro charged with murder.
Company F, One Hundred and Seventeenth Infantry.	do	do	2	0	35	Do.
One Hundred and Twentieth Motor Transport Company.	do	do	0	0	4	Do.
TEXAS						
None.						
VIRGINIA						
One Hundred and Eleventh Field Artillery	Aug. 23-25	Buckroe Beach	3		57	Disorder following hurricane.
WASHINGTON						
One Hundred and Sixty-first Infantry	Aug. 24-27, 1933	Yakima and Selah	7		75	Assisting sheriff in controlling labor disorders in orchards.
WEST VIRGINIA						
Two Hundred and First Infantry	Feb. 9-10, 1934	Terra Alta	2		28	Patrolling fire.
WYOMING						
One Hundred and Fifteenth Cavalry	July 26-28, 1933	Newcastle	2		32	Fighting forest fires.
Do	Dec. 7-8, 1933	Torrington	2		28	Policing town after gas explosion.

[1] Part of these troops released June 30, 1934, remainder on July 1, 1934.
[2] Guard duty, labor trouble, coal-mining industry.
[3] Guard duty, labor trouble, alcohol industry.
[4] Establishment of outposts along entire western border of State from Canadian to Iowa line and to a point eastward about one-half across the State, covering frontage of about 600 miles.

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)

[No emergency service during fiscal year 1935: Colorado, Delaware, District of Columbia, Idaho, Illinois, Iowa, Maryland, Michigan, Montana, Nevada, New Hampshire, New York, Ohio, Pennsylvania, Puerto Rico, Utah, Vermont, and Virginia]

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
ALABAMA						
One Hundred and Sixty-seventh Infantry, Sixty-second Infantry Brigade, Fifty-fifth Cavalry Brigade, One Hundred and Sixth Observation Squadron.	Sept. 16-17, 1934	Porter	7		54	Strike duty.
One Hundred and Sixty-seventh Infantry, Sixty-second Infantry Brigade, State staff, Corps and detachment, One Hundred and Eleventh Motor Replacement Section.	Nov. 10-15, 1934	Fort Paynes	8		71	Investigation of election returns.
Sixty-seventh Infantry, One Hundred and Seventeenth Field Artillery, Thirty-first Division staff, Sixty-second Brigade, One Hundred and Twenty-first Motor Transport Company, One Hundred and Eleventh Motor Replacement Section, One Hundred and Sixth Observation Squadron, Fifty-fifth Cavalry Brigade, State detachment, One Hundred and Sixth Ammunition Train.	Jan. 12-16, 1935	Montgomery	87	2	1,012	Inauguration of Governor.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
ARIZONA						
One Hundred and Fifty-eighth Infantry	Mar. 9 to Nov. 15, 1934	Phoenix and Parker	7		110	Enforcement of military law over areas on Colorado River to prevent construction of Parker Dam.
Do	Sept. 6-8, 1934	Casa Grande and Phoenix.	9		92	Prevent riot Federal Emergency Relief Administration.
ARKANSAS						
One Hundred and Fifty-third Infantry	Jan. 3-5, 1935	Batesville	3		58	Aiding civil authorities in search of murderer.
Do	June 18-23, 1935	Pine Bluff	2		57	Flood duty.
CALIFORNIA						
Fortieth Signal Company and One Hundred and Forty-third Field Artillery.	July 5-6, 1934	Oakland	4		57	San Francisco general strike.
		San Francisco	17		179	
One Hundred and Eighty-fourth Infantry	July 5-9, 1934	Sacramento	1		8	Do.
State staff	July 5, 1919	San Francisco	1			Do.
One Hundred and Eighty-fourth Infantry, Fortieth Division.	July 5, 1921	Berkeley	7		15	Do.
		Oakland	13		228	
One Hundred and Fifty-ninth Infantry and Two Hundred and Fiftieth Coast Artillery.	July 5, 1922	San Francisco	68	1	990	Do.
			62		753	
One Hundred and Eighty-fourth Infantry	July 6, 1922	Oakland	6		115	Do.
Do	July 7, 1922	do	2		2	Do.
Do	July 14, 1921	Sacramento	1		11	Do.
Seventy-ninth Brigade	July 15, 1921	San Francisco	5			Do.
Fortieth Division, Fortieth Signal Corps, Fortieth Tank Corps, One Hundred and Eighty-fourth Infantry, One Hundred and Sixtieth Infantry, and One Hundred and Eighty-fifth Infantry.	July 16, 1921	do	138	1	2,126	Do.
One Hundred and Forty-third Field Artillery	do	Oakland	20		307	Do.
One Hundred and Eighty-fourth Infantry	July 16, 1922	San Francisco	3		56	Do.
Do	July 17, 1921	Sacramento	1			Do.
Do	July 17, 1922	San Francisco	2		62	Do.
Do	July 18, 1921	do	4		47	Do.
Do	July 18, 1922	Oakland	1		8	Do.
CONNECTICUT						
Forty-third Division special troops	Sept. 10-19, 1934	Danielson and Sterling.	7		129	Strike duty.
One Hundred and Sixty-ninth Infantry	Sept. 11-23, 1934	Putnam	26		356	Do.
Do	do	Hartford	13		164	Do.
One Hundred and Second Infantry	Sept. 14-18, 1934	New Haven	9		128	Do.
Forty-third Division, Aviation	Sept. 12-18, 1934	Hartford	4		3	Do.
FLORIDA						
Two Hundred and Sixty-fifth Coast Artillery and One Hundred and Twenty-fourth Infantry.	Oct. 19-26, 1934	Miami	4		35	American Legion convention.
One Hundred and Sixth Engineers and One Hundred and Twenty-fourth Infantry.	Oct. 27-29, 1934	Marianna	7		88	Protecting prisoners.
Two Hundred and Sixty-fifth Coast Artillery	Feb. 28 to May 13, 1935	Islamorada	6		49	Aiding civil authorities, Veterans' Works project.
GEORGIA						
One Hundred and Twenty-first Infantry	Sept. 14 to Oct. 5, 1934	Porterdale, Aragon, Trion, Cedartown, Clarksdale, and Griffin.	66	1	1,098	Textile strike.
One Hundred and Twenty-second Infantry	Sept. 14 to Oct. 8, 1934	Atlanta, Columbus, Newnam, Cartersville, Egan Perk, Barnesville, Social Circle, and Trion.	66	1	1,098	Do.
Do	Oct. 15-29, 1934	Rome	10		300	Do.
One Hundred and Twenty-first Infantry, One Hundred and Twenty-second Infantry, and One Hundred and Eighteenth Field Artillery.	Jan. 5-16, 1935	Rossville	10		393	Do.
One Hundred and Twenty-first Infantry and One Hundred and Twenty-second Infantry.	Mar. 4 to June 17, 1935	Lagrange, Manchester, Monroe.	10		375	Do.
One Hundred and Twenty-second Infantry	June 24, 1935	Jefferson	3		71	Guarding Negro.
HAWAII						
Two Hundred and Ninety-eighth Infantry and Two Hundred and Ninety-ninth Infantry.	Feb. 24 to Mar. 1, 1935	Honolulu	53	1	327	Preserve order to prevent looting after flood.
INDIANA						
One Hundred and Thirty-ninth Field Artillery.	July 25, 1934	Indianapolis	5		29	Guard duty in connection with burial of John Dillinger.
Thirty-eighth Division	do	do			14	Do.
One Hundred and Fifty-first Infantry	do	do	2		46	Do.
State Detachment and One Hundred and Thirteenth Observation Squadron.	do	do			4	Do.
One Hundred and Fiftieth Field Artillery	Nov. 19-20, 1934	Columbus	3		43	Forest fire.
One Hundred and Forty-ninth Motor Transport Company.	do	do	1		35	Do.
KANSAS						
One Hundred and Fourteenth Cavalry	Dec. 20, 1934	La Cygne	3		26	Patrol road after bank robbery.
One Hundred and Sixty-first Field Artillery	June 1-3, 1935	Ottawa	2		5	Flood.
One Hundred and Thirty-seventh Infantry, Sixtieth Field Artillery Brigade, One Hundred and Fourteenth Cavalry, State detail, Sixty-ninth Infantry Brigade.	June 4-6, 1935	Topeka	11		192	Emergency relief.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
KANSAS—continued						
One Hundred and Thirty-seventh Infantry	June 4-7, 1935	Lawrence	6		101	Emergency relief.
One Hundred and Sixty-first Field Artillery	June 4-6, 1935	St. Marys			5	Do.
One Hundred and Thirty-seventh Infantry and One Hundred and Sixty-first Field Artillery.	do	Topeka	2			Do.
One Hundred and Thirty-seventh Infantry, One Hundred and Fourteenth Cavalry, One Hundred and Sixty-first Field Artillery, One Hundred and Thirtieth Field Artillery, and Thirty-fifth Signal Corps.	June 7-27, 1935	Cherokee County	15		228	Preserve law and order during strike.
One Hundred and Thirty-seventh Infantry, One Hundred and Fourteenth Cavalry, One Hundred and Sixty-first Field Artillery, One Hundred and Thirtieth Field Artillery, and Thirty-fifth Signal Corps.	June 28-30, 1935	do	14		182	Do.
KENTUCKY						
One Hundred and Twenty-third Cavalry	July 27 to Aug. 28, 1934	Frankfort	1		6	Protect life of Governor and family.
One Hundred and Forty-ninth Infantry	Aug. 27 to Sept. 11, 1934	Livermore	2			Assist peace officers.
Sixty-third Field Artillery	Sept. 7-13, 1934	Louisville	3		40	Guard duty during State fair.
Adjutant General's Department	Aug. 28, 1934	Frankfort	1		6	Protect life of Governor.
One Hundred and Forty-ninth Infantry	Oct. 1-11, 1934	Logan County	1		7	Guard jail.
Sixty-third Field Artillery	Nov. 10-11, 1934	Harlan	4			Preserving law and order.
One Hundred and Twenty-third Cavalry	Nov. 14-16, 1934	Harrodsburg			10	Guard President of United States on visit to Kentucky.
Seventy-fifth Infantry Brigade	Nov. 16, 1934	do	4			Do.
One Hundred and Forty-ninth Infantry	do	do	28		175	Do.
Thirty-eighth Military Police Company	do	do	1		10	Do.
One Hundred and Thirty-seventh Hospital Corps.	do	do	1		10	Do.
One Hundred and Thirty-eighth Hospital Corps.	do	do	4		10	Do.
One Hundred and Twenty-sixth Wagon Company.	do	do	2		9	Do.
One Hundred and Twenty-third Cavalry	do	do	21		105	Do.
One Hundred and Forty-ninth Infantry	Dec. 8-9, 1934	Harlan County	3		42	To protect lives of United Mine Workers of America held as prisoners.
Kentucky National Guard	Dec. 13-17, 1934	Rowan County	2		4	Preserving law and order.
One Hundred and Twenty-third Cavalry	Jan. 30, to Feb. 5, 1935	Manchester	3		42	Do.
One Hundred and Forty-ninth Infantry	do	do	10		84	Do.
One Hundred and Thirty-seventh Hospital Corps.	do	do	1		3	Do.
One Hundred and Thirty-eighth Field Artillery.	do	do	2		12	Do.
National Guard of Kentucky (volunteer)	May 4, 1935	Churchill Downs	(1)		(1)	Preserving peace in connection with Kentucky Derby.
One Hundred and Forty-ninth Infantry	May 23-25, 1935	Whitesburg	2		2	Investigating lawless conditions in vicinity.
LOUISIANA						
One Hundred and Forty-first Field Artillery, One Hundred and Twenty-third Motor Transport Company, One Hundred and Fifty-sixth Infantry.	July 30 to Sept. 13, 1934	New Orleans	8		167	Custody of records voters office.
SSC & D	Aug. 3-4, 1934	do	1			Do.
One Hundred and Forty-first Field Artillery	Aug. 3 to Sept. 13, 1934	do			4	Do.
SSC & D	Aug. 3 to Sept. 17, 1934	do	1			Do.
One Hundred and Eighth Cavalry, Sixty-first Brigade, One Hundred and Fifty-sixth Infantry, GSS, Thirty-first Division, One Hundred and Twenty-third Motor Transport Company, One Hundred and Eighth Cavalry, SSC & D.	Aug. 31 to Sept. 30, 1934	do	5		36	Aid to State legislative committee investigation.
GDD, Thirty-first Division, One Hundred and Fifty-sixth Infantry, One Hundred and Eighth Cavalry, medical detachment, One Hundred and Forty-first Field Artillery, One Hundred and Sixteenth Hospital Company, One Hundred and Twenty-third Motor Transport Company, SSC & D Sixty-first Brigade.	Sept. 7-13, 1934	do	60		1,277	Stabilizing unsettled conditions during election.
One Hundred and Fifty-sixth Infantry	Sept. 9-12, 1934	Baton Rouge	2		40	Do.
One Hundred and Forty-first Field Artillery	Sept. 22 to Nov. 7, 1934	Jackson Barracks	2		18	Guard Federal property.
Sixty-first Brigade, Headquarters Thirty-first Division, One Hundred and Fifty-sixth Infantry, One Hundred and Forty-first Field Artillery, One Hundred and Eighth Cavalry, One Hundred and Twenty-third Motor Transport Company.	Jan. 25, 1935	Baton Rouge	38		552	Released as situation warranted. Military law not lifted June 30, 1935. Main force relieved Feb. 2, 1935.
One Hundred and Fifty-sixth Infantry	May 20 to June 6, 1935	Natchitoches	2		22	Flood duty.
MAINE						
Field Staff			6			
State detachment	Sept. 10, 1933, to Aug. 22, 1934	Augusta			1	Textile strike.
One Hundred and Third Infantry		Biddeford	46		879	
Eighty-sixth Brigade		Corinna	1		35	
Two Hundred and Fortieth Coast Artillery		Lewiston	4		60	
One Hundred and Fifty-second Field Artillery.		Pittsfield			2	
		Sangerville				
		Skowhegan				
		Waterville				
MASSACHUSETTS						
One Hundred and Fourth Infantry	Sept. 20-24, 1934	Easthampton	5		70	Strike riot.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
MINNESOTA						
State staff	July 17, 1934	Minneapolis	1			Strike duty.
Fifty-ninth Field Artillery Brigade	do	do	9		34	Do.
One Hundred and Twenty-fifth Field Artillery.	do	do	2		42	Do.
One Hundred and Fifty-first Field Artillery	do	do	45	1	530	Do.
State detachment	July 20, 1934	do	9		30	Do.
Thirty-fourth Division	do	do	5			Do.
Fifty-ninth Field Artillery Brigade	do	do	9		36	Do.
One Hundred and Twenty-fifth Field Artillery.	do	do	12		151	Do.
One Hundred and Fifty-first Field Artillery	do	do	52	1	532	Do.
Ninety-second Infantry Brigade	do	do	8		22	Do.
Two Hundred and Sixth Infantry	do	do	65	1	986	Do.
Two Hundred and Fifth Infantry	do	do	64	1	969	Do.
Thirty-fourth Division Aviation	do	do	3		20	Do.
One Hundred and Eighteenth Motor Repair Section.	do	do	1		18	Do.
Troop Headquarters	July 28, 1934	do	24		59	Do.
One Hundred and Fifty-first Field Artillery	do	do	43	1	408	Do.
First Provisional Regiment	do	do	62		956	Do.
Quartermaster Detachment	do	do	5		17	Do.
First Provisional Truck Train	do	do	16		226	Do.
MISSISSIPPI						
Supply section and detachments Sixty-first Brigade, One Hundred and Fifty-fifth Infantry, One Hundred and Fourteenth Field Artillery.	Sept. 9 to Oct. 3, 1934	Magnolia and Kosciusko.	41		350	Aiding civil maintain order connection labor troubles.
Supply section and detachments Thirty-first Division Train, Sixty-first Brigade, One Hundred and Fifty-fifth Infantry, One Hundred and Fourteenth Field Artillery, One Hundred and Sixth Engineers.	Feb. 2-4 and Mar. 4-5, 1935	Cleveland	65		576	Trial and hanging of prisoner.
Supply section and detachments Sixty-first Brigade, One Hundred and Fifty-fifth Infantry, One Hundred and Fourteenth Field Artillery.	Mar. 20-22, 1935	Greenwood	23		219	Aiding sheriff guard levees.
One Hundred and Fifty-fifth Infantry, State staff, Sixty-first Brigade.	Mar. 28-30, 1935	Jeff Davis County	20		125	Aiding civil to capture bank bandits.
MISSOURI						
Thirty-fifth Division Aviation	Oct. 12-14, 1934	Columbia	1			Search for bandit.
One Hundred and Fortieth Infantry	Mar. 12-15, 1935	Poplar Bluff	3		52	Flood duty.
Do	Mar. 12-23, 1935	Kennett	15		190	Do.
Thirty-fifth Division Aviation	Mar. 12-17, 1935	do	3		2	Do.
NEBRASKA						
Thirty-fifth Division Troop, One Hundred and Thirtieth Ambulance Company, One Hundred and Sixty-sixth Hospital Company, Service Company Detachment.	June 1-4, 1935	Oxford, Orleans, Alma, Edison, Arapahoe.	21		237	Flood duty and enforcing martial law.
State staff and detachment, Sixty-ninth Infantry Brigade Headquarters, Thirty-fifth Division staff detachment, One Hundred and Thirty-fourth Infantry, One Hundred and Sixty-sixth Hospital Company, One Hundred and Thirtieth Ambulance Company Service Detachment.	June 15-21, 1935	South Omaha	103		1,273	Street car strike.
NEW JERSEY						
Two missions charged to the credit of the Forty-fourth Division Aviation: On Sept. 8, 1934, the disaster of the *Morro Castle* off the coast of New Jersey under most difficult flying conditions the Forty-fourth Division Aviation assisted in rescuing individuals from the burning ship. This mission was conducted under the command of Maj. Robert L. Copsey, Air Corps, New Jersey National Guard, assisted by the Regular Army instructor assigned to the organization, and 4 officers and 1 enlisted man of the Division Aviation. On Dec. 30 and 31, 1934, inclusive, in connection with the search for the missing American Airlines flyers in the Adirondack area north of Albany, N. Y., this mission was performed in subzero ground temperature which was increased in cold intensity in the air. The function of equipment was excellent. Although the survivors were not spotted by the military personnel everyone covered the area assigned to them in an excellent manner. The National Guard units were used to drop food and medical supplies to the flyers after they had been located.						
NEW MEXICO						
One Hundred and Twentieth Engineers	Nov. 5-7, 1934	Guadalupe County	5		12	Used in maintaining order at polls on election.
One Hundred and Eleventh Cavalry	do	San Miguel County	1			Do.
Do	do	Valencia County	5		25	Do.
Do	do	Rio Arriba County	1		8	Do.
One Hundred and Twentieth Engineers	do	Valencia County	1			Do.
One Hundred and Eleventh Cavalry (Band)	Jan. 30, 1935	Santa Fe		1	24	Dedication of F. E. R. A. Building.
One Hundred and Eleventh Cavalry	June 21-30, 1935	From Vaughn to Arizona border.			2	Search for missing Illinois tourists.
One Hundred and Twentieth Engineers	do		1		1	
One Hundred and Fifty-eighth Field Artillery	do				2	

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
NORTH CAROLINA						
Regimental Headquarters, One hundred and Twentieth Infantry.	Sept. 9–18, 1934	Entire State	1			Protecting life and property during textile strike.
Regimental Headquarters, Company One hundredth and Twentieth Infantry.	Sept. 6–20, 1934	Reidsville	2		64	Do.
Service Company, One Hundred and Twentieth Infantry.	Sept. 14–22, 1934	Burlington	4		37	Do.
Howitzer Company, One Hundred and Twentieth Infantry.	Sept. 11–25, 1934	Gastonia–Belmont	3		63	Do.
Medical Department Detachment, One Hundred and Twentieth Infantry.	Sept. 20–22, 1934	Burlington			5	Do.
Headquarters, First Battalion, One Hundred and Twentieth Infantry.	Sept. 6–22, 1934	do	1			Do.
Headquarters Company, First Battalion, One Hundred and Twentieth Infantry.	Sept. 15–24, 1934	Gastonia–Belmont	2		28	Do.
Company A, One Hundred and Twentieth Infantry.	Sept. 6–22, 1934	Burlington	3		64	Do.
Company B, One Hundred and Twentieth Infantry.	Sept. 12–23, 1934	do	3		60	Do.
Company C, One Hundred and Twentieth Infantry.	Sept. 15–23, 1934	Gastonia–Belmont	3		57	Do.
Headquarters, Second Battalion, One Hundred and Twentieth Infantry.	Sept. 6–27, 1934	Kings Mountain	2			Do.
Company E, One Hundred and Twentieth Infantry.	do	do	3		62	Do.
Company F, One Hundred and Twentieth Infantry.	Sept. 6–25, 1934	Kannapolis – Concord.	2		58	Do.
Company G, One Hundred and Twentieth Infantry.	Sept. 9–25, 1934	Winston–Gastonia	3		61	Do.
Company H, One Hundred and Twentieth Infantry.	Sept. 6–27, 1934	Marion–Spindale	3		60	Do.
Headquarters, Third Battalion, One Hundred and Twentieth Infantry.	Sept. 11–22, 1934	do	1			Do.
Headquarters Company, Third Battalion, One Hundred and Twentieth Infantry.	do	Central Falls	2		27	Do.
Company I, One Hundred and Twentieth Infantry.	Sept. 6–24, 1934	Marion–Spindale	3		50	Do.
Company K, One Hundred and Twentieth Infantry.	Sept. 6–25, 1934	Kings Mountain	3		64	Do.
Company L, One Hundred and Twentieth Infantry.	Sept. 6–22, 1934	Fayetteville	3		63	Do.
Company M, One Hundred and Twentieth Infantry.	do	Burlington	3		64	Do.
Headquarters, Third Squadron, One Hundred and Ninth Cavalry.	Sept. 6–27, 1934	Marion–Spindale	2			Do.
Medical Detachment, One Hundred and Ninth Cavalry.	Sept. 16–25, 1934	Gastonia–Belmont	1		7	Do.
Machine Gun Troop, One Hundred and Ninth Cavalry.	Sept. 6–23, 1934	Kannapolis – Concord.	2		63	Do.
Troop I, One Hundred and Ninth Cavalry	do	Kings Mountain	3		61	Do.
Troop K, One Hundred and Ninth Cavalry	Sept. 6–27, 1934	Marion–Spindale	1		54	Do.
Service Battery, One Hundred and Thirteenth Field Artillery.	Sept. 6–18, 1934	Kinston	4		45	Do.
Battery B, One Hundred and Thirteenth Field Artillery.	Sept. 16–18, 1934	Greensboro – High Point.	4		59	Do.
Battery D, One Hundred and Thirteenth Field Artillery.	Sept. 15–23, 1934	Gastonia–Belmont	4		62	Do.
Battery E, One Hundred and Thirteenth Field Artillery.	Sept. 18–23, 1934	do	3		61	Do.
Battery F, One Hundred and Thirteenth Field Artillery.	Sept. 13–23, 1934	Albemarle	4		64	Do.
Headquarters, Two Hundred and Fifty-second Coast Artillery.	Sept. 11–25, 1934	Gastonia–Belmont	4			Do.
Headquarters, First Battalion, Two Hundred and Fifty-second Coast Artillery.	Sept. 15–25, 1934	St. Paul	1			Do.
Headquarters Battery and Combat Train, First Battalion, Two Hundred and Fifty-second Coast Artillery.	Sept. 11–23, 1934	Gastonia–Belmont	3		25	Do.
Battery A, Two Hundred and Fifty-second Coast Artillery.	Sept. 15–25, 1934	Kannapolis – Concord.	4		64	Do.
Battery B, Two Hundred and Fifty-second Coast Artillery.	Sept. 6–22, 1934	St. Paul	4		60	Do.
Two Hundred and Fifty-second Coast Artillery.	Sept. 6–25, 1934	Greensboro – High Point.	23		204	Do.
One Hundred and Fifth Engineers	Sept. 6–27, 1934	Kings Mountain	4		57	Do.
Company A, One Hundred and Fifth Engineers.	Sept. 6–23, 1934	Marion–Spindale	3		55	Do.
Company B, One Hundred and Fifth Engineers.	Sept. 15–25, 1934	Gastonia–Belmont	3		60	Do.
Company C, One Hundred and Fifth Engineers.	Sept. 6–23, 1934	Cooleemee	3		64	Do.
NORTH DAKOTA						
One Hundred and Sixty-fourth Infantry	July 9–17, 26, 1934	Bismarck and Sioux County	2		46	Martial law and recovery of property.
Quartermaster Corps detachment	July 17, 19, 26, 1934	do			14	Do.
OKLAHOMA						
One Hundred and Seventy-ninth Infantry	Mar. 10–12, 1935	McAlester	2		17	Feeding unemployed.
Do	May 20–24, 1935	Oklahoma City	1		34	Maintaining order and protecting property in flooded area.
One Hundred and Eightieth Infantry	May 27 to June 26, 1935	Picher	5		111	Patrolling mine strike area.
OREGON						
Forty-first Division Headquarters Staff, One Hundred and Eighty-sixth Infantry, One Hundred and Sixty-second Infantry, Two Hundred and Eighteenth Field Artillery.	July 19–31, 1934	Portland, Camp Clatsop, Clackamas.	92	1	1039	Guard duty and protection of property during longshoremen's strike.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
RHODE ISLAND						
One Hundred and Third Field Artillery, One Hundred and Eighteenth Engineers, Two Hundred and Forty-third Coast Artillery.	Aug. 11 to Sept. 23, 1934	Saylesville, Central Falls, Woonsocket.	64	1	582	Riots in connection with textile strike.
SOUTH CAROLINA						
Headquarters, One Hundred and Eighteenth Infantry.	Sept. 5-29, 1934	Greenville	7			Strike duty.
Headquarters Company, One Hundred and Eighteenth Infantry.	Sept. 5-27, 1934	Laurens	2		62	Do.
Service Company, One Hundred and Eighteenth Infantry.	Sept. 7-27, 1934	Greenville	4		27	Do.
Howitzer Company, One Hundred and Eighteenth Infantry.	do	Graniteville	3		58	Do.
Medical Department Detachment, One Hundred and Eighteenth Infantry.	Sept. 5-28, 1934	Greenville	1		15	Do.
First Battalion, One Hundred and Eighteenth Infantry.	Sept. 6-28, 1934	Spartanburg	3		17	Do.
Company A, One Hundred and Eighteenth Infantry.	Sept. 5-28, 1934	Greenville	3		65	Do.
Company B, One Hundred and Eighteenth Infantry.	do	Spartanburg	3		64	Do.
Company C, One Hundred and Eighteenth Infantry.	do	do	3		58	Do.
Company D, One Hundred and Eighteenth Infantry.	do	Greenville	3		60	Do.
Second Battalion, One Hundred and Eighteenth Infantry.	do	Greer	3		18	Do.
Company E, One Hundred and Eighteenth Infantry.	Sept. 4-29, 1934	Greenville	3		62	Do.
Company F, One Hundred and Eighteenth Infantry.	Sept. 3-28, 1934	do	3		63	Do.
Company G, One Hundred and Eighteenth Infantry.	Sept. 1-28, 1934	Seneca	3		64	Do.
Company H, One Hundred and Eighteenth Infantry.	Sept. 5-27, 1934	Woodrull	3		62	Do.
Third Battalion, One Hundred and Eighteenth Infantry.	Sept. 5-28, 1934	Chester	3		19	Do.
Company I, One Hundred and Eighteenth Infantry.	Sept. 5-27, 1934	Union	3		62	Do.
Company K, One Hundred and Eighteenth Infantry.	Sept. 5-28, 1934	Belton	3		63	Do.
Company L, One Hundred and Eighteenth Infantry.	Sept. 5-29, 1934	Greenville	3		58	Do.
Company M, One Hundred and Eighteenth Infantry.	Sept. 5-27, 1934	Goldville	3		62	Do.
One Hundred and Fourteenth Ambulance Company.	Sept. 6-27, 1934	Chester	2		40	Do.
One Hundred and Eighteenth Motor Transport Company.	do	Graniteville	2		38	Do.
One Hundred and Nineteenth Motor Transport Company.	Sept. 6-28, 1934	Ninety Six	2		40	Do.
Headquarters, Second Battalion, One Hundred and Fifteenth Field Artillery.	Sept. 5-28, 1934	Greenville	2		0	Do.
Headquarters Battery and Combat Train, Field Artillery.	Sept. 7-28, 1934	Spartanburg	1		10	Do.
Battery D, One Hundred and Fifteenth Field Artillery.	do	Greenville	1		20	Do.
Battery E, One Hundred and Fifteenth Field Artillery.	Sept. 6-29, 1934	do	1		10	Do.
Battery F, One Hundred and Fifteenth Field Artillery.	Sept. 18-28, 1934	do	1		10	Do.
Headquarters Second Battalion, One Hundred and Fifth Engineers.	Sept. 5-28, 1934	do	1		0	Do.
Company E, One Hundred and Fifth Engineers.	Sept. 3-28, 1934	Rock Hill	3		60	Do.
Company F, One Hundred and Fifth Engineers.	Sept. 4-28, 1934	Greenville	3		58	Do.
Company D, One Hundred and Fifth Engineers.	Sept. 5-27, 1934	Chester	3		62	Do.
Headquarters, Two Hundred and Sixty-third Coast Artillery.	do	Greenville	1		0	Do.
Headquarters, First Battalion, Two Hundred and Sixty-third Coast Artillery.	do	do	2		0	Do.
Headquarters, Second Battalion, Two Hundred and Sixty-third Coast Artillery.	do	do	2		0	Do.
Headquarters Battery, Two Hundred and Sixty-third Coast Artillery.	Sept. 7-27, 1934	do	2		30	Do.
Battery A, Two Hundred and Sixty-third Coast Artillery.	Sept. 8-28, 1934	Honea Path	3		60	Do.
Battery B, Two Hundred and Sixty-third Coast Artillery.	Sept. 7-28, 1934	Greenville	3		58	Do.
Battery C, Two Hundred and Sixty-third Coast Artillery.	Sept. 5-28, 1934	Rock Hill	3		62	Do.
Battery D, Two Hundred and Sixty-third Coast Artillery.	Sept. 7-27, 1934	Greenville	3		62	Do.
Battery E, Two Hundred and Sixty-third Coast Artillery.	do	Winnsboro	3		62	Do.
Battery F, Two Hundred and Sixty-third Coast Artillery.	do	Greer	3		59	Do.
Headquarters, Thirtieth Division	Sept. 3-29, 1934	Greenville	1		0	Do.
Company L, One Hundred and Eighteenth Infantry.	Apr. 9-11, 1935	Kershaw County	2		20	Assisting in capture of escaped convicts.
Company M, One Hundred and Eighteenth Infantry.	Apr. 7-11, 1935	do	3		62	Do.
Do	Apr. 11-13, 1935	do	3		24	Do.
Battery E, One Hundred and Fifteenth Coast Artillery.	Apr. 8-11, 1935	do	2		35	Do.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
SOUTH DAKOTA						
One Hundred and Forty-seventh Field Artillery and One Hundred and Ninth Engineers.	Mar. 9-10, 1935	Sioux Falls, S. Dak.	37		367	Strike duty.
Do	Mar. 12-13, 1935	do	41		388	Do.
TENNESSEE						
Headquarters, One Hundred and Seventeenth Infantry.	Dec. 19-23, 1934	Shelbyville	4			To assist civil authorities protecting negro on trial for rape of white woman.
Howitzer Company, One Hundred and Seventeenth Infantry.	do	do	2		1	Do.
Service Company One Hundred and Seventeenth Infantry.	do	do	2		30	Do.
Headquarters and Headquarters Company, Second Battalion.	do	do	2		40	Do.
Company F, One Hundred and Seventeenth Infantry.	do	do	2			Do.
Company G, One Hundred and Seventeenth Infantry.	Dec. 20-23, 1934	do	3		58	Do.
Company H, One Hundred and Seventeenth Infantry.	Dec. 19-23, 1934	do	2		30	Do.
Headquarters and Headquarters Company, Third Battalion, One Hundred and Seventeenth Infantry.	Dec. 20-23, 1934	do	2		26	Do.
Company L, One Hundred and Seventeenth Infantry.	do	do	3		39	Do.
Company M, One Hundred and Seventeenth Infantry.	do	do	3		35	Do.
Troop E, One Hundred and Ninth Cavalry	do	do	3		47	Do.
Company A, One Hundred and Sixty-fourth Engineers.	do	do	3		50	Do.
Headquarters, One Hundred and Fifteenth Field Artillery.	do	do	2		0	Do.
Headquarters and Headquarters Battery and Combat Train, One Hundred and Fifteenth Field Artillery.	do	do	2		20	Do.
Battery A, One Hundred and Fifteenth Field Artillery.	do	do	3		54	Do.
Battery C, One Hundred and Fifteenth Field Artillery.	do	do	0		5	Do.
One Hundred and Twentieth Motor Transport Corps.	do	do	1		0	Do.
State staff	do	do	4		0	Do.[2]
Headquarters, One Hundred and Seventeenth Infantry.	Feb. 18, 1935	Nashville	1		0	Same as above, change of venue from Shelbyville to Nashville.
Service Company, One Hundred and Seventeenth Infantry.	do	do	3		50	Do.
Company F, One Hundred and Seventeenth Infantry.	do	do	3		50	Do.
Company H, One Hundred and Seventeenth Infantry.	do	do	3		50	Do.
TEXAS						
One Hundred and Thirty-first Field Artillery	May 20-22, 1935	Burkburnett	1		24	Flood relief.
WASHINGTON						
One Hundred and Sixty-first Infantry, Twenty-fourth Cavalry Division, One Hundred and Sixty-first Motor Transport Company, and Eighty-first Brigade Staff.	June 26-30, 1935	Tacoma	80	1	1,199	Assisting civil in maintaining law and order.
WEST VIRGINIA						
Two Hundred and First Infantry	Mar. 1, 1935	Terra Alta	1		23	Protection of property.
WISCONSIN						
One Hundred and Fifth Cavalry	July 28 to Aug. 20, 1934	Kohler	18		241	Strike duty.
One Hundred and Twenty-eighth Infantry	July 28-31, 1934	do	22		301	Do.
One Hundred and Eighty-third Ambulance Company.	do	do	3		12	Do.
WYOMING						
One Hundred and Fifteenth Cavalry	June 15-17, 1935	Sheridan	3		24	Flood relief.

[1] 401 officers and enlisted men.

[2] 1 officer, headquarters division attached.

Reasons for which the National Guard of the States of the United States were called out from July 1, 1934, to June 30, 1935

State	Number of calls	Duty	Strikes		Miscellaneous	
			Officers	Men	Officers	Men
Alabama	1	Strike duty	7	54		
Do	1	Investigation election returns			8	71
Do	1	Inauguration of Governor			87	1,012
Arizona	1	Enforcement military law over acres Colorado River to prevent construction of Parker Dam.			7	110
Do	1	Suppression of unemployed			9	92
Arkansas	1	Aid civil authorities in search of murderer			3	58
Do	1	Flood control			2	57
California	1	General strike [1]	356	6,154		
Connecticut	4	Strike duty	69	810		

[Footnotes at end of table]

Reasons for which the National Guard of the States of the United States were called out from July 1, 1934, to June 30, 1935—Continued

State	Number of calls	Duty	Strikes		Miscellaneous	
			Officers	Men	Officers	Men
Florida	1	American Legion Convention			4	35
Do	1	Protecting prisoners			7	88
Do	1	Aiding civil authorities on veterans' work projects			6	49
Georgia	4	Textile strike	152	3,210		
Do	1	Guarding Negro			3	71
Indiana	1	Guard duty burial of John Dillinger			7	99
Do	2	Forest fires			4	78
Kansas	1	Patrol road after bank robbery			3	26
Do	1	Flood			2	5
Do	1	Suppressing unemployed			20	298
Do	1	Strike	15	228		
Kentucky	2	Protect life of governor			1	6
Do	1	Guard duty during State fair			3	40
Do	1	Guarding jail			1	7
Do	3	Strike duty	22	170		
Do	1	Guard President of United States			60	314
Do	1	Guard prisoners			3	42
Do	1	Kentucky Derby				[2] 401
Do	1	Investigation lawlessness			2	2
Louisiana	2	Custody of records voting office			15	220
Do	1	Aid to State legislature			5	36
Do	1	Election day			60	1,277
Do	1	Guard Federal property			2	18
Do	1	Flood control			2	22
Maine	1	Textile strike	57	977		
Massachusetts	1	Strike duty	5	70		
Minnesota	3	do	486	1,219		
Mississippi	1	do	1	350		
Do	1	Hanging of prisoner			65	576
Do	1	Aiding sheriff guard levees			23	219
Do	1	Aiding in capture of bandits			20	125
Missouri	1	Searching for bandit			1	
Do	1	Flood duty			21	244
Nebraska	1	Flood control			21	237
Do	1	Strike duty	103	1,273		
New Mexico	1	Keeping order at polls on election day (Senator Cutting reference)			13	45
Do	1	Dedication of bridge			1	24
Do	1	Searching for missing tourists			1	5
North Carolina	7	Strike duty	141	1,936		
North Dakota	2	Recovery of property			2	60
Oklahoma	1	Feeding unemployed			2	17
Do	1	Flood control			1	34
Do	1	Strike duty	5	111		
Oregon	1	do	92	1,039		
Rhode Island	1	do	64	582		
South Carolina	1	do	118	1,703		
Do	1	Assisting in capture of convicts			10	141
South Dakota	1	Strike duty	41	388		
Tennessee	2	Trial of Negro			64	720
Texas	1	Flood control			1	24
Washington	1	Strike duty	80	1,199		
West Virginia	1	do	1	23		
Wisconsin	1	do	42	554		
Wyoming	1	Flood relief			3	24

[1] Cost approximately $12,000 per day.
[2] Officers and enlisted men.

Mr. ZIONCHECK. Mr. Chairman, I know very little about the National Guard, but the summarization which I have been authorized to insert in the RECORD I shall read very briefly, and read it in view of the language on page 50, because the $3,000,000 increase does not contemplate such a large increase in the National Guard. It contemplates an increase of only 5,000 men, and, understand, you do not pay them unless they are on strike duty or actually drilling, and they do not drill over once a month.

The real significance of this $3,000,000 increase is to be found in the following language:

Provided further, That the Secretary of War is hereby authorized to issue surplus or reserve stores and material on hand and purchased for the United States Army such articles of clothing and equipment and Field Artillery, Engineer, and Signal material and ammunition as may be needed by the National Guard organized under the provision of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916 (U. S. C., title 32, sec. 21), as amended. This issue shall be made without charge against National Guard appropriations except for actual expenses incident to such issue.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

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

There was no objection.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

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

There was no objection.

Mr. ZIONCHECK. For the RECORD I want it to be shown that under the appropriation for the National Guard for 1935 was $28,075,034, and the appropriation for the same National Guard in 1936 was $34,130,866, and coming now to the appropriation on which we are now working, and to which I am referring, we have recommended an appropriation for the same National Guard of $38,004,559. Keep in mind that from the F. E. R. A., from the P. W. A., and from the W. P. A. they have received money as though from Santa Claus. Listen to this language which is shown on page 603 of the hearings on the War Department appropriation bill for 1937 on military activities, Maj. Gen. Johnson Hagood, commanding general, Eighth Corps Area and Third Field Army, testifying:

But I am inclined to think that you will lose all the rest of these 50,000 men within the next 4 or 5 years if the budgeteers are to determine their fate.

I am asking that you take the Army and its supplies out of wartime shacks and put it into permanent buildings. You have got to do it. You have no choice. If you do not do it this year, you have got to do it next year or the year after that or you have got to abolish the Army.

I am suggesting that you do it now, when there is a lot of easy money floating around, and not to wait until you are skinning the Budget to the bone in order to make up for past extravagance.

I got $45,000,000 last year for the C. C. C. and I got a lot of this stage money from the W. P. A. I call it "stage money" because you can pass it around but you cannot get anything out of it in the end.

This particular present request for $10,034,915 is three times what was called for in 1935. This particular item of $10,034,915 that I am trying to reduce to the 1936 level pro-

vides for materials, uniforms, equipment, and field service for the National Guard, but does not provide for the arming, equipping, and training of the National Guard, for there are some $28,000,000 provided for that in this present appropriation. Statistics show that the National Guard was called out for duty but 92 times. Figure it out for yourself. I have done so hurriedly, and I find that every time the National Guard is called out by some harebrained or erratic governor the cost to the Federal Government is merely $348,000, in round numbers. Sometimes they only kill two or three persons. If they kill three, that is $116,000 per person killed—a mere trifle when one thinks of the property that has been saved and the protected rights, protected and enforced rights of workers to work for a livelihood at a starvation wage. It is no wonder that William Randolph Hearst writes lurid, vivid, and exclamation-point descriptions of the terrors of Communist Russia. These people can then get on their bended knees and be thankful to God that they do not have to undergo such terrible conditions and be subject to such terrific and inhuman torture as Mr. Hearst describes but never proves. But that is William Randolph Hearst.

Mr. Chairman, hurriedly, I read a summary. I shall not complete it, because it will be a matter of record tomorrow.

The National Guard, an organization which we are preparing for use in the event of an emergency to bring right into our Regular Army, has been used for little more or little less than a strike-breaking organization. True, in a few instances they were called out for other purposes—once when there was a flood disaster. True, in a few instances when in some States they could not inaugurate a governor they had some National Guards there. I do not know why, because, you know, we ought to have enough sheriffs and enough machine guns around there to inaugurate our own governors. True enough, at one time they were used in Chicago to bury—who was it? who was this gangster, one of the big ones?—Dillinger.

They had to have the National Guard in order to bury him so that the people would stay away from his coffin.

In Alabama, in connection with strikes, the National Guard was called out at different times, and there were used 7 officers and 54 privates.

In the great State of California, which is kissed by sunshine and bathed by the Pacific Ocean, they were called out several times. Three hundred and fifty-six officers were used and 6,154 privates. And, by the way, when they call out the National Guard the National Government pays for it, you understand. You know they get on the national pay then.

I have not the time to state all of these figures, but in Georgia at different times they were called out. One hundred and fifty-two officers and 3,200 men of the National Guard were used down there. That is year before last. I think more were used last year, as the people have the right to organize, and the National Guard has the right to disorganize them. They do not say they are breaking strikes. They say they are out there protecting property and the people's right to work. The people's right to work? The right to see that the scabs get in there to break strikes. That is what they are talking about. They always speak in perfumed language, euphoniously put.

In the State of Kansas 15 officers were used from year before last to last year, and 228 men.

In the State of Kentucky 22 officers and 170 men were used at different times. The reason they did not need so many down there in Kentucky is because the mine owners there seemed to have enough money to hire their own thugs. They imported them.

In Minnesota, 57 officers and 977 men. Of course, this was on one peculiar occasion, as I understand it. They really tried to maintain peace, law, and order.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. ZIONCHECK].

The amendment was rejected.

Mr. ZIONCHECK. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. ZIONCHECK: On page 49, line 9, strike out "$10,034,915" and insert "$6,887,638."

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

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

There was no objection.

Mr. ZIONCHECK. Mr. Chairman, we find that in the State of Nebraska 103 officers were called out at different times, and 1,273 men. All these have to do with strikes, you understand.

In North Carolina 141 officers and 1,936 National Guardsmen were called out, protecting property—mill property. All of these figures will be in the RECORD. I am simply giving a sample.

Now, our New Deal President has come before you, as well as his spokesmen, and stated that this is a new deal for labor. They stated that labor should have the right to organize; that the only way we can drag ourselves out of despondency and the depression is to increase the consumers' purchasing power. The only way you can do that is to permit labor to have a greater share of what they produce, and they produce it all. The President knows that, and it is true.

I show you a picture taken in our great State of Washington, one of the most progressive States in the Union. This was taken in Tacoma, Wash., and shows a National Guardsman on Government pay manhandling a woman on the streets of the city. They were doing "peaceful" duty. The businessmen were objecting because the National Guardsmen were throwing tear gas bombs and mustard gas bombs all around town, and the businessmen could not do any business. You are for people doing business, are you not? If they do not learn how to do these things a little bit better, why, I ask you, increase their appropriation $3,000,000?

All I ask is that you bring it back to the 1936 level of a little more than $6,000,000. Remember, I am only referring to the arms, uniforms, and equipment section of the National Guard, and a decrease in this particular item will in no way impair the arming, equipping, and training of the National Guard, for there is more than $28,000,000 provided for this particular activity. All I want to do is to not allow them to get a larger supply of tear bombs, mustard gas, and tanks with which to peaceably and in a lawful manner protect lives and property. Surely they can get along with $6,000,000. They got along with it in 1936, as the documentary proof shows; they certainly did enough harm then with $6,000,000, with the ammunition, gas, and other instruments of death which they purchased with this amount. Do you want to give them more? Are you men? Are you human?

Mr. MAAS. Yes.

Mr. ZIONCHECK. Well, I doubt it sometimes.

Mr. MAAS. That is a compliment.

Mr. ZIONCHECK. Yes; but where there is no sense there is not feeling, and where there is no feeling there is no sense——

Mr. MAAS. The gentleman is well qualified to explain that.

Mr. ZIONCHECK. Mr. Chairman, I just use this Tacoma strike as an example. I have here an editorial from the Bainbridge News, a very conservative paper. It states that our Senator—I forget which one—Mme. Perkins, and President Roosevelt asked our Governor to withdraw these troops so that there would not be violence and bloodshed, because that is when it always starts, you know, when you get the armed troops in there. How would you farmers have liked to have the National Guard in there when you were fighting for a little more for your milk and a little more for your cows that you were trying to sell as prime beef? How would you

like that? This may be all right. This is a general proposition. However, there is a principle involved.

I do not care how other Members vote on this. I know how I am going to vote. I know, for one, I am not concerned whether I come back to this House again or not, but if I do come back, I will come back like a man. Some of you cannot say that for yourselves. All I am asking is that you cut this appropriation down to the 1936 level of $6,000,000, which was the greatest amount ever given them to create violence heretofore.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent to embody in my remarks only the pertinent portions of this one article, and I will be very, very careful not to put in extraneous matter. The matter to which I refer appears in a Tacoma paper and consists of about three lines of this little editorial from the Bainbridge Review.

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

There was no objection.

The matter referred to is as follows:

[From the Bainbridge Review]

THINGS POLITICAL

By Jimmie K. Browne

* * * The junior Senator became active in Washington. He sought to interfere. Secretary Perkins and President Roosevelt did so.

[From a Tacoma paper]

Five thousand Tacomans shed tears when enveloped in gas for strikers; innocent bystanders suffered when they jam streets to watch pickets, workers, and police clash.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was rejected.

The Clerk read as follows:

For pay and allowances of members of the Officers' Reserve Corps on active duty in accordance with law; mileage, reimbursement of actual traveling expenses, or per-diem allowances in lieu thereof, as authorized by law: *Provided*, That the mileage allowance to members of the Officers' Reserve Corps when called into active service for training for 15 days or less shall not exceed 4 cents per mile; pay, transportation, subsistence, clothing, and medical and hospital treatment of members of the Enlisted Reserve Corps; conducting correspondence or extension courses for instruction of members of the Reserve Corps, including necessary supplies, procurement of maps and textbooks, and transportation and traveling expenses of employees; purchase of training manuals, including Government publications and blank forms, subscriptions to magazines and periodicals of a professional or technical nature; establishment, maintenance, and operation of divisional and regimental headquarters and of camps for training of the Organized Reserves; for miscellaneous expenses incident to the administration of the Organized Reserves, including the maintenance and operation of motor-propelled passenger-carrying vehicles and purchase of 15 such vehicles; for the actual and necessary expenses, or per diem in lieu thereof, at rates authorized by law, incurred by officers and enlisted men of the Regular Army traveling on duty in connection with the Organized Reserves, and for travel of dependents, and packing and transportation of baggage of such personnel; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department, except that not to exceed $785,775 of this appropriation shall be available for expenditure by the Chief of the Air Corps for the production and purchase of new airplanes and their equipment, spare parts, and accessories; for transportation of baggage, including packing and crating, of Reserve officers ordered to active duty for not less than 6 months; for the medical and hospital treatment of members of the Officers' Reserve Corps and of the Enlisted Reserve Corps who suffer personal injury or contract disease in line of duty, as provided by the act of April 26, 1928 (U. S. C., title 10, secs. 451, 455), and for such other purposes in connection therewith as are authorized by the said act, including pay and allowances, subsistence, transportation, and burial expenses; in all, $6,589,383; and no part of such total sum shall be available for any expense incident to giving flight training to any officer of the Officers' Reserve Corps unless he shall be found physically and professionally qualified to perform aviation service as an aviation pilot by such agency as the Secretary of War may designate: *Provided*, That not to exceed $100,000 of this appropriation may be used for establishment and maintenance of divisional and regimental headquarters.

Mr. McSWAIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: Page 53, line 14, strike out "$6,589,383" and insert "$8,474,195."

Mr. PARKS. Mr. Chairman, I desire to submit a unanimous-consent request. This item has been pretty thoroughly discussed and I think we ought to get through with its consideration in an hour's time and I therefore ask unanimous consent that all debate on this paragraph and all amendments thereto close in 1 hour and that 30 minutes of the hour be controlled by the gentleman from South Carolina [Mr. McSWAIN] and 30 minutes by myself.

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

Mr. PARKS. Certainly.

Mr. BOLTON. I quite agree with the gentleman that the question has been discussed pretty thoroughly and would it not be proper to reduce the time to 40 minutes?

Mr. McSWAIN. I am very sorry, but gentlemen who are more interested in the matter than I am have not discussed it.

Mr. BOLTON. I only offer that as a suggestion.

Mr. McSWAIN. And it has been the understanding that the time would be 1 hour and I have certain obligations with respect to time.

Mr. BOLTON. I am simply desirous of cooperating with the Chairman in concluding the consideration of the bill this afternoon.

Mr. McSWAIN. We are going to cooperate when this is over. Cooperate with us now, and we will be with you hereafter.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that all debate on this paragraph and all amendments thereto close in 1 hour; one-half of the time to be allotted to the gentleman from South Carolina and one-half to the gentleman from Arkansas. Is there objection?

Mr. MAPES. Mr. Chairman, reserving the right to object, is it not rather unusual to divide the time in Committee in this way? The matter of recognition is usually left with the Chairman.

Mr. PARKS. I had it in mind to yield the gentleman some time.

Mr. MAPES. I do not care for any time myself.

Mr. WOODRUM. Mr. Chairman, this has been done many times here, I will say to the gentleman. It is somewhat unusual, but there is precedent for it and an agreement has been reached by gentlemen interested on both sides of the aisle in an effort to expedite consideration of the matter.

Mr. MAPES. If the majority is satisfied I am.

Mr. MARCANTONIO. Mr. Chairman, reserving the right to object—and I am not going to object—I simply want to make this observation. I hope the same consideration will be extended to those who want to decrease this bill as is being extended to those who want to increase it.

Mr. ZIONCHECK. Mr. Chairman, reserving the right to object——

Mr. PETTENGILL. Regular order, Mr. Chairman.

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

There was no objection.

Mr. McSWAIN. Mr. Chairman, I yield myself at this time 5 minutes.

Mr. Chairman, we have come to the point where we must decide whether or not, in effect, the officer personnel of the United States Army from now on shall come exclusively from the Military Academy or whether substantially one-half of them shall come from civilian sources. This is the issue.

My good friend in charge of the bill has told us he is in sympathy with this, but just to put it off until 1939, when the first class of the increased cadet corps graduates, and then let the 50 Reserve officers come in for commissions along with the nearly 600. That will be too late.

The policy of the War Department has been to build up these 2,000 additional officers by annual increments of 400 a year. This is undoubtedly the record as shown by the report last year and this was the testimony of General MacArthur, General Pershing, and General Craig. Our committee was more conservative in the bill that we brought in

here. We asked originally that it be built up by increments of 200 officers for 10 years. We were more conservative. Our bill passed the House, went to the Senate, and the Senate cut it down to 50 officers to be commissioned in the Regular Army instead of 200 as we thought.

Let me remind you of this fact. If you are in doubt about the wisdom of this policy which has been close to the hearts of some of us for 10 years—we have been fighting for 10 years to give the graduates of such schools and colleges as V. M. I. and the Citadel and Norwich University and all of your good land-grant colleges and everywhere you have R. O. T. C. units, a chance. If you do not pass this amendment, I tell you the door is closed to them forever.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield for a question?

Mr. McSWAIN. Yes; for a question only.

Mr. PETTENGILL. Will the gentleman make plain to me why simply increasing the amount of money does the job the gentleman has in mind and with which I am in sympathy?

Mr. McSWAIN. Because the law authorizes the Secretary of War to do it—the Secretary of War wants to do it—the Secretary of War sent in an estimate to the Budget of $1,884,000 to make this law effective; and this is the money we are putting in the bill, and if he gets the money he will do it.

This House passed this bill twice, first as an amendment to the West Point cadet bill. That bill was amended by unanimous consent. Then the House passed it again. It has passed the Senate twice, and we thought that surely when the Congress had spoken, and the War Department had spoken, and all the great institutions of learning throughout the country had spoken, after the Reserve Officers' Association representing 120,000 Reserve officers had spoken, we would get a chance to show to the country what General Craig said of them, that is, if you will take 100 of the best officers in the Army, you will find half of them from West Point and the other half from civilian sources.

We are fortunate in having in the membership of this House a gentleman who had more to do with the drawing of the National Defense Act in 1920 than any other man living today, and I am going to yield to him at the proper time. He was chairman of the Senate Committee on Military Affairs in 1920, and under the advice of a great historian and constructive military statesman, General Palmer, he led in the drafting of this great instrument, the paladium of our defense, and I shall yield to Representative WADSWORTH at the proper time. [Applause.] With his background of knowledge and his comprehension of this proposition, a citizen of the State of New York, almost within sight of the great Military Academy, he will tell you what he thinks of this piece of legislation, and whether or not we ought to start, and start now, to put it into effect for the benefit of the national defense, this great measure for obtaining and training officers.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. PARKS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, I yield to no man in my desire to see the national defense adequately provided for. If I felt that the national defense imperatively required that we raise the Budget, I should support this amendment, but, frankly, I cannot get myself into that frame of mind. A couple of years ago a situation developed where we had to maintain our officer personnel at 12,000, with an enlisted personnel of about 118,000, and it appeared that upward of 2,000 of those officers were not occupied on necessary military activities. It appeared that they were almost ornamental. It appeared that their age situation was such that they could not perform really necessary active successful work for the Army. This committee a year ago brought in a provision under which that situation can gradually be corrected, and the officer personnel be brought up to date. With that officer personnel, there are plenty of officers to properly officer the troops which are going to be in this estimate of 150,000 men. I turn to pages 73 to 76 of the hearings. At the present time, out of the 12,000 officers with troops, there are 7,942, with 119,000 troops.

Now, we have in this bill 7,942 officers and 150,000 troops, and that means better than 1 officer to every 20 men. Is anyone going to say that that is not sufficient? Let me say to you that with the Infantry there is at least 1 officer to every 30 men, and is anyone going to say that that is not sufficient? Perhaps if we get to the point where there are 165,000 men, it might be possible to put in these thousand Reserve officers on active duty and not entirely demoralize your officer personnel in the Army. If you have more officers than you are able to keep busy, and they are not busy enough so that they are active, you destroy the efficiency of your officer personnel, and that is what you were doing 2 or 3 years ago, when you had 118,000 men in your Army. You have just about got enough with your 150,000 to keep your 12,000 officers properly busy and occupied.

What is the situation with reference to Reserve officers in the Army on active duty? Turn to page 312 of the hearings, and you will see that this bill itself provides for 300 active Reserve officers on duty in the Air Corps.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PARKS. I yield 2 minutes more to the gentleman from New York.

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

Mr. TABER. When I finish with this part of it. That is an increase of 1,000 Reserve officers on active duty over the current year. Here is another situation: You cannot draw into the Army, without increasing your 12,000 officers on active duty, any more commissioned officers. That became perfectly apparent in the colloquy which took place on page 1920 of the RECORD between the gentleman from South Carolina [Mr. McSWAIN], who offered this amendment, and the gentleman from Arkansas [Mr. PARKS], the chairman of the subcommittee. I now yield to the gentleman from South Carolina.

Mr. McSWAIN. If the gentleman's argument be true, does not the gentleman realize that it was a mistake to increase the number of cadets at the Military Academy because we will not have any places for them?

Mr. TABER. We have increased the number of cadets as a result of the operations of the bill which was brought in here last year by the gentleman from Arkansas [Mr. PARKS], the Army appropriation bill, and the scheme that was set up there to get rid of the over-age personnel, and we will begin to be able to absorb these men as they come out. Frankly I think there is a question whether we will not have a surplus of officers coming out of West Point. But I do not think we ought to make it more acute by crowding this extra 50, which this proposition would provide for, onto the regular officer personnel of the Army. If you put in too many, you completely demoralize the officer corps. I do not want to see the national defense destroyed by demoralizing the officer personnel. The worst thing that can happen is to have too many, with nothing for the men to do, to properly prepare them.

Mr. McSWAIN. Will the gentleman yield?

Mr. TABER. I yield.

Mr. McSWAIN. Does not the gentleman know that the express purpose of increasing the cadets was that the officer personnel would be built up by gradual increments to 14,000 instead of 12,000?

Mr. TABER. I did not understand it that way.

Mr. McSWAIN. I will read it to the gentleman.

Mr. TABER. I do not feel that that should be done.

Mr. McSWAIN. That is what the Congress acted on.

Mr. TABER. I hope this amendment will be defeated.

The CHAIRMAN. The time of the gentleman from New York [Mr. TABER] has expired.

Mr. McSWAIN. Mr. Chairman, I yield at this time to the distinguished gentleman from New York [Mr. WADSWORTH] 4 minutes.

Mr. WADSWORTH. I am in complete agreement with the statements made by the gentleman from South Caro-

lina with respect to the desirability, after we get things started, of commissioning in the Regular Army annually 50 men drawn from the Reserves, and I hope we can start it immediately. I shall not repeat the argument made by the gentleman from South Carolina. I think he has made an excellent presentation of that side of the question. I do, however, desire to take 2 or 3 minutes to say something about the other phase of the pending amendment, that provision which will authorize the Secretary of War or the President to assign to active duty with the Regular Army 1,000 of R. O. T. C. graduates annually to serve for 1 year.

The gentleman from South Carolina and I may not be in complete agreement as to the relative importance of the two provisions of this amendment. I am inclined to believe that, while the matter he has emphasized is exceedingly important, the one I am endeavoring to emphasize is even more important. It has nothing to do with the stated strength of the officer corps of the Regular Army. It proposes to take 1,000 of these youngsters—and I use that phrase advisedly—preferably in the grades of second lieutenant, first lieutenant, and no higher than that of captain—recent graduates from the R. O. T. C., and put them on active duty with the Regular service for 1 year. They will be assigned to the Infantry or the Cavalry or the Field Artillery. They will be assigned to every branch of the service—Quartermaster Corps, Engineers, Ordnance, Chemical Warfare; in fact, all the branches. No one will contend that a recent graduate from R. O. T. C. is an accomplished, trained officer. He will have absorbed in his college course the mere groundwork of the military profession, and it will not be contended that he is the equal of the recent West Point graduate. When he graduates from the R. O. T. C. he is commissioned as a second lieutenant, Reserve. Thereafter he may, under the most favorable circumstances, receive only 2 weeks' active training, a refresher course, as it were, annually, during the rest of his life.

From the date of his commission on through the years, he will receive so little training that actually he will lose touch, comparatively, with the profession into which he is supposed to have entered potentially as a Reserve officer; whereas, if we take these 1,000 youngsters each year and give them the opportunity of having 12 months with the Regular Army, they will absorb the true concept of the military profession. They will live with soldiers and with fellow officers, and at the end of that year they will have imbibed for the rest of their lives, unless I am tremendously mistaken, those ideals of discipline, of loyalty, of teamwork, and of professional responsibility. They can get that only in contact with fellow officers and with troops. [Applause.]

The CHAIRMAN. The time of the gentleman from New York [Mr. WADSWORTH] has expired.

Mr. PARKS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DOCKWEILER], a member of the committee.

Mr. DOCKWEILER. Mr. Chairman, I hesitate to differ with the gentleman from New York who just preceded me, because he is a Member of this House and also has been a Member of the upper body. At the same time I might call his attention to the fact that the bill which was passed provided for these 50 officers to be drawn from the 1,000 Reserve officers, to be trained for 1 year with the Regular Army, were to be assigned to the combatant arms and Chemical Warfare Service. That is, they were to be assigned to the fighting branches of the Army and not to other branches of the Army.

Mr. WADSWORTH. I admit the error. That was my mistake.

Mr. DOCKWEILER. Now, as a member of the committee which tried to provide appropriations to supply the necessities of the Army for the fiscal year 1937, let me say we heard considerable testimony touching this subject. We gave it very serious consideration; but if we were to accept the viewpoint of the gentleman from South Carolina—I speak now in my own opinion—that this bill which was passed and this method that was adopted is to secure 50 fresh officers every year from the more or less civilian ranks, do you know how much each one of those officers cost the United States Government?

Mr. McSWAIN. Yes; I know. Does the gentleman?

Mr. DOCKWEILER. Forty thousand dollars each, to get that commission, for 50 such officers.

Mr. McSWAIN. It will cost to graduate a second lieutenant $387.50 in the ordinary R. O. T. C. One year's training will be less than $1,800. Altogether it will be less than $2,200.

Mr. DOCKWEILER. I am considering a different sort of arithmetic. We are adding $2,000,000 to this bill by this proposed amendment to put 1,000 Reserve Officers in active duty in the Army for a year. The quod erat demonstrandum of the whole thing is that we are to get 50 second lieutenants commissioned out of that, and 50 divided into $2,000,000 is $40,000.

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

Mr. DOCKWEILER. I cannot yield; I want to finish my statement.

I am more or less inclined, of course, to the argument of the gentleman from New York. If there is any value in this thing the value is in the training of 1,000 R. O. T. C. graduates in active duty with real officers in the Army. But this is not sufficient in my mind at the present time for myself as a member of the Committee on Appropriations to upset the budgetary or fiscal arrangements of the Government for the coming year.

Mr. Chairman, there ought to be some other approach to the proposition of securing commissioned officers outside the Military Academy. I agree with the statement that it would be a bad thing for us to secure all our commissioned officers from the Military Academy, because I would fear that in years to come there might develop in this country among such a clique of officers a militaristic psychology. I am in favor of drawing some of the officers from the R. O. T. C., from the Reserve Corps and other organizations. I think there ought to be some other method of approach.

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I yield to the distinguished gentleman from Texas, the author of the bill in question, Mr. THOMASON, 10 minutes.

Mr. THOMASON. Mr. Chairman, I hope to be able to yield back at least 2 or 3 minutes of my time, because I know there are a number of Members who would like to be heard upon this very important amendment.

I feel sure this amendment will be adopted if it is properly understood. There is no question about the authorization. The distinguished chairman of the Military Affairs Committee [Mr. McSWAIN] has already explained that after an exhaustive hearing it received the unanimous approval of our committee. I am advised that it likewise received the unanimous endorsement of the Senate Committee on Military Affairs. It received the approval of the War Department. I understand that General Pershing gave it his endorsement. My friend the gentleman from New York [Mr. ANDREWS] stated before the committee that General MacArthur told him it would be a very fine thing. Only yesterday, in a radio address, I observe that the new Chief of Staff, General Craig, said this:

> We need a strong and efficient National Guard. We especially need a corps of outstanding Reserve officers capable of leading our young men in event we are called upon to defend our country.

As stated by the chairman of the Committee on Military Affairs, this authorization measure passed this House at the last session by a unanimous vote. It passed the Senate by unanimous vote. It comes here with the endorsement of the land-grant colleges and the military schools of the United States. It has the hearty approval of the R. O. T. C. officers throughout the country and the unanimous and enthusiastic endorsement of the Reserve Officers' Association of the United States.

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

Mr. THOMASON. I yield.

Mr. LANHAM. As a matter of fact, was not this policy adopted and approved when the bill was passed last year introduced by my colleague from Texas? And is not this

merely the appropriation of funds to carry into effect a policy which was then ratified by the Congress?

Mr. THOMASON. I am glad to have my friend from Texas ask me this question because he gave this bill his active support; not only that, but the cause of national defense has no better friend in this House than he. As the author of the bill I want to thank him for the support he has always given the Military Affairs Committee. His standing and influence in this House need no comment from me. The authorization is here. The sentiment back of this measure is almost unanimous, not only in this House but throughout the country; so now that it costs $1,800,000 why not give these young chaps who are attending the R. O. T. C. schools throughout the country a chance, an opportunity—and that is all they ask?

Let me ask you to consider this: There are more than 120,000 young men attending the R. O. T. C. schools at the land-grant and military colleges of the United States. More than 7,000 of them graduate every year; yet, you know from your applications for appointment to West Point—and we are all friends of West Point—that those boys are entitled to a chance if you want proper and adequate military preparedness in the United States.

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

Mr. THOMASON. I yield to the gentleman from Kentucky.

Mr. MAY. The gentleman will no doubt remember that last year when we were preparing this legislation we had former Secretary of War Newton D. Baker before us and that he described to us the difficulty of the mobilization of the World War Army.

Mr. THOMASON. That is true. We all know that many officers were sent to France who only had a few weeks' training. The hearings disclose that the Secretary of War and the War Department appreciate the importance of this matter. I have heard no good reason assigned why the Budget did not approve. I undertake to say there is not a man on the Subcommittee on War Department Appropriations that is not in sympathy with this idea. Mr. McSWAIN has worked for years on this proposition. Mr. WADSWORTH, who is regarded as an expert on military affairs, says that it is meritorious. West Point is a great school, but they do not need or deserve a monopoly. Others who are just as well qualified are entitled to a chance, and the country wants to know they are trained to meet any emergency.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. Certainly.

Mr. REED of New York. Will it not also be an incentive for more people in land-grant colleges and military colleges to take up the work and to perform their work with greater efficiency realizing they will have a chance to get this experience?

Mr. THOMASON. There is no question about it.

The gentleman from California [Mr. DOCKWEILER] is not correct in his mathematics when he sought to figure the cost of this whole thing on the basis of the 50 men who get permanent commissions. We will also give 950 more men the finest training they ever had.

Mr. CONNERY. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Massachusetts.

Mr. CONNERY. Do I understand there is an authorization for this money but it was not put in the appropriation bill?

Mr. THOMASON. That is correct. It has the unanimous endorsement of the House Committee on Military Affairs, the Senate Committee on Military Affairs, the War Department, the Chief of Staff, and everybody else I know of except this subcommittee.

Mr. CONNERY. I am in hearty sympathy with what the gentleman is trying to do, because in France when we had the young fellows come over there from Plattsburg as lieutenants they went through a lot of misery which they would not have gotten themselves into if they had a year's training as officers. Under the circumstances, we had to take sergeants to do the work.

Mr. THOMASON. I repeat that everybody seems to be for this except this subcommittee. I think now we ought to make it unanimous.

Mr. DOCKWEILER. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from California.

Mr. DOCKWEILER. The gentleman mentioned the V. M. I. Does the gentleman think it is necessary to send a graduate of V. M. I. to West Point for a year?

Mr. THOMASON. Not to West Point, but to give him a year's training and experience in the Regular Army. He is at least entitled to the opportunity, if he wants to serve, and that is something he does not have now.

Mr. DOCKWEILER. Why not make a better arrangement and give him a commission as second lieutenant in the Army if he is a graduate of V. M. I.?

Mr. THOMASON. He has not one chance in a thousand to get in the Army at the present time and the gentleman knows it. Take these young fellows throughout the country, the first and second lieutenants who graduate from these military schools. How much of a chance do they have to get into the permanent Military Establishment? This bill will create interest and enthusiasm among Reserve officers in every town and community throughout the country.

Mr. PARKS. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Arkansas.

Mr. PARKS. The gentleman mentions a lot of people, including the Chief of Staff, who has endorsed this proposition; but, with all of that, they could not get an endorsement from the President of the United States?

Mr. THOMASON. The President endorsed it when he signed my bill last year. If he had not expected an appropriation that would put it into effect he would have vetoed it. It is no good without some money.

Mr. PARKS. But the President of the United States expressly left that item out.

Mr. THOMASON. It is true the Budget left it out and that is the reason for this fight. May I say in this connection and right along that line that the distinguished gentleman from Wisconsin [Mr. BOILEAU] yesterday expressed it in very fine terms. Instead of spending so much money on useless battleships and on obsolete guns placed along the coast lines let us get a little national defense along the lines of more aircraft and training of our young men as set forth in this bill.

Mr. McSWAIN. Will the gentleman yield?

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

Mr. McSWAIN. Did not the President of the United States put his name on the gentleman's bill last August.

Mr. THOMASON. Of course he did, and did it promptly. He must have thought well of it.

Mr. PARKS. There are river and harbor improvement projects in here running into millions of dollars, which the Budget did not approve.

Mr. THOMASON. Perhaps so. Nobody ought to approve a lot of this river and harbor stuff. Much of it is "pork barrel" and that is all you can call it. This has merit, it gives us more national defense, helps our colleges, and trains our boys.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. THOMASON. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Is it not true there are no poor soldiers in the Army, but there are poor officers? In other words, a soldier has to obey his superior officer, and if the officer is not properly trained he may lose money. In voting for the gentleman's proposition we are protecting the future soldiers of the United States?

Mr. THOMASON. I thank the lady from Massachusetts, she can always be depended upon in matters of national

defense. There is no politics in this, the amendment has strong support on both sides of the aisle. We are all proud of the work of the subcommittee, but in their hearts they are all for this amendment, so let us make it unanimous. [Applause.]

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. BOLTON].

Mr. BOLTON. Mr. Chairman, I do not intend to take 5 minutes in discussing this matter, because there is very little that I can add to what has been said.

The gentleman from Texas said that the Subcommittee on Appropriations was not in a very receptive mood so far as this proposition is concerned. Frankly, I admit the statement. I believe heartily in the principles and aims as set forth in the Tomlinson bill. I would like to see an additional force of officers in our Army. I would like to see an additional group of enlisted men. I would like to see additional planes and an additional war reserve.

But, as members of the Appropriations Committee, what is our position? We are given a suggested Budget within which to build a bill suitable for national defense and for war purposes. I maintain it is our duty, insofar as it is possible, to hold within these figures. I further maintain that in these days when our general Budget shows a deficit, as sent to us from the White House, of over a billion dollars, and we know that within the next fiscal year it will run several billion dollars, we must forego many of these features of national defense which we would otherwise like to see put into effect. We should practice economy, which this country so much needs at the present time, wherever it is possible and will not jeopardize adequate defense.

Mr. McCORMACK. Will the gentleman yield?

Mr. BOLTON. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I am very much interested and pleased to note the gentleman's sympathy, and I assume if the Committee of the Whole should adopt the amendment the gentleman would not be keenly disappointed. [Laughter.]

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

Mr. PARKS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SNYDER], a member of the committee.

Mr. SNYDER of Pennsylvania. Mr. Chairman, I shall not consume 5 minutes. Your Subcommittee on War Department Appropriations has spent a large portion of the last 5 months in studying the contents of this bill. They have gone into every detail of the measure. They have made an extensive study of the application of every item in the bill.

There is nobody on the floor of this House who has devoted more of his life's work or given a larger margin of his time to the activities of young men than I have. I quite agree with the distinguished gentleman from South Carolina, but inasmuch as this was not included in the Budget, and inasmuch as your committee gave all of its study in an effort to come within the Budget, I am asking the members of the committee and the Members of the House to stay with the committee on the bill as it now is.

Mr. ROBERTSON. Mr. Chairman, will the gentleman yield for a question?

Mr. SNYDER of Pennsylvania. I yield.

Mr. ROBERTSON. During the 5 months that your committee studied this appropriation, how much time did your subcommittee give to trying to formulate a plan to bring the services of commercial flyers into the Army and have them available in time of emergency? I am referring to the trained flyers representing the commercial interests who have advanced the science of aviation.

Mr. SNYDER of Pennsylvania. I am very glad the gentleman brought that up. I can say that your committee—and I believe I speak for the entire committee—is very much in sympathy with such a plan.

Mr. ROBERTSON. But you did not work out any plan?

Mr. SNYDER of Pennsylvania. We gave study to the proposition.

Mr. ROBERTSON. Does not the gentleman think we could save three times the amount involved in this amendment by making these commercial flyers available as Reserve officers in time of war?

Mr. SNYDER of Pennsylvania. I would not say we did not work out a plan, but it takes time to consider such a plan.

Mr. ROBERTSON. Does not the gentleman believe we could bring about efficiency and economy in this way?

Mr. SNYDER of Pennsylvania. Perhaps we could.

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I yield one-half minute to the gentleman from Oregon [Mr. EKWALL].

Mr. EKWALL. Mr. Chairman, I have just received a telegram from the Department of Oregon Reserve Officers' Association, consisting of 17 chapters with 600 members and representing 1,600 Reserve officers in the State, who are 100 percent in favor of this amendment. This telegram is signed by Maj. James F. Stutevoss, president, and Capt. Thomas G. Greene, Jr., secretary.

I may say that I was a buck private for a few months during the World War and I know what it means to have trained officers. I am for this amendment just as strongly as I can urge it.

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I yield to a gentleman who is a graduate of a R. O. T. C. unit, the gentleman from Indiana [Mr. HALLECK], 1 minute.

Mr. HALLECK. Mr. Chairman, I frequently hesitate to get on the floor of the House and attempt to speak because many of these things I do not know much about, but this is one matter on which I think I am somewhat informed, having been graduated from a R. O. T. C. unit and having spent some time in these 2-week camps as a Reserve officer on active duty. In my opinion, if you are seeking adequate national defense you cannot get more for your money than you can get by adopting this amendment, putting 1,000 of these young men who have proven their interest in the military service into the service for a year to the end that they will be made real officers. They will then go off the pay roll, but throughout their careers will be immediately available for efficient and trained service in the event of need. [Applause.]

Mr. McSWAIN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. ANDREWS], a member of the Military Affairs Committee.

Mr. ANDREWS of New York. Mr. Chairman, I am reminded of what the gentleman from New York [Mr. TABER] said earlier in the afternoon. I think he entirely misses the point in the consideration of this matter when he speaks of the comparatively large number of officers who would be in the Army in proportion to its enlisted strength.

These young Reserve officers, drafted for 1 year's training, are not going in to take their places in the Regular line of officers, as was well pointed out by my colleague from New York [Mr. WADSWORTH]. They are going in simply for 1 year's active training with the Regular force and will then return to their civilian pursuits.

It is difficult now to say very much more on this amendment without indulging in repetition, but I believe there is one point which has not been touched upon very well. There are 7,000 young officers graduating from the R. O. T. C. schools each year and about 200 such schools scattered throughout the country. There are a great many of these schools in your own districts and in some cases there are hundreds of your young constituents graduating from these schools. I want you to think of it in this light. Doubtless you did have this in mind when the so-called West Point bill, with the authorization for this amendment, passed the House last summer without a dissenting vote, but there are literally hundreds of young men in your own districts who are interested and who want a chance to get into the Regular Army for 1 year's training.

You realize that a large proportion of these young men, when they graduate from these R. O. T. C. schools today are unable to get employment. There is nothing for them to do, and what better way could we find for them to

occupy themselves than to receive a year's training in the Regular Army under the conditions set forth in this bill?

I am reminded in considering the manner in which we act on these regular appropriation bills at times and our actions on other measures before the House when we are not considering a regular appropriation bill, that there is a good deal of penny wiseness and pound foolishness here.

This bill has had the entire approval of the War Department. It was originally recommended by General Pershing. This plan has the expressed approval of the former Secretary of War, Hon. Newton D. Baker; it has the approval of the present Secretary of War. It was recommended by the former Chief of Staff, General MacArthur, who said, and said well, that the passage and excution of the provisions of the Thomason bill will be the greatest single contribution to national preparedness since the war. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McSWAIN. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. EDMISTON], a member of the committee.

Mr. EDMISTON. Mr. Chairman, having served during the World War 28 months in an Infantry regiment of the Regular Army, the Thirty-ninth Infantry of the Fourt Division, I believe that I know something about this subject. I have all the respect and admiration in the world for the cocky young West Point graduate who joins his outfit, believing that he knows more about military science and tactics than "Black Jack" Pershing ever knew, and attempts to demonstrate it for a few years. What we need in our Army is a balance to that West Point cockiness; and the only way to get it is from civilian personnel being commissioned in the Army. A good deal of talk has been indulged in against this bill by members of the Appropriation Committee in respect to unbalancing the Budget. This amendment calls for only $1,884,812, and if we get within a million miles of balancing the Budget with that amount added, we are going to be doing pretty well. The talk of unbalancing the Budget by an appropriation of less than $2,000,000 is trivial and should not be considered when a question as vital to national defense as encouraging young men in the Reserve Offices' Training Corps to remain in that training for 4 years in our land-grant colleges and military schools instead of 2 years, which is the period of compulsory military training. That sort of talk is insignificant, and the talk of unbalancing the Budget should not influence you in your vote on this measure. The amendment, when summed up, gives our country just 950 well-trained young Reserve officers, many times more efficient than they could possibly be after years of service under the present system, and 50 young second lieutenants in the Regular Army that have been carefully picked after 5 years of observation and competitive contests from more than 7,000 of their fellow students from every State in the Union. If you want to improve on national defense, raise the morale of the Reserve Officers' Training Corps and make this a better country in which to live, work, and play, vote for this amendment.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. PARKS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I am just as much in favor of this proposition as my friend from South Carolina [Mr. McSWAIN], but this is not the time to put this approximately $2,000,000 in this bill.

Our committee which has studied the question and every member of it is sympathetic with the proposition and would have put it in the bill if we had not been limited and circumscribed by the President's financial policy that means much to the country and much to your President. We otherwise would have put it in, but since the President now objects to it, it ought not to go into this bill.

We must stand by the President's financial policy, and if we put this $2,000,000 in the bill there are numerous other items of great importance that ought likewise to go into the bill. If we are going to ignore the President's Budget and disrupt his financial program in one particular, why not do it in all particulars?

Mr. HARTER. How about the bonus?

Mr. BLANTON. That was something on which Members of Congress were pledged definitely and faithfully to their constituency long before the President was ever elected, and they had to keep faith with their constituents on that proposition, but on the general financial policy of the President, on his financial program——

Mr. ZIONCHECK. Mr. Chairman, a point of order.

Mr. BLANTON. I do not want to be interrupted by any obstruction in a 2-minute speech.

The CHAIRMAN. For what purpose does the gentleman from Washington rise?

Mr. ZIONCHECK. A point of order. An hour was allotted to debate on this particular amendment, which was a very peculiar movement in the first place, but the House granted it, one half for and one half to be in opposition.

Mr. BLANTON. That is not a proper point of order.

Mr. ZIONCHECK. Just 1 minute.

Mr. BLANTON. It is an interruption to obstruct a 2-minute speech, and is not a proper point of order.

Mr. ZIONCHECK. One-half of the time to be for the measure and one-half in opposition, and so far no one has spoken in opposition, and Mr. PARKS, the chairman of the committee, who controls the time in opposition, has not granted a minute to anyone in opposition.

The CHAIRMAN. The gentleman is not stating a point of order.

Mr. ZIONCHECK. What is it the Chair wants me to state?

Mr. BLANTON. Mr. Chairman, is the Chair going to permit my 2 minutes to be obstructed in this way?

The CHAIRMAN. The gentleman from Washington made the point of order. What is the point of order?

Mr. ZIONCHECK. The point of order is this: If one-half hour is to be devoted to opposition, there should be some opposition.

The CHAIRMAN. That is within the control of the members of the committee and is not a point of order.

The gentleman from Texas may proceed.

Mr. BLANTON. Now that we have been restored to order out of this chaos, which this obstreperous interruption caused, let me continue. Every Member of this Congress—that is, every Democratic Member at least, is pledged to carry out the President's financial policy on matters on which he has not pledged his constituents to the contrary. This is the situation. The President has asked us to keep this bill, so far as military items are concerned and also those nonmilitary, within his Budget. It was his Budget that he sent here. This is no time and no place to go outside of the President's Budget recommendation and load this bill up with many millions of dollars additional, and I hope that every friend of the President will stand behind him on this matter and vote against this $2,000,000 amendment.

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

Mr. McSWAIN. Mr. Chairman, I yield one-half minute to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Chairman, this measure is one of the greatest economy measures that has ever been proposed. It will obtain as much benefit for national defense at as little cost as anything ever proposed in this House. Another angle, which has not been touched upon, is the benefit to the education to the Regular Army officers by having 1,000 civilian Reserve officers scattered among them each year. It will give the Regular Army officers a new point of view which will be very healthy and very beneficial. It will balance up the attitude of the regular military service and the civilian components, and give the best possible results for our type of defense.

In time of war the United States will need 500,000 officers. The cost in money and lives is infinitely less by properly training Reserve officers in time of peace than by the hysterical mail-order methods otherwise necessary after war once starts.

One of the reasons that we are in the dire financial straits we find ourselves confronted with today is a result of our stupid, if not criminal, unpreparedness for the last war. There are some economies that become the most extravagant wastes. To refuse on the grounds of economy to provide the money now to carry out the Thomason law is one of those kinds of economy. We will pay dearly for it later, many, many times over in fact, if we fail to provide this necessary training now.

The money asked for in this amendment will permit the real training of a thousand Reserve officers a year. In 10 years we will have 9,500 highly qualified, efficient Reserve officers prepared to immediately take their places of leadership upon mobilization, and in addition 500 officers added to the regular service at a fraction of the cost of West Point graduates.

These Reserve officers on a year's active duty will carry into the Regular Army the point of view of the civilian and give to the Regular officers and men a better understanding of our civilian peacetime philosophy. At the same time, these Reserve officers upon returning to civilian life will carry back to the general public a better knowledge and understanding of the needs of our national-defense establishment.

This very desirable process will be continuous.

The civilian soldier is no militaristic threat to the peace of the world. On the contrary, he provides the most effective and economical force for peace. The members of our civilian components certainly do not want war, for they have everything to lose and nothing to gain personally by war. But the knowledge by possible enemies of this country that we have citizens who not only are patriotic and loyal but who are prepared by adequate training to translate that loyalty into effective action against an invader will do more to deter an overly ambitious enemy than anything else possibly could do.

We will by this amendment provide a force of highly trained officers in a few years nearly equal in size to the Regular officer corps of the Army and at but an infinitesimal fraction of the cost of the Regulars.

We cannot supplant any Regular officers by the use of the Reserves, nor is that the intent. Every officer in the Regular Army is needed for the dual job of administering the peacetime Army and in training the civilian components.

We do not in this country maintain a large standing army in time of peace like other countries, such as Germany with 500,000, France with 600,000, and Russia with 1,300,000. Therefore we must depend upon a properly trained adequate force of civilians to provide our national defense. If we are to depend on such a force, then we must actually have such a corps of genuinely trained reserves.

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I yield one-half minute to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Chairman, the gentleman from Oregon [Mr. EKWALL], to my mind, told the whole story of this amendment. Those of us who served as privates in the Army know the need of good officers. Many of the Plattsburgers and those officers from other officers' training camps, who came to us in France after only a few weeks' training experience had to be taught their lessons by the sergeants of the different regiments, infantry, artillery, and other outfits. We know the need of these men. We respect the West Pointers. They make fine officers, but the men who came to us from the camps did not have the training of the West Pointers, and unless we make those men ready with fit training and make them experienced officers, we will not be prepared to fight any future war.

I hope the McSwain amendment will be adopted.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. ZIONCHECK. I do not think there is a quorum present, Mr. Chairman.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and fifteen Members are present, a quorum.

Mr. McSWAIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. MAVERICK].

Mr. MAVERICK. Mr. Chairman, one of the Members today stated that the friends of the President should stand by his Budget. I think we ought to make our own Budget. The main reason I am for this amendment is that it is not building up a military caste. We do not want this Army to be wholly within the hands of West Pointers. These officers will come from all over the United States. They are mature young men. I believe this amendment should be passed.

Mr. McSWAIN. Mr. Chairman, I yield one-half minute to the gentleman from Texas [Mr. McFARLANE].

Mr. McFARLANE. Mr. Chairman, there is one point that I do not think has been fully covered, and that is the question of economy in the proposed amendment. From the standpoint of economy the difference between what it would cost to graduate a man from West Point and what it would cost to get a graduate through the R. O. T. C. in any land-grant college is $387 as against about $15,000, the amount it costs to educate a cadet 4 years at West Point. As far as economy is concerned, the Government will get the benefit of having these men from the R. O. T. C. educated the equal of those from West Point at about one-fortieth of the expense to the Government. I think, as an economy measure, if for no other reason, we ought to approve this matter and let the boys who are graduates of the R. O. T. C. have the benefit of this training.

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire [Mr. ROGERS].

Mr. ROGERS of New Hampshire. Mr. Chairman, I just want to say that I think the time has come when we, as Members of this House, about to pass a measure, as we are about to pass this amendment which we all know is meritorious and for the welfare of the national defense of this country, ought not to have thrown at us by two or three distinguished Members the remark that the President of the United States will shed tears and feel badly if we go beyond the Budget. As a matter of fact, yesterday in this House that statement was thrown at me when I tried to get a $13,000,000 amendment to this bill in order to give us an Army aviation force of which we might well be proud. I venture to say that, while I cannot speak for him, if we pass a bill which will give this country an armed air force of which it might be proud, and if we pass this amendment, the President of the United States will be the first man to say "Thank God for it." [Applause.]

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WILCOX].

Mr. WILCOX. Mr. Chairman, profiting by yesterday's experience, I trust the House will not be swept off its feet by the eloquence of the gentleman from Virginia [Mr. WOODRUM] in his appeal to the House to stand by the President.

I want to call the attention of the committee to the fact that this is not in violation of the President's policy. The President has already approved this measure. This is in accordance with the President's policy. When the President sent up his Budget estimate he asked the Appropriations Committee and the House of Representatives not to exceed the total amount which he had recommended. The Appro-

priations Committee, I am told, has already reduced the amount of this appropriation bill about $29,000,000. They have eliminated $29,000,000 of the estimates sent to them. We can put this $2,000,000 in the bill and still be $27,000,000 under the estimates of the Budget. [Applause.]

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I made a miscalculation and I promised three of my friends each a half minute to close the debate. Since there is only a half minute left, I say with great solemnity that if we pass this amendment and make this law effective, it will be the most forward-looking, progressive step for a fundamental, sane American defense that this Congress has taken within a generation since the National Defense Act was passed. So I ask you, as near as possible, let us make it unanimous.

Mr. PARKS. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Chairman, I think some great soldier once said when he was going into battle feeling a little shaky, "We who are about to die salute you." [Applause.]

Once you get the Army busy after an appropriation you have a pretty hard force to contend with. If the Reserve officers—these fellows who now tell you they are old Reserve officers, too old to go into battle—my colleagues, if this country is invaded by a foreign foe and these so-called Reserve officers get as busy and as energetic after that foreign foe as they have been after this appropriation, then you do not need to worry about the safety of America. [Laughter.]

Mr. Chairman, we have gotten entirely away from the point at issue. My good friends say that the President wants this because he signed the authorization bill. I say that he does not want it. I say to you that if this Congress today were to appropriate money for everything it has authorized, then God save the country, for you know we have millions of dollars worth of worthy projects of various sorts, worthy and commendable, many of them, which we have authorized. Yet our financial and fiscal policy does not permit us now to begin upon them; and that is the point. Why, I join hands with every gentleman here in saying that we should have in our officer personnel of the Army some of the splendid boys from these R. O. T. C. schools; but I want to ask you why, why do you have to take a graduate of the Virginia Military Institute, for instance, and give him a year's training anywhere before he is permitted to take his place by the side of a West Point graduate? That is not necessary. There are many other schools that graduate young men who with a little training, many less than a year, could take their places as officers in the Army. It is not necessary to send them for a year's training.

But that is not the point. The point is that we bring you today—and bear this in mind, my dear friends, when you go back to your districts, and you my friends over here who are Budget balancers, who are twitting us today for useless and extravagant expenditures, bear this in mind—that we are bringing you today the largest appropriation bill for the United States Army ever brought to the American people in peacetime. Remember this, if you please; we have increased the enlisted personnel to a minimum of 150,000, when a few years ago it was 118,000; we have provided for a maximum of 12,000 officers; you have got it; this bill appropriates for it. We gave you over and above the Budget sufficient funds to bring the enlisted personnel up to a minimum of 150,000. Now, if you are going to put any money into the bill, gentlemen, do not put in for officers; put it in for guns and modern equipment. I wish I had time to read you what we need today. We have 3,400 light field-artillery pieces; that is all we have. They are on wooden wheels and the wheels would fall to pieces if we tried to move them.

We have 3,450 semiautomatic rifles. The peacetime requirement is 45,000. What God's good is it to have officers if you do not have equipment for them? We are building up the Army, we are giving them modern equipment, we are modernizing it, we are putting every dollar into it, and as fast as the financial and fiscal policy of the Government will permit.

I come back and say again that the President has not asked you for it. I say it again. You talk of the Budget. It is not an estimate of the Director of the Budget, it is an estimate of the President of the United States, who is the Commander in Chief of this Army about which you are so apprehensive.

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

Mr. WOODRUM. I hope the gentleman will excuse me; I cannot yield.

Mr. Chairman, the President of the United States is just as much interested in national defense as any man on the floor of this House; and may I say that when the National Guard Association came to see him asking for this, he said:

> Wait for it, do not start it now; there are other things we need worse.

He did not ask you for this appropriation.

A little further along in this bill we come to the nonmilitary activities, and there you will find something like $100,000,000 of projects authorized, carried in this bill. We cannot start them now; it is not expected to start them now. There is just as much logic and reason for putting those items back in the bill as there is for starting upon this project.

Let me say further that this is in no sense a reversal of the splendid policy we inaugurated last year that as soon as we can do it we are going to start the policy of putting some of these splendid young men from our colleges into the officer force of our Army; but we do not need the officers now; we need equipment; we need so many other things more than we need officers; we need airplanes more; we need equipment more; we need armories and other things.

Mr. Chairman, speaking of this question of the Budget, my friend says, "Make our own budget." Well, it is a hard proposition to try to hold expenditures down. Every Member of Congress knows what that means. I have got a splendid college in my district that would be interested in this bill, and there is the Virginia Military Institute in an adjoining district; but I do not believe those gentlemen are going to feel that I have not been sympathetic with their interests when I stand by the recommendations of the President of the United States as sent to this Congress; and I believe every Member of this Congress can justify himself when he goes back to his district if he says, "Yes; I believe in that, but the President of the United States, charged with the financial and fiscal policy of this Government, who charts our way, and who is Commander in Chief of our Army, has not felt called upon to ask us for it; and certainly in this respect we can follow his leadership."

I want to appeal to you gentlemen; I want to appeal especially to my colleagues here, not because I have any feeling in this matter—I am just as enthusiastic for the principle involved as my distinguished friend from South Carolina; and if this amendment were to appropriate money to strike off a bronze tablet to his patriotism, his splendid unselfish service to this Congress and to his people, then I would not have the heart to oppose it.

[Here the gavel fell.]

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. THOMASON) there were ayes 116, noes 61.

So the amendment was agreed to.

The Clerk read as follows:

> No appropriation made in this act shall be expended for the pay of a reserve officer on active duty for a longer period than 15 days, except such as may be detailed for duty with the War Department General Staff under section 3a and section 5 (b) of the Army Reorganization Act approved June 4, 1920 (U. S. C., title 10, secs. 26, 37), or who may be detailed for courses of instruction at the general or special service schools of the Army, for duty as instructors at civilian military training camps, appropriated for

in this act, or for duty with tactical units of the Air Corps, as provided in section 37a of the Army Reorganization Act approved June 4, 1920 (U. S. C., title 10, sec. 369): *Provided*, That the pay and allowances of such additional officers and nurses of the Medical Reserve Corps as are required to supplement the like officers and nurses of the Regular Army in the care of beneficiaries of the United States Veterans' Administration treated in Army hospitals may be paid from the funds allotted to the War Department by that Administration under existing law.

Mr. McSWAIN. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. McSWAIN: On page 55, line 7, strike out the colon, insert a comma in lieu thereof and the following: "or who may be detailed to active duty with the Regular Army under the provision of Public Law No. 408, first session, Seventy-fourth Congress."

Mr. McSWAIN. Mr. Chairman, this amendment is offered to remove a restriction without which what we have previously done would be ineffective.

Mr. PARKS. Mr. Chairman, I accept the amendment.

The amendment was agreed to.

The Clerk read as follows:

For the procurement, maintenance, and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, including cleaning and laundering of uniforms and clothing at camps; and to forage, at the expense of the United States, public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for purchase of training manuals, including Government publications and blank forms; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit, or, in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for pay for students attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the act approved June 3, 1916, as amended by the act approved June 4, 1920 (U. S. C., title 10, sec. 387); for medical and hospital treatment until return to their homes and further medical treatment after arrival at their homes, subsistence during hospitalization and until furnished transportation to their homes, and transportation when fit for travel to their homes of members of the Reserve Officers' Training Corps who suffer personal injury or contract disease in line of duty while en route to or from and while at camps of instruction under the provisions of section 47a of the National Defense Act approved June 3, 1916 (U. S. C., title 10, sec. 441), as amended; and for the cost of preparation and transportation to their homes and burial expenses of the remains of members of the Reserve Officers' Training Corps who die while attending camps of instruction as provided in the act approved April 26, 1928 (U. S. C., title 10, sec. 455); for mileage, traveling expenses, or transportation, for transportation of dependents, and for packing and transportation of baggage, as authorized by law, for officers, warrant officers, and enlisted men of the Regular Army traveling on duty pertaining to or on detail to or relief from duty with the Reserve Officers' Training Corps; for the purchase, maintenance, repair, and operation of motor vehicles, including station wagons, $4,067,996; of which $400,000 shall be available immediately: *Provided*, That the Secretary of War is authorized to issue, without charge, in lieu of purchase, for the use of the Reserve Officers' Training Corps, so many horses now belonging to the Regular Army as he may consider desirable: *Provided*, That uniforms and other equipment or material issued to the Reserve Officers' Training Corps in accordance with law shall be furnished from surplus or reserve stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished to the Reserve Officers' Training Corps from stocks under the control of the War Department be in excess of the price current at the time the issue is made: *Provided further*, That none of the funds appropriated in this act shall be used for the organization or maintenance of an additional number of mounted, motor transport, or tank units in the Reserve Officers' Training Corps in excess of the number in existence on January 1, 1928: *Provided further*, That none of the funds appropriated in this act shall be available for any expense on account of any student in Air Corps, Medical Corps, Dental Corps, or Veterinary units not a member of such units on May 5, 1932, but such stoppage of further enrollments shall not interfere with the maintenance of existing units: *Provided further*, That none of the funds appropriated elsewhere in this act, except for printing and binding and pay and allowances of officers and enlisted men of the Regular Army, shall be used for expenses in connection with the Reserve Officers' Training Corps.

Mr. MARCANTONIO. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. MARCANTONIO: On page 59, line 6, before the period insert: "*Provided further*, That none of the funds appropriated in this act shall be used for or toward the support of any compulsory military course or military training in any civil school or college or for the pay of any officer, enlisted man, or employee at any civil school or college where a military course or military training is compulsory, and nothing herein shall be construed as applying to essentially military schools or colleges."

Mr. BOLTON. Mr. Chairman, I make the point of order against the amendment that it is not germane.

Mr. MARCANTONIO. Mr. Chairman, the same point of order was made last year. The amendment is offered to the same portion of the bill to which it was offered last year, and the Chair overruled the same point of order at that time.

I refer the Chair to page 2575 of the RECORD of the last session of Congress. My amendment is clearly a negative limitation which limits the purpose for which these funds may be spent. In view of the precedents, I respectfully submit the amendment is entirely in order.

Mr. Chairman, last year this amendment was offered right where the bill read:

Provided further, That none of the funds appropriated elsewhere in this act, except for printing and binding and pay and allowances of officers and enlisted men of the Regular Army, shall be used for expenses in connection with the Reserve Officers' Training Corps.

The amendment was offered right before the period, and that is where the amendment is being offered at the present time.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard?

Mr. BOLTON. I understood the amendment was offered after the "8,900" on line 19.

Mr. MARCANTONIO. No; the gentleman is mistaken.

The CHAIRMAN. The amendment is offered on page 59, line 6, after the word "Corps" and before the period.

Mr. BOLTON. Mr. Chairman, I was mistaken; and if the amendment is offered on line 6, as I understand to be the case now, I withdraw the point of order.

The CHAIRMAN. The gentleman from Ohio withdraws his point of order. The gentleman from New York [Mr. MARCANTONIO] is recognized for 5 minutes.

Mr. MARCANTONIO. Mr. Chairman, the amendment which I have just offered does not raise any issue as to the advantages or disadvantages of military training, because if the amendment is adopted, there is nothing therein which would prevent a young man attending any college or institution in the United States from taking military training. All that the amendment does is to limit the use of Federal funds to optional military training and prevent the use of Federal funds for compulsory military training. The National Defense Act simply provides that Congress shall appropriate for military-training purposes. It does not say a word about compulsory training. The amendment I have offered raises only one issue, and that is the liberty, the freedom of conscience, and the non-Prussianizing of American youth. I believe there are very few Members in this House who believe in conscription, especially in time of peace. Therefore, why apply conscription to American young men who are

attending colleges? Why force young men who are attending colleges, and who have conscientious, religious, and political scruples against military training to take military training in the colleges of this country?

Mr. POWERS. Will the gentlemen yield?

Mr. MARCANTONIO. I yield to the gentleman from New Jersey.

Mr. POWERS. Is it necessary for these boys to go to these particular colleges? Are they forced to go there?

Mr. MARCANTONIO. No; theoretically, they may attend any college they please, but we know full well that with the exception of a few wealthy boys who may choose any college they please, the choice of college is not free, it is controlled by economic determinism and other factors such as type of courses desired, athletic opportunities, and so forth. A young man most likely would choose a land-grant college, for instance, because it would cost him very little to go there.

So that when it is said a young man has freedom of choice with reference to colleges, the statement is only theoretically true, because the vast majority of the young men in this country who attend colleges are actuated in their choice by economic necessity and by a balance of convenience. Therefore, the argument as to freedom of college choice seems to me to have small binding force to the issue involved here.

Mr. Chairman, I fully realize that the argument is going to be made today that military training builds up character, and it does this and that. I do not care to dispute that at all. I say that under my amendment a young man going to college may take military training if he wants to. There is nothing to prevent him from taking military training. It in no manner injures the college student who desires military training. The amendment which I have offered simply protects the young man who does not want to take military training. It protects his liberty, his freedom of conscience, and his rights as an American.

Now, even from the standpoint of military efficiency I ask you to analyze the figures which we have received time and time again.

I have here a list of 11 colleges where military training is compulsory, and I also have here a list of 11 colleges where military training is voluntary. The group in the first column shows 11 institutions having compulsory R. O. T. C. units, having a total basic enrollment of 10,350. The number of advanced course students, potential Reserve officers, produced by these institutions, is only 1,457, which represents 14 percent of the basic enrollment from the given units. The cost of maintaining these military units upon a compulsory basis amounts to $1,077,825.

[Here the gavel fell.]

Mr. MARCANTONIO. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. PARKS. Mr. Chairman, I am sure the Members do not want to stay here into the night in the consideration of this bill, and I must insist that we do not extend the time, and I therefore object to the request.

Mr. MARCANTONIO. May I have 2 minutes more? You gave an hour to a discussion for an increase in these appropriations and I made a reservation of objection and said I would not object if the same consideration would be extended to those of us who might want to reduce these appropriations.

Mr. PARKS. Mr. Chairman, I shall not object to 2 minutes.

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

There was no objection.

Mr. MARCANTONIO. Mr. Chairman, inasmuch as time does not allow me to proceed with the analysis and comparison I have started, I ask unanimous consent to extend my remarks and include certain tables that were prepared for me, which will give a full picture of the difference between compulsory and optional military-training colleges.

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

There was no objection.

Mr. MARCANTONIO. After you have read these tables, together with the analysis, you will find that even from a military standpoint compulsory military training is grossly inefficient.

I fully realize that for me to stand up here and try to stop this tidal wave of militarism which has swept over the House, this orgy of steel-helmeted extravaganza, this insane expenditure for war purposes, which, in many instances, is unscientific and absolutely unnecessary, would be futile. I realize that I cannot stop this cavalcade of madness.

We are today sacrificing millions on the altar of militarism. Prepare for war and we will have war, not peace. If we want to prepare for war, why not prepare against unemployment and starvation? Millions of our unemployed are going to be faced with starvation on the 1st of June when Federal funds give out. Bear this in mind when you vote for these huge expenditures. When the unemployed need you, are you going to say, "Where is the money?"

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

Mr. MARCANTONIO. I cannot yield right now.

All I can do is protest, Mr. Chairman; I protest against this militarism. Keep on in this fashion and the day is not far off when the youth of this Nation will be forced to goose-step over the campus with right arm aloft shouting "Heil Doktor."

[Here the gavel fell.]

The matter referred to by Mr. MARCANTONIO is as follows:

A STUDY OF THE COMPARATIVE COST AND EFFICIENCY OF COMPULSORY AS AGAINST ELECTIVE R. O. T. C. UNITS

By Edwin C. Johnson, Committee on Militarism in Education

The greater efficiency of elective R. O. T. C. units, as againt compulsory units, both with respect to number of potential Reserve officers produced and cost of their production, is shown by the following tables:

I. COMPULSORY R. O. T. C. UNITS

Name	Enrollments [1]		Costs [2]			Average cost per potential Reserve officer
	Basic	Advanced	Personnel pay	Maintenance	Total	
University of Maine	517	39	$21,958.80	$15,691.24	$37,650.04	$965
Rutgers University	604	69	24,233.16	19,668.02	43,901.18	636
University of Maryland	678	50	18,909.00	16,031.98	34,940.98	698
Penn State College	1,694	107	49,305.17	57,723.69	107,028.86	1,000
University of Illinois	2,287	498	168,916.57	148,105.45	317,022.02	636
Iowa State College	731	179	76,007.84	34,756.40	110,764.24	618
University of Missouri	709	145	83,973.66	35,419.57	119,393.23	823
Oklahoma Agricultural and Mechanical College	1,146	74	26,932.00	48,790.99	75,722.99	1,023
Oregon Agricultural College	597	162	71,867.45	49,063.09	120,930.54	746
Utah State Agricultural College	445	37	16,862.00	14,577.00	31,439.00	849
University of Washington	942	97	59,046.19	19,986.49	79,032.68	814
Total	10,350	1,457			1,077,825.76	739

II. ELECTIVE R. O. T. C. UNITS

University of Pennsylvania	284	152	$32,828.46	$18,665.12	$51,493.58	$333
University of Pittsburgh	527	140	31,388.20	18,166.89	49,555.09	353
Carnegie Institute of Technology	274	100	16,199.20	16,822.76	33,021.96	330
Wofford College	207	76	11,419.10	11,589.10	23,008.20	302
University of Cincinnati	341	282	33,785.37	24,075.03	57,860.40	205
Western Reserve University	63	42	5,472.00	4,272.21	9,744.21	232
Knox College	91	44	9,819.03	3,755.62	13,574.65	308

[1] Official War Department figures as of Nov. 1, 1932. (See House hearings, War Department appropriation bill for 1934, pp. 512-525.) Later figures are given in published hearings on more recent War Department appropriation bills but, unfortunately, they are given for the Nation as a whole only and are not given for each school or college having military units.

[2] Official War Department figures for fiscal year ending June 30, 1931. (See House hearings, War Department appropriation bill for 1933, pp. 809-815.) As with enrollment figures, more recent cost figures on the R. O. T. C. for the Nation as a whole have been published, but they are not divided according to the various institutions concerned.

II. ELECTIVE R. O. T. C. UNITS—continued

Name	Enrollments		Costs			Average cost per potential Reserve officer
	Basic	Advanced	Personnel pay	Maintenance	Total	
University of Michigan	378	141	$27,308.13	$13,976.55	$41,284.68	$292
University of Wisconsin	342	117	31,563.22	17,189.69	48,752.91	408
University of Wichita	160	44	11,793.20	5,976.01	17,769.21	403
Washington University	216	105	21,977.80	11,604.57	33,582.37	319
Total	2,883	1,243			379,647.26	305

The foregoing tables show several things which support the contention that, from the standpoint of military utility and Federal policy, elective R. O. T. C. units are preferable to compulsory units.

COMPULSORY UNITS MORE EXPENSIVE THAN ELECTIVE AND YET HAVE A LOWER AVERAGE IN PRODUCTION OF POTENTIAL RESERVE OFFICERS

The group of 11 institutions having compulsory R. O. T. C. units, listed in the first table, have a total basic enrollment of 10,350. The number of advanced-course students, potential Reserve officers, produced by these institutions is 1,457, which represents 14 percent of the basic enrollment for the given units. The cost for maintaining these military units upon a compulsory basis amounts to $1,077,825.76, an average of $97,984.16 for each institution. The average cost of producing the given number of potential Reserve officers by these 11 institutions maintaining compulsory R. O. T. C. units is $739 per head.

The second table lists 11 institutions maintaining R. O. T. C. units upon an elective basis. The total basic enrollment is comparatively small, only 2,883, whereas the number of students in the advanced courses, potential Reserve officers, reaches 1,243, a figure which is 43.1 percent of the basic course enrollment of the given units and which is almost equal to the total number of potential Reserve officers produced by the compulsory unit group. The cost of maintaining elective units in these 11 institutions is $379,647.26, or an average cost of $34,513.38 per institution. These two figures are 65 to 70 percent smaller than the corresponding figures for the compulsory unit group. Accordingly, the average cost of producing the given number of potential Reserve officers by the institutions maintaining elective R. O. T. C. units is $305 per head, or 59 percent less than the average cost of their production in the institutions in the compulsory unit group.

The great waste in the compulsory units is caused by the necessity of providing uniforms, equipment, and instruction for the large numbers of unwilling students who are drafted as cadets in the basic courses. These students never continue with the advanced R. O. T. C. courses (which are optional everywhere except at a few openly advertised military schools) without which they cannot be eligible for appointment as Reserve officers. Moreover, the hostility of these students to the military courses imposed upon them against their choice impairs the morale of the units in which they are enrolled, retards the progress, and reduces the quality of the work of those students who are honestly and sincerely interested in becoming Reserve officers.

COMPULSION IN R. O. T. C. WORK A DETRIMENT, ELECTION A BENEFIT, TO MORALE

Many military men and other authorities actually involved in the administration of R. O. T. C. work have testified that elective military training is preferable to compulsory, because of its beneficial effect upon morale. Witness the following:

At the University of Wisconsin, a land-grant college which made the R. O. T. C. elective in 1923, Major Wood, who first opposed the abolition of compulsory training there, later said: "Voluntary drill has eliminated those students who have an intense hatred of drill. Our corps is better because of it."

Maj. George A. Sanford, commandant of the Pomona R. O. T. C., said in 1927: "Voluntary military training at Pomona College is more successful than the compulsory system abandoned 2 years ago."

During the controversy over compulsory military drill at the University of Washington, Maj. F. J. DeRohan, of the R. O. T. C. unit, said he would "like to give every student who does not like drill an excuse and tell him to get out. It is a university ruling, not ours. We do not want compulsory drill."

An anonymous Army officer, writing in the Infantry Journal, November–December 1931, on Inside Dope on One R. O. T. C. Unit says: "Therefore, I believe that if the training were not compulsory it would not be so distasteful to all concerned. Our past experience proves this."

Maj. Enoch B. Garey, former commandant of the Johns Hopkins R. O. T. C., author and coauthor of many military manuals, including the famous Plattsburg Manual, and a combat officer in the A. E. F., has said: "Existing conditions in the R. O. T. C. ought to be changed. Many of the imperfections are the result of conditions * * * at (the) time grants of Government land were made to State universities. * * * The heads of these institutions took the attitude that military training was compulsory. Boys forced into it grew to hate it. * * * Compulsory military training is an unfortunate plan because of its unpopularity. It is far wiser to offer training under an understanding personnel. Take away compulsion, but foster pride and tradition, which are very necessary to the movement."

Kenneth E. Walser, former major of Field Artillery, once said: "I do not think that any military men think it is possible to make officers out of unwilling students. It has always been taken for granted in past wars that officers must be drawn from those who voluntarily offer their services. This principle was followed in training officers for the last war, and nothing is clearer than that any other course is futile. Therefore, whatever may be the results attained with the students who are sufficiently enthusiastic to take an additional military course and summer camp training (in order to become Reserve officers), the money which the Government is spending in endeavoring to make officers out of those who for one reason or another do not wish to be trained is wasted."

EXPERIENCED EDUCATORS OFFER SIMILAR TESTIMONY

Dean S. H. Goodnight, of the University of Wisconsin, wrote as follows to a correspondent on November 14, 1930: "There is very little agitation with regard to military training on our campus. Since military drill has been made optional, only those students enter the training corps who have an interest in it and prefer it to the alternative requirement of physical education. This results in a much smaller corps, of course, but in a very much better one, because all those who are in it are interested in the work and are doing it from choice * * *."

President Daniel L. Marsh, of Boston University, which changed from compulsory to optional R. O. T. C. early in 1926, entered the following statement in his 1926 report to the trustees: "* * * As a matter of fact, about 80 percent of the men in the freshman class this year have elected the course in military science and tactics. The Army officer in command told me the other day that he noted a vast improvement in the morale of the unit. He and you and I will all agree that it is better to have 80 percent of the men enrolled with 100 percent cooperation and good will than to have 100 percent of the men with only 80 percent of cooperation and good will. Any impartial judge will find that the whole situation is vastly improved by the abolition of the compulsory feature."

Dr. C. C. Little, former president of the Universities of Maine and Michigan, in his book The Awakening College says: "There is a widespread and steadily growing feeling against compulsory military training of any sort, or for any period either basic or advanced, at the colleges and universities. * * * Placing all military instruction at the schools and colleges with R. O. T. C. units on a voluntary basis will aid greatly in disentangling the snarl of factors in the situation as a whole and will give to work in military science a dignity and broad value which, while compulsory, it can never obtain."

Dean E. M. Freeman, of the College of Agriculture of the University of Minnesota, has said: "We cannot dismiss the scores of student petitions, the protests of intelligent and clear-thinking individuals, the numerous resolutions of church and other conventions, and the countless other protests which are voiced in all quarters against compulsory drill as entirely propaganda. * * * The military departments have failed to adapt the college military training to modern college conditions and have maintained an unyielding insistence on the maintenance of an educational system of 50 years ago."

COMPULSION IN R. O. T. C. UNITS NOT AN ADVOCATED WAR DEPARTMENT POLICY

Informed War Department officials have repeatedly denied War Department responsibility for the compulsory feature of R. O. T. C. courses. Witness the following:

John W. Weeks, when Secretary of War, wrote to a correspondent as follows on November 18, 1924: "* * * I am pleased to inform you that the National Defense Act does not make military training compulsory at any of the institutions which receive the benefits authorized by the act. So far as the War Department is concerned, it is optional with the authorities of the school, college, or university whether military training shall be an elective or a compulsory course in the curriculum."

Maj. Gen. Charles P. Summerall, later Chief of Staff, writing in Current History, April 1926, said: "Compulsory military training is not a requirement of the War Department; neither is it required in the provisions of the National Defense Act for those institutions accepting the R. O. T. C."

Each year representatives of the War Department appear before members of the House Subcommittee on Military Appropriations to offer justifications for various items, including maintenance of military training units in schools and colleges, in the annual War Department appropriation bill. Often the testimony offered in these hearings contributes to the clarification of War Department policy with reference to matters of dispute or misunderstanding. Following is testimony pertinent to the question of compulsory military training.

On December 12, 1928, the following dialog took place between Congressman Ross A. Collins, of Mississippi, a member of the subcommittee, and Capt. D. A. Watt, of The Adjutant General's Office of the War Department (pp. 881–882, U. S. House hearings, War Department appropriation bill for 1930):

"Mr. COLLINS. You divide them (the schools and colleges having military training units) into those where training is compulsory and those where it is not compulsory, do you not?

"Captain WATT. No, sir; required and voluntary—that does not enter into it so far as the War Department is concerned. The War Department does not require military training. That is left to the institutions.

"Mr. COLLINS. Do you furnish those schools where the military training is compulsory more than you do the strictly civilian institutions?

"Captain WATT. No, sir; they are all treated alike, depending upon the branch of the service.

"Mr. COLLINS. * * * I believe that military instruction is compulsory in all of those land-grant schools except the University of Wisconsin; is that right? * * * As I understand it, that is a matter which the Secretary of War held was up to the States themselves to determine.

"Captain WATT. It is a matter left entirely to State institutions, land-grant and other institutions."

On December 5, 1930, the following dialog took place between Congressman COLLINS and Captain Watt (pp. 940–941, U. S. House hearings, War Department appropriation bill for 1932):

"Mr. COLLINS. I would like to know if a good many of these colleges do not make R. O. T. C. work compulsory just to get the War Department to take care of physical training in the colleges.

"Captain WATT. That is a matter entirely with the institution. An institution would not receive Government aid in any way, nor would an R. O. T. C. unit be established in an institution, unless they voluntarily came to us and asked that we carry on military instruction at their institutions, and then they would have to show that they had so many students, according to the National Defense Act, available for instruction, and that they had certain facilities. The War Department does not enter into the question of compulsory instruction. We do not even suggest it to institutions."

Mr. PARKS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

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

There was no objection.

Mr. ZIONCHECK. Mr. Chairman, I just came into the Chamber and the gentleman from New York [Mr. MARCANTONIO] was orating in a very characteristic, but very effective manner, about the possibilities of the unemployed and what they might do when they are hungry. It seems to me the gentleman from New York has not given the situation careful analysis. Does not the gentleman from New York realize that the gentlemen in this Chamber recognize that when we stop feeding the unemployed and when we get them back to "rugged individualism" they are going to rebel? They are going to start breaking things up and you have got to have an Army and a lot of volunteers, and you have got to have a big National Guard and the National Guard has got to have the machinery that goes around fast so that they can surround them and use gas bombs and everything else, so that they can control the situation in that manner. Have you not given this thing just a little thought? Methinks the gentleman from New York [Mr. MARCANTONIO] rather presumptuous or naive to even suggest the matter of the hungry unemployed or those seeking to organize legally in order to get more of what they produce and avoid unemployment, when in this very bill the machinery is being set up in the event they speak up—as our Constitution guarantees—or peacefully assemble to talk over their grievances and work their serious problem out in a decent, orderly American fashion.

Let us pause—

Let us remember—

Without big business—no employment; and why should we leave it without an adequate defense?

I yield back the remainder of my time.

Mr. PARKS. Mr. Chairman, I may say just one word in reply. This is the same old amendment that bobs up here ever and anon, and the House votes it down every year, and I hope they will do so this year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MARCANTONIO].

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 15, noes 86.

So the amendment was rejected.

Mr. BIERMANN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIERMANN: On page 59, line 6, after the words "corps", insert "*Provided further*, That none of the funds appropriated in this act shall be used for or toward the support of military training courses in any civil school or college the authorities of which choose to maintain such courses on a compulsory basis, unless the authorities of such institutions provide, and make known to all prospective students by duly published regulations, arrangements for the unconditional exemption from such military courses, and without penalty, for any and all students who prefer not to participate in such military courses because of convictions conscientiously held, whether religious, ethical, social, or educational, though nothing herein shall be construed as applying to essentially military schools or colleges."

Mr. PARKS. Mr. Chairman, I make the point of order that the amendment is legislation on an appropriation bill and is in no sense a limitation.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. PARKS. Mr. Chairman, of course, I will reserve the point of order if the gentleman wishes to be heard.

Mr. TABER. Then, I make the point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard on the point of order?

Mr. BIERMANN. Mr. Chairman, the purpose of this amendment is to make an exception of the compulsory feature of this military training for those students who have a genuine conscientious scruple against taking military training. The amendment is of the same piece of cloth as the amendment of the gentleman from New York [Mr. MARCANTONIO], which has been ruled in order many times in this House.

The CHAIRMAN. The Chair is ready to rule. The first part of the amendment offered by the gentleman from Iowa is very much the same as the amendment offered by the gentleman from New York [Mr. MARCANTONIO], but there is further language in the amendment offered by the gentleman from Iowa which involves legislation which is as follows:

That unless the authorities of such institutions provide and make known to all prospective students by duly published regulation—

And so forth. That is an affirmative command and direction to the officers of the institution. The Chair thinks the amendment is not in order because it provides legislation on an appropriation bill, and, therefore, sustains the point of order.

Mr. LUCKEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska is recognized for 5 minutes.

Mr. LUCKEY. Mr. Chairman, repeatedly we hear it voiced on the floor of the House, "Where are you going to get the money?" I think that is a very pertinent question. The world has gone mad on this armament race, and we are leading in this race. We are confronted here with the largest appropriation bill for the Army that has ever come up in the House in peacetimes. I am opposed to this huge, unwarranted expenditure. I desire to state that when we do spend the money, we want to get our money's worth.

On Wednesday, February 12, 1936, as a part of my remarks I quoted some figures on relative expenditures for armaments of the leading military powers over the period 1919 to 1934, inclusive. Since then those figures have been challenged on the floor of the House as to their accuracy. In addition, I have received numerous cloakroom requests for more complete figures and for the sources from which they were drawn. Believing that the Members of this House and that every person in the United States should have these figures, I have prepared a complete table, by years, showing the source from which the information was given. I ask that this table be included at this point in my remarks.

The following figures, derived from original sources, have been tabulated upon the basis of "expenditures" rather than upon "appropriations." The sources from which the figures have been drawn appear at the bottom of each table. Conversions of foreign currencies into United States dollars have been made each year at the going rate of exchange.

Armament expenditures in selected countries for the years 1919-34

[All amounts are given in millions and tenths of millions of the currency designated]

Year	United States [1]	France [2]		Great Britain [3]		Italy [4]		Japan [5]		Germany [6]	
	Dollars	Francs [7]	Dollars [8]	Pounds [7]	Dollars [8]	Lire [7]	Dollars [8]	Yen [7]	Dollars [8]	Reichsmarks [7]	Dollars [8]
1919	11,227.6	21,552.0	295.3	2,198.0	9,737.1	22,411.1	2,554.9	368.0	188.4	1,261.2	37.8
1920	1,659.9	8,686.0	608.0	691.0	2,529.1	8,585.2	424.3	536.7	270.5	2,898.7	52.2
1921	1,070.1	7,635.0	552.2	292.2	1,125.0	11,298.1	485.8	1,360.0	655.5	3,775.0	45.1
1922	794.7	6,993.4	573.9	149.4	639.0	7,974.1	382.8	1,849.8	715.7	5,309.7	11.7
1923	596.8	6,889.1	420.2	127.4	582.3	3,390.8	156.0	1,429.7	693.4	33,026.7	.7
Total	15,349.1		2,449.6		14,612.5		4,003.8	5,184.2	2,523.5		147.5
1924	573.6	5,775.2	288.8	119.4	527.7	3,839.0	168.9	499.0	205.6	456.4	108.6
1925	589.3	5,543.6	266.1	121.2	585.4	4,036.2	161.4	455.2	186.6	465.8	110.9
1926	580.0	6,437.1	206.0	127.0	617.2	4,732.0	189.3	443.8	209.5	621.3	147.9
1927	584.5	7,728.5	301.4	121.8	591.9	5,329.5	277.1	434.2	205.8	658.1	156.6
1928	624.0	9,389.8	366.2	121.8	593.2	4,839.4	256.5	491.6	228.1	713.2	170.5
Total	2,951.4		1,428.5		2,915.4		1,053.2		1,035.6		694.5
1929	680.0	10,968.7	427.8	99.9	485.5	4,933.7	256.6	517.2	238.4	769.1	183.0
1930	702.9	11,599.7	452.4	99.3	482.6	4,959.9	257.4	494.9	244.5	691.0	165.1
1931	699.4	12,021.8	468.9	95.1	430.2	5,643.8	293.5	442.8	216.5	681.1	160.7
1932	702.4	9,965.0	388.6	92.4	324.3	5,439.6	277.4	454.6	127.7	617.0	146.2
1933	648.1	11,447.3	572.4	88.2	374.0	5,193.6	348.0	697.2	178.5	633.7	193.3
1934	540.3	11,186.9	738.3	92.6	550.0	4,584.1	394.2	851.8	253.0	671.7	264.6
Total	3,973.1		3,048.4		2,646.6		1,827.1		1,258.6		1,112.9
16-year total	22,273.6		6,926.5		20,174.5		6,884.1		4,817.7		1,954.9

[1] U. S. Treasury Department: Annual report of the Secretary, 1920, pp. 266, 270-272; figures for 1919 and 1920. The Budget: 1923, pp. A8 and A10 (figures for 1921); 1924, pp. A19 and A24 (figures for 1922); 1925, pp. A27 and A31 (figures for 1923); 1926, pp. A28 and A32 (figures for 1924); 1927, pp. A27 and A31 (figures for 1925); 1928, pp. A27 and A32 (figures for 1926); 1929, pp. A28 and A34 (figures for 1927); 1936, pp. 812 and 814 (figures for 1928-34). Figures represent total expenditures for the War Department—Military Establishment or activities—and the Navy Department.

[2] Budget général de l'exercice, 1923, vol. 1, pp. 14-15 and 30-31; figures for 1919, 1920, and 1921. Amounts include both ordinary and extraordinary budgets, and recoverable expenditures. League of Nations Armaments Yearbook: 1924, p. 460 (figures for 1922 and 1923); 1925-26, p. 571 (figures for 1924); 1932, p. 124 (figures for 1925-28); 1934, p. 279 (figures for 1929-34). Amounts represent Government estimates of budget expenditures for defense. Owing to a change in the fiscal year, the figures for 1930, 1931, and 1932 actually represent those for 1930-31, 1931-32, and for 9 months of 1932, respectively.

[3] Statistical Abstract of the United Kingdom: 1918-21, p. 134 (figures for 1919-22). Amounts represent totals for the Army and Navy ministries. League of Nations, Armaments Yearbook: 1924, p. 106 (figures for 1923); 1925-26, p. 155 (figures for 1924); 1926-27, p. 125 (figures for 1925); 1927-28, p. 134 (figures for 1926); 1928-29, p. 134 (figures for 1927); 1929-30, p. 139 (figures for 1928); 1933, p. 781 (figures for 1929); 1934, p. 784 (figures for 1930-34). Figures for 1934 are estimates.

[4] Italy. Direzions generale della statistica. Annuarie statistico Italiano: 1919-21, pp. 463-464 (figures for 1919-21); 1922-25, p. 359 (figures for 1922). Amounts represent totals for the war and navy ministries, both ordinary and extraordinary expenditures. League of Nations, Armaments Yearbook: 1924, p. 547 (figures for 1923); 1925-26, p. 697 (figures for 1924); 1927-28, p. 580 (figures for 1925 and 1926); 1929-30, p. 574 (figures for 1927 and 1928); 1934, p. 426 (figures for 1929-34). Amounts for 1933 and 1934 are budget estimates.

[5] Japan. Bureaude la statistique générale. Résumé statistique de l'empire du Japan: 1922, p. 149 (figures for 1919-20). Figures include both ordinary and extraordinary expenditures by the war and navy ministries. (See also Japan. Department of finance. Financial and economic annual.) League of Nations Armaments Yearbook: 1924, p. 571 (figures for 1921); 1925-26, p. 728 (figures for 1922 and 1923); 1926-27, p. 593 (figures for 1924); 1927-28, p. 609 (figures for 1925); 1928-29, p. 580 (figures for 1926); 1929-30, p. 599 (figures for 1927 and 1928); 1934, p. 441 (figures for 1929-34).

[6] Statistisches Jahrbuch für das deutsche Reich: 1920, p. 183-8 (figures for 1919); 1923, p. 353-5 (figures for 1920-23). Amounts include both ordinary and extraordinary budgets, continuing and temporary expenditures, for the army and navy ministries. Totals have been computed. Armaments Yearbook: 1925, p. 345-6 (figures for 1924); 1927-28, p. 483 (figures for 1925 and 1926); 1929-30, p. 471 (figures for 1927-29); 1934, p. 296 (figures for 1930-34). Figures for 1934 are estimates.

[7] Due to constant fluctuation in rates of exchange it has been necessary to convert foreign expenditures into terms of the United States dollar upon a yearly basis. Rates of exchange have been determined from U. S. Federal Reserve Board. Federal Reserve Bulletin, January 1928, p. 56; January 1933, p. 35; January 1934, p. 38; February 1935, p. 104. Value of German reichsmark, 1924, is for the period Oct. 29 to Dec. 31.

[8] Computed.

For a long time I have been gathering these statistics, and, if there are any errors in them, I shall be most glad to correct them.

The table shows expenditures only through the fiscal year 1934, as that is the latest year upon which actual expenditures—not appropriations—can be shown. From the League of Nations Armament Yearbook for 1935 estimates for 1935 may be cited. For the purpose of brevity, I wish to read you these estimates, by countries, converted into American dollars at current rates of exchange:

France

Army	$368,900,000
Navy	192,300,000
Air Service	96,100,000

Great Britain

Army	300,000,000
Navy	421,000,000
Air Service	164,700,000

United States

Army	328,900,000
Navy	492,500,000
Air Service	42,124,000

For the United States the figures have been taken from the Annual Report of the Secretary of the Treasury, 1935, pages 309 to 313.

Japan

Army	$379,500,000
Navy	413,900,000
Air Service (included with the above).	

Italy

Army	203,600,000
Navy	97,000,000
Air Service	56,300,000

Foreign exchange valuations from United States Treasury Circular No. 1, 1935.

In order that there be no confusion in regard to the figures given heretofore and included in this table today, I want to say that these figures do not represent Budget or appropriation figures but actual expenditures. That must be made clear.

The excessive expenditures for our Army in comparison to those of the other powers is not due to the salaries paid to our standing Army or to the increased cost of feeding and clothing them. All one needs to do to prove this fact is to add up the total of the present bill or any of its predecessors for the items including pay, subsistence, and clothing and compare those with the entire military appropriation.

To get at the basis of this problem, it is necessary to examine the manner in which we maintain our national defense. Lately the Navy has thought primarily in terms of Pacific defense, and most of the fleet has been concentrated there; yet seven navy yards are maintained on the Atlantic coast at Portsmouth, Boston, New York, Philadelphia, Washington, Norfolk, and Charleston. Several times it has been recommended that only the three yards at New York, Philadelphia, and Norfolk and the gun factory at Washington were needed.

The United States Army has been criticized for a number of years because of the useless forts which have been preserved where there is no question of national defense. Every time anyone suggests moving one of these forts, there is immediately a cry of protest from those located around that fort. We have gone past the "horse and buggy" age,

yet we maintain useless posts close together which could be eliminated, as it is only a matter of a few hours' transportation between them. In May 1931 the War Department decided to abandon 10 such posts, and the Hoover administration did abandon 5 posts: Fort D. A. Russell, Tex.; Camp Jones, Ariz.; Camp Little, Ariz.; Fort Eustis, Va.; and Fort Hunt, Va.

Through some strange quirk all five of these posts were in Democratic territory.

Stocks of supplies have been kept on hand sufficient for an Army of 1,000,000 men, although the Army numbered less than 150,000 men. Let me quote the figures for the fiscal year 1932 for some articles of clothing, showing the number on hand and the number issued:

	Number on hand	Number issued
Breeches, cotton	1,798,903	174,463
Coats, cotton	1,712,678	99,799
Breeches, woolen	1,535,514	12,372
Coats, woolen	1,501,339	108,276
Trousers, woolen	830,652	17,334

There is a tremendous waste resulting from overstocking. This was illustrated in 1932 when the Army sold goods which had cost $9,155,000 for $687,399. About 100 kinds of equipment were included in that list of surplus goods. A few of them were as follows:

	Quantity	Cost to Army	Price sold
Woolen breeches	203,000	$667,870	$50,750
Heavy woolen socks	150,000	57,000	6,000
Leather gauntlets	218,000	252,880	25,070
Horsehide gloves	256,500	176,985	25,650
Canton flannel mittens	450,000	225,000	11,250
Winter undershirts	750,000	937,500	108,750

May I quote here a part of a frank speech given at Kansas City in April 1933 by Maj. Gen. Johnson Hagood, commander of the Seventh Corps Area:

So far as the Army is concerned, we have too many bureaus already and we could spare six or eight of them with advantage to the national defense and to the joy of the taxpayer. There is no duplication between the Army and the Navy. But there is a duplication within the Army, and it is to be hoped that the President, with his extraordinary power, will be able to accomplish a consolidation and a simplification within the Army itself that could not have been accomplished with the complicated machinery set up by Congress.

The Army has too many overlapping agencies. We are overstaffed. I have twice as many staff officers, clerks, and orderlies as I need, but I cannot get rid of them under the existing set-up.

Our system of administration and supply is so complicated and involved that it would collapse at the outbreak of the next war just as it has collapsed at the outbreak of every war in the past.

We are tied hand and foot with red tape, borne down with unnecessary paper work, and laboring under a training system that could not be comprehended by emergency officers in time of war. I doubt very much if there be a general in the Army, or an officer of the General Staff, who has read the American training regulations—certainly not one who could pass an examination upon them.

A few million dollars here and there due to waste and maladministration, coupled with the excessive prices paid to armament makers, show the reason why our expenses are so great and our results so small.

If we are to have adequate national defense, we must eliminate excessive profits to purveyors of defense supplies; we must eliminate duplicating of bureaus; we must eliminate graft and maladministration wherever it is found. The crying need is to place the Army, Navy, and Air Services on a business basis, directed by competent, hard-headed business men. Providing equipment and supplies for national defense is one of the biggest businesses in which this Government participates. We should have a centralized business administration for that purpose. This is a day of specialization and this fact is recognized by every officer of our Army, Navy, and Air Corps and by every Member of this Congress. We have highly trained and experienced officers to direct our military needs whose duty it is to point out what we need to make our national defense adequate to meet all contingencies. Why, then, should we not have a centralized business administration for the three services, manned not by men unskilled and inexperienced in business practices, but by hard-headed, practical, and able business men? That is the way to reduce expenditures and at the same time to provide for the goal that we seek—adequate national defense.

(By unanimous consent, Mr. LUCKEY was granted leave to extend his remarks in the RECORD by the insertion of certain figures and statistics.)

Mr. POWERS. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Chairman, I move to strike out the last two words. First, I commend the Subcommittee on Appropriations for the work that they have done upon this bill. They have worked hard and tirelessly and faithfully. They are not only entitled to a vote of thanks but the support of every Member of this body.

Mr. Speaker, I am introducing a bill to provide for the repeal of provisions of paragraph IV, Veterans' Regulation No. 9 (a), promulgated by the President pursuant to Public Law No. 2, Seventy-third Congress.

Veterans' Regulation No. 9 (b) provides that the Government shall reimburse in a sum not exceeding $100 such person or persons as defray the burial expenses of a deceased war veteran.

Veterans' Regulation No. 9 (a) provides that claim therefor may be filed at any time within the year following the veteran's death and evidence in support of the claim must be filed within 6 months upon request thereof by the Veterans' Administration.

It frequently occurs that there are so many distressful circumstances surrounding a veteran's death, the widow or close relatives find it impracticable to perfect a claim within the length of time allotted.

The purpose of this bill is to remove the time limit within which claim for reimbursement for burial expenses may be filed.

I have in mind a case which has come to my attention within the past few months in which it was shown the veteran was murdered in 1929 and his body was not recovered until 1934 following confessions made by the persons responsible for his death.

A claim for burial allowance was filed within less than 2 months after the body was recovered, but the Veterans' Administration denied the claim on the grounds that it had not been filed within 1 year following the veteran's death, or before September 16, 1933, the limiting date in this instance, as provided for in the law and governing regulation.

Now, it was a physical impossibility for this claim to be filed within 1 year after the veteran's death in 1929, since it was not known that he was dead until his body was found in 1934. Likewise it was impossible to file claim prior to the limiting date, September 16, 1933.

I contend the burial allowance in this case is due the claimant and should be paid by the Government, and that the intent, if not the wording, of the law was that such a claim should be allowed.

Since investigating this particular case, I find that similar claims have been denied by the Veterans' Administration, and, in order that these apparent injustices may be erased, I introduce this bill to repeal the unfair regulation covering the time limit for filing claims for reimbursement of burial allowances justly due widows, mothers, and close relatives of deceased war veterans.

Mr. MOTT. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Shortly after the House convened this afternoon my two colleagues from Oregon addressed themselves to the occasion of the anniversary of the admission of our State into the Union. If gentlemen will indulge me, I wish to add to theirs my own brief tribute, and I think I can do that in no better way than to call attention again of the Members of the Congress to one of the great problems of our State, a problem which, by the way, it happens to be the business not of the State of Oregon but of the Congress to solve. I refer to our public-land problem.

The land problem arises out of the circumstances surrounding the admission of Oregon into the Union as a State. The establishment of government in Oregon is one of the most unique chapters in the history of our country. In fact, so far as I know, there is no parallel to it in history anywhere. When the first Americans went to Oregon 100 years ago they went into a country which was politically a "no man's land." The United States claimed sovereignty over the Oregon country, but it had never exercised any jurisdiction over it. The British Government also claimed sovereignty there and had, in fact, exercised jurisdiction. The actual government of the Oregon country at that time was in the hands of a British corporation, the Hudson's Bay Co., and the actual ruler of the Oregon country at that time was Dr. John McLaughlin, who was the chief factor of the company, and who was a benevolent dictator.

During the 12 years following the first settlement of Americans in Oregon, American immigration continued steadily, until finally about 1849 the number of Americans in that country equaled the number of British. The British in Oregon were largely employees and former employees of the Hudson's Bay Co. The Americans, when they went to Oregon from the Eastern States, took their own law into that country.

They decided, after their numbers had become large enough to be effective, that they should establish a civil government for Oregon. So they called a meeting at Champoeg, in which all of the inhabitants of the Oregon country were invited to participate, including the British subjects, and there they declared and perfected a complete form of government of their own. They formed that government without any help or recognition from the United States, and invited the United States to come in and assume jurisdiction over it. That is the way the government was established in Oregon. The people of Oregon gave the Oregon country to the United States.

When we were finally admitted into the Union as a State in 1859 we were admitted upon condition that the United States should retain some 54 percent of the entire area of our State. This was to remain in the ownership of the Federal Government, leaving to the State of Oregon the ownership of only 46 percent of its own area. We are allowed to tax only 46 percent of the land of our own State in order to support our State and local governments.

The problem of Oregon, therefore, is to secure from the Federal Government, on account of the ownership of this vast area of our State in the Federal Government, a sufficient amount of revenue annually to reimburse us for the tax loss sustained through Federal ownership of more than half the area of Oregon. During long years in Congress we have partly succeeded in accomplishing this. We now receive through appropriate legislation enacted for that purpose a substantial share of the annual revenue produced from the Federal domain in Oregon.

It is a part of our duty as Representatives of Oregon in Congress to see to it that the Federal Government performs its plain obligation to our State in this regard in order that our people may not suffer from the tax loss sustained by reason of the fact that so much of our area belongs not to the people of Oregon alone but to all the people of the United States.

From time to time attacks are made upon the laws under which we receive this Federal revenue.

A bill was introduced at the last session to repeal one of the most important of those laws whereby we receive this revenue, namely, the Stanfield, Oregon, and California land-grant law. Fortunately that repeal bill was defeated in the Committee on Public Lands, of which I am a member, and I desire on this occasion to thank my colleagues on that committee for the very friendly interest and understanding they have always shown in regard to our land problems.

Our problem is to preserve that revenue, and if we can, to increase it and make it more secure, and for our just and proper claims in this regard I ask the cooperation of all Members of this body. [Applause.]

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. BIERMANN. Mr. Chairman, I move to strike out the last word.

Mr. POWERS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

Mr. DUNN of Pennsylvania. Reserving the right to object, will the gentleman make it 8 minutes? I should like to have 3 minutes.

Mr. POWERS. I will modify the request to make it 8 minutes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey that all debate on this paragraph and all amendments thereto close in 8 minutes?

There was no objection.

Mr. BIERMANN. Mr. Chairman, unless some Member with a prior right offers a motion to recommit, I expect to offer the following motion to recommit:

I move that the bill be recommitted to the Committee on Appropriations with instructions to report the bill back with sufficient reductions in the amounts to bring the total appropriation below $400,000,000: *Provided*, That none of the reductions shall be made in the Air Corps or Chemical Warfare Service.

If that motion to recommit prevails, the amount of money that will be voted for the War Department for the fiscal year 1937 will be larger than any sum ever voted for war by any other nation on earth in any year of peacetimes since the dawn of history. It will be $80,000,000 more than this country spent in the years 1898 and 1899 together, when we were prosecuting the Spanish-American War and the trouble in Puerto Rico.

This bill lends itself to a lot of brave words. It sounds very fine to get up here and say, "I am for defense." But nobody has come in and said against whom you are going to defend yourselves. Again and again I have asked members of the Appropriations Committee and other members of this committee and of the Subcommittee on Naval Appropriations to come into this House and tell us out of his own imagination or out of testimony by any military or naval man, how it is possible for any foreign power or combination of foreign powers to invade this country. During the World War the Allies had the great navies of the world. Did they invade Germany from the sea? They never fired a single hostile shot from the water into Germany. Did they invade Turkey? They tried it, but they utterly failed. I ask the proponents of this bill, in the time still left for debate, to turn back the pages of history and, if they can, point to one single time in a hundred years when any power or combination of powers has landed troops successfully on the hostile shores of a major power. The English Channel

is 26 miles wide in one place, yet England has never been invaded for about 900 years. In hundreds of years England has not invaded France across that water, and she has not invaded Germany across that water. It is just something that is not done. Some of you gentlemen went across the Atlantic in the World War and you know something about the difficulty of the United States getting its troops across 3,500 miles of water. We had no ammunition to transport. We had no guns to transport. Our allies had ample supplies of these and asked us to send only men and food. All we had to transport was the men and eating materials, and we landed them on welcoming shores, among friendly people; yet it was a little more than a year after our declaration of war before we had enough soldiers on a friendly foreign shore to take even a small part in the hostilities on the other side.

Now, I am for adequate defense, whatever that is. That is "X." But I am not for voting hundreds and hundreds of millions of dollars, more all the time, every time this Army lobby comes here and asks for money. Do they come here and tell you to contract the 120 little Army posts of the country into a few substantial military units so that there can be a regiment together here or there or a brigade here or there? No. Their only cure for all difficulties is to call for more and more money.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. BIERMANN] has expired.

Mr. DUNN of Pennsylvania. Mr. Chairman, I move to strike out the last four words.

Mr. Chairman, I want to go on record as saying I am for adequate defense. I believe that the United States should be second to no nation when it comes to fortifications. I believe we should be so fortified that we could repel not one nation but a coalition of nations, if they desired to invade our country. It is my candid opinion that the amount of money asked for in this bill is too much for defensive purposes. If we would take about one-fourth of this money and use it for old-age pensions or to take care of the many thousands of men who were in the World War and the Spanish-American War and who are now in need of assistance; if we would take about one-fourth of this money which we are asking for to destroy human life and use it to eradicate the slum districts of the United States, we would be making human progress.

As I said before, I am for adequate defense, but the amount of money which is being asked for in this bill is not for adequate defense. It is for the benefit of the munition makers. [Applause.]

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

For maintaining and improving national cemeteries, including fuel for and pay of superintendents and the superintendent at Mexico City, and other employees; purchase of land (not to exceed $6,000); purchase of tools and materials; purchase, including exchange, of one motor-propelled passenger-carrying vehicle; and for the repair, maintenance, and operation of motor vehicles; care and maintenance of the Arlington Memorial Amphitheater, chapel, and grounds in the Arlington National Cemetery; repair to roadways but not to more than a single approach road to any national cemetery constructed under special act of Congress; headstones for unmarked graves of soldiers, sailors, and marines under the acts approved March 3, 1873 (U. S. C., title 24, sec. 279), February 3, 1879 (U. S. C., title 24, sec. 280), March 9, 1906 (34 Stat., p. 56), March 14, 1914 (38 Stat., p. 768), and February 26, 1929 (U. S. C., title 24, sec. 280a), and civilians interred in post cemeteries; recovery of bodies and disposition of remains of military personnel and civilian employees of the Army under act approved March 9, 1928 (U. S. C., title 10, sec. 916); not to exceed $734 for repairs and preservation of monuments, tablets, roads, fences, etc., made and constructed by the United States in Cuba and China to mark the places where American soldiers fell; care protection, and maintenance of the Confederate Mound in Oakwood Cemetery at Chicago, the Confederate Stockade Cemetery at Johnstons Island, the Confederate burial plats owned by the United States in Confederate Cemetery at North Alton, the Confederate Cemetery, Camp Chase, at Columbus, the Confederate Cemetery at Point Lookout, and the Confederate Cemetery at Rock Island, $814,990: *Provided*, That no railroad shall be permitted upon any right-of-way which may have been acquired by the United States leading to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this appropriation shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.

Mr. WHELCHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Mr. WHELCHEL offers the following amendment: Page 64, line 19, strike out the figures following the dollar mark, "814,990", and insert in lieu thereof the figures "816,790."

Mr. POWERS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

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

There was no objection.

Mr. WHELCHEL. Mr. Chairman, the effect of the amendment I have offered is to increase, ostensibly, by $1,800 the amount of this item, but in reality it is not an increase as I hope to be able to show the committee.

You will notice on page 63 reference to unmarked graves of soldiers. There has been, in my opinion, quite a bit of delay in this regard and I have busied myself to find out the reason. I took it up with the War Department and they made the statement, which I verified and can see some reason for, that there is provided in this measure, only two inspectors and they must cover the whole United States. This being true they are unable to traverse or cover the territory expeditiously.

I have stated that this amendment in reality does not increase the appropriation. The reason it does not is because the traveling expenses of only two inspectors are much greater than the $1,800 a year, or $150 a month to provide an additional inspector and cut down the distance each man must travel.

My interest in this item is that in my district is the Georgia Marble Co. On numerous occasions, for the lack of inspection, this company has been prevented from making sales to the Government. I am not interested solely on behalf of the marble industry of my State. The more expeditious service that could be furnished through the use of an additional inspector for which this $1,800 would be used, would aid the marble industry not only in the Southern States but in Vermont and the other New England States and in those other sections of the country where such stone is located; and I hope Members from those districts will support the amendment. Not only will this aid this industry but it will result in reduced expense to the Government through savings in travel and subsistence allowance. This is borne out by the statement of the War Department, and I sincerely hope my amendment will be agreed to.

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

Mr. WHELCHEL. I yield.

Mr. PARKS. I would not be disposed to oppose the gentleman's amendment were it not for the fact that we have added in excess of $26,000 to the estimate for cemeterial expenses. Considering that additional amount I should say there will be an adequate amount available to provide for this extra service if it be desirable.

Mr. WHELCHEL. I took the matter up with the War Department and they told me they were authorized to have only two inspectors. They said in addition, however, that provision for an additional inspector would make it possible to show an ultimate reduction in cost.

Mr. PARKS. Regardless of what the War Department says, I am sure there will be a sufficient amount available to take care of the matter.

[Here the gavel fell.]

Mr. KNUTE HILL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I realize how utterly futile it is in this body to offer any opposition to this bill, how utterly futile it is to offer any amendment on the floor of this House with the

present state of opinion of the House; yet I want to rise to my feet and declare my opposition to this bill as a whole and to say that I will vote against it if it is the only vote cast against the bill.

Whither are we drifting? We are drifting into exactly the same terrible catastrophe through which we went from 1917 to 1918. How short do the memories of the Members of Congress seem to be. Do you remember 1917 and 1918, with the terrible consequences you and I reaped then and are reaping now?

You say we must prepare. Prepare for what? You say defense. Defense against our friendly neighbor to the north? Defense against our equally friendly neighbor to the south? Defense against those who are separated from us by the misty Atlantic to the east or those separated from us by the broad stretches and wastes of the Pacific to the west? No; it is not defense, my friends; it is preparation for one thing, and one thing only, and toward that we are drifting right now—that is war.

I believe it was my good friend from California, Mr. DOCKWEILER who mentioned the danger of Japan, the yellow peril. I was permitted a week or 10 days ago to be one of 60 to be invited to hear Dr. Kagawa, that great man from Japan. He stated, and had the facts to prove it, that 90 percent of the people of Japan were against war; and I am here to tell you that 90 percent of the people in the United States are against war. I do not believe anyone here will deny that statement. Why should we be preparing for war when the people do not want it? You Members who vote for this bill, however sincere you may be, are definitely taking a fatal step toward war. Mark my words, and 10 years hence or sooner, when younger men are shedding their lifeblood in a futile warfare, hang your heads in shame to think that your votes made it possible. The cry is, "Peace! Peace!" But evidently you want no peace. The only way to assure peace is to think peace, talk peace, and vote peace.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The amendment was rejected.

The Clerk read as follows:

SIGNAL CORPS

ALASKA COMMUNICATION SYSTEM

For operation, maintenance, and improvement of the Alaska Communication System and for purchase, including exchange, and operation and maintenance of one motor-propelled passenger-carrying vehicle, $163,338, to be derived from the receipts of the Alaska Communication System which have been covered into the Treasury of the United States, and to remain available until the close of the fiscal year 1938: *Provided*, That the Secretary of War shall report to Congress the extent and cost of any extensions and betterments which may be effected under this appropriation.

Mr. FERGUSON. Mr. Chairman, I move to strike out the last word.

Mr. POWERS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

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

There was no objection.

Mr. FERGUSON. Mr. Chairman, I desire to talk about a subject that involves as large amount of money as does this entire bill; that is, projects which have been undertaken for construction by emergency agencies of the Government, which projects have had an insufficient amount of money allotted with which to complete.

The Committee on Appropriations deserve a vote of thanks from this House. They laid down a rule here of which we can all be proud. When five projects were submitted to this committee asking for additional appropriations with which to complete, projects which had not been authorized by the Congress, this committee made the statement:

> The committee is in thorough accord with what seems to be the future policy fully to finance such projects out of specific regular annual appropriations, but only after such projects have been authorized by law.

I call the attention of the Members of the House to the situation that exists in connection with these five projects that were turned down by the Committee on Appropriations. We are not discussing the merits of these projects. We are only discussing the legal status. We are discussing the situation that will confront these projects when in future Congresses a request is made for the appropriation of money with which to complete them. These five projects are shown on page 35 of the hearings, and, Mr. Chairman, I ask unanimous consent to include page 35 in my remarks.

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

There was no objection.

PROJECTS AUTHORIZED UNDER PROVISIONS OF THE EMERGENCY RELIEF APPROPRIATION ACT OF 1935, FOR WHICH ADDITIONAL FUNDS ARE REQUIRED FOR CONTINUATION OF WORK—PROJECTS NOT UTILIZABLE IN PRESENT CONDITION

Project	Amount proposed in Budget estimates	Appropriated by Congress	Funds provided under National Industrial Recovery Act and Public Works Administration	Funds provided from Emergency Relief Appropriation Act, 1935	Total from emergency appropriations	Required for completion
Passamaquoddy tidal power project, Maine	$9,000,000			$5,000,000	$5,000,000	$38,732,000
The Atlantic-Gulf Ship Canal, Fla	12,000,000			5,200,000	5,200,000	138,000,000
Sardis Reservoir, Miss	2,500,000			1,000,000	1,000,000	9,472,000
Conchas Dam, N. Mex	3,500,000			2,500,000	2,500,000	6,171,000
Bluestone Reservoir, W. Va	2,000,000			1,000,000	1,000,000	11,779,000
Total	29,000,000			14,700,000	14,700,000	204,174,000

PROJECTS AUTHORIZED BY CONGRESS, FINANCED IN PART FROM EMERGENCY APPROPRIATIONS FOR WHICH ADDITIONAL FUNDS ARE NECESSARY FOR DEVELOPMENT OF FULL VALUE OF PROPOSED IMPROVEMENT TO NAVIGATION

Brunswick Harbor, Ga	$173,000	$2,689,379	$102,516		$102,516	$175,000
St. Johns River, Fla., Jacksonville to the ocean	674,000	7,199,134	920,013		290,013	674,000
Fort Pierce Inlet, Fla	210,000	1,005	250,000		250,000	210,000
Lake Worth Inlet, Fla	450,000	1,681	110,000		110,000	450,000
Mississippi River between the Ohio and Missouri Rivers	1,000,000	27,065,083	3,996,000	$1,000,000	4,996,000	13,000,000
Ohio River, open channel work	345,000	11,216,512	1,040,235		1,040,235	4,745,000
Missouri River, mouth to Kansas City	1,000,000	68,207,962	6,468,490	1,684,000	8,152,490	4,200,000
Detroit River, Mich	130,000	20,577,454	1,555,000		1,555,000	165,000
St. Marys River, Mich	175,500	34,611,034	159,000		159,000	173,500
Calumet Harbor and River, Ill. and Ind	600,000	2,803,281	3,476,838		3,476,838	1,040,000
Indiana Harbor, Ind	94,000	1,832,025	1,654,000		1,654,000	94,000
Los Angeles and Long Beach Harbors, Calif	1,560,000	12,534,814	1,595,000	1,000,000	2,595,000	3,600,000
Total	6,411,500	188,739,364	20,697,092	3,684,000	24,381,092	28,526,500

PROJECTS AUTHORIZED BY CONGRESS ON WHICH WORK HAS NOT YET BEEN PLACED UNDER WAY BUT HIGHLY DESIRABLE IN INTERESTS OF NAVIGATION

Project	Amount proposed in Budget estimates	Appropriated by Congress	Funds provided under National Industrial Recovery Act and Public Works Administration	Funds provided from Emergency Relief Appropriation Act, 1935	Total from emergency appropriations	Required for completion
New York Harbor, N. Y.	$1,420,000	$7,466,452				$3,750,000
Harlem River, N. Y.	700,000	2,709,054				2,600,000
Winyah Bay, S. C.	325,000	2,937,052				375,000
Savannah Harbor, Ga.	945,000	11,441,497				1,412,000
Galveston Harbor, Tex.	234,000	10,863,077				354,000
Straits of Mackinac, Mich.	50,000					50,000
Grays Reef Passage, Mich.	132,400					132,400
Total	3,906,400	35,417,132				8,673,400
Reserve	821,100					
Grand total	129,000,000	514,587,093	$226,044,599	$102,568,000	$328,612,599	483,130,100

Mr. FERGUSON. The total completion cost is estimated at $204,000,000. These five projects are: Passamaquoddy tidal power project, Maine; the Atlantic-Gulf Ship Canal, Fla.; Sardis Reservoir, Miss; the Conchas Dam, N. Mex.; and the Bluestone Reservoir, W. Va. These projects are going to eventually cost $204,000,000 to build, yet only $14,000,000 has been allotted from these emergency agencies.

They now come to the Appropriations Committee and ask for $29,000,000 to carry on these projects which have never been passed on by any committee of the Congress.

Mr. POWERS. Will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from New Jersey.

Mr. POWERS. The gentleman's position is if these brain children are going to be reared by some bureaucrat in Washington they should be reared there and not passed on to us?

Mr. FERGUSON. Regardless of the merits of the individual projects they should be passed on at this session of Congress. They should either be voted up or down, so that future Congresses will know whether they should appropriate money with which to complete them or not.

Mr. GREEN. Will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from Florida.

Mr. GREEN. In reply to the gentleman on the other side of the aisle, may I say that there is at least one of these projects that is not the brain child of some bureaucrat. Mr. Chairman, I would have the Members of this House believe that the Florida canal is a project that has been approved by Army engineers.

Mr. FERGUSON. Mr. Chairman, I do not yield further.

Mr. Chairman, the reason I am bringing this to the attention of the Members of the House is because these projects may be stuck on in the Senate just as a hundred million dollars was added on to the river and harbor bill last year in the form of the Grand Coulee Dam that had never been passed upon by a committee of this Congress. These projects will only be temporarily helped anyway by this request. In the case of the Florida canal only five million two hundred thousand has been allotted from emergency appropriations. This project costs 138 million to complete. If future Congresses appropriate money to finish this project it must go before the proper committee in Congress and be authorized.

The pro-forma amendment was withdrawn.

The Clerk read as follows:

UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

For the maintenance of the office of the United States High Commissioner to the Philippine Islands as authorized by subsection 4 of section 7 of the act approved March 24, 1934 (48 Stat. 456), including salaries and wages; rental, furnishings, equipment, maintenance, renovation, and repair of office quarters and living quarters for the High Commissioner; supplies and equipment; purchase and exchange of law books and books of reference, periodicals, and newspapers; traveling expenses, including for persons appointed hereunder within the United States and their families, actual expenses of travel and transportation of household effects from their homes in the United States to the Philippine Islands, utilizing Government vessels whenever practicable; operation, maintenance, and repair of motor vehicles, and all other necessary expenses, $161,600, of which amount not exceeding $10,000 shall be available for expenditure in the discretion of the High Commissioner for maintenance of his household and such other purposes as he may deem proper: *Provided*, That the salary of the legal adviser and the financial expert shall not exceed the annual rate of $12,000 and $10,000 each, respectively: *Provided further*, That section 3709 of the Revised Statutes (U. S. C., title 45, sec. 5), shall not apply to any purchase or service rendered under this appropriation when the aggregate amount involved does not exceed the sum of $100.

Mr. GREEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I beg to differ in part with my distinguished friend from Oklahoma. I fully realize the importance of securing congressional approval of all projects that may be carried on by the Federal Government, but I would like to remind my colleagues of the fact that some 3½ years ago this country was faced with an unusual condition. Destitution, unemployment, and turmoil prevailed. About a year ago we clad the President of the United States with not only the authority but the responsibility of prosecuting public-works projects, relieving the unemployed in this country, and feeding the hungry. He has carried out the will of this Congress and embarked upon these five projects which have been mentioned by the gentleman from Oklahoma in good faith and with the sanction of this Congress and for the building of permanent improvements and for relief of the unemployed of this country.

The money he has expended on these projects is money well spent. The Director of the Bureau of the Budget, the Chief of the Army Engineers, and constituted agencies of this Government have recommended and approved these projects or have at least approved the ship canal across my State—Florida. Also the P. W. A. engineers, and also a board composed of two Army engineers, two P. W. A. engineers, and one civilian engineer has definitely approved and recommended it.

I want to ask why Members feel like this Congress should now run out on the President? Why do you want to walk out on him now? Two years ago, when you wanted projects and improvements, you did not run out on him. Why does the Appropriations Committee omit these items when the Bureau of the Budget recommended them and when the Army engineers are now in actual operation of construction? It is true they are not in this bill, but there is no project in this bill that has the more direct approval of the Congress or one that has more merit than does the Florida canal. It is true there has been some insidious propaganda by special interests who fight all waterway improvements and by those who are now receiving benefits from mail subsidies. The construction of this ship canal will mean the cutting off of distance which is now being paid to travel. Are you surprised that these special interests would fight the Florida canal? A resolution may yet be introduced to investigate the interests and causes behind opposition to this project. There is no sound reason why the canal should not be completed, the most competent engineering authorities have concluded that the project is economically sound and that it is fully justified, also that it is a sound project from an engineering point of view. They have fully concluded that the water supply

of the State will not be seriously injured and that the vegetation growth will not be injured. These arguments have been used as smoke screens to cover up the special interests behind the fire.

Florida counties in the canal district have voted bonds for $1,500,000 to buy the right-of-way, the bonds have been issued and partly sold. The State canal authority is purchasing rights-of-way daily. It is almost all secured.

Work is progressing well on actual construction. Five or six thousand men are employed at the point of construction. Thousands of others are indirectly employed at material and manufacturing plants throughout the country.

How about the Boulder Dam project in the State of Nevada and a number of other great projects now under way of construction? Do you want to abandon all of them? Such a course would be insincere and unthinkable. Every one of these projects should be completed, and I venture they will be. It is sound business judgment to carry the Florida canal and these other projects on through to completion. This will be done.

I am surprised that the gentleman from New Jersey [Mr. POWERS] would insinuate that some bureaucrat jumped up a project of the national importance that this canal is and then say that the Congress has no right to proceed with it. The gentleman is sadly mistaken, because the President had full authority and direction to initiate these projects, all of them. I commend his courage and wisdom in so doing.

For one, I am not willing to walk out on the President, on the Army engineers, on the Public Works engineers, and on the American people and abandon a project where five or six thousand men are now employed on a project which will be a lasting improvement and paying investment for the American people; and when you, my friends, understand the facts as we do I am sure you will take the same position, and when the time comes to vote on the project I hope you will then sustain the President and vote for this appropriation. [Applause.]

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I want to take simply a moment to refer to the statement that was made by the distinguished gentleman from Florida who said that this project has been authorized by the Board of Engineers.

In the course of the hearing the gentleman from New Jersey [Mr. POWERS], a member of this subcommittee, questioned General Pillsbury, assistant to the Chief of Engineers, as follows:

Mr. POWERS. General Pillsbury, just to clear up something in my own mind, will you tell me this about the Florida ship canal. Was that approved by the same type of board that the Passamaquoddy project was approved by?

General PILLSBURY. No; to the best of my recollection, that was not recommended by any board. The report is now before the Board of Engineers for Rivers and Harbors, and, upon the request of Members of Congress from Florida, the Board has adjourned the hearing on the proposition until interested parties should have a further opportunity to assemble data in support of it.

Mr. POWERS. Do I understand, then, that the Florida ship canal has never been approved by any board of the Army engineers, or anyone else?

General PILLSBURY. I do not recollect any.

Captain CLAY. There was a special board, and they did point out that, although it lacked complete economic justification with a part of its cost charged to relief, it would be suitable as a relief project.

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

Mr. PARKS. Certainly, I yield.

Mr. GREEN. I call the attention of the House to the CONGRESSIONAL RECORD——

Mr. PARKS. I thought the gentleman wanted to ask me a question. I did not yield for a statement.

Mr. GREEN. This is in reply to your statement and I will then ask a question.

Mr. PARKS. All right; ask me the question and do not make a statement.

Mr. GREEN. On February 12, at page 1924 of the CONGRESSIONAL RECORD, the gentleman will find a letter signed by Gen. E. M. Markham, Chief of Engineers, approving the Florida canal project.

Mr. PARKS. General Markham approves it?

Mr. GREEN. Wait just a minute. I will read it.

Mr. PARKS. I am not going to yield for a speech.

Mr. GREEN. Also a special board composed of two Army engineers, two Public Works engineers, and a civilian engineer approved it. Also the Public Works engineers.

Mr. PARKS. Let me say to the gentleman, and I say this without meaning to be abrupt, we are almost compelled to finish the consideration of this bill tonight and there are many Members here who do not wish to stay into the night and we have had so much debate on these projects, I hope the gentleman will pardon me for declining to yield.

Mr. FERGUSON. Mr. Chairman, will the gentleman yield for a question on just one point?

Mr. PARKS. I yield.

Mr. FERGUSON. If we dismiss the question of whether the Florida canal is justified or not, in the gentleman's opinion, can it ever be completed by appropriations from Congress until it is approved and authorized by a regular committee of the Congress?

Mr. PARKS. I hope not; and one reason for the committee refusing to bring in this project was that the Congress had approved projects similar to this carrying millions of dollars and the Budget refused to send them down to us, and I hope the Committee will not accept any of these projects, but at the same time I should be delighted to see this project carried through if it should receive authorization in a regular way.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. PARKS. I yield.

Mr. MARTIN of Colorado. What is the gentleman going to do when this $29,000,000 is put in over at the other end of the Capitol?

Mr. MAY. We will refuse to concur in the Senate amendment.

Mr. PARKS. Of course, I cannot speak for the committee of conference, because they might not agree with me; but if the gentleman asks me what I expect to do, I can tell the gentleman that I am going to be guided by the wishes of the House.

[Here the gavel fell.]

The Clerk read as follows:

CORPS OF ENGINEERS

RIVERS AND HARBORS

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes and other boundary and connecting waters as heretofore authorized, including the preparation, correction, printing, and issuing of charts and bulletins and the investigation of lake levels; for prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City; for expenses of the California Debris Commission in carrying on the work authorized by the act approved March 1, 1893 (U. S. C., title 33, sec. 661); for removing sunken vessels or craft obstructing or endangering navigation as authorized by law; for operating and maintaining, keeping in repair, and continuing in use without interruption any lock, canal (except the Panama Canal), canalized river, or other public works for the use and benefit of navigation belonging to the United States; for payment annually of tuition fees of not to exceed 35 student officers of the Corps of Engineers at civil technical institutions under the provisions of section 127a of the National Defense Act, as amended (U. S. C., title 10, sec. 535); for examinations, surveys, and contingencies of rivers and harbors; and for printing, including illustrations, as may be authorized by the Committee on Printing of the House of Representatives, either during a recess or session of Congress, of surveys under House Document No. 308, Sixty-ninth Congress, first session, and section 10 of the Flood Control Act, approved May 15, 1928 (U. S. C., title 33, sec. 702j), and such surveys as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress, and for the purchase of motor-propelled passenger-carrying vehicles and motor boats, for official use, not to exceed $146,050: *Provided*, That no funds shall be expended for any preliminary examination, survey, project, or estimate not authorized by law, $138,677,899: *Provided further*, That no appropriation under the Corps of Engineers for the fiscal year 1937 shall be available for any expenses incident to operating any power-driven boat or vessel on other than Government business: *Provided further*, That not to exceed $3,000 of the amount herein appropriated shall be available for the support and maintenance of the Permanent International

Commission of the Congresses of Navigation and for the payment of the actual expenses of the properly accredited delegates of the United States to the meeting of the congresses and of the commission.

Mr. TABER. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 68, line 10, after the word "law", strike out "$138,677,899" and insert in lieu thereof "$88,677,899."

Mr. TABER. Mr. Chairman, I have offered this amendment to reduce this tremendous appropriation for rivers and harbors. Let me say to the members of the Committee that I have not attempted to touch the amount of $38,000,000 for maintenance.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield for a moment, not to be taken out of his time?

Mr. TABER. Yes.

Mr. WOODRUM. Mr. Chairman, it is quite evident that several amendments will be offered to the paragraph under consideration, and I am wondering if it is possible to have some understanding as to time. I know the membership of the House would like to get away as early as possible, and there will likely be a roll call. I ask unanimous consent that debate upon this section and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection?

Mr. MOTT. Mr. Chairman, I reserve the right to object. I have an amendment to offer to this section and I want to be sure of 5 minutes.

Mr. MANSFIELD. Mr. Chairman, I have an amendment to offer.

Mr. WOODRUM. Mr. Chairman, I modify my request and ask unanimous consent that debate upon this amendment and all amendments to this section close in 45 minutes.

The CHAIRMAN. Is there objection?

Mr. MAPES. Mr. Chairman, I reserve the right to object. I would like to have 3 or 4 minutes.

The CHAIRMAN. The Chair will endeavor to recognize those who seem to be interested, apportioning the time between what seems to be 8 or 9 or 10 gentlemen who desire recognition.

Mr. MOTT. That is satisfactory to me.

Mr. WOODRUM. The Chair understands that the unanimous-consent request is to close debate on the section and all amendments to the section.

The CHAIRMAN. Yes. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none and the gentleman from New York is recognized for 5 minutes.

Mr. TABER. Mr. Chairman, as I started to say, I have not attempted to interfere with the $38,000,000 allowed for maintenance, but I do believe that we should cut in two the $100,000,000 recommended by the committee for improvements. Let me show how this applies to the seacoast harbors and the Great Lakes harbors. The total amount allotted for them is only somewhere around $10,000,000, and for the Great Lakes harbors the total improvements are only $1,000,000. For the other things, rivers and harbors and dams and all that sort of thing which have very small traffic, it is absolutely ridiculous for us to spend this amount of money. When we were at the peak of commerce and developing commerce, we were expending only as high as $60,000,000 or $65,000,000 annually, including maintenance of rivers and harbors, and then we were spending larger amounts than they are now proposing to spend on the improvements on the seacoast and on the Great Lakes. It seems to me that we will never stop this tremendous expenditure unless we begin, and the way to begin and the way to economize and keep things within the authorizations that the Rivers and Harbors Committee have brought in here by laws they have passed is to stop spending so much as $100,000,000 on improvements, and cut it down to $50,000,000 right here. If the people of the United States could be given the confidence they ought to have in their Government by Congress showing it has the capacity to cut down appropriations to a reasonable figure, business in this country would go on by leaps and bounds. I hope the Members of Congress will today give business some encouragement by voting to cut down this item.

I hope the Members of this House will adopt this amendment and cut down this expenditure and save to the Public Treasury $50,000,000. This is the best opportunity on the bill to save money. There is no possible excuse for spending the money, and I hope the amendment will be agreed to.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MAPES. Mr. Chairman, I agree with the gentleman from New York [Mr. TABER] that under the economic conditions and the condition of the Treasury we might well reduce the total appropriation proposed for the prosecution of new work on rivers and harbors, but I rise particularly to discuss the appropriation as proposed by the committee.

Attention has been called a great many times since debate on this bill started to the disproportionate amount of the $100,000,000 which the bill appropriates for the prosecution of new work on river and harbor projects generally that is proposed to be expended on the Great Lakes, as compared with other parts of the country. My colleague the gentleman from Michigan [Mr. DONDERO], who is a member of the Committee on Rivers and Harbors, early in the debate made a very clear and complete analysis of the situation in that respect.

Notwithstanding the fact that about 25 percent of the water tonnage of the United States is on the Great Lakes, the Board of Engineers, according to the tentative list presented to the committee, proposes to spend on rivers and harbors of the Great Lakes only $1,200,000, or a trifle over 1 percent of the $100,000,000.

That is excluding the item for maintenance, $38,000,000. I understand there is no question on the part of anyone as to the maintenance item.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. WHITTINGTON. What part of that item of $38,000,000 is for maintenance along the Great Lakes?

Mr. MAPES. I cannot answer the gentleman.

Mr. WHITTINGTON. Is it not true that it is well up into the millions—nine or ten million?

Mr. MAPES. I have no doubt but what it is a considerable amount.

Mr. WHITTINGTON. So substantially one-third of the entire maintenance goes to the Great Lakes, does it not?

Mr. MAPES. I will say to the gentleman from Mississippi that I have not investigated that carefully and I cannot answer the gentleman's question, but I think a considerable part of the maintenance item is expended on the Great Lakes.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. MAPES. I am sorry, but I do not have time to yield further.

On the other hand, the Board has indicated that it proposes to expend $25,000,000, or one-fourth of the entire appropriation, on the Mississippi River between the Missouri River and Minneapolis, and another $20,000,000 on the dam in the Missouri River at Fort Peck, Mont.

From the standpoint of commerce, either present or prospective, it is hard to see the justification for expending so big a percentage, almost one-half, of the total appropriation on these two projects at the expense of others.

Among the omissions in the list of projects proposed to be improved by the Board of Engineers as submitted to the Committee on Appropriations is Holland Harbor and Black Lake in my congressional district. It is not large as compared with some of the other projects in the country, but it is large and important as far as the traffic there and the interests of western Michigan are concerned. Furthermore, the amount involved, as compared with the entire appropriation, is very small, only $125,000. I should like to express the hope that the Board of Engineers in the reconsideration of the situation and before making the final allotment of the funds carried in this appropriation may see fit

to go forward with this improvement during the next fiscal year.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MAPES] has expired.

The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 38, noes 69.

So the amendment was rejected.

Mr. MANSFIELD. Mr. Chairman, I offer an amendment.

The Clerk read, as follows:

Amendment offered by Mr. MANSFIELD: On page 68, after the colon, at the end of line 10, insert the following:

"*Provided further*, That expenditures under this appropriation for river and harbor improvements shall be limited to projects that have heretofore been specifically authorized by Congress, and all projects so authorized shall be taken under consideration by the Secretary of War and the Chief of Engineers, and the funds shall be allocated and expended in such manner as in their judgment will best serve the interests of commerce and navigation."

Mr. PARKS. Mr. Chairman, I desire to make a point of order against that because it is legislation on an appropriation bill.

I invite the attention of the Chair to section 627 of title XXXIII of the Code. The gist of that section is that when an appropriation has been made in lump sum and there should be a surplus for the projects the lump sum was intended to cover, that that surplus may be applied to other authorized projects as determined by the Secretary of War upon the advice of the Chief of Engineers. I also cite the chairman's attention to section 622.

Mr. MANSFIELD. Mr. Chairman, the amendment does not change existing law. If the amendment is adopted, the money will be expended just exactly as it has been expended ever since the Budget was adopted. It is a limitation and not legislation. It simply provides that the money shall be expended in the manner in which the law now prescribes.

The CHAIRMAN (Mr. PARSONS). The Chair is ready to rule. The section quoted by the gentleman from Arkansas [Mr. PARKS], 627 of United States Code, title XXXIII, states how funds for river and harbor improvements shall be expended. Among other things, it says that the allotments to the respective works consolidated shall be made by the Secretary of War upon recommendation by the Chief of Engineers.

The language of this amendment is in order down to and including the word 'Congress", but then it seeks to make mandatory upon the Secretary of War and the Chief of Engineers the allocation of these funds. The organic law provides that these allocations shall be made by the Secretary of War and by him alone, although upon the recommendation of the Chief of Engineers.

The Chair thinks that it is legislation upon an appropriation bill and therefore sustains the point of order.

Mr. HOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOOK: On page 68, line 10, after the figures, insert: "of which not less than $7,500,000 may be expended for the prosecution of harbor projects heretofore authorized by Congress on the Great Lakes section."

Mr. PARKS. Mr. Chairman, I make a point of order against the amendment.

Mr. HOOK. May I be heard upon the point of order?

The CHAIRMAN (Mr. PARSONS). The Chair thinks this amendment provides for an appropriation for these projects that have already been authorized by Congress, and therefore overrules the point of order.

Mr. MANSFIELD. Mr. Chairman, with reference to the ruling on the amendment which I offered, the bill itself, in the first three lines, makes the same provision:

To be immediately available and to be expended under the direction of the Secretary of War and the Chief of Engineers.

The CHAIRMAN. The gentleman from Texas did not discuss that matter at length and point out those matters in presenting his point of order.

The gentleman from Michigan [Mr. HOOK] is recognized for 5 minutes.

Mr. HOOK. Mr. Chairman, this amendment provides that there may be expended in the Great Lakes region $7,500,000. When it is realized that 72 projects have already been authorized for the Great Lakes region, it seems to me if we are not entitled to the sum of $7,500,000 to get them under way it is about time we sat up and took notice of some of these appropriations that are being made.

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

Mr. HOOK. Yes.

Mr. MOTT. In my own State of Oregon river and harbor projects to the extent of $1,396,000 have already been authorized by this Congress. Some of them are 4 or 5 years old. Would it not be just as fair for me to ask the Congress to include my projects specifically for the sake of Oregon as it is for the gentleman to ask Congress to include Great Lakes projects?

Mr. HOOK. I may say to the gentleman from Oregon that I am not specifically earmarking any single project.

Mr. MOTT. I am not saying the gentleman is.

Mr. HOOK. The projects are scattered over a great region touching eight great States, a region where there is as much, if not more, navigation than in any other part of the United States. I would remind the gentleman that an improvement project touching one harbor in my district was authorized, to cost $575,000. Had this project been undertaken, the great ship that was destroyed awhile back on account of the condition of the harbor, costing over $400,000, would never have been lost.

Mr. MOTT. I am not denying that.

Mr. HOOK. Right around the great Keweenaw Waterway over 62,000,000 tons of traffic pass annually.

Mr. MOTT. That is quite true.

Mr. HOOK. Gentlemen coming from the great agricultural States of the Midwest ask how these projects would help them. I answer by saying that this great inland waterway carries the wheat produced in their agricultural sections, and carries to the large smelters the ore taken from our mines, to the industrial centers. I believe it carries more navigation and is more important than any other single section in the United States.

All we are asking the Members of Congress to do by this amendment is to say that the Corps of Engineers of the Army may—not shall—allocate $7,500,000 to the Great Lakes region.

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

Mr. HOOK. I yield.

Mr. MOTT. Admitting that all the gentleman says is true, and I think it is true, why would I not be just as much justified in asking Congress to authorize the War Department to construct $250,000 worth of my own projects?

Mr. HOOK. The gentleman has that right and in his own time may submit such an amendment.

As for myself at this time I ask that this amendment be passed.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to proceed out of order for 3 minutes.

The CHAIRMAN. The gentleman is recognized for 3 minutes in opposition to the amendment.

Mr. SEARS. Mr. Chairman, the reason I made this request is because I have always tried to comply with the rules of the House. I did not make a point of order against my colleague from Oklahoma when he was discussing the canal, because it might appear I was trying to suppress some information to which the House was entitled. When a motion is under consideration a Member may only discuss the motion.

On Wednesday, February 12, as appears from pages 1926–1927 of the RECORD, I discussed some of the advantages of the canal. At the proper time I shall further discuss it, but not under the rules of debate when it is contrary to the rules of the House.

Mr. Chairman, may I just say to the membership, in all sincerity, speaking as Congressman at Large from Florida, that I am earnestly and honestly convinced the canal is

meritorious and that it is economical. I shall undertake to convince my colleagues this statement is true and then I shall rely, as I always have done, upon their good judgment.

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

Mr. MOTT. Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. MOTT as a substitute for the amendment offered by Mr. HOOK: Add to the amendment the following: "and $1,000,000 for projects authorized by Congress in Oregon."

Mr. MOTT. If the amendment proposed by the gentleman from Michigan is sound and logical, so also is mine. I should like to see the Great Lakes district get $7,000,000, but that is not the way we have been passing river and harbor legislation in the Congress.

Mr. HOOK. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Michigan.

Mr. HOOK. Just because that is not the way, does the gentleman think we should be penalized now?

Mr. MOTT. I agree with the gentleman. I am simply saying if we undertake to pass river and harbor legislation in this way we will have requests from Members from every district in the United States to earmark all of this money, and I have just as much right, and gentlemen from Florida, California, or any place else would have just as much right, to ask for earmarked money with which to prosecute authorized projects in my State, as the gentleman from Michigan has to ask money for the purpose of prosecuting projects in his particular State.

Mr. HOOK. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Michigan.

Mr. HOOK. May I ask the gentleman if he has introduced this substitute amendment for the purpose of trying to kill the amendment of the gentleman from Michigan?

Mr. MOTT. I assure the gentleman I am going to vote for the gentleman's amendment, and in turn I also expect him to vote for my substitute. It would be inconsistent to do otherwise, although I still say that this is not the proper way to take care of this situation.

Mr. Chairman, as I stated yesterday, there are $300,000,000 worth of river and harbor projects authorized in the United States. The Budget has only allowed $100,000,000 to be expended on these projects; therefore we can only prosecute one-third of the authorized projects in the United States. Personally, I think that under the circumstances we should allow the Board of Army Engineers to select the projects which they think are the most important and the most urgently in need of immediate construction. That is the only logical way to take care of the matter. That is the only fair way to take care of the situation. I do not like to see anyone come in here and ask us to earmark a particular portion of these projects to the exclusion of others, but since an amendment has been offered undertaking to do that, I contend that I have just as much right to have the projects in the State of Oregon earmarked as has the gentleman from Michigan. If his amendment is adopted I believe in all fairness my substitute amendment should also be adopted.

Mr. MAY. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Kentucky.

Mr. MAY. In the $300,000,000 that has been authorized by the Congress, does the gentleman include $205,000,000 authorized for the T. V. A. in the Tennessee River?

Mr. MOTT. I do not.

Mr. MAY. That is not under the War Department at all.

Mr. MOTT. I include only regular river and harbor projects approved by the Board of Army Engineers and authorized by the Congress and included in the river and harbor authorization bill passed at the last session of Congress. There are included among those $1,396,000 worth of projects in my own State, and if any projects are to be earmarked in this bill I want the Oregon projects included in that earmarking.

[Here the gavel fell.]

Mr. MANSFIELD. Mr. Chairman, I offered an amendment a while ago which was ruled out on a point of order. Since then I have been informed that the War Department holds that my amendment is unnecessary, as the law will be administered in exactly the same manner I contemplated; therefore it is immaterial to me whether the amendment is ruled out or not.

Mr. MICHENER. Will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Michigan.

Mr. MICHENER. If it is administered that way the effect which the gentleman sought by his amendment will be obtained?

Mr. MANSFIELD. Absolutely. We do not know whether it will be obtained or not, but the gentleman will be eligible to ask for it just the same.

Mr. MICHENER. As a matter of fact, some of us who are interested in the Great Lakes region conferred with the gentleman from Texas, the gentleman from Indiana, and a number of others, and we felt that the only possible way of getting what we really wanted was through the amendment which was ruled out on a point of order.

Mr. MANSFIELD. I will make this statement, which will be an answer to the gentleman's question or any others along the same line.

The bill, as it reads, is not objectionable from my point of view, and I believe it is not objectionable from the gentleman's point of view; but in view of the fact that the Comptroller General has to approve all the warrants that are issued, I was fearful he would limit it to those projects that were put in the break-down as furnished by the Budget. This is the only thing I feared.

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

Mr. MANSFIELD. I yield.

Mr. FIESINGER. I am in favor of this amendment, and I should like to know how far the $7,500,000 would go to complete the projects on the Great Lakes authorized by the Congress.

Mr. MANSFIELD. I am not prepared to answer that question, as I have not looked up the figures.

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

Mr. MANSFIELD. I yield.

Mr. MAPES. Does the gentleman's information which he has just received go to the extent of saying that the bill prohibits the use of any part of this $100,000,000 on projects that have not been specifically authorized by the Congress? I have in mind Passamaquoddy and the Florida Canal.

Mr. MANSFIELD. Those measures are not in the bill at all.

Mr. MAPES. And the gentleman understands no part of the appropriation will be used?

Mr. MANSFIELD. None whatever; they are not in the bill. They were in the Budget recommendation, but not in the bill. The committee itself cut those things out of the bill.

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

Mr. MANSFIELD. I yield to the gentleman from Kentucky.

Mr. MAY. I would call attention to the provision in the bill which I think covers the question raised by the amendment offered by the gentleman from Texas:

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation.

It seems to me that this language provides for the very thing that the amendment offered by the gentleman from Texas sought to do.

Mr. MANSFIELD. Part of it only.

Mr. MAY. It puts it at least under the supervision of the Secretary of War, subject to the direction of the Engineers, and for the maintenance of river and harbor improvements that have been authorized by Congress, and not others, and then provides they shall be the ones most desirable in the

interest of commerce and navigation, which, I think, covers the question.

Mr. MANSFIELD. That was only a part of my amendment, but my amendment sought further to remove earmarks that I was afraid the Budget would place upon the bill. I was afraid it would be considered as earmarked for the projects the Budget had recommended, as has been done in similar matters heretofore.

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

Mr. MANSFIELD. I yield.

Mr. MICHENER. Is it not true that it has been held that authorization by Congress or no authorization where work has been done upon a project the Engineers are warranted in using further money in the prosecution of such projects?

Mr. MANSFIELD. I have been so told.

Mr. MICHENER. And the real purpose of the amendment which the gentleman offered was to take care of that situation.

Mr. MANSFIELD. Partly.

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

Mr. MANSFIELD. I yield to the gentleman from Oregon.

Mr. MOTT. They cannot use this money unless they get it by appropriation.

Mr. MANSFIELD. They can get it through the Public Works Administration perhaps.

Mr. MOTT. And may I call the gentleman's attention to a situation with which I know he is familiar, the proposed South Jetty of the Umpqua River. They built the North Jetty several years ago, and the Board of Engineers said in its report that unless the South Jetty was also built, all the money expended on the North Jetty would be wasted. We have been trying for years to get the money to build the South Jetty, and perhaps, if the Engineers are given a little leeway by the amendment of the gentleman from Michigan, as amended by my substitute, we will get the South Jetty constructed.

[Here the gavel fell.]

Mr. BIERMANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BIERMANN. Mr. Chairman, can we not vote on these amendments now and get them out of the way so the field will be open for new amendments? There is a limited amount of time on the paragraph and if we are going to use all of our time on these amendments there will not be any time left to debate any further amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon to the amendment offered by the gentleman from Michigan.

Mr. CULKIN. Mr. Chairman, may we have the amendment to the amendment again reported?

The Clerk reported the Mott amendment to the Hook amendment.

The question was taken; and on a division (demanded by Mr. MOTT) there were—ayes 20, noes 83.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Michigan [Mr. HOOK].

The question was taken; and on a division (demanded by Mr. PETTENGILL) there were—ayes 20, noes 83.

So the amendment was rejected.

Mr. BIERMANN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BIERMANN: Page 68, line 21, after the word "commission", add: "*Provided*, That none of these funds shall be expended on the so-called 9-foot channel in the upper Mississippi River between the Missouri River and Minneapolis."

Mr. WHITTINGTON. Mr. Chairman, I make the point of order that that is legislation on an appropriation bill.

The CHAIRMAN. This is a limitation on the expenditures that have been authorized by the Congress, and the Chair overrules the point of order. The gentleman from Iowa is recognized for 3 minutes.

Mr. BIERMANN. Mr. Chairman, this bill provides for the possible expenditure in 1937 of $25,000,000 on the upper Mississippi 9-foot channel. For several hundred miles the Mississippi River runs along the border of my State. For 75 or 100 miles it borders my district, but we do not want that kind of money in Iowa. [Applause.] It is money thrown away on a system of transportation as obsolete and as out of date as the oxcart. Today, and for 3 or 4 months last past, that channel has been solidly frozen over, and it will be frozen over for several months more. For 4 or 5 months every year there is no transportation possible in our part of the Mississippi River. In 1934, according to the testimony in the hearings held February 18 and 19, 1935, before the Board of Review of the P. W. A., the total tonnage carried on the upper Mississippi channel was 146,000 tons. T. C. Ashburn, Jr., assistant to the president of the Inland Water Transportation Co., wrote me under date of February 24, 1934, that the freight rates on the new 9-foot channel will be the same as they are now. Therefore, we have no reason to expect that the tonnage will be any larger with a 9-foot channel than with a 6-foot channel, the freight rates being the same. But the proposition is to dump $156,000,000 into this project, and at this particular time $25,000,000, and although that is along the State of Iowa and along my own district for 75 miles, we do not want that kind of money. [Applause.]

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment. In voicing my opposition, I wish to state my position in regard to appropriations pertaining to rivers and harbors. A great deal has been said here about logrolling from time to time. Therefore I favor the Army engineers' passing upon the feasibility, the desirability, and the practicability of any proposal that is made here before Congress so far as the river and harbor improvements are concerned, but at the same time I do not want to be put in a position, after Congress declares that the recommendation of the Army engineers is correct and then passes upon a certain project, of later on as a Member of Congress being compelled to go before the Board of Army Engineers and do logrolling before that body. If there is to be any logrolling, I prefer to do it for my district myself.

In this instance the gentleman from Iowa [Mr. BIERMANN] states they do not want that kind of money in Iowa, that it is not worth spending. I grant that is correct as it applies to spending money on the upper Mississippi River, but does not apply to the Great Lakes. For on the great unsalted seas we really have something. The gentleman said that 146,000 tons went down that river in 1 year. During the rush season we have 146,000 tons going down the Detroit River every 30 minutes. We have something to brag about. We have the greatest shipping development in the entire world. My time is too brief to go into the subject of volume and where it comes from, but I will say to the gentleman that Iowa and the great Northwest agricultural areas ship many of their products down the Great Lakes. I want to add, Mr. Chairman, there is no reason why we should go and make an appeal to the Army engineers about some project that they have previously approved. Why cannot Congress, after the Army engineers have approved a project, declare such a project should be completed? There are altogether too many projects up in the air, incomplete. One jetty is completed in Mr. MOTT's district, and the other is not. Then we have to go out and do some log-rolling with the Army engineers in order to obtain completion of the other jetty, and that should not be necessary. The Congress should say whether that other jetty should be completed at one and the same time and not when it pleases the Army engineers. There are eight States—Michigan, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, and New York—that are involved in anything that concerns the Great Lakes.

The CHAIRMAN. The time of the gentleman from Michigan has expired. [Applause.]

Mr. RICH. Mr. Chairman, I congratulate the gentleman from Iowa [Mr. BIERMANN]. His attitude is one of real representation when he is trying to stop money from being squandered, and I take my hat off to him or any other Representative who does not want money spent foolishly. He knows he has railroads out in that country that can take

care of conditions as they are today, and it is not necessary to sink this money in a river that is frozen over half the time and will do nobody any good at any time. It is simply a waste of funds. We will all be held accountable for some of this expenditure. We should spend the money where it will do some good but, as the gentleman said, not squander the money foolishly. We have been doing that for 4 or 5 years, and we must stop it.

Mr. MAY. Probably it would be good business to compete with those railroads that have borrowed so much money from the Reconstruction Finance Corporation.

Mr. RICH. You will have to take care of all of the railroads in the country after awhile, because you will have them all bankrupt by making such ridiculous proposals as this.

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

Mr. RICH. Yes.

Mr. BLANTON. Is it not a fact that what has been going on in our country during the past few years has made conditions in the last year in the gentleman's district the best he has known in a long time?

Mr. RICH. No, sir; never in God's world. [Laughter.] The reason we are prospering up there is because we are out working to do things, but if we go on much longer with some of these unlawful, illegal laws that you have passed the last 2 years, you will bankrupt this Nation, and I want to say to the gentleman, nobody in this Congress knows that better than the gentleman from Texas. [Laughter and applause.]

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

Mr. FERGUSON. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I hesitate to take the floor again at this late hour, but the gentleman from Florida made such an impassioned plea about the President and the unemployment situation that I felt it my duty to come back. I am trying to save the gentleman from Florida from being in the position of spending five or ten million dollars digging a canal down there and having it abandoned because he does not have the authority of Congress to continue to dig. I have nothing against any of these five projects to which I have referred. I am willing to study each one on its merits. I do not want to be in the position of being a Member of Congress that voted emergency funds and allotted one-tenth the amount necessary to complete those projects, and then a year later have the Appropriations Committee say, "No; we cannot appropriate funds for this because they did not have congressional authority." Everyone in this Congress that has a project in which he is interested should make an effort to bring those projects before the correct committee, and have that committee pass on the project and have it authorized by Congress so they will have a chance to be completed.

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

Mr. BLANTON. Mr. Chairman, I have in my hands a recent letter which the firm of our distinguished colleague from Pennsylvania [Mr. RICH] this year wrote to one of their customers, at the top of the letterhead being "Woolrich Woolen Mills" and then "John Rich & Bros.", written from Woolrich, Pa., which begins:

DEAR CUSTOMER: "Time marches on"; 1935 has passed into history. Woolrich enjoyed one of the best years in its 105 years of existence.

Mr. MARTIN of Massachusetts. Mr. Chairman, a point of order.

Mr. BLANTON (continuing). I wish I could read this letter to you.

Mr. RICH. That is good. We are doing that in spite of this administration. [Laughter and applause.]

Mr. BLANTON. The gentleman said that was the best year in his 105 years of existence.

Mr. RICH. No; I did not personally write it; but that is true, nevertheless.

Mr. BLANTON. The letter is signed "S. B. Rich" and speaks for the firm of John Rich & Bros., which is the firm and business of our distinguished friend from Pennsylvania [Mr. RICH].

Mr. RICH. I did not write that letter. My brother wrote it, and it is true, good business by a concern who manufactures good merchandise.

Mr. MARTIN of Massachusetts. Mr. Chairman, I ask for a ruling on the point of order.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BLANTON] has expired.

Mr. MARTIN of Massachusetts. Mr. Chairman, I made a point of order against the gentleman from Texas and I ask for a ruling. If the point of order is sustained, I will ask that the remarks be stricken out. I insist on a ruling, Mr. Chairman.

The CHAIRMAN (Mr. PARSONS). The point of order came too late to strike it out. The gentleman had already completed reading what he read.

Mr. MARTIN of Massachusetts. I made the point of order, and just because the gentleman from Texas kept on talking is no fault of mine.

Mr. BLANTON. Mr. Chairman, I make the point of order that the point of order came too late.

The CHAIRMAN. The gentleman had already read into the RECORD all that he did read before the gentleman from Massachusetts made the point of order.

Mr. MARTIN of Massachusetts. Where did I make my point of order?

The CHAIRMAN. Just as the gentleman had completed reading what he did read.

Mr. MARTIN of Massachusetts. When he started to read the letter. That is, when I made the point of order—just as he started to read that letter. I ask for a ruling.

The CHAIRMAN. The gentleman had completed the reading of the letter.

Mr. BLANTON. I want to be heard on the point of order, Mr. Chairman.

Mr. MOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOTT. Is the time now being consumed by this argument being taken out of the time that was allotted for debate on this paragraph?

The CHAIRMAN. It is not.

Mr. BLANTON. I ask for recognition on the point of order, Mr. Chairman.

The CHAIRMAN. The Chair has already overruled the point of order.

Mr. BLANTON. Mr. Chairman, inasmuch as I secured unanimous consent to extend my remarks, I will now finish what I had intended to say when my good friend from Pennsylvania [Mr. RICH] took up practically all of my time with his interjections.

I did want to finish reading this very interesting letter which my friend's firm, John Rich & Bros., of Woolrich, Pa., recently wrote to their "Dear Customer", as this letter brings most encouraging and flattering news to our President in the White House, but since my good friend from Massachusetts [Mr. MARTIN] made a point of order that stopped me from reading the balance of it, I will respect his rights and will mention no part of the balance of it.

Our distinguished friend from Pennsylvania [Mr. RICH] is one of the active spokesmen and straw bosses here on the floor for his Republican Party on his side of the aisle, hence a frank, honest admission from him based on his conscientious judgment and conviction regarding the good that President Franklin D. Roosevelt and his Democratic administration has accomplished is of unusual value to the country.

During his speech a few minutes ago he asserted that we would have the railroads all bankrupt shortly, and I got him to yield to me, when the following colloquy occurred:

Mr. BLANTON. Is it not a fact that what has been going on in our country during the past few years, has made conditions in the last year in the gentleman's district the best he has known for a long time?

Mr. RICH. No, sir; never in God's world. [Laughter.] The reason we are prospering up there is because we are out working to do things, but if we go on much longer with some of these unlawful, illegal laws * * * will bankrupt the Nation.

It is very clear that our friend was then talking politics for Republican home consumption, because right after that when I brought to his attention the letter which his brother recently wrote for his firm, John Rich & Bros., of Woolrich, Pa., to their "Dear customer", they made the assertion that during 1935 they "enjoyed one of the best years of their firm's 105 years of existence."

This matter is of extreme importance, for never again will our friend be able to take the floor and deny that President Franklin D. Roosevelt and his administration has done much for John Rich & Bros., of Woolrich, Pa. They were given in 1935 the best year in their 105 years of existence.

The CHAIRMAN. The gentleman from Florida [Mr. GREEN] is recognized for 1 minute.

Mr. GREEN. Mr. Chairman, I wish to say that I appreciate the statement just made by the gentleman from Oklahoma [Mr. FERGUSON] that it is in all probability his intention to go along with us for further authorization of these projects. Upon that indication, however, the Congress does not lose its responsibility to carry on projects where workers are now employed. Think of the Grand Coulee project. Have you gentlemen visited it? It was my pleasure to visit it last fall. Shall we abandon such projects as the Grand Coulee and the Florida canal simply because they have not run the gauntlet of detailed congressional legislation? They were begun during grave emergency. We did not have time for delay and dilly-dally. It was the time for action, not talk. People were unemployed and destitute. We must keep faith by carrying on these obligations.

Mr. MOTT. Will the gentleman yield?

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

Mr. MOTT. I understand the people of your own State do not want that.

Mr. GREEN. Oh, yes; they do, 99 percent of them.

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

Mr. CURLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CURLEY. Is the discussion that is now going on being taken out of the total time allotted to the discussion of amendments to this paragraph? I do not want to speak on the pending amendment, but I desire to offer an amendment to another paragraph.

The CHAIRMAN. The gentleman will have the opportunity to offer amendments to other sections, and the Chair will recognize the gentleman.

All time has expired.

Mr. BIERMANN. Mr. Chairman, I ask unanimous consent that the amendment may again be read.

The CHAIRMAN. Without objection, the Clerk will again read the amendment offered by the gentleman from Iowa.

There being no objection, the Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. BIERMANN) there were—ayes 56, noes 59.

So the amendment was rejected.

Mr. MOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOTT: Page 68, line 10, after the word "law", strike out "$138,677,899" and insert in lieu thereof "$167,677,899."

The CHAIRMAN. The question is on the amendment of the gentleman from Oregon.

The amendment was rejected.

The Clerk read as follows:

Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act, approved May 15, 1928 (U. S. C., title 33, sec. 702a), and for the purchase of motor-propelled passenger-carrying vehicles and motor boats, for official use, not to exceed $47,325, $15,000,000.

Mr. MANSFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, solely for the purpose of keeping the record straight, permit me to call attention to one matter. My distinguished friend the gentleman from Florida [Mr. GREEN] awhile ago seemed to have the impression that the Florida canal and the Grand Coulee Dam were in the same category. He is in error in this impression. The Grand Coulee Dam was authorized by Congress in the river and harbor bill of last August. It was put in that bill as a Senate amendment and accepted in conference by vote of the House. The Florida canal has never been authorized by Congress.

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

Mr. MANSFIELD. Yes.

Mr. WHITTINGTON. That project was put in the river and harbor bill but was never approved or recommended by the Rivers and Harbors Committee, was it?

Mr. MANSFIELD. Congress ordered a survey of the Florida canal in the act of 1919. The Board of Engineers of the War Department has never reported back to Congress the results of the survey.

Mr. WHITTINGTON. Then my question, Mr. Chairman, is that the Committee on Rivers and Harbors had never approved this Grand Coulee project, although it was in the rivers and harbors bill.

Mr. MANSFIELD. It was not brought before the Committee on Rivers and Harbors.

Mr. WHITTINGTON. Then the gentleman's committee could not have approved it.

Mr. MANSFIELD. It was put in the bill as a Senate amendment and accepted by the House in conference.

Mr. WHITTINGTON. Exactly; so it was not recommended by the Board of Engineers of the War Department.

Mr. MANSFIELD. No.

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

Mr. MANSFIELD. I yield.

Mr. DIMOND. I am very much interested in knowing how the $100,000,000 for new projects authorized in the bill is to be expended; that is to say, how and by whom the projects are to be selected? I have been told by at least one person that only those projects will be considered that are covered on pages 34 and 35 of the hearings. Other people have told me that it lies within the power of the Board of Engineers of the War Department to select such of the approved projects as the Board may see fit without being limited to that list.

Mr. MANSFIELD. It is within the discretion of the Secretary of War and the Chief of Engineers.

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

Mr. MANSFIELD. Yes.

Mr. CULKIN. It is a fact, reverting to the point made by the gentleman from Mississippi, that the Board of Engineers made a detailed report on the Grand Coulee proposition back in 1927 in which they found it was uneconomical and recommended against it. Is not this true?

Mr. MANSFIELD. I believe so, under the "308" report.

Mr. CULKIN. They made a very extended report.

Mr. MAY. Then who authorized it if the Congress has not; who started it?

Mr. MANSFIELD. It was first authorized by the P. W. A. and large expenditures were made upon it. Later, a provision for it was put in the rivers and harbors bill of last August as a Senate amendment and the House accepted it in conference.

Mr. DUNN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. DUNN of Pennsylvania. Is it not a fact that the $100,000,000 provided in this appropriation is to be used for construction purposes?

Mr. MANSFIELD. I so understand the bill.

Mr. DUNN of Pennsylvania. This $100,000,000 is not for military purposes.

Mr. MANSFIELD. Not at all.

Mr. DUNN of Pennsylvania. It is for construction purposes.

Mr. MANSFIELD. Yes.

Mr. DUNN of Pennsylvania. To put men to work.

Mr. MANSFIELD. Yes.

[Here the gavel fell.]

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CURLEY], for 5 minutes in opposition to the pro-forma amendment of the gentleman from Texas.

Mr. CURLEY. Mr. Chairman, while I am just a new Member of the House of Representatives, I am by no means a neophyte in legislative halls. I am not a member of the committee which considered this matter.

My attention, however, has been called today to an item in this appropriation bill for $2,120,000. Included in this item is an appropriation of $700,000 for the widening and deepening of the Harlem Ship Canal, New York City. May I congratulate and thank the committee for giving this matter their favorable consideration. It has been pending many years and the people of the city of New York, particularly in the Boroughs of Manhattan and the Bronx, have been advocating this very much desired improvement for many, many years. My predecessor in the House, a Member of this body for some 17 years, was the first one to take up the cause of this great major improvement in the city of New York. It is my purpose in taking the floor at this time to give you my impressions and to express my appreciation of the work of the gentleman who preceded me in this House, the Honorable Anthony J. Griffin.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein a communication which I received from the Bronx Board of Trade in the Borough and County of the Bronx.

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

There was no objection.

Mr. CURLEY. Mr. Chairman, the letter referred to above, dated February 13, 1936, is as follows:

FEBRUARY 13, 1936.

HON. EDWARD W. CURLEY,
House Office Building, Washington, D. C.

DEAR MR. CURLEY: We have been advised that an appropriation is now pending in Congress providing for the widening and deepening of the Harlem River Ship Canal, an improvement which we have been urging for many years as essential to the industrial development of Bronx waterways.

This appropriation, amounting to $700,000, has been endorsed by city and borough officials of New York and is contained in a recommendation by Maj. Gen. Edwin Markham for funds to carry on War Department work in this zone during the coming year. This is entirely in accord with the present status of the improvement, the work of which is to be undertaken by the War Department, legal requirements having been met by the deeding of land to the Federal Government by State Attorney General John J. Bennett.

It is also our understanding that the War Department will employ relief workers in the project and that recreational plans for territory adjacent to the Harlem River Ship Canal is being held up by Park Commissioner Moses pending completion of the work. In connection therewith, the request for funds to deepen and widen the canal has been recommended to the E. R. A. both by Mayor LaGuardia and Major General Markham.

In view of the urgency of this improvement dormant for many years despite its necessity to the industrial growth of the Bronx and as an exemplary public relief works project, may we enlist your support in urging through Congress early ratification of the appropriation? Likewise, should it appear that the general works plan of which the Harlem River Ship Canal is a part is unlikely to gain early approval, is it possible to introduce a special measure providing for this one project as an improvement promoting local industrial activity and providing increased work?

Knowing of your willingness to further local legislation beneficial to the civic and business expansion of the Bronx, we assure you of our appreciation for any efforts expended in this direction.

Sincerely yours,

WM. E. MATTHEWS,
Executive Secretary.

The Clerk read as follows:

SEC. 2. No part of any money appropriated by this act shall be used for maintaining, driving, or operating any Government-owned motor-propelled passenger-carrying vehicle assigned for the exclusive use of persons other than the Secretary of War and medical officers on out-patient medical service.

Mr. BIERMANN. Mr. Chairman, I move to strike out the last word.

Mr. POWERS. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

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

There was no objection.

Mr. BIERMANN. Mr. Chairman, a few days ago I reminded the committee that a large number of them had been talking about economy on the floor of this House. All this talk about economy is empty and meaningless unless we economize where the big money is spent. The big money is spent in just two items—paying for past wars and preparing for more wars in the future. At that time I inserted in the RECORD figures showing that in the fiscal year 1937, if this bill is passed and if the Budget estimate on the Navy is passed, we will spend for past wars and for future wars $4,685,000,000. I submit that no Member who votes for that kind of program, or even for a major part of it, has any right at all to go out into his district and tell the people that he is for economy, because it is just not so.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from New York.

Mr. MARCANTONIO. When we talk about economy, let us bear in mind the amount of money we will have to appropriate for the unemployed.

Mr. BIERMANN. That is when we will hear the big talk about economy.

Mr. Chairman, unless a Member with prior right offers a motion to recommit, I expect to offer such a motion, with instructions to the committee to bring back a bill reducing these appropriations below $400,000,000, and providing that none of the reduction shall be taken out of the Air Corps or out of the Chemical Warfare Service. The bill now carries appropriations totaling $543,000,000. If my motion prevails, there will be saved $143,000,000, which will be a nice tidy sum to devote to relief when the time comes to vote for relief measures. We cannot cut down on relief. If we have a certain number of men ready to starve to death, we cannot say that we will cut the appropriation 20 percent and allow one-fifth of them to starve. We have to provide for 100 percent of the starving people.

Mr. Chairman, with no nation to prepare against, and with a purely inexcusable expenditure that no one on this floor has attempted to really defend, we will have the opportunity shortly to save $143,000,000 by agreeing to the motion I shall offer. We have one more paragraph to read. If there is anyone on this floor who can give a reason why we have to apprehend an invasion by any one foreign power or any combination of foreign powers I hope he will get up on this floor and tell us the reason.

Mr. Chairman, I ask for a favorable vote on my motion to recommit.

[Here the gavel fell.]

The Clerk read as follows:

SEC. 3. No part of any appropriation made by this act shall be used in any way to pay any expense in connection with the conduct, operation, or management of any post exchange, branch exchange, or subexchange within any State, Territory, or the District of Columbia, save and except for real assistance and convenience to military personnel and civilians employed or serving at military posts and to retired enlisted naval personnel in supplying them with articles of ordinary use, wear, and consumption not furnished by the Government.

Mr. McFARLANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment by Mr. MCFARLANE: Page 74, after line 25, insert a new paragraph as follows:

"SEC. 4. That as to contracts or subcontracts in excess of $10,000 no appropriation contained in this act shall be available for the payment of a profit in excess of 10 percent to any contractor or subcontractor for the construction and/or manufacture of any complete aircraft or ordnance material, or any portion thereof."

Mr. PARKS. Mr. Chairman, will the gentleman yield for a brief question?

Mr. McFARLANE. Yes.

Mr. PARKS. Is that the same language carried in the Navy bill every year?

Mr. McFARLANE. In substance that is correct. This amendment carries out the same intention as the 10 percent limitation applying to naval expenditures.

Mr. PARKS. I do not see any objection to it.

Mr. McFARLANE. Mr. Chairman, I do not care to detain the Committee, but I just want to make the statement that the substance of this amendment is the same as the provision that now applies to the Navy in legislation enacted by the last Congress, and I see no reason why it should not be adopted unanimously, and I hope the Committee will approve of the amendment. It has the approval of the chairman of the subcommittee, as I understand it. The adoption of this limitation will save for the taxpayers millions of dollars in expenditures that will be made in purchases by the War Department under this bill. So I hope the Committee will unanimously approve this amendment.

The amendment was agreed to.

Mr. CULKIN. Mr. Chairman, I move to strike out the last word.

Mr. POWERS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

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

There was no objection.

Mr. CULKIN. Mr. Chairman, I rise at this time for the purpose of extending to the members of this Committee on both sides of the aisle my hearty congratulations for their courage in taking back the purse strings of Government. The Committee has done this by refusing to appropriate money for river and harbor projects not approved by Congress. It is to me a most splendid augury, and it is especially courageous on the part of the gentlemen on the Democratic side.

May I say in this connection, and I am only repeating what I have said on the floor before, bureaucratic spending is the most expensive sort of spending, and under this bureaucracy which has existed during the past several years, created, of course, by Congress in this emergency, the money of the people has been wasted to the tune of billions.

We now return, under the auspices of this courageous Committee, to an administration of law by Congress, and this administration of law will be an economic and orderly one. I renew my congratulations to this courageous committee that has set the pace in this direction.

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

Mr. CULKIN. Yes.

Mr. BIERMANN. I am astonished at what the gentleman states about economy. Last year's war appropriation was the largest in our history, and this is $118,000,000 more than last year.

Mr. BOLTON. If the gentleman will yield, that is not a correct statement. I think the gentleman from Iowa wants to be correct. He referred to "war" appropriations.

Mr. BIERMANN. The gentleman will agree that last year's war appropriation was the largest appropriation of that kind in the history of this country in times of peace.

Mr. BOLTON. That is correct.

Mr. BIERMANN. And this bill carries $118,000,000 more than the bill of last year.

Mr. CULKIN. May I say to the gentleman that I have great respect and admiration for his idealism, but I am more or less practical and believe America must have an Army and Navy that is adequate. I have been referring to the river and harbor item which is carried in this bill.

Mr. BIERMANN. But the gentleman should not talk about economy when this is an increase.

Mr. CULKIN. It is economy because it discontinues certain vast uneconomic projects that Congress never approved.

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

Mr. CULKIN. I yield.

Mr. RICH. How can the gentleman make the statement that we are getting back to sanity and saving money when every appropriation bill brought in since the 3d of January, when this session of the Congress began, has been higher than it was the year before? Every appropriation bill that has been brought in here this year has been larger and how can the gentleman——

Mr. CULKIN. Just a minute. The gentleman is getting away from the facts. The gentleman has asked me a question. I was commending this committee for its courage in turning its back upon these gigantic malappropriations for such projects as the Florida canal and the Passamaquoddy power project, which never had the approval of Congress. The issue is bigger than the gentleman seems to realize.

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendations that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to. Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. PARSONS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 11035, the War Department appropriation bill, 1937, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. PARKS. Mr. Speaker, I move the previous question on the bill and the amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. PARKS. Mr. Speaker, I demand a separate vote upon what are known as the McSwain amendments.

The SPEAKER. Is a separate vote demanded on any other amendments? [After a pause.] If not, the Chair will put the remaining amendments en gros. The question is on agreeing to the remaining amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the McSwain amendments.

Mr. PARKS. Mr. Speaker, there are two amendments pertaining to the same thing, and I think they should be voted upon at the same time.

Mr. McSWAIN. I have no objection to that.

The SPEAKER. Without objection the Clerk will report the two McSwain amendments.

There was no objection and the Clerk read as follows:

Amendments by Mr. McSWAIN: Page 53, line 14, strike out "$6,589,383" and insert in lieu thereof "$8,474,195."

Page 55, line 7, strike out the colon and insert a comma in lieu thereof and insert the following: "or who may be detailed to active duty with the Regular Army under the provisions of Public Law No. 408, first session, Seventy-fourth Congress."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and on a division (demanded by Mr. McSWAIN) there were—ayes 99, noes 73.

Mr. PARKS. Mr. Speaker, I object to the vote upon the ground that a quorum is not present, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Arkansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and eleven Members present, not a quorum. The Clerk will call the roll; and the question is on agreeing to the McSwain amendments.

The question was taken; and there were—yeas 246, nays 98, not voting 86, as follows:

[Roll No. 18]

YEAS—246

Allen	Barry	Buck	Chandler
Andresen	Beiter	Burdick	Chapman
Andrew, Mass.	Bell	Caldwell	Christianson
Andrews, N. Y.	Bloom	Carmichael	Church
Arends	Boehne	Carpenter	Claiborne
Ashbrook	Boykin	Cartwright	Colden
Ayers	Boylan	Castellow	Cole, N. Y.
Barden	Brown, Ga.	Cavicchia	Collins

Colmer	Healey	Mansfield	Schaefer
Connery	Hennings	Mapes	Schuetz
Cooley	Hess	Martin, Colo.	Schulte
Cooper, Tenn.	Higgins, Conn.	Martin, Mass.	Scrugham
Costello	Higgins, Mass.	Massingale	Sears
Cox	Hollister	Maverick	Secrest
Cravens	Holmes	May	Seger
Cross, Tex.	Hook	Mead	Shanley
Crowe	Houston	Meeks	Shannon
Culkin	Imhoff	Merritt, N. Y.	Sirovich
Cullen	Jacobsen	Michener	Smith, Conn.
Cummings	Jenckes, Ind.	Miller	Smith, Va.
Curley	Jenkins, Ohio	Mitchell, Ill.	Smith, Wash.
Delaney	Johnson, Okla.	Mitchell, Tenn.	Smith, W. Va.
DeRouen	Johnson, Tex.	Mott	Snell
Dies	Johnson, W. Va.	Murdock	Somers, N. Y.
Dingell	Jones	Nelson	South
Dirksen	Kahn	Norton	Spence
Ditter	Keller	O'Brien	Starnes
Dobbins	Kelly	O'Connell	Stubbs
Dorsey	Kennedy, N. Y.	O'Leary	Sumners, Tex.
Doutrich	Kenney	Owen	Sutphin
Driver	Kerr	Parsons	Sweeney
Duffy, N. Y.	Kleberg	Patman	Taylor, Colo.
Duncan	Kloeb	Patton	Taylor, S. C.
Eagle	Kniffin	Pearson	Terry
Eaton	Kocialkowski	Perkins	Thom
Edmiston	Kramer	Peterson, Fla.	Thomason
Eicher	Lambertson	Pettengill	Thompson
Engel	Lambeth	Peyser	Thurston
Englebright	Lanham	Pfeifer	Tinkham
Evans	Lea, Calif.	Pittenger	Tolan
Faddis	Lee, Okla.	Polk	Tonry
Fenerty	Lehlbach	Rabaut	Treadway
Ferguson	Lemke	Ramsay	Turner
Fiesinger	Lesinski	Randolph	Turpin
Focht	Lewis, Colo.	Rankin	Umstead
Ford, Miss.	Lord	Ransley	Vinson, Ga.
Gassaway	Lucas	Reed, Ill.	Vinson, Ky.
Gavagan	Lundeen	Reed, N. Y.	Wadsworth
Gearhart	McAndrews	Reilly	Walter
Granfield	McClellan	Richards	Warren
Green	McCormack	Richardson	Weaver
Greenway	McFarlane	Risk	Welch
Greever	McGehee	Robertson	West
Gregory	McKeough	Robinson, Utah	White
Griswold	McLaughlin	Rogers, Mass.	Wigglesworth
Guyer	McLean	Rogers, N. H.	Wilcox
Halleck	McLeod	Rogers, Okla.	Wolcott
Hamlin	McSwain	Rudd	Wolfenden
Hancock, N. Y.	Maas	Russell	Wolverton
Hancock, N. C.	Mahon	Ryan	Woodruff
Hart	Main	Sadowski	
Harter	Maloney	Sanders, Tex.	

NAYS—98

Adair	Dietrich	Kinzer	Quinn
Amlie	Dockweiler	Knutson	Rich
Bacon	Doughton	Kopplemann	Robsion, Ky.
Bankhead	Doxey	Larrabee	Sabath
Berlin	Driscoll	Lewis, Md.	Sandlin
Biermann	Duffey, Ohio	Luckey	Sauthoff
Binderup	Dunn, Pa.	Ludlow	Schneider, Wis.
Bland	Eckert	McGroarty	Scott
Blanton	Fletcher	McMillan	Sisson
Boileau	Ford, Calif.	McReynolds	Snyder, Pa.
Boland	Frey	Marcantonio	Stefan
Bolton	Fuller	Merritt, Conn.	Taber
Brewster	Fulmer	Monaghan	Tarver
Brooks	Gehrmann	Moran	Wallgren
Brown, Mich.	Gilchrist	Moritz	Wearin
Buckler, Minn.	Gildea	O'Connor	Whelchel
Cannon, Mo.	Gingery	O'Day	Whittington
Carlson	Gray, Pa.	O'Malley	Williams
Cary	Gwynne	O'Neal	Wood
Cochran	Haines	Palmisano	Woodrum
Coffee	Hildebrandt	Parks	Young
Cole, Md.	Hill, Knute	Patterson	Zimmerman
Crosby	Hobbs	Peterson, Ga.	Zioncheck
Crosser, Ohio	Huddleston	Pierce	
Deen	Hull	Powers	

NOT VOTING—86

Bacharach	Daly	Goodwin	Plumley
Beam	Darden	Gray, Ind.	Ramspeck
Blackney	Darrow	Greenwood	Rayburn
Brennan	Dear	Harlan	Reece
Buchanan	Dempsey	Hartley	Romjue
Buckbee	Dickstein	Hill, Ala.	Sanders, La.
Buckley, N. Y.	Disney	Hill, Samuel B.	Short
Bulwinkle	Dondero	Hoeppel	Stack
Burch	Drewry	Hoffman	Steagall
Burnham	Dunn, Miss.	Hope	Stewart
Cannon, Wis.	Ekwall	Kee	Sullivan
Carter	Ellenbogen	Kennedy, Md.	Taylor, Tenn.
Casey	Farley	Kvale	Thomas
Celler	Fernandez	Lamneck	Tobey
Citron	Fish	McGrath	Underwood
Clark, Idaho	Fitzpatrick	Marshall	Utterback
Clark, N. C.	Flannagan	Mason	Werner
Cooper, Ohio	Gambrill	Millard	Wilson, La.
Corning	Gasque	Montague	Wilson, Pa.
Crawford	Gifford	Montet	Withrow
Creal	Gillette	Nichols	
Crowther	Goldsborough	Oliver	

So the amendments were agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Marshall (for) with Mr. Withrow (against).

General pairs:

Mr. Drewry with Mr. Darrow.
Mr. Oliver with Mr. Bacharach.
Mr. Dunn of Mississippi with Mr. Carter.
Mr. Montague with Mr. Gifford.
Mr. Darden with Mr. Ekwall.
Mr. Lamneck with Mr. Cooper of Ohio.
Mr. Burch with Mr. Buckbee.
Mr. Rayburn with Mr. Hoffman.
Mr. Flannagan with Mr. Plumley.
Mr. Bulwinkle with Mr. Tobey.
Mr. Beam with Mr. Wilson of Pennsylvania.
Mr. Goldsborough with Mr. Short.
Mr. Samuel B. Hill with Mr. Blackney.
Mr. Sullivan with Mr. Fish.
Mr. Buchanan with Mr. Dondero.
Mr. Steagall with Mr. Hope.
Mr. Celler with Mr. Millard.
Mr. Corning with Mr. Taylor of Tennessee.
Mr. Disney with Mr. Reece.
Mr. Fernandez with Mr. Goodwin.
Mr. Taylor of Colorado with Mr. Burnham.
Mr. Romjue with Mr. Crowder.
Mr. Greenwood with Mr. Hartley.
Mr. Clark of North Carolina with Mr. Crawford.
Mr. Gambrill with Mr. Thomas.
Mr. Hill of Alabama with Mr. Stewart.
Mr. Harlan with Mr. Kvale.
Mr. Gasque with Mr. Dempsey.
Mr. Ramspeck with Mr. Citron.
Mr. Underwood with Mr. Daly.
Mr. Farley with Mr. Nichols.
Mr. Gillette with Mr. Casey.
Mr. Brennan with Mr. Sanders of Louisiana.
Mr. Kennedy of Maryland with Mr. Creal.
Mr. McGrath with Mr. Werner.
Mr. Fitzpatrick with Mr. Montet.
Mr. Mason with Mr. Utterback.
Mr. Dickstein with Mr. Kee.
Mr. Clark of Idaho with Mr. Gray of Indiana.
Mr. Dear with Mr. Buckley of New York.
Mr. Ellenbogen with Mr. Wilson of Louisiana.

Mr. CLAIBORNE changed his vote from "no" to "aye."

Mr. ADAIR changed his vote from "aye" to "no."

Mr. McANDREWS changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

The SPEAKER. The question now recurs on the engrossment and third reading of the bill.

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

Mr. TABER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TABER. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TABER moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with the following amendment: Page 68, line 10, strike out "$138,677,899" and insert in lieu thereof "$88,677,899."

Mr. PARKS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER. The question now recurs upon the passage of the bill.

The question was taken; and on a division (demanded by Mr. BIERMANN) there were ayes 204 and noes 36.

Mr. BIERMANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

On motion by Mr. PARKS a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS—OUR NATIONAL DEFENSE

Mr. BURDICK. Mr. Speaker, I regret that it becomes necessary for me to extend my remarks made before the Committee of the Whole House on the state of the Union on yesterday, February 13. There is, however, no other way by which I can express my views and convictions.

When this bill was open to general debate the time was controlled by the chairman and ranking member of the Subcommittee on Military Affairs. It was impossible for me to get time, as committee members have preference over all others, and I could get no time. Under the 5-minute rule, however, I could, by proper maneuvering, get 5 minutes. I availed myself of that time, and here I wish to complete saying what I would have said yesterday had I been granted the time.

OUR NATIONAL DEFENSE

My principal objection to the present bill (Army appropriation bill) is that for actual military tactics the appropriation is at least $100,000,000 more than is necessary and for nonmilitary purposes the appropriation is not enough.

The object of all patriotic Americans should be to provide adequate defense for this country should its territory be invaded. We have no moral right to prepare for any war of any kind except one in the absolute defense of this country. With this major premise in mind, let us set about to protect this country.

Should this country at some future time be attacked by one or more world powers, there are two outstanding weapons of defense greater than armies and navies.

First, a virile, united people, fighting in the defense of a government in which they believe, a government that gives them protection and permits them to enjoy the inalienable rights set forth in the Declaration of Independence—life, liberty, and the pursuit of happiness. With a people thus actuated, there is no power on this earth—yes; there are no powers capable of uniting against us—that could even hope to conquer this spirit of American independence.

Are the American people so united today and so actuated? It is impossible to talk religion to a hungry man, and the patriotic spirit of the American people can be dangerously cooled, among the millions now in distress. To them this Government has failed to do for them what the Declaration of Independence proclaimed. Today there are millions hungry; there are millions in rags; there are millions who have lost their only home; there are more millions fighting desperately to save whatever of homes they have left. For example, there are about 10,000,000 people living on farms in America, whose homes are about to be taken away from them through the process of foreclosure. What will be their status if we allow this holacaust to take place? What will their attitude be toward the Government, that through its Congress, refuses, over repeated pleas, to stay the mad demands of the mortgagee? What is the attitude of the millions who are eking out a bare existence on public charity? Can the distressed millions, made so by our having permitted the accumulation of the Nation's wealth in a few hands, be expected to have that same ardor for the protection of their Government that they formerly experienced and enjoyed?

It seems to me we are in a war now. It seems to me we have same 60,000,000 people fighting for an existence in a land of plenty. Our first preparation for the protection of this great country is to bring relief to the suffering millions, and first convince them that we have a government worth saving.

We can extricate these people from a sea of debt; we can end special privilege and return to the program of equal opportunity for all and special privilege to none. We can do that by demanding that the private interests of this country immediately surrender its power and control over to the Government, cash and credit. We can use our money and our credit for all the people and not for the special few. We can retire interest-bearing, tax-free bonds and take a billion and a quarter of annual interest taxes off the backs of the American people on our public debt alone. We can issue money enough to supply an adequate medium of exchange without paying interest for the use of it. We can cause this money to circulate and give jobs, food, clothing, homes, and hope to the distressed of this country.

As I view it, this is the greatest preparation we can make for the adequate defense of this country. What will battleships and large standing armies avail us, when those behind the lines are starving themselves? What will it avail us if we have the largest number of trained officers in the world, if the people who are back of the lines are not as willing to fight for their country as are the men in the front lines?

The second greatest element of national defense of any country is its continuing source of food supply. No army, however great, can long hold its ground in front, when either it is short of food or the people behind the lines are hungry. A fighting nation must never be short of food, either in the army or out of it. It is useless to cite examples. History is so replete with the proof of this statement that to state the proposition is to prove it. Did we conquer the South on the battlefield? No; we starved them into submission. Did we whip the German armies in the World War? No; we starved the German Army and the German people.

Armies fight on bread and meat. The people at home supporting the Army live on bread and meat. Where are these necessary and indispensable products produced? On the farms and ranches in this country. Can we afford to permit another 2,000,000 farm homes, food factories for the Army, to perish in peacetimes? Is it not a matter of national defense, and the greatest which we are able to supply, to keep these farms where they are now, producing and ready to produce? Shall we drive 10,000,000 of them off the farm just at a time when we feel that we must provide an adequate defense for this country?

For nonmilitary purposes this bill carries appropriations for flood control and the improvement of rivers and harbors, and rightly so. Is it not sane, sound, and logical, to add to these activities, a further provision that whenever, through an act of God, such as a flood or drought, to make it a part of our scheme of national defense to spend a part of the billion-dollar national defense bill in supplying feed, seed, and relief to those on our farms who have been rendered helpless to continue in this necessary business of national protection? Shall we not as a Congress make it our business now to give protection to those farm homeowners who are in distress, and who will soon lose those homes unless this Congress acts. Shall we not protect the city homeowner who can see his home offered on the auction block because he has no job, and cannot protect himself?

Shall we sit idly by and see insurance companies who, in their reports, boast of the profits they made through the resale of foreclosed homes?

Whenever this country is attacked, if we have the spirit of the people with us, and plenty of food and a source of supply that is inexhaustible, we can take care of the rest of the fundamentals necessary for our national defense. If we now had stored in the interior of this country a supply of Government wheat, withdrawn from sale, and usable only in case of war or a national calamity, it would be a greater protection to the English-speaking people than the combined fleets of the United States and Great Britain. Any surplus raised could be sold to the Government and stored in the interior. A modern battleship costs, according to the hearings last year, between forty and fifty million dollars.

The same money invested in surplus wheat at $1 per bushel would supply 12,000,000 people with bread for a year, or it would supply all of our 127,000,000 people with bread for 40 days.

I am for the adequate defense of this country, but to properly defend this country we must do more than increase the number of our officers and enlisted men; more than the building of more battleships; more than the increasing of war expenditures far beyond any peacetime period in our history, thus taxing more and more the people of the country and making their condition more hopeless than it is today.

ANNUAL RESERVE OFFICERS' ASSOCIATION DINNER

Mr. MERRITT of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech delivered by the Secretary of War last night at the Reserve officers' dinner.

The SPEAKER. Is there objection?

There was no objection.

Mr. MERRITT of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of the Secretary of War, Hon. George H. Dern, at the annual Reserve Officers' Association dinner, Mayflower Hotel, February 13, 1936:

I am glad to meet with you gentlemen of the Officers' Reserve Corps and to say to you personally some of the things about you which I have been telling everyone else.

Your association, representing the Reserve officers of every branch of the Army, is doing valuable work in spreading reliable information about the Reserve Officers' Training Corps and in resisting the attacks that are made on it. You have an intelligent interest in our national defense, and the service you are rendering to the country is a very practical form of patriotism.

Our Regular Army, I believe, is at present more efficient than at any time in its peacetime history, although there is still plenty of room for improvement. Under the inspiring leadership of General Craig, it is going forward to a new high peak in the present year. However, at best our permanent force is but a nucleus around which we will have to build our defense force in any major war of the future.

The National Guard, likewise, is attaining a standard of efficiency that is a great credit to the country and to those part-time soldiers enrolled in the various States. It is preparing to stand shoulder to shoulder with the Regular Army to protect our country in the first phase of any attack that we may have to sustain.

However, the aggregate strength of the combined Regular Army and National Guard is insufficient for the proper protection of our shores from the assault of an aggressive foe possessed of large military resources.

In every major war we have been forced to rely on the unorganized and untrained manpower of the country to provide the soldiers needed for success on the battlefield. We have an abundance of such manpower, but without skilled leaders untrained recruits are almost as valueless as bricks and mortar without skilled workmen to use them. You gentlemen, and the men you represent, will furnish this indispensable leadership.

I am afraid that we, in the War Department, are too prone to take for granted the continued splendid service of the Reserve officers, and that we fail to express publicly as often as we should our deep appreciation of this service. That our Reserve officers are good officer material, endowed with intelligence and the qualities of leadership, has been proved by the brilliant success of practically every C. C. C. camp that has been commanded by a Reserve officer. You have every reason to be proud of the shining record that your members have made in this difficult task.

The patriotic zeal of our Reserve officers is a matter of common knowledge. Many of them have had their devotion to duty tested on a dozen battlefields. Those who have proved their leadership in the World War are an asset to the country that is of incalculable value. Unfortunately, we are faced with the hard fact that the years are taking their toll of these experienced soldiers. Each year there are fewer of them available. Our problem is to replace them with younger men. In one sense they never can be replaced, but we must select from a new generation the ablest youths to take up the duties of the veterans.

Our best source of new officers is the Reserve Officers' Training Corps of our colleges. The continuance of our R. O. T. C. system is vital to our national defense. This enlightened and democratic method of assuring an adequate supply of trained officers for wartime is an essential feature of the National Defense Act. Without it our national defense system would be a hollow sham, and we could never feel that we were prepared for a national emergency.

In my recent annual report, I emphasized the importance of our Reserve Officers' Training Corps, remarking that the propaganda against this training was based on the fallacious assumption that such training instilled a spirit of militarism in our youth. I asserted that our R. O. T. C. graduates were no more jingoistic than any other citizens, but that they were better prepared to serve their country in time of national peril. I was somewhat surprised to find that a few of my friends who do not believe in preparedness took rather vigorous exception to such statements, and sent protests to me and to the President. However, with due regard for their opinions, and conceding the high motives of their militant declarations for peace, I must respectfully decline to follow their reasoning. The data upon which they base their opinions are pretty flimsy stuff.

No subject of any other country in the world enjoys the liberties and advantages that are accorded the American citizen. In return the country, which is the common parent of all, exacts only the basic obligations of citizenship. Important among these is the obligation to defend it. This basic requirement is inherent in our form of government and has been upheld repeatedly by legislative enactment, Executive pronouncement, and judicial decision.

We read of a few misguided college boys pledging themselves never to participate in a war which they personally do not consider a righteous one. That is an undemocratic attitude, for democracy means rule by the people and rule by the people cannot mean anything else except rule of the majority. The conceited, willful individual who has not learned to submit his own will to the combined will of the majority has not learned the elements of democracy. He is not talking about liberty—he is advocating anarchy. How could we have any government at all if every citizen arrogated to himself the right to disobey all the laws except those which happened to suit his particular fancy?

But I am not disturbed by the utterances of a handful of boys who think they would put peace above safety, righteousness, justice, and honor. No normal man would elect such a cowardly course, and as soon as our country is in danger, and the lives and liberties of our people are threatened, these same young Americans will echo the toast of Stephen Decatur:

"Our country! In her intercourse with foreign nations may she always be in the right; but our country, right or wrong!"

KENTUCKY'S MOST DISTINGUISHED SON, ONE OF GOD'S CHOICEST GIFTS TO OUR COUNTRY, THE WORLD'S MIGHTIEST CHAMPION OF FREEDOM, THE MASTERFUL MAN OF THE AGES—ABRAHAM LINCOLN

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech that I made before the Hamilton Club in Baltimore on Lincoln's Birthday.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, under the unanimous consent granted to me by the House some days ago, I hereby extend my remarks by inserting in the RECORD an address that I delivered at the Lincoln banquet, sponsored by the Hamilton Club and other Republicans of Maryland, at the Lord Baltimore Hotel in Baltimore, Md., on February 12, 1936, and the speech is as follows:

Mr. Toastmaster, distinguished guests, ladies, and gentlemen, at the outset permit me to thank the Hamilton Club and the Republicans of Maryland for their gracious invitation to address this distinguished assemblage. Your generous reception and kindly hospitality make me feel quite as much at home as if I were appearing before a group of Kentuckians. It is a great privilege and a genuine pleasure to be with you.

The record of Maryland, beginning with its earliest settlement, has been an inspiration to me. I have had the pleasure of serving in both branches of Congress with many of your distinguished sons. Your State was founded upon the great human principles of freedom and justice. In every struggle from colonial days to Flanders Field, on land and sea, Marylanders wrought gloriously and brought wisdom to the councils of the Nation. The courage and patriotism of Charles Carroll of Carrollton has inspired all generations. Was it not a distinguished Marylander who presided over one of the Continental Congresses, and a Marylander who had the foresight to nominate George Washington as Commander in Chief of the Continental Army? Francis S. Key gave to us The Star-Spangled Banner.

Maryland, like Kentucky, was a border State. Blood relationship, social and economic advantages were urged upon your ancestors like mine to forsake the Union and the cause of freedom; but Maryland, like Kentucky, remained true, and your fathers, like ours, struggled shoulder to shoulder with Lincoln; they shared with him the bitterness of defeat and rejoiced with him in victory; their blood was mingled with his blood, and the fruits of their united sacrifices are now the rich heritage of the Republic.

Because of this intimate relationship and oneness of purpose it is only fitting that we join together and renew our devotion to one of God's choicest gifts to our country, Kentucky's most distinguished son, the world's mightiest champion of freedom, the masterful man of the ages—Abraham Lincoln.

GREAT HUMAN STORY

I do not flatter myself that I can bring anything new to you in relation to this great man. Thousands of books and pamphlets have been written; eloquent eulogies have been delivered; the genius of poet, painter, and sculptor has been exhausted; the genealogist has delved deep into his ancestry; the psychologist and moralist have searched his innermost mind and penetrated his very soul in an effort to find the secret of his greatness. The unborn years may be necessary to make a complete appraisal of his life and character. The fact remains that no human story surpasses in fascination and inspiration that of Abraham Lincoln. It is the story of the great outdoors, of humility, poverty, disappointments, and defeats; a story of romance, of pathos, of tragedy, of greatness, winning his supreme victory in death. Washington has a place of his own in the minds and hearts of our people as the Father of our Country. Grant, Lee, Sumner, Stanton, Seward, Douglas of Lincoln's time, Marshall, Jefferson, Hamilton, Jackson, McKinley, and others of other times, tower like mighty peaks across the years of our history. But Lincoln, the log-cabin boy of the Kentucky hills and the Illinois frontier, in my humble opinion rises in majestic grandeur above them all. He and Washington are the most colossal figures in American life and the most influential upon our history.

LINCOLN, THE MAN OF DESTINY

We like to think that Jehovah, looking out on the world in the morning of the nineteenth century, saw the fugitive slave pursued through forest and swamp, saw the suffering of millions of oppressed bondmen, heard the wail of the black mammy when the golden chord of mother and child was rudely broken in the slave market. He saw, too, the most beautiful flower of his handiwork among the nations—your country and mine—in peril. He needed a man to save this country and to free a race.

He did not go to the palace of the rich and mighty, but to the hills of old Kentucky, and found a mother who was noble, pure, and true, and brought forth a son from the log-cabin home in which there was no floor except the earth. He trained him in the school of adversity; He taught him the lesson of humanity, tenderness, and love when He touched his heart with sorrow and chastened his mind and soul with defeat and disappointment; He kept him in direct contact with the common people; He placed on his brow the mark of destiny and guided his footsteps in the ways of the infinite. Was not Lincoln like our Saviour in the surroundings of his birth, like Him in disappointment and suffering, like Him in being a blood sacrifice, and like Him in winning his greatest triumph in death?

LINCOLN-DAVIS

Two mighty forces originating at Plymouth and Jamestown had spread over the Nation—slavery, freedom. Conflicts between these two great forces were seen on every hand. No one appeared to be able to diagnose the Nation's disease and point to the remedy. The hour had come for divine Providence's leader, Abraham Lincoln.

This giant, gaunt figure rose on the frontier of Illinois, and amid the clash of bitter conflicting interests and the clouds of doubt and uncertainty diagnosed the Nation's disease and pointed to the remedy when he declared:

"A house divided against itself cannot stand. This Nation cannot long endure half slave and half free. I do not expect the house to fall. But I do expect it to cease to be divided."

Lincoln was warned that his opposition to slavery would destroy his career. His reply was:

"Broken by it, I, too, may be; bow to it I never will. The probability that we may fail in a worthy cause is not a sufficient justification for our refusal to support it."

Union and freedom were the battle cry on the one hand, with Lincoln as their champion; slavery and secession on the other, with Jefferson Davis, of Kentucky, as their leader. Lincoln was unwilling to provoke the conflict. In his first inaugural address he appealed to the higher and nobler sentiments of the southern leaders when he said:

"In your hands, my dissatisfied fellow countrymen, and not in mine is the momentous issue of civil war. The Government will not assail you. You can have no oath registered in heaven to destroy this Government, while I shall have the most solemn one to preserve, protect, and defend it."

Like a father to a prodigal son who is about to leave the old homestead, he stretches out his hands toward the southern leaders, and with sublime tenderness declares:

"We are not enemies but friends; we must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory stretching from every battlefield and patriot's grave to every living heart and hearthstone all over this broad land will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature."

In one magnificent sweep he carries the minds of the southern leaders through the years of sacrifice and suffering of the Revolution, the War of 1812, the battlefields of Mexico, to the countless thousands of patriot graves, in all of which the South gave unstintedly of her treasure and her blood. Will she now attempt to destroy that which she had given so much to create and maintain?

Is it too much to say that our country today is threatened with dangers equally as great as those faced by our Nation in the days of Lincoln; and how much we now need a Lincoln with his great mind, great heart, matchless courage, and intense Americanism to appeal to the conflicting groups in our land and urge:

"The mystic chords of memory stretching from every battlefield, from the graves of Washington, Franklin, Jefferson, Jackson, McKinley, and the other patriot graves, should touch the heart of every true living American and quicken the better angels of his nature and his gratitude."

Would not the immortal Lincoln warn us that this Nation cannot long endure half socialistic and communistic and half American, or half dole and half free, or half bureaucrat and half burden-bearer? Would he not urge that Congress must legislate and not abdicate—that the dual relationship between the Federal Government and the States be not broken down—that the three great coordinate branches of the Federal Government be permitted to function freely and independently; and that if we maintain a government of the people, by the people, and for the people, agriculture, industry, commerce, and labor must not be regimented?

VICTORY OVER DEATH AND THE GRAVE

The great Civil War was nearing its end. No President had heaped upon him so much of unmerited abuse as Lincoln, yet in his second inaugural address he said:

"With malice toward none, with charity for all, let us join to bind up the Nation's wounds."

But passion, selfishness, greed, and hate demanded another victim. Freedom and union required another sacrifice—the blood sacrifice of the Emancipator. His life was taken by an assassin; and in a small, bare room, not unlike those of his early days, the soul of the Great Emancipator returned to its Maker. It required the broken body of Abraham Lincoln to write the thirteenth, fourteenth, and fifteenth amendments into the organic law of our land.

Jefferson Davis, when he heard of the death of Lincoln, exclaimed:

"Next to the fall of the Confederacy, the death of Lincoln is the greatest blow the South ever received."

Seward, the orator and statesman, said:

"Lincoln was the best man I ever knew."

Secretary of War Stanton, at Lincoln's bier, declared:

"There lies the greatest man that ever ruled any country."

On this the one hundred and twenty-seventh anniversary of his birth, there is naught but love and admiration for Abraham Lincoln. He is today, North, East, South, and West, hailed as the deliverer and savior of the Republic. His image is enshrined in the hearts of men and women everywhere who love freedom, justice, and righteousness. It can be well said at his grave:

"O Death, where is thy sting;
O Grave, where is thy victory?"

The sting of death was healed with the love and affection of mankind. His matchless success snatched victory from the grave.

"GANG" IN MAJORITY

How different to President Lincoln was the recent political speech of President Roosevelt delivered under the guise of his annual message to Congress, characterizing those who opposed him as a "gang" and "ganging him."

This vituperation is unworthy of any President. Are the people who oppose Mr. Roosevelt and his "brain trusters" a "gang"? Thousands and thousands of Democrats oppose the President and his so-called New Deal policies. Governor Smith and John W. Davis, former nominees; John J. Raskob, former chairman and "sugar daddy" for the President's party; Bainbridge Colby, Secretary of State under Wilson; Senator Reed; Governor Talmadge; Governor Ely; Governor Richie; Governor Noe, of Louisiana—these men helped to make Mr. Roosevelt President. A big majority of the press is against the New Deal.

Mr. Roosevelt complains that the Constitution and the Supreme Court of the United States are against the New Deal policies.

Recently the Literary Digest conducted a poll. It sent out 10,000,000 ballots to American citizens and inquired if they were for or against the New Deal. Millions of voters responded. Sixty-two percent were against the New Deal and 38 percent for it. A little over a year ago the same number of ballots were sent to the same people. Then they voted 62 percent for and 38 percent against the New Deal. The recent poll was a complete reversal of the poll of a year ago. This poll disclosed that 36 States were against the New Deal and 12 States were for it.

President Roosevelt, his Secretary of the Treasury, the Postmaster General, and Secretary of Labor come from New York State. New York State and every town and city of 5,000 or more population in this poll showed a big lead against the New Deal.

The Republican Party is against the New Deal; therefore, the opposition to the President is not merely a "gang", it is a multitude. Their numbers are as the sand of the sea. There must be something radically wrong with President Roosevelt and his New Deal policies to incur the active opposition of thousands of leaders and millions of voters in his own party, North, East, South, and West. What is wrong? These Democrats charge that the President has broken his solemn platform pledges to the American people; that he and his associates are attempting to set up a new form of government; that they are undermining the Constitution and the Supreme Court. They have increased the tax burden; they have engaged in a wild orgy of squandering and wasting of the people's money. They are playing politics on the miseries and distress of the American people. Unemployment is on the increase. Relief requirements are still at their peak. Our balance of trade is on the decline. Large increase of deficits and national debt threaten the credit of the Nation. They have substituted paternalistic, socialistic, and in some cases communistic policies for American principles and the long-established policies of the Democratic Party.

Let us examine some of these charges.

BROKEN PLEDGES AND VIOLATED PROMISES

The Democratic Party, in its convention in Chicago in 1932, adopted a simple and direct platform containing in substance the following planks:

1. We pledge to reduce the cost of government at least 25 percent.
2. We pledge to cut out the useless bureaus and commissions that have been set up.
3. We pledge a reduction in the tax burden of the people.
4. We pledge to stop creating additional deficits and pledge our party to balance the Budget.
5. We pledge our party to quit increasing the national debt.
6. We pledge our party that the Government will not engage in private business in competition with its citizens.

Upon the adoption of this platform and the nomination of Mr. Roosevelt, he traveled by airplane to Chicago, accepted the nomination, and declared that he stood 100 percent in favor of that platform and if elected he would carry it out.

Now, these were the promises; what about the performances?

BUREAUCRATS AND TAXES

President Roosevelt has doubled the cost of government. His bureaucrats have engaged in the wildest spree of wasting and spending ever known to the people of any country. In less than 3 years there have been appropriated, expended, or authorized and placed at the disposal of the President, with autocratic and dictatorial powers, more than $26,000,000,000.

This Government spent twenty-four and a half billion dollars over the period of 124 years from Washington down to Wilson. We fought all of our great wars and nearly a score of Indian wars, and at the same time provided adequate pensions for the veterans of those wars and their dependents.

In less than 3 years President Roosevelt has created more bureaus and commissions than were created by all the Presidents in peacetime from 1789 to 1933. There have been added more than 300,000 officeholders. Civil service and merit requirements have been ignored. This tremendous increase was made to provide jobs for Democrat politicians. We now have bureaucracy at its worst. The Nation is filled with political hitchhikers and political snoopers. They have vigorously backed all of these unconstitutional measures in order to secure more jobs and more power over the people. They denounce the Constitution and the Supreme Court. President Roosevelt has increased the taxes more than a billion dollars annually in addition to onerous and burdensome processing (sales) taxes on wheat, meat, corn, cotton, and other necessaries of life. No administration in peacetime in all our history has "soaked" the wage earner, the common people, and the consumer with taxes as has this administration. This administration is always talking about "soaking" the taxpayers. It is high time that the American people turn and "soak" the "soakers." About 30 percent of the income of the ordinary person is now taken for taxes, and the big taxes are on the necessaries of life, bringing about the high cost of living.

The latest statistics (and that is for the year 1934, and taxes have increased since) show that the American people spent, in round numbers, for rent, food, and clothing, $14,850,000,000 in 1934, and for the same year there were taken from them in taxes, National, State, and local, $15,500,000,000.

DEFICITS AND DEBTS

Candidate Roosevelt said if we didn't stop borrowing and spending, the ultimate result would be bankruptcy, and that the American people must quit spending more than the Government takes in—they must stop the deficits and balance the Budget.

This administration inside of 3 years has piled up more than thirteen billions of deficits, and before the end of this administration these deficits will amount to more than sixteen billions.

The national debt when Mr. Roosevelt took office was approximately twenty billions. It is now generally admitted that at the end of his term it will be at least thirty-six billions. He will have increased the national debt sixteen billions in the face of the great increase of taxes, and the administration is now proposing to have Congress to put an additional tax burden on the people of perhaps $1,000,000,000 annually, and this big sum will not begin to balance the Budget. The big taxes are still ahead of us.

UNEMPLOYMENT AND RELIEF GROW

The administration said it was necessary to spend this tremendous sum of money and crowded through a "rubber-stamp" Democrat Congress the N. R. A., A. A. A., and other New Deal measures giving to the President and the other bureaucrats dictatorial powers over the people and their affairs in order to restore industry and agriculture and provide employment. These measures provided jobs for hundreds of thousands of Democrat politicians and favorites. They set about to spend this money like a drunken sailor.

If the expenditure of these tremendous sums and these measures had accomplished what the administration said would be accomplished, there would be less complaint. All of these pillars of the New Deal have been knocked out, and all we have left of these utopian dreams of the "brain trusters" are the debts and deficits running into the billions of dollars and these additional 300,000 officeholders on the backs of the taxpayers of this country.

In June 1933 the New Dealers declared there were 10,000,000 of workers unemployed in this country. They said their plans would put the people back to work.

William Green, president of the American Federation of Labor, a good Democrat and a friend of the Roosevelt administration, issued a statement the other day, February 1936, in which he said there were 11,401,000 now unemployed in this country; and President Green further said he could see no measure of relief for the unemployment situation in the future on account of any jobs that might be furnished by the Government. He said that industry must provide the remedy and furnish the jobs.

Harry Hopkins, National Relief Administrator, appeared before some committee of the Senate some days ago and stated that the peak of relief was still with us—that 20,000,000 people in this country must still depend upon Government relief and that the billions that had already been appropriated would be exhausted by July 1, 1936, and Congress would have to appropriate additional billions to be used for relief after that time. Relief needs are as great today as they were a year ago and twice as great as they were in July 1933. The Republican Party has always stood, and now stands, squarely for adequate relief for the needy. Our party has condemned, and still condemns, the manner in which this relief has been disbursed. Democratic Senators, Congressmen, and other Democratic leaders have charged time and again that certain New Dealers have been playing politics with the relief money and have used the distress and misery of the people of the Nation to promote partisan politics. Fraud, intimidation, favoritism, and politics are seen on every hand. A large part of the relief money has been used to provide political jobs with high salaries for New Deal political pets and favorites. This money, the relief money, should go to the people who need relief and should be entirely free from politics, fraud, and favoritism.

"BOONDOGGLING"

Mr. Tugwell, the main "brain truster" of the New Deal, has been given more than $360,000,000 for resettlement purposes, but, as stated by an outstanding Democratic Congressman on the floor of the House last Monday, thousands of good Democrats have been given offices and millions have been spent, but up to this time no one has been resettled except on paper.

Some time ago we were met with the strange word "boondoggling." A lot of jibes were poked at Hopkins and his "boondoggling." Hopkins responded that the American people "are too damn dumb to understand what 'boondoggling' means."

Some in explaining "boondoggling" point out that more than $300,000 of this relief money was used to put on a show in New York. The directors, singers, etc., were supposed to be people on relief. The directors were paid from $500 to $1,000 per week to direct this show. Some of the singers were paid $500 per week for making two appearances. They paid other singers $250 per week, and an army of other people were employed in proportion; while many needy old people, many needy sick people with families were shoved aside or given one or two dollars per week for a whole family.

This is called "boondoggling." Mr. Roosevelt said in a recent speech that "boondoggling" was a good word, and it had brought us out of the depression.

The Democratic Congress under pressure from the President authorized the T. V. A. in the Tennessee Valley to spend approximately $300,000,000 under the guise of constructing dams for the purpose of making electricity, but the bureaucrats have spread out, as all bureaucrats do. They have gone into the poultry, dairy, and mule business. They spent $500 for a rooster, $1,500 for a jack (and then sold it for $500), and paid on an average $360 apiece for their milk cows!

The "boondogglers" pushed through a bill to spend in the neighborhood of $50,000,000 to harness the tides of the Bay of Fundy in a sparsely settled district on the coast of Maine. They have ordered homes to be built and furnished by the Government on that project and they have ordered placed in each home at least two grandfather clocks, with all the trimmings. Five million dollars would furnish all the electricity that that sparsely settled country will use for the next hundred years free. We could have saved $45,000,000.

These are some more of the high jinks in "boondoggling."

Every other civilized nation has already recovered from the depression. They did not try to "boondoggle" their way out. They followed the course that has been followed by all sensible people for 50 centuries. They did not try to squander and spend themselves into prosperity. They did not burn their pigs and destroy their crops or build "hobo hotels", etc. They encouraged industry, the farmers, and people to produce and to practice economy and common sense.

CONSTITUTION THE CHART AND COMPASS OF OUR LIBERTIES

There are those in high places in our country who speak scornfully of the Constitution and the Supreme Court and create the impression with many of the unthinking that our Constitution was written and our Supreme Court established by kings, dictators, and autocrats to oppress the common people. This is far from the truth. The Constitutional Convention, headed by George Washington, was made up of men who had felt the iron heel of the oppressor and who had struggled for 8 long years, giving unstintedly of their treasure and freely of their blood to have a country and a constitution of their own.

They set out in the preamble their well-considered and high purposes:

(a) To form a more perfect Union;
(b) Establish justice;
(c) Insure domestic tranquillity;
(d) Provide for the common defense;
(e) Promote the general welfare; and
(f) Secure the blessings of liberty to themselves and their posterity.

Their purposes were climaxed in "To secure to ourselves and our posterity the blessings of liberty."

This Constitution wisely provides for the dual sovereignty of the Nation and the States, for three coordinate branches of Government. What a wonderful document! They must have been inspired. The great statesmen of their time and since has declared it the greatest document ever struck off by the brain of man.

Our Constitution gives protection to the weak, to the humble, and to the poor. It provides relief for the minorities against the inconsiderate and unjust acts of the majority. It makes secure not only our freedom, our lives, but guarantees to each one of us the pursuit of happiness. It is the chart and compass of our liberties. It insures to us a government of the people, by the people, and for the people.

The Republican Party stands unalterably opposed to the nullification of our Constitution by the New Dealers. It does stand for the orderly change of that great instrument by the people themselves as provided in the Constitution. Let us not forget dictators, bureaucrats, autocrats, and oppressors did not then and do not now favor written constitutions, courts, or congresses. The New Dealers, in order to stir up and prejudice the unthinking, say: "We cannot eat the Constitution and we cannot wear it; therefore it is of little use to our needy people." Let me say to these scoffers and deceivers that we cannot eat the Holy Bible, but must we destroy it because we cannot eat it or wear it? We do know this, however: That the people of our country have had more food and better food, more clothing and better clothing, more homes and better homes, more schools and better schools, more automobiles and better automobiles, more radios and better radios, more comforts, more of the luxuries of life, more prosperity, and have amassed more wealth and enjoyed greater freedom under our Constitution than the people of any nation in the 50 centuries of the world's history have enjoyed under any other

constitution, written or unwritten. It has protected us in good times; it has sustained us in adversity.

Under our Constitution we came through the War of 1812, the Mexican War, the Civil War, the Spanish-American War, and the great World War, and likewise we withstood the great depressions of 1807 to 1817, the great depression of 1837, the great depression of 1857, the great depression of 1873, and the great depression of 1893. In all of those trying times there were men and women who sought to overthrow our Constitution and the Supreme Court, but the patriotism and good sense of the majority of American people sustained and upheld them.

The brain trusters and New Dealers in public forums and on platforms are urging the American people to take away the power of the Supreme Court to pass upon the constitutionality of the acts of Congress. Let us not forget that the inferior courts, the justices of the peace courts of the several States now have that power. Congress cannot take that power from them. Would it not be ludicrous for Congress to say that the Supreme Court could not pass upon the constitutionality of the Federal statutes when that power and right could be exercised by county judges and justices of the peace in the various States of the Union? We would have confusion—confounded.

The Constitution of the United States is the chart and compass of liberty; the Supreme Court is the great umpire between the executive and legislative branches of our Government. To destroy the Constitution would be as foolish as a ship's master out on a distant sea throwing his chart and compass into the ocean. Who would suggest taking the umpire out of a baseball game and have the various plays passed upon by the baseball fans themselves? Of course there would be nothing but confusion over a foolish set-up like that. It would be equally unwise to take the umpire, the Supreme Court, out of our scheme of government.

The Republican Party is opposed to the executive branch of the Government usurping the powers of Congress and the Supreme Court. We have observed the ill effects of that in the Seventy-third and Seventy-fourth Congresses becoming "rubber stamps." Ill-considered measures have been pushed through Congress in violation of the Constitution, giving dictatorial and autocratic powers to the President and his army of bureaucrats. The result is, the rights of the people have been ruthlessly overrun and we end in confusion. If we should take away the power of the Supreme Court to act as umpire, Congress could pass any kind of law and it would stand. It could do away with the executive branch and could do away with the Supreme Court entirely. It could set up, or tolerate at least, dictatorship as was done in Germany and Italy. It could grant the President a lifetime tenure of office, and upon his death, designate his firstborn as his successor. It could destroy the freedom of religious worship, freedom of speech, and of the press; the right of trial by jury, the right to vote, unless it should be restrained by physical force. There can be no real freedom in this country; there can be no government of the people, by the people, and for the people, except under our Constitution, and the three great coordinate branches of government acting independently of each other. There could be not guaranty of freedom to the people of the States unless these are maintained.

Lincoln made the fight to free the black people—to give them rights that they had never enjoyed. The great struggle in America today is, for the white race and the black race to fight uncompromisingly to keep the rights that have been handed down to them by the sacrifices of the patriotic men and women of the past and to preserve these rights for our children.

The Republican Party is unalterably opposed to the Supreme Court transgressing upon the power of Congress or the President. It must act solely and only as umpire, and not as lawmaker or executive. Some ask what restrictions have we on the Supreme Court. In the first place, the President appoints all the members of the Supreme Court, and the Senate must confirm these appointments. Congress can fix the number of members of the Supreme Court. Congress also has the power to impeach and remove from office any member of the Supreme Court. It can be seen at once that the Senate operates as a check on the President in these appointments, and that Congress, by its power to impeach, holds a check on the Supreme Court. As a further safeguard, the members of the Supreme Court have a life tenure of office, and are free from the passions and prejudices of partisan politics.

Let us keep our chart and compass, the Constitution. Let us hold on to the umpire, the Supreme Court.

The New Dealers urge us to throw away the chart and compass and turn away from the umpire and follow them into the wild, uncharted bogs of paternalism, socialism, and, in many instances, communism, so that they may wipe out State lines, regiment agriculture, industry, labor, and the banks, and even establish birth control among the hogs, and lay their hands upon the lowly spud (Irish potato).

WORK FOR US TO DO

Lincoln, Washington, and others of other days, by their devotion and sacrifices, bequested to us the richest heritage of any people on the earth. The world has never before seen such a wonderful country as yours and mine. We are 48 great sovereign States, held in the mighty embrace of two great oceans, flanked on the north and south by two friendly nations, with nearly 130,000,000 people bound together by ties of blood and by our Constitution. There cannot be another country like yours and mine. There is no place on the globe out of which another such country can be carved. You cannot find the people, the variety of climate and products, the diversity of soil, the beauty of its scenery, the richness of its natural resources, its wealth, and virile manpower.

There are wrongs to be righted, oppression to be relieved, the needy to be cared for, the power and selfish to be restrained, the poor and humble to be protected and defended, care for our defenders and their dependents, government to be restored to the people, our Constitution, our form of government, and our institutions upheld, the enemies of our country and our flag to be driven from our shores.

Industry, agriculture, and commerce must be encouraged; the wheels of progress must again be set in motion; jobs with honest wages must displace the dole and "boondoggling"; we must turn away from false doctrines; encourage honesty, thrift, industry, and self-reliance, and preach the gospel of prosperity and plenty; spurn the unsound doctrine of waste, destruction, and scarcity; protect our agriculture, industry, domestic commerce, and labor against the unfair competition of the farms, factories, mines, peasant, and sweatshop labor of the countries across the seas; give 100 cents of public service for every dollar taken from the taxpayers; stop the handicap of continuing deficits and increasing debts to ourselves and to our children; lead the world in the paths of justice, peace, and righteousness; and pass on to our children this rich heritage—a government of the people, by the people, and for the people—strengthened and enriched by our own devotion and sacrifices.

FOR THE COMMON GOOD

Mr. WOOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a speech of the Honorable Dwight H. Brown, secretary of state of Missouri, delivered at Springfield, Mo., January 30, 1936.

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

There was no objection.

Mr. WOOD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address of Hon. Dwight H. Brown, secretary of state of Missouri, delivered before the Women's Roosevelt Democratic Club, of Springfield, Mo., January 30, 1936:

Madam Chairman, ladies, and gentlemen, we are met to do homage to one of the truly great men of the ages and one who already has written his name indelibly upon the scrolls of the years as one who richly contributed to the progress of man.

Those in high places in the autocracy of wealth and privilege rail at him just as those who lined the way to Calvary when another cross-bearer strove to improve the place of the common people and who, like Franklin Delano Roosevelt, "came not to destroy the law but to fulfill it."

We can do no greater honor to this man than to dedicate our lives anew and with fresh zeal to the noble purpose of bringing a greater fullness to American citizenship. We therefore must arm with the sword of truth and the shield of righteousness for the struggle of the ages.

We are entering upon another great political campaign in which many vital issues will receive the attention of the American people. Of this we may be sure, that it is going to be a hard-fought campaign, marked with bitterness, and the issues prosecuted with vigor. In thinking of the situation, I have concluded that the same patriotism that was the motivating influence in the founding of the Nation and framing of the Constitution is the urge in the heart of the honest citizen of today. While the Constitution was written at a time when the world was in the age of sail ships, keel boats, stage coaches, hand looms, quill pens, and tallow-candle illumination, there are certain fundamentals of truth that remain unchanging with the progress of the years. The purposes of the Constitution are eternal and much that was promulgated as the basis of law to bring those objectives should be eternal. Already the American people have amended the Constitution 21 times. They amended it in the belief that they were improving the means of obtaining the purposes of the organic law.

No administration prior to the present has given greater life to those lines declaring as purposes "the promotion of the general welfare" and "bringing the blessings of liberty to all."

Those who had prospered most as a result of the delinquencies of the past in promoting the general welfare have talked much about the President and his supporters as endangering the Constitution.

A neglect of the application of the general-welfare clause to the policies of government in a more generous way in the years past resulted in the birth of a money class. They became a money autocracy, and in every age they have resented any legislation which infringed upon what they regarded as the right of money to go its way without regulation or restraint of government.

The money power did battle with Jefferson and Jackson, warning the Nation against both of them as radicals who threatened the Government. The money power alarmed Lincoln, who warned of its peril, and so dominant had the Money Trust become by 1900 that the Democratic convention at Kansas City devoted the greater part of its platform to the money power, trusts, and imperialism. Bryan was defeated, but fate soon placed Theodore Roosevelt in the White House, and he found himself so handicapped by an interest-controlled Republican Party that he repudiated that party in the Progressive revolt of 1912.

The 2 percent that controls 85 percent of the business of the Nation is arrayed against the New Deal, either speaking through the impotent repudiated Republican Party or through the American Liberty League or some other camouflaged auxiliary of the G. O. P. By the way, it is interesting to know that the expense of the Liberty League is furnished by the multimillionaires of the Nation, among them being the Du Ponts of war-supplies fame.

Mark these words:

"I see, in the future, a crisis approaching which unnerves me and causes me to tremble for the safety of my country. Corporations have become enthroned, an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working on the prejudice of the people, until the wealth is aggregated in the hands of a few people, and the Republic is destroyed."

Those are the words of Abraham Lincoln, who foresaw the new menacing influence in American life. One might imagine Lincoln speaking of the present day and warning of the nature of the approaching campaign. He warned of a policy to prolong the reign of the money power by working on the prejudices of the people. He spoke as a prophet, and those who have believed they were following Lincoln in giving allegiance to the Republican Party should make an honest appraisal of the past several years and they will find that to follow Lincoln they must turn to the Democratic Party for an exponent of government of, by, and for the people.

The Democracy has been so responsive to the will of the people that vanishing depression and gloom has been followed by general business acceleration and reemployment.

So definite is the improvement in business that now even the spokesmen for organized and entrenched wealth admit the improvement. Of course, they say it came in spite of and not because of the efforts of the administration at Washington. I believe all must agree that business is on the way back to normal conditions, and the lot of the general public of the Nation has been improved as a result of that recovery. I believe we are justified in following the President in the declaration that we are out of the period of recovery and on the way of progress.

The American Federation of Labor recently predicted a business and industrial boom and the United States Chamber of Commerce in discussing the improvement of business placed the number of reemployed workers in percentages running as high as 52 percent of those unemployed when the administration took over the Government. Five millions of the unemployed have been returned to private employment.

Secretary of Commerce Roper, in speaking of the outlook for this year, pointed to the achievements of the past year. Production of consumers' goods was at or above the relatively high level of 1934, there was further improvement in agriculture, some revival in the durable-goods industry, widespread improvement in consumer purchasing based on increased employment, more equitable price relationships and a large harvest, improved industrial earnings, an increase in the value of foreign trade, and further improvements in the financial field, including a rising tendency in the security markets and a gradual reopening of the domestic capital market to the flow of private funds.

Substantial increase in employment was effected during the year, with the major part of the gain accounted for in the manufacturing industries. There was also an encouraging expansion of employment in the construction industry, particularly in residential building. The latest monthly factory employment data available show an increase of 10 percent, in comparison with a year ago, factory pay rolls being 25 percent higher. Among the more spectacular increases in retail sales in 1935 was the increase of about 20 percent in sales of general merchandise in rural areas and an estimated increase of 40 percent in dollar expenditures for new passenger automobiles.

The National Retail Dry Goods Association estimates the 1935 holiday trade 20 percent greater than 1934. When we recall those ghastly years from 1929 to the coming of the Roosevelt administration with bankruptcy and ruin stalking over the land and with the Federal and State Governments apparently helpless to cope with the situation, nothing looms more vividly than the memory of the collapse of the banking institutions of the Nation. During the Hoover administration a total of 6,038 banks failed, while during 1935 the total was 29.

During those Hoover days when a bank failed it frequently meant the depositors received a miserably small part of their deposits. The losses of the bank along with the mishandling of the bank by political pets who were named not so much for their qualifications as for their party standing frequently consumed all or left virtually nothing for the depositors.

Thanks to the Roosevelt administration all deposits up to $5,000 are insured by the Federal Deposit Insurance Corporation and the community is not thrown into chaos and many individuals driven into bankruptcy as a result of the closing, but on the contrary depositors are paid off.

The amount of money in circulation in the United States at the close of the year was $5,843,000,000. This was $298,000,000 more than a year before. In the State banks of Missouri there was an increase in deposits of $92,883,000, an increase of 21 percent in a year. The State banks are in the main the so-called country banks of the State.

Some understanding of the flow of business at this time may be judged by a statement by Dun & Bradstreet to the effect that during the week ending January 8 bank clearings for the leading cities of the Nation were 25 percent greater than a year ago.

The November output of automobiles was reported as 67 percent greater than any previous November, and during the past year the incomes of automotive workers were nearly 30 percent higher than 1934. The production of cars in 1935 was 45 percent greater than in the preceding year.

No line of business more truly reflects the improvement than the railroads, which are enjoying continuous gains. The net operating income of the first 75 railroads reporting for the month of November was 56.4 percent higher than in the same month a year before. The American Association of Railroads reports revenue freight loadings for the week ending January 4 were 75,000 cars greater than the preceding week and 44,175 greater than the same week in 1935. The Missouri Pacific, Frisco, and M., K. & T., Missouri corporations, are among the railroads reporting gains and launching out upon improvement programs.

Recent figures on the building industry show an increase of 105 percent in a year.

Roger Babson, speaking of the condition of business, says: "I am bullish on business for 1936. I am convinced we shall find satisfactory gains in jobs, wages, sales, advertisement, stocks, farm income, earnings, and dividends. Nothing can stop it."

No element of the population has more cause to display devoted allegiance to the Roosevelt regime than the American farmer, for the present administration has taken the farming industry out of the depths of despair and started it on the high road to parity with other industries and an era of prosperity.

The decision of the Supreme Court in holding the A. A. A. unconstitutional has brought squarely to the attention of the Nation this problem of agricultural parity. The action has crystalized the sentiment that it is to the Democratic Party that the farmer and the American public must look for a sympathetic handling of the farm problem.

Just what A. A. A. has meant to the farmer can be better understood when it is remembered that there has been paid out in the control program $324,229,789 during the 1 year, 1935, and there remains to be paid for that year $217,250,348, making a total of $541,480,137. This very material cooperation on the part of the Federal Government has placed the industry back on a sound foundation. The hope is that that foundation is sufficiently firm that the price level can be maintained until further steps can be taken to insure parity for the farmer's dollar with the industrial and mercantile dollar.

Not only the agricultural districts appreciate what has been done by the Roosevelt administration, but even in the Nation's Metropolis there is apparently very definite conviction that A. A. A. has served a great purpose, for the New York Daily News has the following to say: "Whatever the Supreme Court says about it, the system worked. National farm income rose from $5,000,000,000 in 1932 to $8,000,000,000 in 1935. * * * The Supreme Court says it is an invasion of State rights. * * * How are the Government's debts to the farmers under the crop-curtailment contracts to be paid? The Government may be compelled to pay them by higher income taxes. * * * The Supreme Court voted against the A. A. A. by 6 to 3. But the farmers voted for the A. A. A. by 6 to 1."

Already farm leaders of the Nation have gathered in Washington and considered the great problem that confronts them. They have found a friendly administration anxious to protect the industry. It goes without saying that the Congress and the President will give 100-percent support to the farmer.

A manufacturing State that fails to appreciate the titanic effort of the Roosevelt administration to recover some of the foreign trade lost by the Nation through the stupid tariff law passed under Hoover is blind to its own interest. Trade treaties are being made with several countries looking to increasing the commerce with those countries. The new treaty with Canada is expected to break down a great trade barrier. So bitter was Canadian sentiment against Hoover's tariff that the Bennett tariff budget and the Empire preference program nearly put the United States out of business in the Dominion. I visited Canada during that period for the purpose of making some inquiry into what the farmers up there were paying for farm machinery. I recall an incident impressing the feeling. On a table in a restaurant I found a bottle of catsup bearing the label of Heinz, but be assured it was "Heinz, Ltd., of Canada." That was not a sufficient assurance for the Canadian mind. It also bore these words: "This label printed in Canada."

Some of those industrialists who now denounce the Democratic administration were the advocates of the Hoover tariff with its dire results. Finding the Nation practically isolated from the world's business, they established factories in foreign lands to get world business. Thus we behold these tariff-fattened barons of industry taking American money to establish new factories to employ foreign labor while our own people languished. Some of those same "patriots" will complain against the Government's effort to employ the unemployed through Government-sponsored works.

We frequently hear the statement that it will never be possible for American business to again employ the total of the unemployed. Modern invention has robbed many of their jobs, but undoubtedly those foreign factories owned by American capitalists are the explanation of much unemployment.

Not only had the farmer been operating under the greatest possible handicap as a result of buying in a market where prices paid by him were made excessively high by a robber tariff law; but he was carrying an enormous debt at high rates of interest—those rates of the more prosperous times. Since May 1933, a

half million farmers have borrowed more than a billion eight hundred million dollars through the Farm Credit Administration. With the reduced interest more than eight hundred fifty thousand farmers are saving more than $55,000,000 this year on interest alone.

You will recall that through the influence of the wicked Queen Jezebel, Baal worship once threatened Israel; the queen having prejudiced King Ahab against the prophet Elijah sufficiently that he asked, "Are you he who troubleth Israel?"

The testing time came on Mount Carmel with the repudiation of Baal, the slaughter of his priests, the turning back to the way of truth, and the vindication of Elijah. The American people, like those of Israel, are marching to Mount Carmel, and the testing time comes in November 1936.

The priests of privilege would have us believe that it is Franklin D. Roosevelt that troubleth America; but unless I overestimate the good sense of the American people they are going to recognize in the author of the New Deal, with improved conditions for the farmer, the worker, and business in general, and with the social-security program, a doer of good works, and at the figurative Mount Carmel the people of America will repudiate the priests of Baal—the priests of the money power.

REPRESENTATIVE GOVERNMENT CHALLENGED

Mr. LEMKE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including a radio address which I made over the National Broadcasting System.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LEMKE. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I include my address delivered over the National Broadcasting System on January 25, 1936, as follows:

Members of the Farmers' Union, farmers, and friends of agriculture: Nothing in this world is permanent but change. Everywhere we are going from the old to the new. We are discarding the clothes of yesterday and putting on the clothes of tomorrow. Civilization is in a transition. Whether the new civilization in our own country will be better than the old depends upon the men and women of this Nation—upon the intelligence they use. It does not depend upon the intelligence of official Washington because there is no real intelligence here. There is a self-sufficient ignorant bureaucracy here which has become domineering beyond comprehension. This bureaucracy does not know where it is going or where it came from. It is drunk with power and feels that it is all-important and knows how to guide the destiny of this Nation.

These bureaucrats do not know that they do not know and therefore are dangerous to the Nation. Unknowingly they are the puppets in the hands of the greedy who have wrecked the old civilization. They believe in the concentration of all power here in Washington. They believe in the dole system—in regimentation. They believe in tax-exempt, interest-bearing bonds. They are the result of the World War. We went into the war to make the world safe for democracy—came out of it with three full-sized dictators and a half dozen small ones and with a bureaucracy saddled on our back which threatens the very life of our own democracy.

There is danger ahead. The Government is still trying to bring back prosperity by borrowing and issuing billions more tax-exempt, interest-bearing bonds. Secretary Morgenthau estimates that by the end of 1937 the national debt will be some forty billion dollars. The average interest on this huge sum will be about 3 percent or $1,200,000,000 per annum. This is the national debt. It does not include that of States, counties, cities, and other political subdivisions. These States, counties, cities, and other political subdivisions, as well as individuals, have lost all sense of proportion, have all stretched their credit to the utmost. All are willing to stretch it more and mortgage not only their own future, but also the future of their children, grandchildren, and great-grandchildren without limit. All have their hand out for Federal aid.

The Federal Government is still squandering billions to no avail. It is now engaged in jack-rabbit projects, skiing contraptions, tennis courts, and golf courses. All desirable perhaps, but does it warrant the mortgaging of our future and that of unborn generations? We are told that golf is a lazy man's exercise, a method by which fat men reduce. Why not let those who are interested in golf build their own courses rather than build them out of public funds at the taxpayers' expense. When the last dollar on these nonessential projects has been spent will we have put one single family on a self-supporting and self-sustaining basis? We will not.

Truly our bureaucrats have gone mad. Our Department of Agriculture is still engaged in destroying and restricting agricultural production in the midst of hunger, want, and rags. It still believes that there is overproduction, while every intelligent person knows that our problem is underconsumption and maldistribution—in fact there is a scarcity. There never was an overproduction. On the other hand, our Department of State is still selling the American farmer and the American laborer in foreign market places. It is still seeking foreign concessions—still chasing the elusive rainbow, the will-o'-the-wisp of international trade. It is selling our domestic markets to foreign horse traders.

As a result of this un-American policy, our country is now being flooded with foreign agricultural and manufactured products as never before in its history, products produced and manufactured in foreign countries, with the lowest possible standard of living. At present we have restricted the immigration of European races and have excluded the immigration of Asiatic races, in order to protect our American standard of living. But now we import, under trade agreements and otherwise, hundreds of millions of dollars' worth of manufactured articles from Asiatic nations, articles produced by human slavery and human misery. We exclude the Asiatic because of his low standard of living, and at the same time we permit the articles that his labor produces, under insanitary, brutal, and inhuman conditions, to be sold in competition with articles manufactured by labor under the American standard of living. In fact, by importing these goods we invite, we import the Oriental, the lowest standard of living for Americans.

Last winter we had 21,000,000 on Federal relief and about 13,000,000 out of employment, and yet we import the very things that these men and women should be producing under an American standard of living—not under an Asiatic standard. Why prevent our own people, who are in want and misery, from producing and manufacturing these articles in order to enrich a few importers and international dealers? We submit that this is the work of madmen. It is the work of men that know not what they are doing, and who do not understand or know the foundation upon which the greatness of this Nation has been built. It is the work of bureaucrats who lack vision, and of incompetents. We challenge not only the fallacy of this policy but we challenge its continuation. The President must repudiate this un-American doctrine. He must surround himself with men who know and represent real America—America self-maintained.

It is self-evident that we cannot borrow or tax ourselves out of the depression, nor can we buy ourselves into prosperity by buying agricultural and manufactured products from other nations which our own people ought to and can produce. Everyone knows that we cannot satisfy hunger, want, and poverty by scarcity. We cannot restrict or destroy ourselves into recovery. Neither can we gain anything by selling goods produced or manufactured by our own people on credit to bankrupt nations that already owe us $26,000,000,000, and that have refused and have no intention of ever paying it. Such a stupid policy will not bring recovery, but will bring devastation and destruction.

A farmer who is capable of producing all he needs but who persists in destroying and restricting his production to part of his needs, and then sells on credit what he produces to a bankrupt neighbor and buys for cash what he needs from that same neighbor will ultimately himself become a bankrupt. A manufacturer that has all the material and equipment to supply his own wants, but who buys part of the things that he is equipped to and ought to manufacture himself, and then sells his own products on credit to a bankrupt concern will in turn become a bankrupt.

Likewise a nation that destroys and restricts production so that it may buy from foreign and bankrupt nations, and then insists on selling its own products to these same nations on credit will in the end become a bankrupt. In other words, a nation that insists upon buying products which its own people can and should produce and then sells its own labor and natural resources on credit to other nations who already owe more than they are able to pay cannot long succeed. Neither can it maintain a high standard of living when it forces its people to compete with the low standard of orientals. We repeat, the American farmer, manufacturer, and laborer cannot compete with the serf, peon, or oriental laborer of foreign countries that is able to exist on a bowl of rice and who manages to get by without shoes, covers his body with about 50 cents' worth of rags, and lives under the most insanitary conditions. We maintain that our American standard requires us to eat, drink, wear, and buy American products—America for Americans.

The absurdity of our policy is shown when we realize that during the past year we imported about $2,000,000,000 worth of foreign goods. About $1,360,000,000 of this represents agricultural products and substitutes. These figures are so large, so staggering, that it is hard for us to comprehend what they really mean. We are now so accustomed to talking of millions and billions that we feel as if we were talking about molehills in place of mountains.

The total amount paid to the farmers up to September 30, 1935, for the 3 years that the A. A. A. was in force, before the Supreme Court strangled it, amounted in round numbers to nine hundred and twenty-five million; and yet we imported over a billion dollars worth of agricultural products and substitutes in 1 year. In other words, if the farmers had been permitted to supply the domestic market, they would have received three times as much as they did receive in allotment payments during the same period. The Secretary of Agriculture now concedes that a large amount of this allotment money was paid by the farmer himself through the processing tax.

This gives us some idea of the extent to which our domestic markets are being sold to international horse traders, at the expense of the great mass of American people, in order to please a few international manufacturers and international bankers. These, though unbeknown to the Secretary of State, are responsible for this policy, and the Department of State is simply used as their pawn to accomplish this destructive purpose. All this is done under the mistaken idea that foreign trade is essential to progress, a trade that, because of chemical discovery and development, is gone forever, never to return—dead and buried. All aggressive and progressive nations from now on will, because

of these developments and discoveries, be able to become more or less self-maintained.

This two million paid for foreign imports, spent at home and used as a revolving fund, would give many billions of purchasing power. That purchasing power would have resulted in a larger demand for manufactured articles. Why should we give this purchasing power to foreign nations, in order to satisfy the greed and grasping instinct of a few international bankers and international manufacturers? The fallacy of such a policy is so self-evident that we are sure the American people will not tolerate it, once they know the facts.

It is time that we realized that money spent in America continues to be spent in America; and that money spent in foreign nations will continue to be spent in foreign nations. Our Federal Reserve Banking System and our Treasury Department, by giving credit to foreign nations, are in fact financing foreign competitors to sell their products in this country. But this same Federal Reserve Banking System and this same Treasury Department have consistently refused to do for our people that which they are doing for foreigners. They have failed to finance agriculture and industry. The truth is, we are getting altogether too internationally minded.

The United States, because of its great natural wealth and unlimited resources of raw material, has, through inventions and ever-increasing discoveries of its people, become self-sufficient and able to develop economic freedom for all. It can, and will, abolish poverty, not by mingling it with the poverty of other nations but by an ever-increasing and higher standard of living, not of the few but of the many. This Nation need no longer concern itself with international shopkeeping; it is all-suffcient unto itself. It will trade with its friends for friendship's sake, as far as essential and necessary for their mutual well-being, but it will not drive bargains or sell part of its people in foreign market places.

If the Members of Congress would break with these bureaucrats and once more represent the people who elected them, and they themselves write the Nation's laws without undo influence from these bureaucrats, then we could soon put an end to this destructive policy of selling our agricultural markets to foreign nations for a mess of pottage to please a few international bankers, international horse traders, and international manufacturers. But if Congress submits further to the dictates of these bureaucrats, then representative government as our forefathers understood it will cease to exist.

I shall now discuss with you the trials and tribulations of the Frazier-Lemke refinance bill. Upon the passage of this bill depends the homes and security of over 10,000,000 men, women, and children. We all know that the stability of government depends upon homes. No government is safe when more than half of its people are made homeless.

This bill provides that the United States Government shall refinance existing farm indebtedness at 1½-percent interest and 1½-percent principal, on the amortization plan, not by issuing bonds, but by issuing Federal Reserve notes secured by the best securities on earth, first mortgages on farm lands; better security than gold or silver, because you cannot eat gold or silver but you can eat the products that grow on the farms; therefore, your life depends upon the farms; they are the best security on the face of the earth.

Under the provisions of this bill, there would be issued and put into circulation between two and three billion dollars of new money—Federal Reserve notes. This, used as a revolving fund, will be sufficient to refinance all of the farm indebtedness and save 2,000,000 farm families from ruination. If we had passed this bill in the special session, this two or three billion dollars, used as a revolving fund, would have given us an intelligent expansion of the currency and would have made it unnecessary for the Government of the United States to issue billions of tax-exempt, interest-bearing bonds. It would then not have been necessary to put 22,000,000 on Federal relief and millions more on State, county, and municipal charity. The $4,800,000,000 dole would have been avoided, human misery and unemployment would have ceased. That is the difference between the Frazier-Lemke refinance bill and the present policy of the Government, borrowing money and guaranteeing bonds.

There is nothing new in this bill. Our Government now prints Federal Reserve notes and gives them to the Federal Reserve banks at seven-tenths of 1 cent per bill—the cost of printing. It makes no difference whether that bill is a $1 bill or a $1,000 bill, or whether they keep it for 1 year or for 20 years—all they ever pay your Uncle Sam for it is seven-tenths of 1 cent per bill. The amount of all the paper money given by the Government, mostly to the large banks, amounted on June 1 last to over $4,600,500,000, of which amount over $3,414,000,000 were Federal Reserve notes. What is back of this paper money? Is there gold back of it? There is not. Is there even a farm back of it? There is not. There is simply the indebtedness of the United States—a Government bond—back of it.

If the Government can issue this money for a few international bankers without anything back of it but debts, why can it not do it for 30,000,000 who are dependent upon farms? Why not do it for all of our people? Under the Frazier-Lemke refinance bill the farmers would have to pay just $6,149,500,000, less interest, in 47 years, the time required for amortization of the farm indebtedness; and, at the same time, the Government would make a net profit of six billion three hundred and forty-five millions, and to that extent lessen our Federal tax burden.

This bill was introduced in Congress over 5 years ago. There never was a day during that time but what it would have passed the lower House. Numerous and extensive hearings were held on the Senate side, but in the House we were never able to get a hearing until the last session. It has been favorably reported out by both the House and Senate Committee on Agriculture and has been on the calendar of both the House and Senate for about 6 months. Yet under the "gag and shackle rules" of procedure—rules well adapted for boss and Wall Street control—this bill has not yet been brought upon the floor for a vote upon its merits—not because it would not pass, but on the contrary, because it would pass.

Two hundred and thirty-four different Members of the lower House of Congress actually signed petition no. 7, to discharge the Rules Committee and create a special order of business to bring the bill up for a vote on its merits. But in spite of the fact that it may mean political suicide, 21 Members have been induced to withdraw their names. A few of these have reinstated their names—other, we hope, will. Two hundred and thirty-four is a majority of 37 of the present membership of the House. In spite of the withdrawals, we now have 214 signers. Two hundred and sixteen is a majority of the present membership, but I am satisfied that we will be compelled to have 218, although the Patman bill was permitted to be discharged with 216, the present majority.

Thirty-two State legislatures, the Territory of Hawaii, and, in addition, the lower houses of New York, Pennsylvania, and Delaware have asked Congress to pass this bill. It has the militant support of the National Farmers' Union and of the National Union for Social Justice. It has the endorsement of many State and local farm bureaus and Grange organizations. It has the support of labor leaders and officers of the Veterans of Foreign Wars. It has the approval of over 90 percent of the people of this Nation, as well as of every intelligent banker, business, and professional man and woman.

This is no longer a question of economics. It is a challenge to representative government. It is a question whether this Nation still has a government of, by, and for the people. Members of Congress are supposed to represent the people of their districts. They are supposed to vote for measures that their constituents want. Obviously, when legislation can be kept from the floor by a few leaders, the will of the people is defeated. Our Revolutionary forefathers believed that there should be "no taxation without representation." We believe there can be no representation without the privilege of voting. There can be no real representation when a few reactionary leaders, who, because of the ancient rules under which the House proceeds, can block the will of the majority and manipulate and control the bills upon which Congress is allowed to vote.

Every Member in the House from 20 States has signed petition no. 7. At least one or more Members from every other State, except Virginia and North Carolina, have signed this petition. Why have none of the Members of these two great agricultural States signed? Is it because you farmers have not informed them of your desperate financial situation? Have you forgotten that they are your representatives and that they will be glad to represent you? Therefore, I appeal to you farmers of these two States and also of the States of Alabama, Indiana, Illinois, Ohio, and Georgia, where many Members from strictly agricultural districts have not yet signed, to immediately wire or write your Members to sign petition no. 7.

I appeal to every farmer and to all the people of this Nation—north, south, east, and west, in the sense of fairness and justice; I appeal to you as a believer in representative government and a square deal; I appeal to you in the name of 30,000,000 men, women, and children who live on the farms, to wire or write your Congressman to sign petition no. 7. I know you will not disappoint or fail us. No Member should or can longer refuse us a vote on this bill.

It took Rome 300 years to die. It died of the disease of concentration of wealth and dictatorial power in the hands of a few; of bureaucracy and regimentation. Our Nation has now been sick with the same disease for over 15 years. I am confident, however, that our people have the patriotism and the ingenuity to halt the disease before it is too late.

I repeat, I am an optimist and have confidence in our democracy, but I approach the future with apprehension and with determination. I am sure we are going back to the democracy of Jefferson and Lincoln; forward to a happy, properly self-supporting, self-reliant, and self-governed people—a people with hopes and aspirations; forward to the true grandeur of this Nation, "Where every man is a king" and every woman a queen, and where every boy and girl is given an opportunity to make good—has a future where their dreams for a home of their very own may be realized.

EXTENSION OF REMARKS

Mr. PARKS. Mr. Speaker, I ask unanimous consent that all those who spoke on the War Department appropriation bill in the Committee of the Whole may have 5 legislative days within which to revise and extend their remarks on the bill.

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

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a clipping giving a detailed report on a poll

taken by one of the best weekly newspapers in Oklahoma showing in no uncertain terms the popularity of the President of the United States as compared with a former President of the United States, as well as some others who are said to aspire to the Presidency.

Mr. RICH. Mr. Speaker, reserving the right to object, we cannot permit these newspaper polls to be put in here. We had better put in the Literary Digest poll. I object.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his own remarks and to include a poll taken by one of the weekly newspapers in Oklahoma.

Mr. JOHNSON of Oklahoma. May I add, Mr. Speaker, that the poll in question is a fair one. Those voting had their choice between President Roosevelt and several who evidently want his place. We all know of a certain Nation-wide poll that was manifestly unfair. If our Republican friends want to learn the truth, surely they will not object.

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

Mr. RICH. Reserving the right to object, Mr. Speaker, if we permit these polls in Oklahoma we will have to permit them in every other State in the Union and we will have to put in the Literary Digest poll, and that would not be satisfactory to the gentleman from Oklahoma. I do not think we ought to do it.

Mr. BANKHEAD. Mr. Speaker, the regular order.

Mr. RICH. Mr. Speaker, I object.

Mr. JOHNSON of Oklahoma. I do not blame the gentleman from Pennsylvania.

LEAVE OF ABSENCE

Mr. FERGUSON. Mr. Speaker, I wish to state that my colleague, Mr. NICHOLS, is unavoidably absent.

THE OIL INDUSTRY IN OKLAHOMA

Mr. FERGUSON. I ask unanimous consent to extend my remarks in the RECORD and include therein a letter I have addressed to the members of the Ways and Means Committee on the oil industry in Oklahoma.

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

There was no objection.

Mr. FERGUSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter, which I have addressed to the members of the Ways and Means Committee:

To the Members of the Committee on Ways and Means of the House of Representatives:

My constituents are very deeply interested in your favorable report on the Disney oil import bill. The passage of this measure by Congress will do much to relieve them of the uncertainty which has prevented development of many industrial enterprises in my State. This is true not merely of the petroleum industry itself but of all other phases of industry in Oklahoma, since any policy which affects the petroleum industry for good or for ill has a reflex effect upon all other business activities in the State. Furthermore, this bill has very great importance as a step in any national conservation program which touches natural resources, and the wise use as well as the discovery and the proper development of one of the Nation's greatest assets.

My father was a pioneer. In the early days he met the ends of the railroad and there bought cattle which had been driven from the Rio Grande. In his lifetime he has seen the Nation pass through experiences which should be filled with valuable meaning for this generation. In the comparatively brief span of this single human life he has seen the almost unlimited game of the open prairie vanish, the buffalo killed by the thousands, the wildlife of the plains wastefully destroyed. He has seen the forests disappear. Where once stretched boundless woods, today he can see treeless lands stretching away to the horizon. He has lived through the period when the unfenced ranges were covered with cattle. Those ranges today are gone and farms have taken their place. He has seen the farms themselves disappear through wasteful practices or unwise methods. He has seen the very soil itself carried away. Today he can see another of the Nation's most valuable resources, its petroleum reserves, being uneconomically produced, being placed on the market at prices below its value, and being forced into unworthy and inferior uses.

We might restore, in some measure, the game which we have driven from our fields. We might replant our forests. We might once more cover the earth with the rich food on which the range cattle fed. We might even restore the lost fertility of the ground from which the topsoil has blown away or been carried off by erosion. We might do all this, but we never can restore those valuable petroleum reserves which, once used, are gone forever. All we can do is to insure their proper use and to promote exploration and discovery of new pools in order that our needs for coming decades may be fully met. This bill will do exactly that. It will do more, of course. It will give new hope and courage to the second industry of the nation. It will add millions of dollars to our own purchasing power. It will transfer from the foreign branch of the petroleum industry to the domestic branch millions of dollars. Because of what it will do for my own State of Oklahoma, as well as for the other oil States and for the industrial life of the Nation, I am urging an early and favorable report upon this important measure.

The stability of the domestic petroleum industry which is involved in the Disney bill should mean more to the State of Oklahoma than all the relief and emergency measures which have been proposed. It should reduce if not eliminate the necessity of the expenditure of much of our relief funds. If the domestic producers are relieved from that uncertainty which is caused by the continuous threat of the invasion of our markets by foreign oil and the breaking of the price structure which they have been rebuilding during the past few years, then the oil States of the Union, including Oklahoma, will find their purchasing power multiplied so that they will be able to turn millions of dollars into the Nation's industry and trade without burdening the consumer. However valuable other methods of "priming the pump" of business may be, and without either criticizing or underestimating the value of these, I feel that none of them can surpass the effect which would be produced in the oil States by this measure. Without levying new taxes on the oil industry, that portion of the Nation's business will be enabled to turn millions of dollars into the various public treasuries at the same time that it is giving employment to armies of men and taking the output of hundreds of factories in the industrial sections of the country. As an economic force for spreading out prosperity over every portion of the Nation, few proposals which have been suggested promise to be anywhere nearly so effective.

Oklahoma is a typical oil State. Figures comparable to those I am presenting in behalf of my State could also be given for all the other oil States of the Union. I believe the situation in those States does not differ from the situation in Oklahoma except in degree. Here are some facts which indicate the importance of the adoption by Congress of legislation which the oil States themselves cannot pass and which is fundamentally necessary for the maintenance of this pillar upon which rests so much of the material welfare of the entire United States.

Over $10,000,000 more than the total of interest on farm mortgages and taxes on farm property was paid in oil rentals and royalties in the State of Oklahoma during the year 1934 when these sources of revenues handed to the farmers and landowners of that State $31,890,000. This amount was over $11,000,000 in excess of the total amount of money paid to the farmers in that State under the A. A. A. whose benefits in Oklahoma amounted to $20,606,000. These payments were made possible by the fact that for the past few years under the code of fair competition for the petroleum industry there was some definite limitation of imports, resulting in a new security and confidence which the oil industry had not previously felt for many years.

In addition to these amounts in oil rentals and royalties farmers and other landowners received as a bonus paid to them in order to persuade them to sign these leases during the year 1935, $2,250,000. In the State of Oklahoma during the year 1934, 600,000 acres were producing oil and 150,000 acres producing gas, the total value of these products at the wells being $199,117,000. Out of the total acreage of 44,500,000 acres in the State of Oklahoma, 6,500,000 acres are under lease as possible oil land. This land is not producing today but is merely held for possible future production. Meanwhile the average rental of this land is 90 cents an acre per year, giving to the farmers and landowners of the State $5,850,000 annually, without interfering with the farmers' use of this land for agricultural purposes.

Every farmer who is thus renting his land is hoping that some day oil may be discovered upon it. It is highly probable that oil will eventually be discovered on many acres of farm land thus leased. Such discovery, however, is not likely to be made if the domestic markets of petroleum products are given to importers of foreign oil. Without an assured domestic market, the oil industry is not likely to make the costly explorations necessary to establish the presence of oil on much of this land. I would not take away from the farmers of Oklahoma the hope which they have that such oil discoveries on their farms may relieve them from the burdens of anxiety which they now bear. On the other hand, this bill should warm that hope into a lively expectation if not into a definite assurance that there will be a market for the oil under their acres should such oil be discovered.

The taxes on all the farms of Oklahoma in the year 1934 amounted to $9,360,000. In the same year the interest charges on farm mortgages amounted to $12,130,000, a total of $21,490,000. In that year the farmers and landowners of the State received in oil rentals and royalties $31,890,000. During 1935 Oklahoma added 300,000 acres to its leaseholds with an average bonus paid of $7.50 per acre, making a total of $2,250,000.

Many of the farmers of Oklahoma find oil their principal crop. The total sales of all crops raised in the State in 1934 brought to the farmers of Oklahoma $56,184,000. Rentals and royalties, exclusive of bonus paid by the oil industry to the farmers of Oklahoma in that year, amounted to $31,890,000, or much more than one-half the total farm income from crops raised on the ground. Oklahoma's wheat crop returned to the farmer $23,377,000; the corn crop, $228,000; cotton lint, $19,175,000. No single crop raised in the State produced so large returns as oil. Another advantage of the Oklahoma farmers' income from oil is that it has required

no labor or expenditures for seed, fertilizer, etc. All of that income today rests upon an uncertain basis. It presumes that there will be a fair price for domestic petroleum products and that that price will be maintained over a period sufficiently long to justify contracts such as these which have been of primary importance to the agricultural interests in my State. This bill is designed to take the uncertainty away from that basis and give it a sound foundation by establishing the equitable principle that imports of foreign oil shall be prorated equitably along with the production of our own Oklahoma oil so that the petroleum industry will not be always menaced by the possible collapse of the entire price structure through the uncontrolled imports of foreign oil in large quantities whenever this might suit the convenience or the plans of a few great importing companies.

Not merely the farmers, but the whole financial and economic life of the State is concerned in the security of this basic industry in Oklahoma. The investments of the petroleum industry in Oklahoma have been enormous. For the year 1934 the total investment in production was $1,699,500,000; for natural gasoline, $62,100,000; for oil pipe lines, $202,429,000; and for marketing, $49,168,000.

This tremendous investment and the benefits to the farmers of Oklahoma, as well as to employees of the petroleum industry and to the general public in that State, are all continuously jeopardized by the constant threat of an increasing invasion of the domestic market by cheap foreign oil. Carrying a tremendous burden of taxation, such as is not levied upon any other product in this country, I feel that it is impossible for domestic petroleum, whether produced in Oklahoma or in any other oil State, to successfully compete with the cheap foreign petroleum which is exempt from this taxation burden and pays only a small oil excise tax in addition to such sales tax as might be payable at the filling station. I find that there is at present no limitation upon the amount of this foreign oil which might be imported. The stability of this industry, so important to Oklahoma and to nearly half the other States of the Union, may be destroyed in any month if there is not some Federal legislation imposing a fixed ratio for such imports.

The State of Oklahoma has been one of the leading States in the attempt to conserve wisely the oil reserves of that State. Both by itself and in cooperation with other States through the interstate oil compact, the State of Oklahoma has been prorating its production, limiting the output of its wells, so that there might be some sound and economic balance of supply with demand. Under this system the wasteful production of petroleum or its diversion to uneconomic and inferior uses is minimized. Unfortunately, the value of all these efforts, which involve very often great sacrifices on the part of the State's oil industry, depends upon the will of the oil importers, who are not subject at present to any form of regulation, of limitation of output, or of proration such as is faced by the domestic petroleum industry.

If the Disney oil import bill is favorably recommended by your Committee and is adopted by this Congress, this industry in Oklahoma, as in the other oil States, will be given a degree of surety and confidence which it has never known. This bill does not attempt to embargo the importation of foreign oil but merely sets out to establish a definite relationship between the amount of imports and the total amount of domestic consumptive demand (including exports), thus placing this foreign product upon a basis equivalent to that on which the production of oil now stands in many of the oil States. That this is equitable and also necessary has been confessed by the importers themselves when, as I am informed, they voluntarily agreed to practically this same limitation at the time the Washington oil conference was held in March 1933, under the auspices of the Department of the Interior.

The oil-producing States are not the only ones which, whether they know it or not, will be benefited by the passage of this measure. Hundreds of millions of dollars will be spent on the purchase of equipment, supplies, and other material required by the petroleum industry but which is produced in the industrial States which have no oil production. It is to the direct advantage of these industrial States that a customer so profitable as the petroleum industry should be encouraged. Any national policy which makes it easier for the domestic petroleum industry to maintain its position in our economic life and to continue to pay wages and salaries to over a million employees who receive an average of $3,300,000 per day when the industry is in good condition, is of first-grade importance to the manufacturing centers of this country. It is difficult to see where these manufacturing centers would find other customers whose consuming and purchasing power would be equal to that furnished by the oil industry.

The petroleum industry has been more of an agency to distribute money rather than to make profits for a long period back. It has been a free collecting agency for the tax bureaus of cities, States, and the Nation. It is also active as a collection agency to receive money for payment in wages and to supply the necessary materials as well as to distribute among farmers, landowners, and others almost incredible sums of money. Out of these vast sums handled by the oil industry comparatively little has been retained by that industry for itself. Mr. Clarel B. Mapes, of my own State of Oklahoma, general secretary of the Mid-Continent Oil & Gas Association, in an address made Tuesday, February 4, before the Oklahoma City Chapter of the American Petroleum Institute, gave figures showing that the industry has not been operating profitably. From 1930 to 1933 the cost of producing oil was higher than the returns on that oil. Operators lost money on every barrel produced during that 4-year period.

A definite restriction on the amount of petroleum which might be imported into this country gave to the industry a degree of certainty which they had not hitherto possessed, so that during 1934 a change was noted in the financial standing of the whole industry. The average production cost was slightly less than the average price received, and producers were able to recoup a part of their losses. While Mr. Mapes did not have the figures for 1935, he felt that because of the increase in operating costs an even break was all that could be expected. The importance of the speedy adoption of some such measure as the Disney import bill is indicated by all these items.

The situation which has prevailed during the past decade cannot be continued indefinitely. The brief period of semiprosperity enjoyed by the industry in the last year or two was due, in larger part than many realized, to that balance of supply with demand which could not have been attained if there had not been this import limitation made possible by the aid of the Federal Government. With the end of the N. R. A. the Federal Government's assistance in the limitation of foreign oil was ended. The whole industry is now dependent upon the pleasure and the self-restraint of a few large importers. Such a situation is intolerable. For the sake of the millions of people in the oil States and in the industrial States whose economic welfare is very seriously affected by everything that affects the petroleum industry, Congress should give to this industry that security which can come only from definite legislation protecting the industry against an inundation of cheap foreign oil. Even though such an inundation might never come, the fact that the industry cannot be sure of this and that it has no positive security seriously affects its planning for the future and its continuance of exploration and development work to the great harm of any national industrial or economic program.

PRESIDENT ROOSEVELT GETS 73 PERCENT OF VOTE IN OKLAHOMA POLL

Mr. JOHNSON of Oklahoma. 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. JOHNSON of Oklahoma. Mr. Speaker, I have presented a unanimous-consent request to have printed in the CONGRESSIONAL RECORD a clipping giving a detailed report on a poll taken by one of the best weekly newspapers in Oklahoma showing the popularity of President Roosevelt as compared with a former President and some others said to aspire to the Presidency.

The request was promptly objected to by the gentleman from Pennsylvania [Mr. RICH], who, aside from being a prominent Republican Member of Congress, is also a very prominent manufacturer in his State. It seems that the distinguished gentleman from Pennsylvania who, to say the least, has no love for anything connected with the New Deal, has surmised that the poll recently made in Oklahoma was favorable to President Roosevelt.

Although our Republican friend from Pennsylvania boasts that the manufacturing concern with which he is connected had the best business last year in the 105 years of its existence, he apparently did not want Members of this House, as well as the country, to know that voters of Oklahoma still are strong for President Franklin D. Roosevelt.

Therefore I am not permitted under the rules to print the clipping giving the results of the Oklahoma poll in detail. However, it occurs to me that Members of the House will be interested to know that the Fletcher Herald, published at Fletcher, Okla., recently conducted such a poll, employing disinterested persons to conduct same. I will merely give the result of the poll taken.

Instead of balloting on what they thought of the entire New Deal, as was the case in the Nation-wide poll taken by the Liteary Digest, those who participated in the poll taken by the Fletcher Herald expressed their personal choice between President Roosevelt, Herbert Hoover, Senator William E. Borah, and Governor Landon. No one was permitted to vote who was under 21 years of age. Otherwise all were invited to participate, regardless of political affiliations.

It is significant that this poll was taken after the Supreme Court decision outlawing the A. A. A. farm program and after the Liberty League speech of former Gov. Alfred E. Smith to members of the Du Pont family and their guests here in Washington.

The results of the poll were as follows: President Roosevelt, 259 votes; Herbert Hoover, 5; Senator Borah, 38;

Governor Landon, 54. It will be noted that President Roosevelt received about 73 percent of all the votes cast.

Let me suggest that if the so-called Liberty League and other special-interest groups that fattened because of special privileges received under the old deal, that marked the blackest era of American history, will continue the tirade of abuse, villification, and misrepresentation against President Roosevelt and his efforts to bring order out of chaos, restore prosperity, give jobs to the unemployed, feed the hungry, and keep America at peace with all nations of the earth, that the next poll taken will show that our people of Oklahoma will be more unanimous in favor of the President over all of his present or prospective opponents.

SUSAN B. ANTHONY—HEROIC PIONEERS OF WOMAN SUFFRAGE—EARLY STRUGGLES AND PERSECUTIONS

Mr. LUNDEEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Universal Suffrage and Women Suffrage Leaders.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LUNDEEN. Mr. Speaker, 116 years ago tomorrow, February 15, Susan B. Anthony, emancipator of women, was born in the little town of Adams, Mass., in the Berkshire Hills. She was the second of eight children. Today we honor her for the woman suffrage amendment which she wrote but never lived to see enacted into law. It was prepared by her before the Civil War. For many years she sought to have that measure passed by Congress. Then the amendment was dropped for a period of years, and women leaders gave their entire time to securing suffrage State by State, appealing to the qualified voters to enfranchise them. After 40 years of campaigning, women were enfranchised in only a handful of States. Women realized it would take forever to secure the vote for themselves by this method, and therefore, in 1912, they organized the Congressional Union for the sole purpose of securing the passage of the Susan B. Anthony amendment by the Congress of the United States and its ratification by the necessary States. In that way all women could be given suffrage for all time.

THE CONGRESSIONAL UNION

The Congressional Union understood political campaigns, and the Congressman who did not take woman suffrage seriously found his district aroused and demanding that he vote for the amendment. In the same way the leaders of the major political parties were faced with the responsibility for their party on its attitude on the suffrage measure. This policy of holding the party in power responsible culminated in the picketing of the White House, with women demanding that the President of the United States, as leader of his party, use his influence with members of his party to insure the passage of the Susan B. Anthony amendment by Congress.

PERSECUTION OF WOMAN-SUFFRAGE LEADERS

Today we honor these noble women who had the vision of women's emancipation and the courage to fight for it. Only yesterday they were ridiculed and persecuted. Their persecution at the hands of Government officials remains a blot on this Nation's history. I served in the Sixty-fifth Congress, during the war, when these good women came to Washington in a body to petition Congress and the President for equal suffrage. I protested then against the cruel treatment they received. Two hundred and ten women were sent to prison. One of my constituents, Bertha Moller, of Minneapolis, Minn., came here battling for suffrage during the war. She was one of those courageous leaders who were taken by police and thrown into patrol wagons. They were carried to vermin-infested prisons where they went on a hunger strike for the purpose of effecting a release. I went to that prison a number of times endeavoring to look after the comfort of this truly noble lady and many other notable suffrage leaders who were jailed at the same time for the crime of fighting for their convictions; for a cause, now a part of the Constitution which we are sworn to uphold. I was the first public official of Minnesota to march in a woman-suffrage parade. I was ridiculed for joining in the crusade for woman suffrage. Men on the sidelines hissed, hooted, and jeered the marchers in that parade.

DRAMATIC STRUGGLE

No struggle for human liberty has ever been won without a dramatic setting. Men have fought and bled and died on battlefields for rights they hold precious. These bloody struggles in the final analysis were dramatics which captured the imagination of the people and helped focus the attention on the cause to be won. Women could not wage war for their rights. The only thing they could do was to dramatize their cause with their banners and colorful flags, and, with beautiful artistry, call the world to realize that their rights were being denied them.

We who were in Congress in 1918, when woman suffrage passed the House of Representatives for the first time, know that these dramatics were most effective. For the first time, woman suffrage, as an immediate political issue, was recognized by both parties. It was the topic of paramount interest in Congress. Members of both Houses began discussing woman's suffrage as one of the measures which would soon have to be faced. Medieval and barbarous oppression of our own mothers and sisters asking for liberty! The papers were full of it; people eveywhere were discussing the question of votes for women. When people begin discussing a measure, that cause is in on the high road to success. Picketing removed woman suffrage from the field of abstract discussion to the arena of immediate politics. Here, right in our own country, was an unjust denial of human rights, and this injustice had to be remedied. The dramatics had accomplished what years of peaceful propaganda had failed to do. The public was aroused and the battle won.

The suffrage amendment passed the House of Representatives for the first time on January 10, 1918, and the vote—274 to 136, 17 not voting—was so close that I may say I had the honor of casting the deciding vote for woman suffrage.

If only one more Member of Congress had opposed the suffrage amendment it would not have passed the House that session.

It is fitting, on this anniversary of the birth of Susan B. Anthony, to call attention to the valiant pioneers of this most momentous cause and recall to the present generation the debt that we owe them.

EARLY LIFE OF SUSAN B. ANTHONY

Susan B. Anthony was the daughter of a Quaker, a strong temperance advocate and opponent of slavery. His ideas had a profound effect on her life and career. At 15 she became a teacher in her father's school, held in his own home; and at 17 she taught in a private family for $1 a week and board. Later her father's fortune collapsed during a period of depression, and she taught school of necessity.

She joined the Daughters of Temperance and enlisted her heart and soul in that cause. This was the beginning of her entrance into public life. Her father believed in her and encouraged her. He believed in giving the same advantages to both boys and girls, and she was never told that woman's place is in the home.

THE FIRST WOMAN'S RIGHTS CONVENTION

The first woman's rights convention was held in Seneca Falls in 1848, and Susan Anthony's sister and parents attended and were much impressed. These early equal-rights meetings were held under great difficulties. Speakers were heckled and hissed. Susan B. Anthony always had courage in the face of hostile audiences. On one occasion the mayor of the town had to sit on the platform throughout the meeting with a shotgun across his knees to maintain order.

Sent as a delegate to the Sons of Temperance convention at Albany, her name was brought to the attention of the country. Instead of being content to "listen and learn", she demanded the privilege of speaking in her own right. She was rebuked by the sponsors of the meeting, and as a result called a woman's State temperance convention. From then on she abandoned school teaching and became an uncompromising advocate of absolute equality of rights for women. She devoted her life to temperance, antislavery, and equal rights for women. She fought for recognition for women throughout her life, but she also battled for the rights of all

mankind. Her vision, like Lincoln's, told her that no nation could long exist half slave and half free.

She saw in woman's position a practical enslavement. The wife was the property of the husband. Her earnings belonged to him. He could will away her possessions. She had no political rights, and even the right of free speech was not guaranteed her in that part of the country where she was not even allowed to speak at teacher's conventions.

ABOLITION MOVEMENT

Susan B. Anthony joined with William Lloyd Garrison, Wendel Phillips, and others who risked their lives in the cause of abolition. She faced infuriated mobs. She was insulted, rotten-egged, and faced with threats of death. Women were run out or dragged out of meetings by mobs. In joining with the abolitionists, it was her understanding that after their victory was secured, they would join with her in her fight for woman suffrage. In this she was disappointed. She realized then, that if women were to win their political freedom, they must win it for themselves by themselves. She decided, with clear vision and sound logic, that the ballot is the basis of political liberty.

WOMAN'S NATIONAL SUFFRAGE ASSOCIATION

In 1869 the Woman's National Suffrage Association was organized. For 22 years she struggled for woman suffrage in the various States. But organization among women proceeded slowly, and at the time of Susan B. Anthony's death in 1906 suffrage had been granted to women in only four States. There was failure after failure, with only occasional victories. But her pioneering work laid the groundwork for success later on, and those who followed in her footsteps profited by the foundation she had laid. Faced with failure time after time, the words she spoke at the last convention she attended were, "Failure is impossible." Her deep disappointment in being unable to share in the final victory was expressed on her eighty-sixth birthday, when she said:

> Just think of it. I have been striving for 60 years for just a little bit of justice, and yet I must die without obtaining it. It seems so cruel.

Yet she knew that failure was impossible.

She prepared the way for others to carry on. She urged her followers to keep scrapbooks. These and her own scrapbooks and her personal library are now in the rare-book department of the Congressional Library. They form a complete history of the equal-rights movement. Each volume of hers is inscribed in her own handwriting. A biography of her life might be written from these inscriptions. She presented her books to the Library before her death. She died on March 13, 1906. Thousands of women today follow the shining example of Susan B. Anthony, the author of the suffrage amendment.

OTHER WOMAN-SUFFRAGE LEADERS

Susan B. Anthony's colleagues were Elizabeth Cady Stanton and Lucretia Mott, whose sculptured likenesses stand properly in the Hall of Fame of our own United States Capitol. Lucy Stone, born on August 13, 1818, also pioneered in the struggle for woman's rights. In 1855 she married Henry B. Blackwell, a young hardware merchant of Cincinnati, himself a strong woman's rights man, who worked with her and lectured with her in many States and before many legislatures on the subject of equal rights. At the time of their marriage they issued a joint protest against the inequalities of law which gave the husband control over his wife's property. She regarded the loss of a wife's name at marriage as a symbol of the loss of her individuality. In 1866 she helped to organize the American Equal Rights Association, which was formed to work for both Negroes and women. She too joined with William Lloyd Garrison, George William Curtis, Mrs. Julia Ward Howe, and others, and organized the American Woman Suffrage Association and was chairman of its executive committee for 20 years. At the same time she was an excellent cook and housekeeper and a splendid mother. During her last days she said:

> I have had a full, rich life. I am so glad to have lived, and to have lived at a time when I could work. (Alice Stone Blackwell, "Lucy Stone.")

The last phase of the woman-suffrage movement was led by Carrie Chapman Catt, Alice Paul, and their colleagues. It was January 1859 that Carrie Chapman Catt was born as Carrie Lane. Mrs. Carrie Chapman Catt had been in the thick of the fight for years, when the woman-suffrage amendment was finally adopted in 1920. She planned the League of Women Voters in careful detail to educate women to their political duties.

WOMAN-SUFFRAGE LEADERS IN THE NORTHWEST

We of Minnesota and the Northwest are proud of our suffrage leaders. Mrs. Andreas Ueland, Mrs. A. R. Colvin, Mrs. A. H. Bright, Mrs. Luth Jaeger, Miss Josephine Schain, of Minneapolis and New York, Mrs. Bertha Moller Delin, are among the outstanding leaders. I freely acknowledge my great debt of gratitude to all of these leaders and many other good and sincere women, especially Josephine Schain and Bertha Moller. Miss Schain's suffrage briefs, literature and books, speeches, and arguments on the public platform and in conversation were unanswerable.

EARLY SUFFRAGE MOVEMENTS

The first demand for the ballot was made in 1776, when Mrs. Abigail Adams wrote to John Adams, her husband, asking him, when a Member of the Continental Congress to "remember the ladies." It was a century later that the first legislature complied with the request.

The Territory of Wyoming gave women the right to vote in 1869. Some say this was done in order to help keep law and order. Objection was made to Wyoming's admission as a State in 1890 because of woman suffrage, and there were heated debates in Congress on the dangers of permitting women to vote. The people of Wyoming decided they would rather remain out of the Union than abandon woman suffrage. Congress finally admitted Wyoming as a State, with woman suffrage in the constitution. (Women and the Franchise, Josephine Schain, A. C. McClurg & Co., 1918.)

In Colorado a law was passed in 1893 giving women the right to vote. Utah and Idaho granted woman suffrage in 1896, and in Washington State woman suffrage carried in 1910. California was sixth, in 1911, and after that the movement began to spread to the East. Here is the entire list of States which granted women suffrage prior to the nineteenth amendment, as furnished me by the Congressional Library:

WOMAN SUFFRAGE

I. FULL SUFFRAGE

Wyoming: Granted 1869, by act of Territorial legislature. (Incorporated in constitution when admitted as a State in 1890.)

Colorado: Granted 1893, by act of legislature. (Subsequent provision made by amendment to the constitution in 1901.)

Idaho: Granted 1896, constitutional amendment; submitted by legislature, ratified by popular vote.

Utah: Granted 1896, original constitution,[1] submitted by constitutional convention, ratified by popular vote and Federal statute.

Washington: Granted 1910, constitutional amendment,[2] submitted by legislature, ratified by popular vote.

California: Granted 1911, constitutional amendment; submitted by legislature, ratified by popular vote.

Kansas: Granted 1912, constitutional amendment; submitted by legislature, ratified by popular vote.

Oregon: Granted 1912, constitutional amendment; proposed by initiative petition, adopted by popular vote.

Arizona: Granted 1912, constitutional amendment; proposed by initiative petition, adopted by popular vote.

Montana: Granted 1914, constitutional amendment; submitted by legislature, ratified by popular vote.

Nevada: Granted 1914, constitutional amendment; submitted by legislature, ratified by popular vote.

New York: Granted 1917, constitutional amendment; submitted by legislature, ratified by popular vote.

II. PRESIDENTIAL SUFFRAGE ONLY

Granted by act of the legislature:

Illinois: 1913, page 333.

North Dakota: 1917, chapter 254.

Nebraska: 1917, chapter 30.

Michigan: 1917, chapter 191.

Rhode Island: 1917, chapter 1507.

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[1] Territorial Legislature of Utah passed equal suffrage in 1870, but it was taken away by Congress in 1887.

[2] Territorial Legislature of Washington passed equal suffrage in 1883, but supreme court of Territory declared the act unconstitutional in 1887; legislature reenacted law in 1888, but that law was declared unconstitutional by supreme court of Territory in 1889.

In 1917 Presidential suffrage was granted to women in Indiana by act of the legislature, but the State supreme court declared the law unconstitutional.

In 1917 the act of the Legislature of Ohio granting Presidential suffrage to women was vetoed by a referendum vote of the people.

III. PRIMARY SUFFRAGE ONLY

Arkansas: Granted by act of legislature, 1917, chapter 186.

IV. TERRITORIES

Alaska: Granted by act of the Territorial legislature, 1913, chapter 1.

SUFFRAGE IN FOREIGN COUNTRIES

Unmarried women and widows have had municipal suffrage in England and Wales since 1869. New Zealand gave full suffrage to women in 1893, Australia in 1901, Finland in 1906, Iceland in 1913, Denmark in 1915. Municipal voting rights were given to taxpaying women of Sweden in 1862, and full municipal voting rights were given to all women of Sweden in 1909. Norway's taxpaying women had full suffrage in 1907, and in 1913 the full right was extended to all women. (Women and the Franchise, Josephine Schain.)

"FAILURE IS IMPOSSIBLE"

Many countries preceded ours in granting suffrage rights, and their progress helped to inspire the women of our own country. These pioneers laid the foundations for the victory that finally came when the nineteenth amendment passed the House on May 21, 1919, the Senate on June 4, 1919, and finally on August 26, 1920, when the ratification by 36 States was declared by proclamation of the Secretary of State. This great victory could never have been won had not the women of America constantly kept before them the courageous words of Susan B. Anthony: "Failure is impossible." Death could not conquer her great cause. She passed on, but the spirit of Susan B. Anthony led her hosts up the hills of time to final and complete victory.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. BUCHANAN, for 1 week, on account of illness.

To Mr. HOFFMAN (at the request of Mr. MAPES), on account of important business.

To Mr. DONDERO (at the request of Mr. MAPES), on account of important business.

To Mr. KVALE (at the request of Mr. BOILEAU), for today, on account of illness.

To Mr. HILL of Alabama (at the request of Mr. STARNES), on account of illness in his family.

CALENDAR WEDNESDAY

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday next week may be dispensed with.

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

There was no objection.

ADJOURNMENT OVER

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight it adjourn to meet on Monday next.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, reserving the right to object, will the gentleman from Alabama tell us what bills he expects to bring up the fore part of next week?

Mr. BANKHEAD. The Consent Calendar, of course, has the right of way on Monday. It has been intimated, although I cannot make a statement for the Speaker, that request may be made to take up the neutrality bill under suspension of the rules.

On Tuesday, of course, we have the Private Calendar, including the omnibus bills, and on Wednesday it is our expectation to take up the Jones farm bill. This is as far as the program has been arranged for the present.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. I yield.

Mr. O'CONNOR. The Rules Committee is now holding hearings on a proposed investigation of old-age-pension plan racketeering. Should the Rules Committee report out such a resolution it is hoped it would be called up on Wednesday before the farm bill is taken up.

ADJOURNMENT OVER

The SPEAKER. Is there objection to the request of the gentleman from Alabama that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next?

There was no objection.

ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p. m.) the House, pursuant to its previous order, adjourned until Monday, February 17, 1936, at 12 o'clock noon.

COMMITTEE HEARING

PUBLIC LANDS

Committee on the Public Lands, Tuesday, February 18, 1936, at 10:30 o'clock a. m., room 328, House Office Building, to consider H. R. 11046.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DOUGHTON: Committee on Ways and Means. H. R. 3254. A bill to exempt certain small firearms from the provisions of the National Firearms Act; without amendment (Rept. No. 2000). Referred to the Committee of the Whole House on the state of the Union.

Mr. McREYNOLDS: Committee on Foreign Affairs. House Joint Resolution 491. Joint resolution extending and amending the joint resolution (Public Res. No. 67, 74th Cong.), approved August 31, 1935; without amendment (Rept. No. 2001). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of West Virginia: Committee on Mines and Mining. S. 1432. An act to amend section 5 of the act of March 2, 1919, generally known as the "War Minerals Relief Statutes"; without amendment (Rept. No. 2002). Referred to the Committee of the Whole House on the state of the Union.

Mr. AYERS: Committee on Irrigation and Reclamation. H. R. 10751. A bill to further extend the operation of the act entitled "An act to further extend the operation of the act entitled 'An act to further extend the operation of the act entitled "An act for the temporary relief of water users on irrigation projects constructed and operated under the reclamation law", approved April 1, 1932', approved March 27, 1934", approved June 13, 1935; with amendment (Rept. No. 2003). Referred to the Committee of the Whole House on the state of the Union.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 9991. A bill to extend the time for applying for and receiving benefits under the act entitled "An act to provide means by which certain Filipinos can emigrate from the United States", approved July 10, 1935; without amendment (Rept. No. 2004). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. DIES: A bill (H. R. 11167) to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890; to the Committee on the Judiciary.

By Mr. McGROARTY: A bill (H. R. 11168) providing for certain deductions from the retired pay of retired officers and enlisted men in the Army, Navy, Marine Corps, and the Coast Guard, who are required by any court to support their wives and minor children; to the Committee on Military Affairs.

By Mr. WHELCHEL: A bill (H. R. 11169) authorizing the manufacture of fertilizer by the United States Government

at Muscle Shoals, Ala., for the benefit of the farmers; to the Committee on Military Affairs.

By Mr. KNUTSON (by request): A bill (H. R. 11170) to provide for the purchase of certain lands, and for other purposes; to the Committee on Agriculture.

By Mr. KRAMER: A bill (H. R. 11171) to provide for the enlargement of the Veterans' Administration hospital at San Fernando, Calif.; to the Committee on World War Veterans' Legislation.

By Mr. STARNES: A bill (H. R. 11172) to further reduce immigration, to authorize the exclusion of any alien whose entry into the United States is inimical to the public interest, to prohibit the separation of families through the entry of aliens leaving dependents abroad, and to provide for the prompt deportation of habitual criminals and all other undesirable aliens, and to provide for the registration of all aliens now in the United States or who shall hereafter be admitted; to the Committee on Immigration and Naturalization.

By Mr. KENNEY: A bill (H. R. 11173) to terminate certain taxes on coconut oil and products derived therefrom; to the Committee on Ways and Means.

By Mr. WERNER: A bill (H. R. 11174) to establish an old-age-pension system for certain Indians; to the Committee on Indian Affairs.

By Mrs. O'DAY: A bill (H. R. 11175) to extend the definition of an "alien veteran" for naturalization purposes only so as to include certain aliens born in enemy countries but who actually rendered service in United States armed forces during the World War with personal record of loyalty to the United States in the prosecution of that war, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. McCLELLAN: A bill (H. R. 11176) increasing the penalty for making false oaths for the purpose of bathing at the Government free bathhouse at Hot Springs, Ark.; to the Committee on the Public Lands.

By Mr. CLARK of Idaho: A bill (H. R. 11177) to add certain lands to the Minidoka National Forest, Cassia Division West; to the Committee on the Public Lands.

By Mr. HOUSTON: A bill (H. R. 11178) to repeal provisions of paragraph IV, Veterans' Regulation No. 9 (a), promulgated by the President pursuant to Public Law No. 2, Seventy-third Congress; to the Committee on World War Veterans' Legislation.

By Mr. DOUGHTON: A bill (H. R. 11179) to require the filing of copies of income returns, and for other purposes; to the Committee on Ways and Means.

By Mr. PETERSON of Georgia: A bill (H. R. 11180) to extend the boundaries of the Fort Pulaski National Monument, Ga., and for other purposes; to the Committee on the Public Lands.

By Mr. AYERS: A bill (H. R. 11181) to amend the act of July 3, 1926, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes" (44 Stat. L. 807); to the Committee on Indian Affairs.

By Mrs. GREENWAY: A bill (H. R. 11182) to amend an act entitled "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes"; to the Committee on the Public Lands.

Also, a bill (H. R. 11183) to provide for the acquisition of certain lands by the town of Benson, Ariz., for school and park purposes; to the Committee on the Public Lands.

By Mr. WHELCHEL: A bill (H. R. 11184) providing for equalization of taxes in counties where there are Government-owned lands; to the Committee on the Public Lands.

By Mr. DIRKSEN: A bill (H. R. 11185) to repeal section 7 of the act of the Congress of the United States, known as the Alcoholic Beverage Control Act for the District of Columbia; to the Committee on the District of Columbia.

By Mr. MARCANTONIO: A bill (H. R. 11186) to provide for cooperation by the Federal Government with the several States and the District of Columbia in relieving the hardship and suffering caused by unemployment, and for other purposes; to the Committee on Labor.

By Mr. BELL: Resolution (H. Res. 418) authorizing and directing an investigation of all persons, groups, etc., promoting old-age-pension schemes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BOEHNE: A bill (H. R. 11187) for the relief of Catherine Humbler; to the Committee on Pensions.

By Mr. BURNHAM: A bill (H. R. 11188) for the relief of John Gustav Baisch; to the Committee on Naval Affairs.

By Mr. CLARK of Idaho: A bill (H. R. 11189) for the relief of Mary Louise Oxley; to the Committee on the Civil Service.

By Mr. CULLEN: A bill (H. R. 11190) for the relief of James M. Robedee; to the Committee on Naval Affairs.

By Mr. DUFFY of New York: A bill (H. R. 11191) granting an increase of pension to Emma C. Van Bender; to the Committee on Invalid Pensions.

By Mr. HEALEY: A bill (H. R. 11192) for the relief of Alfred Aloysius Bligh; to the Committee on Naval Affairs.

Also, a bill (H. R. 11193) for the relief of John W. Reardon; to the Committee on Military Affairs.

Also, a bill (H. R. 11194) for the relief of Fred D. Dickerson; to the Committee on Naval Affairs.

Also, a bill (H. R. 11195) for the relief of Gloria Hayes; to the Committee on Claims.

Also, a bill (H. R. 11196) for the relief of Frank P. Barbour; to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 11197) granting a pension to Anna O. Van Auken; to the Committee on Pensions.

By Mr. JENKINS of Ohio: A bill (H. R. 11198) granting an increase of pension to Mary E. Lemley; to the Committee on Invalid Pensions.

By Mr. KINZER: A bill (H. R. 11199) granting an increase of pension to Sarah D. Brooke; to the Committee on Invalid Pensions.

By Mr. LAMNECK: A bill (H. R. 11200) for the relief of John W. Pennington; to the Committee on Military Affairs.

By Mr. McCLELLAN: A bill (H. R. 11201) for the relief of W. T. Jackson; to the Committee on Claims.

Also, a bill (H. R. 11202) for the relief of Henry F. Rea; to the Committee on Claims.

Also, a bill (H. R. 11203) for the relief of Andrew Smith; to the Committee on Claims.

By Mr. McGROARTY: A bill (H. R. 11204) to permit Willis Adams to make a homestead entry on certain public land in Oregon; to the Committee on the Public Lands.

Also, a bill (H. R. 11205) to permit Willis Adams to make a homestead entry on certain public land in Oregon; to the Committee on the Public Lands.

By Mr. McMILLAN: A bill (H. R. 11206) for the relief of Frank Williams; to the Committee on Claims.

By Mr. MONAGHAN: A bill (H. R. 11207) for the relief of Anna Ancel; to the Committee on Claims.

Also, a bill (H. R. 11208) for the relief of John Stevens; to the Committee on Claims.

Also, a bill (H. R. 11209) for the relief of Mr. and Mrs. Fred Hausauer; to the Committee on Claims.

By Mr. MOTT: A bill (H. R. 11210) granting a pension to Jane Armstrong; to the Committee on Pensions.

By Mr. TABER: A bill (H. R. 11211) granting an increase of pension to Sarah VanTuyl; to the Committee on Invalid Pensions.

By Mr. TERRY: A bill (H. R. 11212) for the relief of Earl Hill; to the Committee on Claims.

By Mr. THOMAS: A bill (H. R. 11213) granting an increase of pension to Emma L. Locklin; 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:

10110. By Mr. CARMICHAEL: Petition of C. M. Patterson, Athens, Ala.; to the Committee on the Post Office and Post Roads.

10111. Also, petition of Luther King and others, Lexington, Ala.; to the Committee on the Post Office and Post Roads.

10112. By Mr. BOEHNE: Petition of Richard Knight, of West Fork, and Daniel Mason, of Taswell, Ind., and others, requesting Congress to enact legislation at this session that will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10113. By Mr. GOODWIN: Petition of the New York State Legislature, memorializing Congress at this session to give consideration to the report and recommendations of the Chief Engineer of the United States Army for permanent flood-control works in the flooded areas of New York State; to the Committee on Flood Control.

10114. By Mr. KNIFFIN: Petition of Charles Pool, secretary of M. E. S. S., of Hicksville, Ohio, favoring the passage of the Guyer bill; to the Committee on the District of Columbia.

10115. By Mr. LAMBERTSON: Petition of Mrs. John C. Sedgwick and 93 other citizens, all of Topeka, Kans., favoring passage of House bill 8739; to the Committee on the Judiciary.

10116. By Mr. MAPES: Petition of Frances J. Chapman and 91 other members of the Trinity Community Church, of Grand Rapids, Mich., recommending the enactment of the Pettengill-Neely bills to outlaw compulsory block booking and blind selling of movie films; to the Committee on Interstate and Foreign Commerce.

10117. By Mr. MOTT: Petition signed by F. M. Wheaton, of Coquille, and 90 others, of Coos County, Oreg., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

10118. Also, petition signed by Ray Walker, of Mapleton, and 69 others, of Lane County, Oreg., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

10119. Also, petition signed by Edward Gasbar, of Waldport, and 28 others, of Lincoln County, Oreg., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

10120. Also, petition signed by Ralph Bernhardt, Mapleton, and 59 others, of Lane County, Oreg., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

10121. By Mr. SADOWSKI: Petition of the National Restaurant Association, objecting to the continuance of Government competition with private enterprise in the operation of restaurants; to the Committee on Expenditures in the Executive Departments.

10122. Also, petition of the Federation of Standard Railway Crafts and Auxiliaries at a regular meeting January 9, 1936, asking repeal of the Transportation Act of 1920, and to enact the Black-Crosser 6-hour-day bill, the Brown-Griswold train-limit bill, the Neely-Griswold full-crew bill, the signal- and track-inspection bill, etc.; to the Committee on Labor.

10123. Also, petition of the Michigan Municipal League board members and endorsing Senate bill 2883; to the Committee on Agriculture.

10124. By the SPEAKER: Petition of the Kansas City Bar Association; to the Committee on the Library.

SENATE

SATURDAY, FEBRUARY 15, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, February 14, 1936, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. MURRAY. I announce that the Senator from Alabama [Mr. BANKHEAD] is detained on account of illness; and that the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the Senator from Illinois [Mr. LEWIS], the junior Senator from Indiana [Mr. MINTON], the senior Senator from Indiana [Mr. VAN NUYS], the Senator from Utah [Mr. THOMAS], and the Senator from New York [Mr. WAGNER] are detained on important public business. I further announce that the Senator from Nevada [Mr. McCARRAN] is unavoidably detained.

Mr. AUSTIN. I announce that the senior Senator from Delaware [Mr. HASTINGS], the junior Senator from Delaware [Mr. TOWNSEND], the Senator from Rhode Island [Mr. METCALF], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from Maine [Mr. WHITE] are necessarily absent.

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

VICE PRESIDENT GARNER

Mr. ROBINSON. Mr. President, I ask to have printed in the RECORD at this point as a part of my remarks an article published in the Chicago Daily News, Thursday, February 13, 1936, relating to the character, disposition, and services of the Vice President of the United States.

It is somewhat embarrassing to submit this request while he is presiding over the Senate, but I feel sure that every Senator will be glad to learn that a newspaper which belongs to the party in opposition to that of which the Vice President is a member has made a brief analysis of his services. I think it appropriate that the article should be incorporated in the CONGRESSIONAL RECORD, and I ask that that be done.

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

[From the Chicago Daily News of Feb. 13, 1936]

ALL THINGS CONSIDERED

By Howard Vincent O'Brien

WASHINGTON, D. C.—Upstairs and down a long corridor, I proceeded to an office. It was not one of the building's grander offices. In fact, it was quite small and not elaborately furnished. There was no one in it when I arrived, but presently a secretary appeared. He was a young man, and pleasant. When I inquired if his boss was in he did not reply with the usual "whajawannaseeumabout?" Instead, he poked his head in a side door and said yes; the boss

was in. And instantly on the heels of that statement I heard a voice saying, "Come in boy, come in."

Thus I reached the presence of a man who is beyond dispute one of the most important men in the world today, the Vice President of the United States.

AN INCREDIBLE FACT

Such a thing would not be possible in Europe. Imagine just walking in on any crowned head or dictator and hearing a cheerful "Come in boy, come in." For that matter, just imagine walking in on the average bank president or corporation director, or even the third assistant vice president! No; of course you can't imagine it. No one could.

The fact is that the stocky little man from Uvalde is anything but an average man. In my opinion he is a most extraordinary man. He is that rarity, that unique phenomenon, a man whose shirt does not bulge at the accident of high office.

If greatness may be attributed to a man who can sit in a seat upholstered with might, without himself becoming overstuffed, then I believe that "Jack" Garner must be called a great man. If his head has been turned by so much as the width of a single silver hair, there is no evidence of it. His eminence has not swollen his ego. Genial, humorous, demonstrably shrewd, he has kept his balance as few men at his altitude have been able to do.

SECOND IN COMMAND

One of the queerest features of this queer country is its indifference to the personality of the individual suspended above its highest office by only the thread of gossamer from which hangs a single human life. Almost any Congressman gets more publicity than does the Vice President. One reason for that is the fact that the Vice President does not court publicity, and most Congressmen do. Another reason is the peculiar unimportance of his office. The Vice President has literally nothing to do. At any moment fate may send him in to pitch, but there is no provision in custom or the Constitution for keeping his arm warmed up.

That does not mean that this particular Vice President is idle. Far from it. It may seem like an accident that at his annual dinner he should have the President and the Chief Justice of the Supreme Court sitting side by side and in stitches at the cracks of Gracie Allen. But it is no accident. It is the expression of a high talent for diplomacy.

FIRESIDE-AND-SLIPPER MAN

The Vice President has no liking for state functions. They bore him painfully. He is a fireside-and-slipper man, a man with no prejudice against poker or a nip from the cup that cheers, now and then, a thoroughly typical American of what is sometimes called "the middle class." But if convention and the protocol demand an occasional state function, he sees to it that when he gives the party all hands have fun. He has mastered the greatest lesson that experience has to teach, namely, that few problems can withstand a laugh.

I find that people are surprised when I speak highly of Mr. GARNER. For some reason he has acquired a rating somewhere between that of "practical" politician and amusing nonentity. Those who know the ropes around here do not make the mistake of writing him off so lightly. He is a politician, true; has been one for nearly half a century. But he is by no means an inconsequential politician. He plays a big part in the management of that many-ringed circus known as Congress. He isn't out in the sawdust, rigged up in topper and dress coat, cracking the whip. But if you slip around behind the scenes you will hear his soft Texas drawl and you will observe that the aces of the political flying trapeze are listening closely.

NOT A BLANK

Having the newspaper reporter's cynic amusement at the antics of little men in high place, I find myself rather overpowered by the effort to deal with a man who can look in a mirror without having hallucinations about himself. Our present national insurance policy is such a man. The hour I spent with him made me forget the many hours I have spent meditating on human vanity in the anterooms of what a friend of mine calls .22 blanks.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed a bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS

The VICE PRESIDENT laid before the Senate a resolution of the executive committee of the League of Texas Municipalities, Austin, Tex., favoring amendment of the rules and regulations governing employment under the Works Progress Administration so as to permit the selection of worthy unemployed persons on projects regardless of the past relief status of such persons, which was referred to the Committee on Appropriations.

He also laid before the Senate a resolution of the executive committee of the League of Texas Municipalities, Austin, Tex., favoring the enactment of legislation to provide for the further development of vocational education in the several States and Territories, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the convention of the United Mine Workers of America, endorsing a recent Executive order designating George L. Berry as Coordinator for Industrial Cooperation for the purpose of supervising, subject to the direction of the President, conferences of representatives of industry, labor, and consumers for consideration of the best means of accelerating industrial recovery, eliminating unemployment, and maintaining business and labor standards, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Commissioners Court of Maverick County, Tex., favoring the enactment of legislation for the creation of a public-health district on the Mexican border, which was referred to the Committee on Finance.

He also laid before the Senate resolutions adopted by the New York State Bar Association and the executive committee of the Pennsylvania Bar Association, favoring the enactment of House Joint Resolution 237, for the establishment of a trust fund to be known as the Oliver Wendell Holmes Memorial Fund, which were referred to the Committee on the Library.

REPORTS OF THE MILITARY AFFAIRS COMMITTEE

Mr. AUSTIN, from the Committee on Military Affairs, to which was referred the bill (S. 3663) to correct the military record of William Connelly, alias William E. Connoley, reported it with an amendment and submitted a report (No. 1576) thereon.

Mr. SCHWELLENBACH, from the Committee on Military Affairs, to which was referred the bill (S. 3627) for the relief of Francis Gerrity, reported it without amendment and submitted a report (No. 1577) thereon.

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

H. R. 1867. A bill for the relief of Orville E. Clark (Rept. No. 1578);

H. R. 5876. A bill for the relief of Elmer H. Ackerson (Rept. No. 1579); and

H. R. 5964. A bill for the relief of Carl F. Yeager (Rept. No. 1580).

BILLS INTRODUCED

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

By Mr. BARBOUR:

A bill (S. 4027) granting an increase of pension to Ada J. McGinley; to the Committee on Pensions.

By Mr. BYRD:

A bill (S. 4028) for the relief of certain officers of the United States Navy and the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. JOHNSON:

A bill (S. 4029) to transfer certain national forest lands to the Capitan Grande Mission Indian Reservation, Calif.; and

A bill (S. 4030) to transfer certain national forest lands to the Los Coyotes Mission Indian Reservation, Calif.; to the Committee on Indian Affairs.

HOUSE BILL REFERRED

The bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CHANGES OF REFERENCE

Mr. ROBINSON. Mr. President, there are three bills pending in the Senate relating to the same subject matter. Two of them are before the Committee on the Judiciary and one is pending before the Committee on Claims. The latter bill was reported some time ago and on my motion, with acquiescence of the Senator from New York [Mr. COPELAND],

the author of the bill, it was recommitted to the Committee on Claims.

With the approval of the chairman of the Committee on the Judiciary, I ask that that committee be discharged from the further consideration of the bill (S. 1291) authorizing the estate of John Gellatly, deceased, and/or Mrs. Charlyne Gellatly, individually, to enter suit in the United States District Court for the Southern District of the State of New York, for the return of an art collection and objects of art claimed to have been obtained by agents or representatives of the Smithsonian Institution and of the United States Government, and for other purposes, and the bill (H. R. 8824) for the relief of the estate of John Gellatly, deceased, and/or Charlyne Gellatly, individually, and that they be referred to the Committee on Claims.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. POPE submitted amendments intended to be proposed by him to House bill 10630, the Interior Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 78, line 2, to strike out "$583,215" and substitute therefor "$609,365."

On page 78, line 17, to strike out "$165,400" and substitute therefor "$185,400."

On page 81, line 23, to strike out "$300,490" and substitute therefor "$330,490."

On page 81, line 23, to strike out "$220,000" and substitute therefor "$255,700."

On page 82, following line 23, to insert "Repair of gas well: For repair of the Bush A-1 gas well, helium properties, Bureau of Mines, near Amarillo, Tex., $20,000."

ISSUES OF THE DAY—ADDRESS BY SENATOR THOMAS OF UTAH

Mr. O'MAHONEY. Mr. President, the distinguished junior Senator from Utah [Mr. THOMAS] last evening addressed the Phi Delta Kappa at Columbia University. His talk upon that occasion on the Liberty League, the Constitution, and other issues of the day is worthy of the broader field which will be reached through its publication in the CONGRESSIONAL RECORD. Therefore, I ask unanimous consent that his address be printed in the RECORD.

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

It is good to be back in the academic atmosphere. I come before you tonight, though, as a politician. I was a professor before I went into the Senate, but I have never been honored by being called a member of the "brain trust", and probably I am not only unworthy of membership in that august body but also ineligible because I am more than 28 years of age.

As a politician there are three things I must talk about before I proceed with my theme or else you will not think you are hearing a political speech. First is the Liberty League.

There is a current word which falls from the tongue of American slang artists and which is fast taking a real place in our business vocabulary, and that word is "jallopy." "Jallopy" is a trade term for an automobile that is useless for anything but plain junk or a museum exhibit. The Liberty League seems to me to be the best open corporation of junked political "jallopies" that our country has yet produced. Whenever I hear the title "American Liberty League" I am reminded of a famous sentence by an equally famous author, Viscount Bryce, who wrote a book on the Holy Roman Empire, wherein he states that the Holy Roman Empire was not holy, it was not Roman, and was not an empire. The American Liberty League is only American in the same sense that a Chinese laundry or a Greek restaurant may be called an American laundry or an American restaurant. It knows nothing of liberty and it is a league only in that narrow sense that we might dignify a clique of highbinders as a league of liberty-loving gentlemen of the road. The American Liberty League is, therefore, not American, it is not interested in liberty, and it is not a league.

Next we must talk about the Constitution. The constitutional situation may be summarized in a very short paragraph, and students will understand completely what I mean. Our Constitution rests upon the thin thread of fair play among the three coordinate branches of our Government. Each must not only live, but it must let the others live, or else our Constitution comes to an end. The tendency lately, and by lately I mean since the Civil War, has been to make the Government of the States and now the Federal Government impotent by endless and, I might say, insincere litigation. The elements for the destruction of the American Constitution by the litigation route were well-nigh impossible of being realized under our original Constitution because the sixth article of the Constitution saw to it that the Constitution and the laws made in conformity were to be supreme in spite of what any State or any judge might do. But with the adoption of the tenth amendment we emphasized in the Constitution the theory of reserve powers and a theory of definitely placing stronger limitations upon the Federal Government. Then after the fourteenth amendment was adopted the courts read into the definition of "person" such broad meanings that by subsequent litigation they expanded the definition to such undreamed of lengths that many of the State powers were destroyed as those powers were attempted to be used against the corporations. Today (1936) our Constitution has become a lawyer's Constitution. It is possible for those elements in our Nation which have sufficient means to hire expensive lawyers not only to cripple and make impotent the power of the States by bringing actions under the due-process clause of the fourteenth amendment but also to turn around and restrain the power of the Federal Government under the reserve powers of the tenth amendment. Thus there are elements in our country today which are capable of actually becoming outside the law by tying up both the State and the Nation. That today is America's constitutional dilemma.

That we shall ultimately get back to the spirit of the sixth article is, of course, essential. It is also certain that we shall, because the people themselves will insist upon it. They want a government by the Constitution, not a government by litigation. Such a government, you may rest assured, will find a way. Honestly analyze what we are doing today in regard to agriculture legislation and my point is made. For years agriculture has demanded that government save it from the economic situation which actually has threatened the possibility of a happy life on the farm. Plan after plan has been put forth. Finally one was invented which actually worked, and now it is cut down by court action. Congress must save the structure of this bettered condition. Congress, therefore, is attempting to save the better conditions by making the method of sustaining this better condition fit into a dulling strait jacket invented by minds weighed down by arguments based upon words. The Constitution, which Marshall said was established to endure forever and which he made into a living organism by his theory of judicial review, now is definitely "what the judges say it is" instead of a great framework of government based upon the broad theories as expressed in the Constitution's preamble for carrying out the people's purposes. The people's will will ultimately prevail. Litigation based upon a selfish interest will surely fail.

The third thing which I must talk about if I am to remain in the realm of the politician is to shout against the fascism, communism, socialism, nazi-ism, and dictatorships. Frankly, these are mere words which run us into emotional reactions and concerning whose meaning few agree. These "isms" are so broad I can safely say I know very little about them. I do know something about the Russian form of government; I do know something about the Italian form of government; I do know something about the German form of government; and I do know something about the American Government, and I also know something of the Japanese Government, and some day I should like to talk to you about all these governments and the theories which sustain them, but I cannot tonight. If you ever get me talking about any one of these governments, you may be sure that I will follow the logic of the old Chinese philosopher, Shun, who was willing to talk about any one of the three problems which affected the Chinese citizen of his day, but in order that he might know what it was that he was to talk about he kept in front of his home a bell, a gong, and a clang. If his caller wished to talk to him about the gods and their relations to the world, the caller would ring the bell, and the philosopher would come out and talk of heaven and earth. If the caller wished to talk about the affairs of state, he would ring the gong, and the great ruler would come out and talk about government and politics. If he wanted to talk of man and man's relations with other men, he would ring the clang, and Shun would come out and talk to him about filial piety and neighborly attitudes. It is really an asset in any discussion for both the speaker and the hearers to understand what the subject of discussion is. As prospective teachers, I think you ought to try this method sometime.

Now, having finished with the purely political part of my talk, I am going to spend the rest of my time on two subjects, first the New Deal and its significance, and, secondly, the money question and what should be our next action.

When our Constitution was established, the fundamental theory which lay behind the various compromises which became our Constitution was the theory that government should not be an all-embracing thing, but merely a guarantor of certain things. Those certain things we may discover by reading the purposes for which the Constitution was brought into being as expressed in its preamble. One of these purposes was to secure the blessings of liberty. It must be assumed that, as the Constitution was one of delegated and limited powers, the blessings of liberty were to be made secure by restraining government from interfering too much with the ordinary affairs of life. The Constitution and government, therefore, did not set out all the rights of man nor did it aim to interfere with many of his activities. Man's pursuit of happiness was to be in accordance with his own desires. And in that pursuit of happiness he was to be as economically free and unhampered as was consistent with other men's rights and liberties. Thus the American Government accepted a theory that governments were instituted for the good of man, that the important thing should be the people and not the Government; and throughout our history we have glibly paraphrased an expression from the Scriptures to say that gov-

ernment was made for man and not man for the government. That is probably the most generalized statement which anyone can make if he wishes to compare our governmental theory with the theory of the governments of the world. In theory our Government does not exist to sustain itself; it exists to sustain the people. The end of government, therefore, is not government itself, but it is the people. That seems that while the people of Europe and Asia know that governments will sustain themselves at all hazards, we in America know that government must be the servant and the people the master; therefore, our second generalized statement about our American Government can be made, which is that, in America, government is always against itself.

The genius of our American Government is not that the majority rules but that the minority is protected. The outstanding remarkable characteristic of the American Government is not that you and I, when mounted on a soap box, can say what we wish, but that a Supreme Court Justice can say whatever he wishes and still keep his job, and that a Senator of the United States can be even so verbose that he runs into hours of filibuster and thereby says nothing, yet may continue to draw his pay. The chief method of carrying on and getting things done in America is for the President of the United States to assume leadership in much the same spirit that became the habit of our best officers in the late war. He does not order. He does not command. He says to Congress and to his subordinates, "Come on, let's go."

Now, if this is our governmental scheme, man must be secure not only in his life but also in his property. His property is extremely complicated; but, in the main it consists of, first of all, his home, secondly his business, thirdly his savings, and fourthly his investments. If he is secure in these things and allowed the blessing of life and a chance to learn, the privilege of worshiping his God as he sees fit, free to go and come, and unhampered in his method of gaining a livelihood, then the American citizen is ideally what the American ideals would have him.

Analyze the theories and the aims of the major legislative endeavors of the New Deal, and you will find that each one of the great laws had for its purpose the making more secure of those things that are essential to the American citizen, if America is to remain America. First, men, women, and children can again put their money in savings banks and feel that that foundation which is to be the beginning of their economic independence is secure. Out in our State and in California we had what we called "school banking day", and every child was taught thrift and was encouraged to put absolute faith in his bank. It was right that this should be done, because Americans should be taught the worth of property and ownership. Then something went wrong. The banks seemed to go back on them. We do not know what was the cause, but banks closed, and faith was hurt. That day has gone, and, through New Deal legislation, a man when he can get a dime can put it where it will be safe.

Insurance companies now are safe. Corporations in which people put millions of dollars of their investments have been saved. Farms have been brought back to productivity and their owners made secure. Homes which we once called our own we now call our own again; and the thoughtful person in America, be he capitalist, laborer, professional man, or teacher, marks what has been done and calls it good. America can remain what your father and my father conceived it to be only through realization of security in those things for which Americans strive. Thus we have solved the problem of property. We are still, however, insecure in work; but the right to work and the actual work that goes with that right can be attained only if the security in property has come. Work can be made more certain and more sure when the investor feels secure in his property.

Historians a hundred years from now who write upon the significance of the New Deal will compose a paragraph something like this: "The people of the United States established a Constitution in 1789, and under that Constitution they gave to their Government the right to coin money and to control its value. But almost from the very beginning small groups of private individuals got the control of the money of the United States and for 150 years they kept that control, but in 1933 and again in 1935 the people took back that control and put it again into the hands of the Government." That is the significant thing which the New Deal has accomplished. I think government can do as well in administering the control of money as private individuals have done. The next 150 years, of course, will tell. Personally, I am sure that it can.

And now having got this control, what should we do with it? Our legislation is such that government is able to do what it has never been able to do before. Just what it will do depends not upon the laws but upon the wisdom of those who administer the law. This is what I would do if I were money administrator under the present laws:

First I would assume that the money of the United States is the money of the United States and, while I am for cooperation in almost everything under the sun, international cooperation in money affairs will come only after we have set our own house in order and the setting of our own house in order, if it is to be lasting, must be built upon the facts of American economics and American business. Nay, more than this, we must build our money practices upon the factors of present conditions and circumstances. It cannot be built upon the facts and the theories of economics of the past or of the future. We must build upon the conditions of the present. It must be built upon the facts, I repeat, and not upon some sloganized expression we have accepted as our axiom to identify us with some school of thought.

Now, money is a tremendously big and complicated proposition. It is not simple, and when I use the term tonight, I mean the money of the United States, not bank credit, not the credit that you gain from collateral, not managed currency, not our American checking system, I mean the American basic money, the money of the Constitution—gold and silver, dollars, dimes, eagles, and double eagles. When we make our national money system secure, then is the time to talk about the international stabilization and the stabilization of exchange. Our present law in regard to money is based upon the theory that we are going to remain on the metallic base. That was the constitutional idea, too. I therefore want to see gold and silver used as money. That is, I want them to cease to be used as commodities. I want them to circulate again as money. I want all paper in the United States which is redeemable in gold and silver to be made redeemable in gold and silver. That paper money which is redeemable in other things which we may call lawful money is not the money I am talking about. Our Federal Reserve System affords an elastic credit system, and our bank money serves us well. While these are subsidiary systems, they are the backbone of our business habits.

Why do I insist upon America remaining on the metallic base? First of all, because such a base is backed up by historical practice, and secondly, because if we go off the metallic base, America will become, when compared with the other nations of the world, at a disadvantage. To state it positively, I can make my point clearer. Under a managed currency, that state which is closest to the ultimate consumer, which has the cheapest labor, and which also has the most surplus labor, is at the greatest advantage in international trade. America is the farthest from the ultimate consumer. She has the least surplus labor and she has the best paid labor; therefore any American statesman who would lead us into a strict managed-currency system and would lead us away from metallic-based money would by so doing lead us into an economic position which would force a drop in American wage, work, and living standards.

Neither gold nor silver is money in the United States today, although legally we still remain upon the gold standard. The longer we keep gold and silver in bullion and the longer our Government continues its present practice of hoarding and salting it down, the more our people will think of gold and silver as mere commodities. Now, remember this: A managed-currency system will work, but it is bound to work, as I have said, to the disadvantage of America because of our economic situation. Is it not time to commence circulating again our gold and our gold-secured notes? Should not gold be freely traded in business? I think it should. The time has come for us to again think in terms of specie payments. The gold the Government is hoarding does not belong to it. The Government is trustee for three-fourths of it, the other one-fourth is profit to be used to stabilize the American dollar in international exchange.

I would immediately direct our mints to coin 5- and 10- and 20-dollar pieces in accordance with the present legal value of gold. Then I would recoin in silver in accordance with its legal coinage value in ratio to the value of gold. This, of course, means that the new coins would have less gold and silver content than they have had. When we devalued the dollar we also provided for a devaluing of the silver-coinage ratio. Under our Silver Purchase Act the aim is to build the value of silver up to its lawful coinage value. For newly mined domestic silver that value should already be granted. The Government of the United States cannot morally justify its taking of more than 50 percent in seigniorage and coinage charges. A dollar should be made a dollar, a dime should be made a dime, and an eagle should be made an eagle. Then I would build our silver reserve by purchasing our newly mined domestic silver at its coinage value. When we take in the whole world the psychology of purchase encourages us to buy as cheaply as possible, but the purpose of purchase was to raise the price. Thus, the operation of the law makes the purchasing act against the law's aim. If we reduce seigniorage on newly mined domestic silver, we give to American workmen and American industry merely the face value of coin. How can you morally justify the Government exacting its high seigniorage charge against our own people? Once again by doing these things we establish metal-money consciousness in our people and once again we give the metal value to our money. The American silver dollars will then become the standard, American-backed pieces as we know them, just as the old Austrian dollar was the standard for many years in the whole world and the Mexican dollar the standard coin for all China. We have the gold; we have the silver.

I know what you are going to say. You are saying that your speaker is from the biggest silver State in the Union. I am, and I should like to see our mines grow and thrive. But the question is bigger than Utah's mines. The danger of a repetition of money chaos is with us and always will be with us until we settle the question definitely for ourselves. What better way to settle it, now that we have built up our great reserve, and now that both gold and silver are under national control, is there than to put our money system definitely on a metallic base and stand by it? Mining puts men to work. Mining creates wealth. Through the enlargement of national wealth the standard of living is increased. History shows us that an increase in gold and silver money means a higher standard of living whenever it has occurred. America may have too much gold and too much silver, if gold and silver are merely commodities, but America can never have too much gold and too much silver if America will use gold and silver as money.

Now, the old economists told us that we could issue paper against metallic bases up to a ratio of about 12 or 15 to 1. The laws wisely provided for a very much higher rate of reserve. Since

the world has become as it is and nations ruined by war have had to exist by makeshifts, Germany, for example, has issued as high as 36 to 1 and still remains on the metallic base. Her mark today is still worth 40 cents in our money. But that is done by control and there is no bank-check money in Germany. She, too, maintains a double value for her marks to compete internationally with other managed currencies. I repeat we must remember that Germany does not use a check-credit system. Under the German system we could issue as much as $300,000,000,000 in paper and still not have inflation, but the American system and the German system are not the same, no one would want to see such an issue, it would be unwise and unnecessary and accomplish nothing but money disaster. We can safely issue 10 paper dollars against every one of our gold dollars, but even that is unnecessary, and I think unwarranted. But we must, I repeat, start using gold and silver as money and again think in terms of specie payments. We must allow free trading in gold and silver and coinage without high charges for seigniorage, or else the American money system will evolve into a system such as obtains in those nations where they have been forced because of lack of gold and silver to base their money value on labor or the government's ability to sustain a value. We may have this condition if we wish, but in so doing we cease to be the country in which men can change occupations readily, and in which men can acquire, and in which men can be secure in their savings. To be thus favored or blessed we must have a definite measure of our money values, and that money must pass from hand to hand and be accepted the world over as money. Let us return to metal money without more ado. We need no legislation. We need merely an appreciation of what money is, and a wise administration of our present laws.

Managed currency for America will be to America's disadvantage. In those countries where they have not the gold and silver to maintain a metallic-based system of money, managed currency becomes a necessity. But the world wants our gold and silver and will use it whenever we put our own stamp upon it, in as great quantities as we will allow them to have. Managed currency means the striking of a value based upon labor and industry. In international competition, therefore, the controlling factors are labor costs, distribution costs, and the plentifulness of labor. In the competition between managed-currency countries the tendency must always be to drive costs down. This must ultimately result in the lowering of standards. American Government exists primarily for the purpose of bettering the standards of the people. Managed currency cannot help but reduce standards.

Now, why have I suggested the use of silver along with gold for the maintenance of a metallic-based money? The answer is a simple one. You do not think the nations of the world today would be struggling with their various systems of paper currencies if they had the metals to back their currencies? Of course they would not. In practically all of the nations of the world, their money systems have been based upon a forced national and international system, and we, even with all our gold, have not enough gold to supply all the needs of American business, if our whole country were living on proper standards, and still remain on a metallic base. But with the use of both gold and silver our base would be sufficient for business and industry in all of its aspects.

Japan's situation is a good example. She now has a managed yen, but she has to resort to managed currency because of the insufficiency of her metals to take care of her enlarged industry and enlarged activities under her present industrial way of doing things. Italy's nationalization of silver affords another example of the worth of metal moneys. Remember that we took the action we did in regard to gold because Americans and foreigners were hoarding and because gold became, through comparative scarcity with enlarged business and enlarged debts, of higher value than it actually was.

If the economic effect of hoarding is bad when the people do it, surely the economic effect must remain bad when the Government does it. That the nationalization of gold and silver were necessary when they were done is admitted, but there must come a day, and I think it is here, when the necessity ceases. That is surely the case for the United States internally, and we can control by embargo improper external advantage taking.

It is the free flowing of money in trade and in exchange that marks good times. The use of both gold and silver jointly, freely, will supply the quantity necessary for that free exchange. Gold alone will not do it because there is not enough. Gold and silver together furnish the key to metal money success and the people's economic and business prosperity.

Now that we have united gold and silver again and made both metals our base, we need have no fear of hoarding and we need have no fear of runs on our reserve. We can pay dollar for dollar against everything that is now issued. There need be no incentive to hoarding, because our American business and international trade are now large enough to destroy any lack of trust in our ability to pay with the backing which we now have. These are simple, understandable factors. Please remember that I am talking not about bank credit money, not about checking systems, not about the Federal Reserve System, but about the basic money of the United States. We may start now as no other nation in the history of the world ever started, with a metallic base of more than $12,000,000,000, and this can grow as our mines produce. Let the mines of other nations fill and build up the reserves of other nations. Our growing American standards need all the gold and silver that our American mines can produce.

May I repeat? Our money matters are of domestic concern. International stabilization must rest upon national stabilization. International money conferences have never contributed much. Remember money systems are national systems. England did not ask us if she might go off gold. When we devalued we devalued without international consultation. The British Commonwealth of nations does not even have a simple money system. She has five or six. The world paid no attention to the League of Nations franc. We should therefore build our own system to support our own economic welfare. I repeat this because we have had since McKinley's time a demand for international action about silver.

Gold is again crossing the oceans. That is a good sign, but we must keep up to date with conditions or we may see the time when European or Asiatic investors have free access to our gold trade, with American investors denied the privilege.

We must cease to aim to buy silver cheap. That does no good. Getting the silver should be done only as a means to the end of lifting the price level. Despite China's having had drought, war, and everything else last year to hold its business volume down, and foreign financiers' factories in China having been hurt, the administration still believes silver did not help China simply because the trade volume did not expand. If silver had been out of the picture, what kind of trade volume would we have had with her? If silver is destroyed as a means of creating new wealth, what effect is it going to have on our trade volume with Mexico, Canada, Peru, and Chili?

So long as gold can be drawn out of us for trade-balance settlement, the European investors have a strangle hold on us. Compare the present situation with that of the twenties. England went to confiscatory taxes in the early twenties. It forced a flight of capital from England to France and this country. France took advantage of that economic force by letting the flood of gold build unhealthy credit expansion by leaving gold in this country and supporting her currency with a gold credit entry at the Bank of France, making the gold work twice, once to earn interest here and again to support her currency expansion required to meet her increased trade volume. When the break came she grabbed her gold. That condition will be duplicated within another year. Why should European investors have free access to the gold supply and American investors be denied equal right?

The practical method to pursue is to increase the metal money supply so that uncertainty cannot result from heavy gold withdrawals. Silver is the only substitute for gold that has tradition of use to back it up. If this Government could maintain the coinage ratio between gold and silver and immediately start redeeming its currency in specie the European investors would be the first to buy, and they would buy gold; but if the Secretary of the Treasury would be the first to buy, and they would redeem currency in gold or silver at his election, then he could pay off in silver and the European investors would be forced to clamor for their Governments to give money status to silver. That movement would immediately end managed-currency use as a world money, and it would force maintenance of proper parity between gold and silver, because as one metal got too high in price redemption would go to the other metal and the equilibrium would be restored. Of course, there would be slight fluctuations between gold and silver prices, but the fluctuations would be much slighter than the fluctuations that will attend currency war.

A cry is set up that sharply increasing price of silver to natural parity with gold would cause severe trade dislocation. What of that? Whenever the world has had a great gold discovery it has had the same effect. Is anyone crying out because Russia is greatly increasing her gold production? Throughout all history there have been those who would control nature only to find that nature will not be harnessed.

The Government would by that course immediately take itself from the money-metal markets and they would be allowed to seek price levels working in orderly fashion. It would mean reopening of free and open market for sale of gold and silver in this country. It would permit world-wide use of gold and silver money. It would let trade properly expand. It would lift the price level. It would take the taint of politics from the money question.

LINCOLN DAY ADDRESS BY GOVERNOR NICE

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the Honorable Harry W. Nice, Governor of Maryland, at the Lincoln banquet on February 12, 1936, at Hagerstown, Md.

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

Ladies and gentlemen, it is a great privilege and honor to join with you this evening in paying tribute to the memory of Abraham Lincoln. To the youth of America he is an unfailing inspiration; to the men and women of America, a safe guide and trustworthy leader. From rail splitter to President, the life of this plain, simple, kind-hearted gentleman has become the symbol of the open gate of American opportunity. This revered martyr; this great American whose character, life, and public service set him apart and enshrined him in the hearts and affections of all his countrymen; this man who now belongs to the ages, was "a man of sorrow and acquainted with grief", but never once did he lose his faith in God, in the durability of the American Commonwealth, nor in the good sense, sober judgment, and patriotism of the American people.

If, in addition to paying public tribute to his life and wonderful work, we are able to grasp and appreciate the greatness of his heart and the depth of his soul, understand the almost childlike directness of his thought, and through such appreciation

consecrate ourselves anew to our responsibilities and duties in the tasks now before us, our meeting here tonight will not have been in vain. Because of the soundness of his philosophy, his teachings are as apt and fitting to the troublous times of the present as they were during the period of the Civil War.

In the spirit of his presence, and with the utmost reverence, let us here and now rededicate ourselves to do all within our power to further the fulfillment of his most profound desire that a "Government of the people, by the people, and for the people shall not perish from the earth."

Today governmental problems, both State and National, are not only complex but seemingly insurmountable. Their proper solution demands the calm, dispassionate judgment of all those who believe in safe, sane, and sound principles of constitutional government.

I was elected Governor at a time when unrest throughout the world, and particularly in this country, was more pronounced than at any period since the Civil War. I was confronted with an alarming condition, carefully suppressed during the campaign, in connection with the State's finances. Within 5 days after the election I discovered a State deficit of almost $3,000,000—an enormous sum for the State of Maryland. So serious was the situation that during the first days of the session of the legislature the State was obliged to borrow on short-term notes $1,000,000 to meet current expenses and pay the salaries of the members of the general assembly. This has been repaid.

Notwithstanding this deficit, I balanced the State's budget, and it is still in balance. In order to absorb completely the deficit and to supply money for the proper housing of groups of the State's wards, it was necessary to create a State loan. I am opposed to imposing upon real estate additional burdens for the servicing of such loans, and, therefore, the servicing and repayment of this loan were wholly provided for from other sources.

The State tax rate has not been raised a single penny, while during the month of August last year a large portion of the bonds representing this loan were sold at a rate of interest lower than any before carried by State bonds and at a premium greater than had ever before been received. I repeat, the State tax rate has not been increased, general assessments on real estate have not been raised, the State's budget is balanced, the State is solvent, and its credit is as firmly established as it has ever been in its history.

I am a Republican. I believe earnestly in the principles of my party and shall do all I can, honestly and fairly, to establish those fundamental constitutional concepts for which it stands. Regardless of party, however, it is my earnest, sincere, and conscientious purpose as Governor of all the people of Maryland, to perform my duties fairly and impartially and with due regard for the rights and privileges of all.

On the eve of this, a Presidential election, all citizens are instinctively directing their thoughts to problems confronting the National Government, and are deeply concerned with their proper solution. This solicitude springs from a realization that their individual rights, privileges, and liberties have been seriously imperiled by the novel, strange, revolutionary, and experimental policies which have been pursued during the past 3 years by the present national administration.

Few persons will deny that from the fall of 1929 until the summer of 1932 this country experienced the most severe depression in its history. It was not localized, but world-wide. Long before it was felt by us it had laid its grip upon the rest of the world. It was not brought on by the Republican Party, nor could it have been fairly charged to the Democratic Party had that party been in power. It was the after effect of the World War.

By the summer of 1932 we had reached the depths, but from then on until the election of that year we had begun slowly, though surely, to emerge therefrom. Had the opposition at that time thought more of country and less of party advantage through destructive criticism, had it helped in the slightest degree, had it given any intimation of its willingness to help the then Republican administration in that administration's efforts to bring about recovery, instead of planting itself as an immovable obstacle across the path of progress, the improvement which had already begun would have continued, and many of the harrowing scenes of misery we have since witnessed might have been avoided. Notwithstanding its deliberate refusal to cooperate during the 4 months extending from the Presidential election to the inauguration, even then, had the new administration lived up to the promises of its own platform, the energy and resourcefulness of our people, coupled with the natural wealth of the country, would once again have started us on the upward march.

I am not, in the slightest manner, to be understood as comparing the Democratic platform with the decalogue, but had the present administration followed the precepts of even that platform instead of permitting itself to be advised, and even led, by false gods, such as theorists, socialists, brain trusters, radicals, and money squanderers, it might have become such a beacon as that recorded in Exodus:

"And the Lord went before them by day in a pillar of cloud to lead them the way; and by night in a pillar of fire, to give them light; to go by day and night."

Let us look at one of the planks in the Democratic platform on which the present administration was supposed to have been elected. "We advocate the immediate and drastic reduction of governmental expenditures." Let us see what the President stated concerning this plank when speaking in Sioux City, Iowa, on September 30, 1932. "If we are to balance the Budget and relieve the burden of taxation, I repeat, the Government must retrench and not attempt too many functions, particularly functions which belong to the States and to local communities and to individuals. There can be no real relief until the Government retrenches, eliminates waste, duplication of activities and unnecessary bureaus, and brings about a reduction of the staggering cost of government."

Again, from that same speech: "I accuse the present administration (meaning the Republican administration) of being the greatest spending administration in peacetimes in all our history—one which has piled bureau on bureau, commission on commission, and has failed to anticipate the dire needs of reduced earning power of the people." Compare those statements with what you know has occurred.

The President was elected and with him a servile partisan Congress. His word became a command; his every wish was gratified. When he said "must", "must" it was. He had full and complete power to do whatever he would. At that time the people looked to him, relied upon him, and wished him success. To what extent has he justified this confidence? Has there been less spending of the taxpayers' money? Have there been any reductions in governmental expenditures either immediate or drastic? Has the Budget been balanced? Have any bureaus or commissions been abolished? The simple and complete answer is to paraphrase, and say: "The mouse labored and brought forth a mountain"—a mountain of debt, threatening to destroy us more completely than did Vesuvius, Pompeii.

There has been the greatest spending jamboree in the entire history of the world. The people's money has been squandered, in many instances, on foolish projects, to such an extent as to be almost beyond human comprehension.

Ruled by a bureaucracy in the seat of the National Government; business, industry, and labor subject to interference by a Federal autocracy never heretofore dreamed of; every activity of the people regimented by a centralized authority; life, liberty, and property subject to the whim and fancy of an administration of experimentation; hundreds of thousands of unnecessary office-holders appointed without regard to the civil-service laws but solely with a view to their partisan usefulness in perpetuating this regime through the coming campaign, it is little wonder that even many leading Democrats, with their country's interest at heart and alarmed for its safety, cry out in protest.

Each and every one of you ladies and gentlemen here tonight is a taxpayer whether you realize it or not. Directly or indirectly you pay for the functioning of your Federal Government; and while you are willing to perform this duty, if legitimately imposed, you are nevertheless concerned that public affairs shall be so conducted that the contributions you make from year to year shall steadily decrease. Do you know that for every dollar that you were called upon to pay to the Federal Government in taxes in 1932 before the control of the Government passed into the hands of the present administration you were compelled in 1935, as a result of wasteful extravagance, to contribute $1.80—an increase during the short period of 3 years of 80 percent; and yet, notwithstanding this enormous increase in your taxes, the national debt has risen to the stupendous sum of over $30,000,000,000, and the end is not yet in sight.

Who is to pay these vast sums wherein a million dollars is treated as mere pocket change, while a billion is only ordinary spending money? Let there be no mistake about this. It is not only the rich. The great working class, the so-called middle class—you and I—and our children, and our children's children and their descendants; we are the ones whose future is being mortgaged. Let us look to the words of a great man, now deceased, whose sound common sense and wise judgment, notwithstanding the covert sneers of some of the present administration apologists, still meets the approval of the sober-thinking people, Calvin Coolidge, when he said:

"No matter what anyone may say about making the rich and the corporations pay the taxes, in the end they come out of the people who toil. No system has ever been devised under which any person living in this country could escape being affected by the cost of our Government. It is felt in the price of those prime necessities of existence: food, clothing, fuel, shelter. I want the people of America to be able to work less for the Government and more for themselves. I want them to have the rewards of their own industry. That is the chief meaning of freedom."

Another great cause for alarm is the apparent lack of knowledge of Federal authorities as to the cost of government for the year 1937. The President, in his message to Congress submitting the Budget for the coming fiscal year, although having full knowledge as to the necessity for relief and the knowledge of the almost certain passage of the bonus bill, but without providing in his Budget for these reasonably sure expenditures, fixed his budgetary requirements at $6,172,000,000, with an estimated income of $5,654,000,000, creating a deficit of $518,000,000. His Secretary of the Treasury, a week later, estimated the necessary expenses of the Government for the coming year at $10,172,000,000, with an estimated revenue of only $5,107,000,000, and a deficit for the year of $5,065,000,000.

Upon which are we to rely? The Budget of the President or the estimate of his Secretary?

We have plunged so deeply into debt, we are so hopelessly and helplessly upon the rocks of financial unsoundness as to make it impossible for any man to predict what the morrow shall bring forth.

In 1932 our country had a stable currency which was based upon a sound gold standard. American money under Republican administrations had evolved from the old wildcat, uncertain, and constantly changing values of State-bank issues up to and through the

days of the Civil War, to a certain well-defined, stable dollar. Under Republican administrations the gold standard had been established.

Had there been the slightest intimation during the 1932 campaign that Democratic success would mean the abandonment of that standard, it is reasonable to believe that the results would have been different. So true is this that during the campaign, when an intimation was rumored that we were close to abandonment of the gold standard, Senator CARTER GLASS, of Virginia, one of the most intelligent and certainly one of the safest statesmen in this country, delivered a powerful address to the American people in which he ridiculed the possibility of the abandonment of the gold standard and unreservedly asserted that his party and his party's candidate for the Presidency could safely be trusted not to indulge in even the thought of such a disastrous economic move.

The Democratic platform promised the maintenance of a sound and stable currency. To the consternation of both the wage earner and the businessman, one of the President's early acts was to devalue the dollar to less than three-fifths of its former value. He called in, under penalty of imprisonment for failure to obey, the gold holdings of the country and issued therefor paper money worth less than 60 cents on the dollar. For each dollar's worth of American goods sold abroad, there was paid in consequence, by the foreign purchaser, 60 cents instead of the previous 100 cents; and, notwithstanding this, our physical volume of exports abroad not only did not increase but probably decreased. Such a situation could conceivably open up our domestic markets to competition with goods produced by the cheap labor of Europe, and to that extent might help further to throw our own workingmen out of employment. Today the present administration has a profit on the gold so taken from our people, and credited as a Government asset, of $2,808,000,000; taken not only without recompense to the people but without even disguising the taking under the form of taxation.

There will be no real or permanent return of prosperity to the country until we have returned to a sound and stable currency. The very stability and reliability of the United States of America in business matters have been beyond criticism, for as long as we can remember, but suddenly the present administration, under the guise of an emergency and with the excuse that international exchange demanded it, repudiated our Nation's obligations to pay in gold, depreciated our dollar to below 60 cents, and made the solemn promise of the United States a byword before the world. We are now simply another paper-currency nation, or, to put it another way, we have a currency which defies definition, for it is at the whim of one man, namely, the Chief Executive. Ostensibly we are on a gold standard but our paper money is irredeemable, and the President has the power to change this standard overnight without previous notice to the country. This has had the effect of opening the door to foreign gold and allowing the world to buy the United States of America at bargain-counter prices. Our national currency is poised over the chasm of financial ruin on the slack wire of a managed dollar. We are sick at heart at the spectacle.

You ladies who do the marketing know only too well from your sad experience what the manipulation of the dollar has meant to you in increasing the cost of supplying your family needs.

Abraham Lincoln was confronted with this problem and recommended a solution. From his frontier vantage point, he had seen the effects of the orgy of inflation of the Jackson administration, when the flood of paper money from the State banks followed the demise of the Bank of the United States in 1836. This was followed by the panic of 1837. To stem the tide of inflation, specie payments were resumed. He had witnessed a little later the stabilizing effect of the establishment of the direct Treasury management of coinage and circulation and the resumption of convertibility of the obligations of the United States into gold; the principles of sound finance had been indelibly written on his memory. In 1862, when the financing of the war had compelled the temporary suspension of specie payments, he expressed his firm belief in sound money in his message to Congress. He said:

"A return to specie payments, however, at the earliest period compatible with due regard to all interests concerned, should ever be kept in view. Fluctuations in the value of currency are always injurious, and to reduce these fluctuations to the lowest possible point will always be a leading purpose in wise legislation. Convertibility, prompt and certain convertibility, into coin is generally acknowledged to be the best and surest safeguard against them."

And in 1863 he addressed Congress in these words:

"It seems very plain that continued issues of United States notes without any check to the issue of suspended banks, * * * might soon produce disastrous consequences, and this matter appears to me so important that I feel bound to avail myself of this occasion to ask the special attention of Congress to it * * *. That Congress has power to regulate the currency of the country can hardly admit of doubt, and that a judicious measure to prevent the deterioration of this currency * * * is needed, seems equally clear."

His ringing words, coupled with our experience since his time, verifying in every detail the principle of sound currency based on convertibility and the adherence to the promises of the Nation to pay in gold, point the way to security.

The present administration, in thus debarring a sound and stable currency, evidently overlooked that trite saying of Lincoln that "You may fool all the people some of the time, and some of the people all the time, but you can't fool all the people all the time."

A century and a half ago we began a glorious march from a small Nation of a few million souls to the richest, strongest, and happiest country in all the history of the world. It is true we had our reverses at times; depressions, serious in their nature, frequently overtook us, but just as a strong, healthy man is at times visited with sickness and recovers therefrom, so has the country thrown off its temporary setbacks and resumed its triumphal journey. A skillful physician, in his treatment of a sick patient, is guided by his experience gathered from the previous treatment of patients suffering from similar diseases. He does not throw the knowledge thus gained to the winds. He does not say this man is perhaps sicker than his previous patient, and, in consequence, fail to administer treatment that he knows has proven efficacious in the past. He does not determine to experiment, and if that experiment proves valueless, to try another, thereby risking his patient's life. Were he to do that, a new doctor would soon be called in to take charge. The country has been experimented upon so frequently by the New Dealers, but without success, that another doctor should be called in to take charge. I am very strongly of the opinion that during this coming November the new doctor will be selected.

In utter disregard of all the valuable lessons that should have been learned from long experience, the administration saw fit to dose the country with a lot of nostrums prescribed by theoretical amateurs in the science of government. They assume to know more about business than the businessman; more about manufacturing than the manufacturer; more about production than the producer; more about the problems of labor than the worker himself; and, in thus foisting their views on the Nation, under the guise of law, have sickened it almost unto death. Notwithstanding the spending of billions of dollars on N. R. A., A. A. A., and other alphabetical concoctions, we still have over 11,000,000 work people unemployed.

One of the first nostrums administered business was the N. R. A. That was the special creation of the Brain Trust, which twisted the idea of business cooperation advocated by the businessmen of this country out of all resemblance of reality or practicability and in this emasculated form offered it as a panacea for all our industrial ills. Under their concoction business was hamstrung, the people regimented, and individual effort proscribed; unworkable codes of procedure, coupled with severe penalties for failure to obey, were prescribed by these underlings, who sat as lawmakers, judges, juries, and prosecutors. Regulations were established so numerous, and in many cases so nonunderstandable, that the authorities themselves did not know what they were all about. Not only was all business shackled, but the small businessman was even more greatly handicapped. Then came that momentous decision of the Supreme Court of the United States, in which the whole act, from stem to stern, was declared unconstitutional. That decision, according to the President, was to carry us back to the "horse and buggy" age. Dire things were predicted as a result. For a while it was rumored that the President contemplated the possibility of ignoring the decision. The reaction of the American people against any attempt to override the Constitution as construed by the Supreme Court, whether by the executive or legislative department, quickly showed the unwisdom of any such course.

Business immediately responded to the Court's decision, and confidence, in a measurable degree, began to manifest itself. Instead of the predicted chaos, a marked improvement in industry is already apparent. Let the administration not only grant a breathing spell but assure the country of its confirmed intention of future noninterference; let the Government remove itself from business and confine its activities strictly to its proper constitutional functions. Then, and then only, shall we emerge from the shadows of depression into the sunlight of prosperity. I am not a reactionary, nor do I advocate a return to stagnating conservatism. I assume that the Republican Party must take a firm stand against Government competition or stifling interference with business. We probably will have to reconcile ourselves to a certain amount of judicious regulation, but if so, let it be through the doctrine of States' rights and by the States and not through bureaucracy under a centralized Federal autocracy.

I think it is a reasonable assumption that every person throughout this land, unless utterly devoid of humane feeling, desires that the worthy poor and afflicted be extended relief, sufficient at least to provide for their necessities, and until such time as those who are able and willing to work shall secure employment. That providing relief, sufficient to meet the situation, bears heavily on our citizens, there is no question; yet, nevertheless, they willingly carry that burden. However, it must seem an anamoly to them, as it certainly does to me, that, while the hungry were crying for bread and meat, hundreds of millions of dollars were paid to destroy hogs and plow under wheat. The A. A. A. was another product of the New Deal. From the beginning, even before the passage of this law, its constitutionality was seriously questioned. I am firmly convinced that our farmers are entitled to such measure of necessary protection as can legally, and with due regard to the economic welfare of the whole country, be extended them. I subscribe to that proposition with all my heart and soul, but I do not, however, believe in the wisdom of any law, whether a processing tax or any other tax, the proceeds of which are used to pay for the destruction of the necessities of life. Such tax laws can only impose additional burdens upon the family provider, the one least able to afford it.

The Supreme Court of the United States declared this measure unconstitutional. It was a clear invasion of the reserved rights of the States. This act, as drawn and enacted, was so dangerous to the perpetuity of our American system of government, an inde-

structible Union of indestructible States, and so drastic and far-reaching was the contention of the Government in support of it, that the Supreme Court in its opinion felt impelled to say:

"Until recently no suggestion of the existence of such power in the Federal Government has been advanced. The expressions of the framers of the Constitution, the decisions of this Court interpreting that instrument, and the writings of great commentators will be searched for any suggestion that there exists in the clause under discussion or elsewhere in the Constitution the authority whereby every provision and every fair implication from that instrument may be subverted, the independence of the individual States obliterated, and the United States converted into a central government exercising uncontrolled police power in every State of the Union, superseding all local control or regulation of the affairs or concerns of the States."

We have reason to hope and believe that other of the administration's costly experiments will shortly meet the same fate. As in the case of N. R. A., the dire prediction as to dreadful things to happen if the A. A. A. were invalidated has not come to pass. The price of hogs and corn did not tumble, the prices of wheat did not fall to 36 cents per bushel, and cotton did not fall to 5 cents. On the contrary, hogs, corn, cotton, and wheat sold at a higher price than before the Court's decision. But this did happen: The housewife now pays less for the bread and pork she buys, and the sole reason is that she has been relieved from paying the processing tax on these commodities; and hundreds of millions from now on will thereby be saved to the consumer without loss to the farmer.

Once more, as a result of the Supreme Court's decision, we hear cries of "Down with the Constitution", "Clip the claws of the Supreme Court", "Override by legislative enactment the jurisdiction of the Court." Similar cries were heard and similar threats made concerning the Court, the greatest and most respected Court in the world, in the days when it was presided over by that eminent American jurist, John Marshall. The politicians may clamor, but the people, those who make or break politicians at their will, stand unmovable and unbeatable in its defense. To them it is like "the shadow of a great rock in a weary land." The New Dealers' cry is that the Constitution is the protector of property rights and not human rights. I wonder if some of them have even read the Constitution. I wonder if they realize that it guarantees to the people the most fundamental principles of individual freedom, those basic rights which men have fought to win and retain through the ages of attempted tyranny. I wonder if they know that Congress may not suspend the writ of habeas corpus. That no bill of attainder or ex post factor law may be passed. That the right of a speedy and public trial by an impartial jury is guaranteed. That no man shall be compelled to be a witness against himself. That no one shall be deprived of life, liberty, or property without due process of law. That religious freedom is guaranteed. That Congress shall make no law abridging the freedom of speech or of the press, or of the right of the people peaceably to assemble and petition the Government for a redress of their grievance.

Only a few weeks ago a convention of the Association of Patriotic Women of America met in Washington. The Marine Band was to play national anthems; officers of the Navy were to address the gathering. A former Secretary of State under the late President Woodrow Wilson addressed the convention and dared express opinions as to the policies of the present administration which evidently did not meet the administration's approval. The speech could not be suppressed, but the Marine Band, whose salaries are paid by your taxes, was withdrawn; the naval officers, whose salaries are also paid by your taxes, canceled their engagements to speak. I wonder what might have happened to former Secretary of State Colby had he not been protected by the Constitution's guaranty of free speech.

During the past year or so many businessmen of standing in their respective communities have likewise expressed their views as to the policies of the present administration. Because their consciences and good judgments would not permit them to agree, and having the courage of their convictions, they did not hesitate to express freely their opinions. They have been denounced as Tories and traitors. What do you think might have happened to them except for the mantle of protection thrown about them by the Constitution?

The historic and revered charter of our liberties is the foundation upon which the Republic has been builded. The American people, for whom it has made possible an unprecedented prosperity and happiness, are deeply conscious that it is their most valued possession—their most sacred heritage. They have no desire that it shall become a dam to obstruct the waters of life; they realize that its usefulness depends upon its adaptability to the varying needs of succeeding generations, but they resent and will challenge every insidious effort, whether direct or indirect, to impair its vitality. They, themselves, in the exercise of their reserved power and after mature reflection, may approve amendments from time to time, but never in a way which will disturb the perfect balance of its component parts. They will insist that the three branches of the Federal Government shall forever be kept separate and independent, with their original duties and powers unimpaired; they will resist any curtailment of the personal rights and privileges guaranteed in the first 10 amendments; they will demand that no undue concentration of authority in Washington shall abridge the sovereign powers and dignities of the individual States; they will continue to realize that there can be no security in the future unless the Supreme Court be permitted, free and untrammeled, to discharge its protective functions; and they will be insistent that the United States of America, in its attitude toward every group of its citizenship and in all of its international relations, shall always keep the faith and be true to the highest standards and finest ideals of governmental conduct.

This was the philosophy of Lincoln. He strove mightily for the preservation of the Union as it had been originally conceived and developed. With his far-seeing vision, he realized that its success and prosperity were dependent upon the complete and sympathetic cooperation of every element of its population. Amid the bitter prejudices engendered by the Civil War he remained calm and dispassionate, even as a father might look with tenderness upon his erring children. Never did he arraign class against class; never did he countenance or disseminate any doctrine of hate; never did he, for personal or political advantage, appeal to certain groups of our people by insidiously maligning others. In his economy of life there was a useful and necessary place for all. It was ever his purpose to heal wounds, eliminate discords, and restore harmony. A great war President, he was nevertheless an outstanding apostle of peace.

Of Lincoln, Coolidge said, "He is the richest legacy of the greatest century." Woodrow Wilson feelingly described him as the "supreme American of our history." And President Taft wrote of "the influence of his Christlike character" as "spreading to the four quarters of the globe"; while the great English statesman, Lloyd George, made reference to him in the following language: "I doubt whether any statesman who ever lived sank so deeply into the hearts of the people of so many lands as did Abraham Lincoln."

May I, in conclusion, give you an insight as to Lincoln's great reverence for our Constitution, by quoting from his Springfield speech, wherein he said:

"Let every American, every lover of liberty, every well-wisher to his posterity swear by the blood of the Revolution never to violate, in the least particular, the laws of the country, and never to tolerate their violation by others. Let every man remember that to violate the law is to trample on the blood of his father and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in the schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice."

In the discharge of our duties as citizens during these vexatious days through which we are passing let us emulate, so far as is possible, his example and be animated by the ennobling spirit embodied in his immortal words:

"With malice toward none, with charity for all; with firmness in the right, as God gives us to see the right."

POWER OF FEDERAL COURTS TO DECLARE ACTS OF CONGRESS UNCONSTITUTIONAL—ADDRESS BY HON. JOHN H. HATCHER

Mr. AUSTIN. Mr. President, I ask unanimous consent to have printed in the RECORD an address on the subject the Power of Federal Courts to Declare Acts of Congress Unconstitutional, delivered before the Bar Association of the City of Charleston, W. Va., on January 25, 1936, by the Honorable John H. Hatcher, president of the Supreme Court of Appeals, State of West Virginia.

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

The rulings of the Supreme Court of the United States on the N. R. A. and the A. A. A. have been followed by blustering challenges of the authority of the Court to declare an act of Congress unconstitutional. This has occurred each time the Court has so ruled since 1803. The present challengers make the same time-worn charges as their predecessors, which are: (1) That because we derived our legal procedure from England, and the English courts claimed no power to review acts of Parliament, it was unprecedented for the Federal courts to review acts of Congress; (2) that this jurisdiction was "unknown" to the fathers of the American Constitution; (3) that this jurisdiction was "unintended" by the fathers; (4) that Chief Justice John Marshall originated the idea and "put it over" in the case of *Marbury* v. *Madison* in 1803; and (5) that "There is not a line in the Federal Constitution * * * to authorize the assumption of such power by the Courts; they have secured the power only by usurpation."

These charges ignore facts as well as logical sequence. Yet they were made in the last Congress without contradiction. They have been reiterated in occasional editorials without detailed refutation. Since the people ordinarily believe what they read, errors of fact on a subject so vital in our scheme of government should not go unexposed. Therefore, let us set these charges (as enumerated) against the historical background and the contemporary foreground of the Constitution.

First. It is quite true that English courts prior to 1787 (the date of the National Constitutional Convention) recognized the absolute supremacy of an act of Parliament. That recognition, however, was not due to a conception of legislative immunity from judicial review but to the fact that Parliament acted in a dual capacity—as both legislature and court. Parliament was a court (curia regis) before it ever assumed legislative powers; and it was and always had been from its inception the highest court of England. An act of Parliament was both supremely legislative and

supremely judicial.[1] Moreover, in the words of Viscount Bryce, one of England's greatest writers on constitutional law, "Parliament is not a body with delegated or limited authority. The whole fullness of popular power dwells in it. The whole nation is supposed to be present within its walls."[2] Magna Carta and the other bulwarks of English liberty restrain only the kingly power. Parliament itself is subject to no constitutional restraint. Parliament is "omnipotent" (Bryce). Congress has no judicial power (except in relation to its own Members and to impeachments), and even its legislative powers are enumerated and limited by the Constitution. Consequently there is no ground whatever for judges to rank an act of Congress as they would an act of Parliament.

The few jurists who have controverted the judicial right to review congressional legislation have based their arguments largely on the common law esteem of acts of Parliament. Each of those jurists overlooked the fundamental differences between Parliament and Congress; each overlooked the designation of Parliament in the Declaration of Independence as "a jurisdiction * * * unacknowledged by our laws"; each overlooked the patent fact that the common law is not a part of the supreme law of the land as defined by the Constitution; and each overlooked the historical fact that the American idea of judicial review is not an offshoot of the common law but is a development of colonial practice, as I shall now demonstrate.

Second. The colonial governments in America were the issue of specific grants from the King and were thus "connected to England through the Crown and not through Parliament or any other governmental division of the Kingdom" (Long, Genesis of the Constitution). Those grants authorized the establishment of a limited form of self-government, and were usually called charters, although the ones to New Hampshire, New Jersey, and North Carolina were styled constitutions. The comprehensive nature of those instruments is demonstrated by the fact that when the Colonies renounced the rule of England three States—Massachusetts, Connecticut, and Rhode Island—adopted their several charters as their State constitutions with no change except the substitution of allegiance to the State for that to the King.[3] The colonial charters were in fact all constitutions,[4] and were generalized in the Declaration of Independence as "our Constitution." The charters differed much in the specific power granted or denied; but they had this common provision, that local legislation should not be contrary to the laws of England.

That provision was adapted from the constitution of the island of Jersey. The chronicle quaintly recites that "Jersey, Guernsey, and their fellows (Channel Islands) are simply that part of the Norman Dutchy, which clave to its dukes when the rest fell way."[5] And because Jersey clave to the line of Duke William, the Norman, after he conquered England in the eleventh century, Jersey became an English Province. But it retained the right of self-government under a constitution of its own, subject only to the power of the English King, acting through his privy council or other representative, to disapprove its local laws. That same power was expressly asserted in some of the colonial charters, but whether mentioned or not it was one Jersey practice which was common to all colonies.[6] Pursuant to that practice the colonial laws were constantly tested by their charters and by the laws of England. The extent of that practice is shown by the fact that nearly 400 acts of colonial assemblies were annulled by the privy council (or a body acting under it) because they did not pass that test. A noted instance was in the case of *Winthrop* v. *Lechmere* (1727–28), where the privy council held a Connecticut provincial act of nearly 30 years' standing to be invalid as "contrary to the law of the realm" and "against the tenor of their charter." The invalidation of a colonial act was read at least once in every court, once in every church, and once at the military musters throughout the colony.[7]

Thus the colonists became familiar with that practice. The provincial laws, says Professor Dickerson in his careful work on American Colonial Government, were constantly submitted to "a kind of constitutional test", and in this way the colonists grew accustomed "to a limitation upon their local legislatures." He further says: "The parallel between British colonial practice and present-day United States practice is clear in the case of laws from chartered Colonies, as the charter was a written constitution. The local legislature was limited by the terms of the grant (charter); if a power had not been granted, it could not be exercised legally."[8] How thoroughly charter-minded the colonists became is illustrated by a decision of the judges of the hustings court of Northampton County, Va., shortly before the Revolution, holding that a certain act of Parliament was not binding on the inhabitants of Virginia "inasmuch as they conceived said act to be unconstitutional."[9]

[1] Pope, 27 Harv. Law Rev. 45; Haines Am. Doctrine Jud. Supremacy 8, et seq.

[2] Bryce, American Commonwealth, 246.

[3] Bryce, 413 et seq.

[4] Fowler, 29 Am. Law Rev. 711, 717–718; Haines, 65.

[5] 6 Larned History, 4837.

[6] Russell, Am. Col. Leg. 221; Thayer, Leg. Ess. 199–200; 5 McMasters Hist. U. S. 394; Dicey, Const. 160; Fowler, 21 Am. Law. Rev. 399, 405, et seq.

[7] 2 Bruce Inst. Hist. Va. in 17th Century, 507.

[8] Am. Col. Gov. 234 et seq. Accord: Greene, Foundations of Am. Nationality, 203, 239; Haines, ch. III; Thayer 3; Andrews, Col. Background, 49, 50.

[9] 5 McMasters, 354–355.

Following the colonial period, some of the State legislatures, parliamentlike, attempted to assume absolute powers, but such assumptions met with general disapproval. The right of the courts to test legislation under the State constitutions was quickly asserted in 8 of the 13 new States.[10] One J. H. Ralston, of Washington, D. C., has published a survey of this period, which would show that prior to 1787 judicial review of State legislation had been sporadic and unpopular. His publication is now cited as authority by the critics of the Supreme Court. His remarks should be accepted with caution. For example, he not only miscalled a leading Virginia decision "dicta" but further misdescribed it as follows: "In 1782, in Virginia, in the case of *Commonwealth* v. *Caton*, two judges asserted the right of the court to resist the unconstitutional act of the legislature, and the third was doubtful."[11] The Virginia Court of Appeals, which decided that case, consisted of 11 judges instead of 3.

One judge was not doubtful of his right to pass on the constitutionality of the act in question, but was of opinion that it was unnecessary to do so. "The rest of the judges were of opinion", in the words of the decision itself, "that the court had power to declare any resolution or act of the legislature * * * to be unconstitutional and void", and they did declare the act "inoperative" because not passed in manner provided by the Virginia Constitution. The case is reported in 4 Call, 5. The sentiment of that period toward the legislative assumption of judicial powers is well reflected in a request by the Continental Congress, made in April 1787, to several State legislatures which had assumed the right to construe the recent treaty with England. The legislatures were requested to turn over all matters affecting the treaty "to its proper department, viz, the judicial." Several State judges who had taken part in the decisions on constitutional questions were members of the Federal constitutional convention. Much newspaper publicity was given the decisions, particularly in Philadelphia at the time the Convention was in session. Any question whatever as to the information of the convention on this subject is removed by the notes of Delegate James Madison. They show that within a few days after a quorum of delegates had assembled, Elbridge Gerry, of Massachusetts, said to the Convention: "In some States the judges had actually set aside laws as being against the Constitution." He further added: "This was done, too, with general approbation." So, instead of judicial power to determine the validity of legislation under a written constitution being an innovation in 1787, it had been exercised in America under colonial and State governments successively for a hundred years prior to the Convention.

Third. The opponents of the judicial review of legislation say that such review could not possibly have been intended by the founders, because the right was refused four times at the National Convention. The opponents refer to the rejection of a so-called council of revision. Here are the unvarnished facts: The Virginia delegates proposed to the Convention a council on which the judiciary should share with the Chief Executive the power to veto congressional legislation. Advocates of the council admitted frankly that in exercising the veto power, the judges would pass on the policy as well as the validity of laws. The same two arguments were advanced against the council each time it was presented to the Convention. One argument was that the policy of the law was a legislative and not a judicial matter. The other argument, as expressed by Delegate Luther Martin, was that "The constitutionality of laws * * * will come before the judges in their official character. In this character they have a negative on the laws."

Thus the facts demonstrate, first, that it was the veto power, as such, which was denied the judiciary, and second, that a major reason for the denial was the understanding of Martin and his associates (the majority) that the Constitution they were framing would confer on the judiciary the right to review congressional legislation. Of the 55 delegates who attended the Convention, only three—Bedford, Mercer, and Dickinson—clearly expressed themselves against judicial review, and they did not press their views. Their failure to do so is not specifically explained. It does appear, however, that after the Convention was assured "that the jurisdiction given (the Federal courts) was constructively limited to cases of a judiciary nature", the amendments which phrased the jurisdiction in its final form (Art. III of the Constitution) were passed "nem con", the classical slang of Madison for no one against. (Incidentally, it also appears that Dickinson later favored judicial review.)

Dean Trickett, of the Dickinson College law school, fancied himself brilliantly sarcastic when he referred to the Supreme Court as "pretending to have marconigrams from the defunct men of 1787 and 1788 concerning their meaning when they adopted this or that phrase of the Constitution." Instead of being sarcastic, the dean was simply amusing. There is no need of marconigrams from the men of 1787–88 on the meaning of article III. They left their construction in writing too plain to be misunderstood. Under the title "Genuine Information", Luther Martin reported to the legislature of his State (Maryland) in November 1787, the proceedings of the Convention and explained in detail the meaning of the several provisions of the Constitution. With reference to the power vested in the Federal courts by article III, he wrote: "These courts and these only will have a right to decide upon the laws of the United States and all questions arising upon

[10] Meigs, 19 Am. Law Rev. 175, et seq.; Haines, ch. V; Fowler, 29 Am. Law. Rev. 711, 721–722.

[11] 54 Am. Law Rev. 1.

their construction * * *. Whether, therefore, any laws or regulations of the Congress, or any acts of its President or other officers, are contrary to, or not warranted by the Constitution, rests only with the judges * * * to determine." In publications (the Federalist) explaining the Constitution to the people of the State of New York, Alexander Hamilton, also a member of the National Convention, placed the same construction on article III as that of Martin.

In the debates before the several State conventions which ratified the Constitution, James Wilson, of Pennsylvania; Oliver Ellsworth, of Connecticut (later a Chief Justice of the Supreme Court of the United States); W. R. Davie, of North Carolina; and George Mason, of Virginia, all members of the National Convention; and delegates Samuel Adams in Massachusetts; and Patrick Henry, Edmund Pendleton, John Marshall, George Nicholas, and William Grayson, in Virginia, each construed article III like Martin. (That very construction was used by some as the basis for attacking the Constitution.) The reports of the proceedings in the other State conventions are fragmentary or incomplete; but there is no record of a single explicit dissent to that construction in any of the conventions. Newspapers published in 1788–89, in every State from North Carolina to Massachusetts, inclusive, whether friend or foe of the Constitution, uniformly construed article III to empower the Federal judiciary to pass on the constitutionality of congressional legislation.[12] The construction was even reflected in a London newspaper of that era in an article written by a New York correspondent.

A prominent eastern newspaper recently disparaged judicial review not only as usurpative but as "abhorent to our American system of government." No precedent for that aspersion can be found in the records of the early sessions of Congress. The First Congress met in 1789. That Congress is accredited with 90 Members, of whom 18 had been delegates to the National Convention and 31 had been delegates to the State conventions which had ratified the Constitution. Thus the Constitution makers dominated that Congress. The right of judicial review was not only treated by those Congressmen as a matter of course but was extolled by some. Elias Boudinot—the friend and counselor of Washington—saying that this right "was his boast and his confidence." I could find that right questioned by only one Member, James Madison, who, while doing so, inconsistently admitted that "in the ordinary course of government, the exposition of the laws and Constitution devolves upon the judiciary."

The Federal Judiciary Act passed by that Congress explicitly recognized the right of the Supreme Court on appeal from State courts to review acts of Congress. That recognition has continued unto this very day and may be found in the present Federal Code, title 28, section 344. Had those Congressmen who recently spoke so contemptuously of judicial review given thoughtful consideration to the Federal Judiciary Act they might have been freed, in the words of Burns, from many a blunder and foolish notion. The right of judicial review was repeatedly declared in succeeding sessions of Congress without any concerted opposition until 1802. Those early Congressmen were overwhelmingly in accord with the construction given to article III by the members of the National and the State conventions, respectively. After reviewing with great care the utterances of the Congressmen on this subject from 1789 to 1802, Warren in his book, Congress, the Constitution, and the Supreme Court, observes: "Hence it is an especially striking fact that Members of Congress, of both parties (Federalist and Anti-Federalist) should have been practically united in one sentiment at least, that under the Constitution it was the judiciary which was finally to determine the validity of an act of Congress."[13]

In 1802, for the first time in the history of Congress, John Breckenridge, of Kentucky, the Jeffersonian leader in the Senate, attempted the organization of a movement to establish the exclusive right of Congress "to interpret the Constitution in what regards the lawmaking power." Opponents of judicial review quote with much unction the rhetorical denunciation thereof by Senator Breckenridge, but they do not quote the replies to Breckenridge or say what happened to his attempt. Notwithstanding his prestige, he made small progress with his doctrine, being supported only by a few associates from Virginia, Kentucky, Georgia, and North Carolina, a hopeless minority. Breckenridge had taken before the Kentucky Legislature in 1798 the exact reverse of the position he advanced in Congress in 1802.[14] His sincerity has been further impugned by some writers.[15] The motives for his attack on judicial review, however, have nothing to do with the right of such review. That right must be determined from the Constitution itself, irradiated by contemporary thought. The speech of Breckenridge before the Senate presenting his position fails in that respect. He did not attempt to analyze the language of the Constitution, or to elucidate its meaning from the expressions of the Constitution makers, or from the sentiment of the Constitution-making period.

After some declamatory questions about the Constitution, he merely summarized what he called his "idea on the subject" without giving a substantial basis for that idea. None of his supporters were more convincing. Conceding proper motives, the personal ideas of the Breckenridge coterie on the science of government, unaccompanied by argument, is of little weight on what the Constitution was intended to mean, what it was contemporaneously construed to mean, and what its phrases fairly defined do mean. Many of the fathers of the Constitution were still alive in 1802. Some were Members of that Congress. It was close enough in point of time to 1787 for the Congressmen to be thoroughly familiar with the thoughts of the fathers on article III. Those thoughts are manifested in the summary manner Congress spurned the Breckenridge doctrine. It was referred to by Representative Henderson, of North Carolina, in these words: "That monstrous and unheard of doctrine which has been lately advanced"; and by Senator Ross, of Pennsylvania, in these: "By this horrid doctrine Congress erects itself into a complete tyranny." Democrats united with Federalists in repudiating the Breckenridge doctrine. The stalwart northern Democrat, Bacon, of Massachusetts, voiced the sentiments of most of his associates when he asserted on the floor of the House that it was not only the right of the Federal judges, but it was "their indispensable duty * * * to judge for themselves on the constitutionality of every statute on which they are called to act."

Immediately following the organization of the Federal Court by Congress in 1789, the Federal judges commenced to assert their right to review legislation. One of those early jurists was Associate Justice William Patterson, who had been a member of the National Convention. A more positive pronouncement of this right was never made than one by him in 1795 (in *Vanhorne* v. *Dorrance*, 2 Dal. 304, 309), as follows: "I take it to be a clear position that if a legislative act oppugns a constitutional principle, the former must give way and be rejected on the force of repugnance. I hold it to be a position equally clear and sound that in such case it will be the duty of the Court to adhere to the Constitution and to declare the act null and void." It will be remarked that this pronouncement was made 6 years before John Marshall's appointment to the Supreme Court, which did not occur until 1801. I am mindful that Associate Justice Chase approached that construction hesitantly in 1796 (*Hylton* v. *U. S.*, 3 Dal. 171, 175); but in 1800 (*U. S.* v. *Callender*, 25 Fed. Cas. 239, 253, 256–257), after he had "deliberately considered the subject" [his words], he asserted the doctrine of judicial review just as strongly as had Justice Patterson, refusing even to hear argument to the contrary by Attorney General Wirt, of Virginia.

It would seem that the uniform construction placed on article III by the delegates who phrased it, by the contemporary publications, by the State conventions which ratified the Constitution, by the early sessions of Congress, and by the early Federal judges would have established that construction beyond peradventure.

Fourth. However, in 1803, John Marshall, Chief Justice of the Supreme Court, wrote the opinion in the case of *Marbury* v. *Madison*, which was destined to become the controversial case on this subject. The facts in that case are of no consequence here; it became controversial, not because of its facts but because Thomas Jefferson took umbrage at what he termed an "obiter dissertation" in the opinion, pronouncing the right of the Court to review acts of Congress. The critics of the Supreme Court have placed such emphasis on Jefferson's opposition to judicial review that some comment thereon seems pertinent. He was fundamentally a States' rights man. The expansion of national power under the Federal Government had been particularly odious to him. He had attempted to check that expansion through the celebrated Virginia and Kentucky resolutions of 1798, wherein the respective legislatures of those two States protested to the other States that certain acts of Congress were infractions of the Constitution, and that the States had the inherent right to say so. North Carolina, South Carolina, and Georgia did not either formally approve or disapprove the resolutions.[16]

Delaware and Connecticut disapproved the resolutions in strong terms. Rhode Island, Massachusetts, New York, New Hampshire, Vermont, and Pennsylvania not only disapproved the resolutions but expressly stated that the authority to declare acts of Congress unconstitutional was vested exclusively by the Constitution in the Federal courts. The reply of Rhode Island to Virginia (in February 1799) illustrates the position taken by the six States last mentioned, to wit: "In the opinion of this legislature the second section of third article of the Constitution of the United States, in these words, to wit: 'The judicial power shall extend to all cases arising under the laws of the United States' vests in the Federal courts exclusively, and in the Supreme Court of the United States ultimately the authority of deciding on the constitutionality of any act or law of the Congress of the United States."[17] And, mind you—this was also done before John Marshall wrote Marbury against Madison. The attitude of the other States toward the Virginia and Kentucky resolutions was a keen disappointment to Jefferson.

Upon his election as President, shortly afterward, he then contemplated checking Federal expansion through the Federal court. To that end he planned to make his adherent, Spencer Roane, of Virginia, Chief Justice of the Supreme Court. Jefferson was frustrated in this through the last-minute appointment of Marshall to that office by the retiring President Adams. It is now accepted that two bitterer political enemies never lived within the bounds of the Old Dominion than Jefferson and Marshall.[18] "From the day of Marshall's appointment", says Haines, in the American Doctrine of Judicial Supremacy, "Jefferson planned for his removal and aimed to curb the powers of his Court."[19] Jef-

[12] Warren, 65–66; Ford Pamphlets on the Constitution; Ford, Essays on the Constitution.

[13] Warren, 99.

[14] Warren, 215.

[15] Warren, 219.

[16] Haines, 190–191.

[17] 4 Elliott's Debates on Fed. Const. 528 et seq.

[18] Dodd, Am. Hist. Rev., July issue, 1907.

[19] Haines, 241.

ferson's partisanship must have been at least a factor in his opposition to judicial review. For in his Notes on Virginia, written in 1781, he had strongly criticized the very theory of government later proposed by his lieutenant, Breckenridge, in Congress, saying that the assumption of judicial and executive powers by the Virginia Legislature was "precisely the definition of despotic government."[20] Furthermore, Jefferson was in France while the Constitutional Convention was in session and had no part whatever in phrasing article III. Now who should be preferred on the construction thereof, the fathers or Jefferson?

That same Mr. Ralston, heretofore referred to, says that Marshall in 1796, as counsel in *Ware* v. *Hylton*, advocated precisely the opposite view to that expressed in *Marbury* v. *Madison*. Again, I find that Mr. Ralston is in error. In *Ware* v. *Hylton*, Marshall was discussing a Virginia act under the Virginia Constitution (which has no provision similar to article III of the Federal Constitution), and he did not even mention the powers of the Federal courts under the Federal Constitution.

Five Associate Justices sat with Marshall in 1803. Three of his associates—Patterson, Chase, and Cushing—had prior thereto unequivocally declared in favor of the right of judicial review. A fourth associate—Bushrod Washington—had been a member of the Virginia convention which ratified the Constitution, and there had heard it unanimously construed to grant that right. The statement that Marshall coerced or even influenced the Court to concur in *Marbury* v. *Madison* is purely arbitrary. In that opinion he merely restated the sentiment previously declared not only by three of his Associate Justices and by six sovereign States but, in the words of Senator Beveridge, "by hundreds of men."[21]

The statements of what occurred in the Federal Convention and the State conventions are taken for the most part from Elliott's Debates on the Federal Convention and Farrand's Records of Federal Convention; and the statements of what occurred in Congress are taken from the Annals of Congress, first and seventh sessions.

The arguments in that opinion are simply repetitions of the arguments made in the congressional debates in 1802 (particularly those of Representatives Hemphill, Stanley, Dana, and Bacon). Instead of that opinion being the root, it was the flower of a growth rooted in America a century before. That opinion, however, caused the embers kindled by Breckenridge in 1802 to flare again. The animosity of the Jeffersonian group against Marshall led its extremists either to forget or to overlook the history and precedents supporting the right of judicial review, and (after a few years) to characterize the opinion in Marbury against Madison as an original and dangerous usurpation of power. And from that time to this, those who oppose the right of judicial review ordinarily ignore its genealogy and continue to signalize Marbury against Madison in the same manner as the Jeffersonian extremists. A recent CONGRESSIONAL RECORD quotes a Representative from West Virginia as stigmatizing Marbury against Madison as "the most brazen judicial announcement ever made." According to the RECORD, he attributed to justices of the peace the power, under that opinion, to nullify acts of Congress, and he then proceeded to "stand aghast" and "to shudder and wonder what the outcome will be." How unfortunate for this patriot to have suffered in that manner, when his tremors could have been averted by even a casual acquaintance with the facts.

Fifth. When the fathers strove so insistently to perfect a government different from the parliamentary government of England, and to achieve the absolute independence of the judiciary, it is inconceivable that the Constitution produced by their care and thought should intend for the Federal judiciary to be bound by the constitutional exposition of Congress—a nonjudicial department. One looks in vain in the Constitution for any reflection of such intention. Congress, being an artificial creation of the Constitution, can exercise only such powers as the Constitution confers. Article I, section 1, brings Congress into being with the fiat, "All legislative powers herein granted shall be vested in a Congress of the United States." Mark the language. All legislative powers are not vested in Congress, but only such powers as are therein granted. Thus, congressional legislative powers are special and limited. That limitation was not casual but deliberate.

The delegates to the National Convention had noted "a powerful tendency in the legislature to absorb all power into its vortex" (according to Madison); also its tendency to heed popular clamor and selfish interests (according to Morris), and all agreed that a check on Congress was necessary (according to Gorham). The specific powers granted Congress are named in section 8 of article I, and include the power "to make all laws which shall be necessary and proper for carrying into execution" the powers vested "by this Constitution in the Government of the United States." There is not even a hint that Congress can exercise any judicial power (except in relation to its own Members and to impeachments) such as confirming the legality of its own acts. Section 8 fixes the absolute boundary of congressional action in relation to laws. Judicial exposition of laws is beyond that boundary, and therefore beyond the range of Congress.

After conferring on Congress the right to determine its own membership, and on the Senate "the whole power to try all impeachments", the Constitution vests "the judicial power" of the United States in the Federal courts. That phrase—"the judicial power"—must mean all the remaining judicial power, especially since there is no further blending whatever of judicial and legislative powers and no further delegation of any judicial power. (This was expressly conceded by Madison in the House in 1789.) To make plain the extent of that investiture, the article further provides that the judicial power "shall extend to all cases in law and equity, arising under * * * the laws of the United States." What is judicial power? It is the power "to declare the law." What are the laws of the United States? They are the Constitution, the laws passed by Congress in pursuance of the Constitution, and all treaties made under the authority of the United States. (Constitution, art. VI.) (Thus the Constitution does have a line authorizing the Federal courts to declare the law in any case in law or equity arising under the acts of Congress. And what a comprehensive line it is!

Every case before those courts is either in law or in equity. A line conferring more absolute jurisdiction in cases which involve acts of Congress cannot be conceived, for the power to declare the law necessarily comprises the right of determining what is the law and of rejecting what is not the law. Article VI further makes those three classes of laws "the supreme law of the land." An act of Congress "made in pursuance" of the Constitution thereby becomes the lawful equal of the Constitution itself. But an act repugnant to the Constitution is not made in pursuance thereof—is not "proper for carrying into execution" the powers vested thereby in the Government of the United States (as prescribed in art. I, sec. 8)—and is not the legal offspring of constitutional government.

Such an act has no place in that trinity which constitutes the supreme law of the land. In a case where a court must declare whether the Constitution or an unconstitutional act is the law, it would be the duty of the court, under the general conception of judicial duty, to prefer the Constitution as paramount. The duty is made absolute by the judicial oath prescribed by the Constitution itself which binds the judges "to support this Constitution." Under that oath they cannot, Pilatelike, wash their hands when confronted with a patent violation of the very instrument they are sworn to support merely because another department of government has failed in that support. The oath to support has no exception. It permits no evasion. It requires exposition of every such violation whereon the court is required to declare the law. And since that duty is imposed on judges by the Constitution, by amendment alone, so long as the Constitution shall endure, can that duty be revoked.

[20] Jefferson, 174.

[21] 3 Life of Marshall, 118.

UNIFICATION OF RAILROAD TERMINAL FACILITIES—ADDRESS BY J. B. EASTMAN

Mr. WHEELER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Joseph B. Eastman, Federal Coordinator of Transportation, in regard to proposed orders requiring certain unifications of railroad-terminal facilities. The statement was issued under date of February 1, 1936.

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

The Coordinator is proposing to issue orders requiring the unification of railroad terminal facilities at Worcester, Mass.; Mechanicville, N. Y.; Grand Rapids, Mich.; Jacksonville, Fla.; Montgomery, Ala.; Meridian, Miss.; Freeport, Ill.; Des Moines, Iowa; Council Bluffs, Iowa; Beaumont, Tex.; and Ogden, Utah.

One of the main purposes of the Emergency Railroad Transportation Act, 1933, is to eliminate waste in railroad operations, particularly the waste which is caused by failure of the railroads to cooperate with each other in joint service or joint use of facilities where good opportunity exists. The Coordinator is the Federal officer appointed to further this purpose. The act enjoins the railroads to accomplish the object through regional coordinating committees, but in default of voluntary action the Coordinator is authorized and directed to enforce action by order.

Since the appointment of the Coordinator extensive surveys have been made at his initiative and under the supervision of his staff, but with the cooperation of the railroads, of the opportunities for getting rid of unnecessary expense. They have also gone into the opportunities for increasing traffic and revenues by giving service and charging rates better suited to the new and changed conditions created by the rapid development of other forms of transportation.

It is perfectly plain that if the railroads are to secure maximum traffic and revenues and furnish maximum employment, in the interest of shippers, travelers, investors, and their own employees, they must be able to furnish at less expense much service which will be better than they now furnish and charge less for it. Hence, the need for reducing expense in every feasible way which will not impair, but, on the contrary, increase, their ability to furnish such service.

The need for better and cheaper passenger service is something that all can see. There is the same need for better and cheaper freight service. The shippers of coal, the shippers of grain, livestock, fruits and vegetables, milk, and other farm produce, and the shippers of many other commodities have plenty of reason to know that this is so. So have the railroads.

Along with this need stands the fact that the railroads are in serious financial straits. They have borrowed $683,000,000 from the Government. There are 93 railroads in bankruptcy or receivership, which own 65,272 miles of road, or, approximately, 26.77 percent of the mileage of the country. Rehabilitation and modernization will continue to be held back unless this situation can be improved.

Much ground has been covered by the Coordinator's surveys. The possibilities of improvement which they disclose have a wide

range. Some of the proposals would require widespread and radical changes. Others are simple. Every effort has been made to induce the railroads to move voluntarily in these matters and along lines of their own choosing. They cannot be blamed for taking time to study many of the projects. But the failure to act goes much beyond any such justification.

The plans for terminal unification are a good illustration. The staff of the Coordinator estimates that present terminal operations involve a yearly waste of more than $50,000,000, even with the present low level of traffic. The railroads question this estimate but concede that the waste is large. About 5,000 terminal situations have been surveyed. The waste has been brought to light. Little or nothing has been done about it. Some of the railroads have been willing to act, but others have held back. Collectively they have thus far failed to act.

While the Coordinator would much prefer voluntary railroad action, and has done everything possible to encourage such action, he is convinced that the time has come to use the authority which the act gives him, and directs him to exercise so far as may be necessary to accomplish the purpose sought. The railroad machinery for handling these matters is apparently on dead center.

As the first step in this exercise of authority he has selected a few very simple terminal-unification projects and plans which committees of railroad officers have themselves developed. None of these plans presents any great difficulty. No railroad need fear that its competitive situation will be impaired, and it is clear that the public will be given not worse but better service and without any loss of competition. The savings on these particular projects will be substantial. They will serve as a clear and simple test of the coordination policy of the emergency act and of the authority of the Government to enforce it.

After this first step, the Coordinator is prepared, if necessary, and so far as the time limits of his office permit, to proceed with other steps of increasing magnitude, working up gradually from small to larger projects, but always with a willingness to stand aside if the railroads are able to proceed on their own momentum. Fifty millions of waste can probably be avoided by terminal unifications, but these are only a part of the program. It is believed that the opportunities for savings and, even more important, for traffic gains from other improvements which can be made run into larger figures. The groundwork for these improvements has been laid and the time has come to get on with them.

Terminal unification is a means of eliminating waste which was specifically contemplated when the Emergency Act was passed. Section 4 definitely states that it is a purpose of the act "to encourage and promote or require action on the part of the carriers * * * which will avoid unnecessary duplication of services and facilities of whatsoever nature and permit the joint use of terminals and trackage incident thereto or requisite to such joint use." For the protection of railroad labor in connection with such projects, provisions which the labor representatives drafted were inserted in section 7 of the act, and particularly in paragraph (b) of that section.

For reasons which have been indicated in a study just released, prepared by his section of Labor Relations and entitled "Employment Attribution in the Railroad Industry", the Coordinator regards these provisions as unsatisfactory, in certain respects, not only from the standpoint of the railroads but from that of the employees as well. At the last session of Congress, he recommended a bill which he felt would produce better results for all concerned. This bill, however, received support from neither the management nor the men, and the Emergency Act was extended for a year without change.

Such orders as are now contemplated will, of course, be subject to the protection which section 7 and other provisions of the act give to the employees or to any different protection upon which the parties may be able to agree. Because of this fact, the full economies will not at once be realized. They can, however, be realized gradually, and if railroad traffic continues to grow, full realization may come at a comparatively early date.

It should be remembered that this statute, directed at the elimination of waste in railroad operations, was passed by Congress in 1933 at the very bottom of the depression, when it was inevitable that loss of work would follow from coordination projects. Now the tide of traffic is rising, and new work may be added to take the place of some or all of the work lost. And in any event section 7 (b) protects all who were employed in May 1933.

Before orders can be issued, certain procedural steps are necessary under the law. The regional coordinating committees have had plenty of opportunity to act, but all technical doubt on this point must be removed. The regional labor committees must be given reasonable opportunity to present their views to the Coordinator. The State authorities must also be notified. In addition, the Coordinator, in accordance with a promise which he has made in public statements, will give similar advance notice, not required by law, to the commercial interests of the communities affected. These procedural steps are being taken. Unless unforeseen reasons for nonaction are presented, the orders will thereafter issue.

While the Coordinator, in proceeding as above outlined, is doing only what is his duty under the definite mandate of the Emergency Railroad Transportation Act, 1933, he is thoroughly persuaded that such action is in the public interest. From now on, the hope for thriving and growing railroads lies in the keen enterprise which can produce more convenient, more frequent, more expeditious, more flexible, more attractive, and more economical passenger and freight service at lower rates and charges. The program of the coordinator is designed to stimulate such enterprise and enable it to function under more favorable conditions. The ultimate aim is not to reduce employment but to increase and stabilize it, in the meantime protecting employees against any undue hardships. Obstruction of the program will in the end not help, but harm, railroad labor. The plan is not to consolidate the railroads into huge units or stifle competition, but to enable the competing companies to cooperate to mutual advantage where their interests are common and where they are now working at cross purposes and duplicating their efforts without reason. It proposes to make the movement and circulation of commodities and people as easy and cheap as possible, and thus add to transportation business and revenues. It does not seek to injure any form of transportation, but to get the most that can be got out of railroading. No other means of transportation will be deprived of equal opportunities to give the best and cheapest service possible. There is no intent to produce dividends or interest on inflated securities, but it is the aim to produce earnings sufficient to sustain the financial credit which is essential to progress.

The program proposes to give these opportunities to private enterprise. It does not undertake to promote or advance public ownership. The latter is inevitable only if private enterprise proves unable to do what the public interest requires.

THE CONSTITUTION—ADDRESS BY W. J. CAMERON

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD a radio address on The Constitution, delivered by W. J. Cameron, February 2, 1936, in Detroit, Mich.

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

When lately we beheld a people great and strong mingling their sorrow and their hope around a throne, some of us were asked, "Where is our center? What holds our state intact?" For we also have a center that stands unmoved while statesmen come and go, where is enthroned the majesty of our Nation. That center is the Constitution.

The peculiar glory of the Constitution of the United States is that it is not a charter of rights granted by Government to a people but a limit of powers to which a vigilant people restricts its Government. It is not a Government edict which the people must obey but a people's law which Government must obey. "We, the people of the United States"—these seven potent words were and remain, all subsequent world upheavals notwithstanding, the most revolutionary words on record.

It is often asserted nowadays that this generation knows more than did the Constitution makers. So we do—but not about government. We could have known more, perhaps, had we been interested, but within this framework of freedom erected by the fathers we have used our minds in other matters—we have been busy building the country. Their special wisdom in the field of government left us free to do that. They made the blueprint, laid the foundations, reared the scaffolding, and started the building; and we have by no means yet filled in that framework of destiny and freedom.

Our fathers knew better than we that the specific temptation of government at all times—any government—even an American government—is to seize more power than is allotted to it or misuse the power it has. They foresaw the always possible rise of dazzling personal leadership; they foresaw the displacement of law by temporary emotion, the tendency to unwise action under stress; and to prevent these evils they erected certain barriers. The land was stripped of any power superior to the people, who spoke through the Constitution. The Presidency was made subordinate to the Constitution. So was the Congress. So were the courts. These three powers of government, with officers oath-bound to the Constitution, are established in complete independence one of another, on the supposition that never would all three of them combine against the people or the law that gave them being. Thus far that foresight has been justified. Every thrust made against the Constitution has been made to get more authority over the people and to leave the people with less authority over their own affairs; but in every such attempt one of these checks, and oftener two, have operated to prevent the seizure of power.

A recent criticism declares that the Constitution is static, that it leaves no room for natural development. On one side the Constitution is wide open toward the sky for all possible growth. Never once has it operated to hinder progress. Not one of the recent new experiments in this country was prevented by the Constitution. However fantastic they may have been they were freely put in motion and tried. Months and years they had, with all the powers of the Government behind them, with all the resources of the Treasury at their disposal, to justify themselves, to root themselves in the service and confidence of the people. The Constitution did not put forth a hand against them, yet unfit proposals one by one proved themselves incapable of seeding down in American soil. When finally the Constitution was invoked they were already dead. The Supreme Court did not kill them; it only pronounced a coroner's verdict on the corpse.

Our history is strewn with warnings that what is contrary to the Constitution is also very likely to be contrary to progress. Why is this? We often speak of legislation as being constitutional or unconstitutional; but what constitutes the constitutionality of the Constitution? Before what supreme bar must it be justified? The secret of the Constitution's innate rightness is in its profound harmony with natural law, with moral principle, with the public conscience, and with the political wisdom won through

the age-long travail of our people. These are its bases. Hence nothing is constitutional or unconstitutional merely because of certain words written on a parchment, but because of its agreement or nonagreement with natural law and the moral government of life which that parchment has somehow magnificently understood. This is the secret of the Constitution's innate authority. That is why our fathers could build a highway that bears our weight as we advance, and that is why many new experiments lead us so consistently into bogs.

We talk about defending the Constitution, but neither those who use it as a class or party weapon nor those who would disrupt it because it thwarts their will can have any part in this. If it ever comes that the Constitution needs defense the plain people, all of whose interests are bound up in it, will attend to that. There it stands—simply by being there it defends and warns. Defend the Constitution? It is defending us from fallacies that the experience of 3,000 years condemns; from dictatorship which is abhorrent to every American concept; from the totalitarian state that regiments men's bodies and denatures their minds and forces their consciences—from these and like evils now so widespread on the earth this Constitution is daily defending us. It stands between us and the great blasphemy that man is a creature of the state. Here is our throne, here is our crown, here is the scepter of our people—the Constitution.

PLATFORM AND PERFORMANCE—EDITORIAL FROM TAMPA (FLA.) TRIBUNE

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Tampa (Fla.) Morning Tribune of February 8, 1936, entitled "Platform and Performance."

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

[From the Tampa (Fla.) Morning Tribune of Feb. 8, 1936]

PLATFORM AND PERFORMANCE

Tuesday morning we printed a letter from a reader who complained that we were not fair in our criticism of Al Smith's Liberty League speech; that, although condemning Smith's attitude, his change of front, and his new alliances and associations, we did not answer Smith's charge that the Roosevelt administration has failed to carry out any of the pledges of the 1932 Democratic platform. "That the President hasn't followed the promises of better government pointed to in that platform is known to everyone who reads, and regretted by millions of Democrats everywhere", writes our reader.

In answer to that challenge, we were preparing a statement of the particulars in which the Roosevelt administration has carried out the pledges of the 1932 platform, when we find them so clearly presented by the Atlanta Journal that we gladly use them instead of our own.

The Journal gives, as pledges performed by the administration, the following planks directly quoted from the platform:

"We advocate the extension of Federal credit to the States to provide unemployment relief wherever the diminishing resources of the States make it impossible for them to provide for the needy.

"We advocate the spread of employment by a substantial reduction in the hours, the encouragement of the shorter week by applying the principal in Government service.

"We advocate planning of public works.

"We advocate unemployment and old-age insurance under State laws.

"We favor the restoration of agriculture, the Nation's basic industry; better financing of farm mortgages through recognized farm bank agencies at low rates of interest on an amortization plan, giving preference to credits for the redemption of farms and homes sold under foreclosure.

"Extension and development of the farm cooperative movement and effective control of crop surpluses so that our farmers may have the full benefit of the domestic market.

"The conservation, development, and use of the Nation's water power in the public interest.

"We advocate the protection of the investing public by requiring to be filed with the Government and carried in advertisements of all offerings of foreign and domestic stocks and bonds true information as to the bonuses, commissions, principal invested, and interests of the sellers.

"Regulation to the full extent of Federal power of: (a) Holding companies which sell securities in interstate commerce; (b) rates of utility companies operating across State lines; (c) exchange in securities and commodities.

"We advocate quicker methods of realizing on assets for the relief of depositors of suspended banks and a more rigid supervision of national banks for the protection of depositors and the prevention of the use of their moneys in speculation to the detriment of local credits.

"We advocate the repeal of the eighteenth amendment.

"We advocate continuous responsibility of government for human welfare, especially for the protection of children."

These are the salient pledges of the platform upon which President Roosevelt was elected. Not even the most prejudiced critic of the administration can deny that these promises have been faithfully kept. Mr. Smith, with manifest unfairness, gave the administration credit for only one of these performances—repeal. He ignored all the pledges which have been carried out, and dwelt on two which have not and could not be adhered to—reduction of expenditures and balancing the Budget.

Performance of these pledges was prevented by the immediate emergency which faced the President and the country when he went into office—an emergency which had to be met by unprecedented measures, which the makers of the platform did not contemplate and could not foresee. And, let it be remembered, the most insistent demands that these pledges be abandoned in order that their skins might be saved came from those interests which are now loudest in criticism of the administration because it did not and could not fully live up to them.

PROTECTION OF PURCHASERS OF COMMODITIES

Mr. ASHURST. Mr. President, I ask the attention of the Senate whilst I make a statement. It has never been my policy to complain of newspaper articles. I do not now complain, so far as I am personally concerned, and I would not now refer to the articles except that they do an injustice to the members of the Senate Committee on the Judiciary, of which committee I happen to be the chairman, and of which I am very proud.

There have been published articles in various newspapers complaining of and alleging haste concerning a certain bill introduced by the Senator from Arkansas [Mr. ROBINSON], to wit, the bill (S. 3154) making it unlawful for any person engaged in commerce to discriminate in price or terms of sale between purchasers of commodities of like grade and quality, to prohibit the payment of brokerage or commission under certain conditions, to suppress pseudo-advertising allowances, to provide a presumptive measure of damages in certain cases and to protect the independent merchant, the public whom he serves, and the manufacturer from whom he buys, from exploitation by unfair competitors.

It is the bill to close up certain gaps in the Federal Trade Commission law enacted more than 20 years ago.

Among the articles published is one in the Washington Star. I am making no particular complaint against that newspaper, because it is an excellent journal, and is usually correct. It goes on to say:

The snappiest piece of legislative speeding exhibited in Congress lately was performed on the pending Robinson-Patman business-regulation bill. It was a complete answer to everyone who has been complaining about congressional red tape.

Few Senators had even heard of the bill, except by hearsay, until they half awoke a few days ago and found it proposing something vaguely reminiscent of N. R. A., and ready for passage. No one knew exactly how it got up front like that. Probably no one will ever find out for sure, but enough can be discovered to indicate the progress that has been made lately in lawmaking.

Congress is developing a technique for streamlining bills in conformity to the rest of the streamlined world.

ONE LIKE IT LAST YEAR

A bill generally like this one was proposed last May by Democratic floor leader ROBINSON and Representative PATMAN jointly.

Mr. President, if there were in the article implications against myself only, I should not take the time to reply, because Senators know my philosophy of life, namely, if we make an explanation as to what somebody says about us, the next day we will be explaining that explanation. It would be a near approach to cowardice, however, if I were to permit such implications to pass unnoticed when they reflect upon the Senate Judiciary Committee.

What are the facts? Instead of "streamlining" the bill through, instead of trying to rush and hurry the bill through, I am able to say that not since I have been chairman of that committee has more assiduous attention been given to proposed legislation than was given to this bill.

On June 20, 1935, the Senator from Arkansas [Mr. ROBINSON] introduced Senate bill 3154. On July 2 of that year, that bill, as is customary with all important bills, was referred by the chairman of the Senate Committee on the Judiciary to a subcommittee for examination. The subcommittee was composed of Messrs. LOGAN, as chairman, HATCH, and NORRIS. If there be in the Senate three men, as we know there are, who are noted for their industriousness, their desire to give to all a fair hearing, these three Senators come conspicuously to our attention.

Early in August last the Judiciary Committee had some discussion of the bill, but it was unanimously determined by the committee to be advisable not to attempt to bring the bill forward during that session. The Congress adjourned. The subcommittee, when the Congress met in January 1936, resumed its consideration of the bill.

The House of Representatives, in the meanwhile, upon a similar bill, held hearings, which hearings consisted of 269 printed pages. A copy of the printed hearings was laid before every member of the Senate Committee on the Judiciary. The clerk of the committee, Mr. Dix Price, a very efficient gentleman, who now sits on my left, informs me that he personally delivered a copy of such hearings to every member of the Senate Judiciary Committee, including, of course, the members of the subcommittee. Whereupon the subcommittee on January 20 last reported the bill to the main committee with certain amendments and asked for a vote. A quorum of the main committee was present—not a paper quorum but an actual personal quorum of members of the Judiciary Committee.

I recall that I then said:

Owing to the importance of the bill, let us not vote this morning. Let us vote this day fortnight.

I remember there was gentle raillery about my use of the word "fortnight." And the vote was postponed until February 3.

The vote was called for by the Committee on the Judiciary on February 3, 2 weeks after the date first mentioned, viz, January 20. On February 3 there was not a paper quorum present, but there was an actual physical quorum of members of the committee. After discussion, one of the members of the committee said:

Mr. Chairman, I desire a roll call on this bill so that my constituents may know where I stand.

As chairman, I replied:

Sir, that is not a privilege. That is a right you have. Of course, the roll will be called.

Whereupon the roll was called and every member of the committee who was present, with a copy of the printed hearings before him, proceeded to a vote on the bill.

It is true, as is quite usual—I shall not mention names unless requested to do so—that two members of the committee did say, in effect, "The fact I am voting now to report the bill does not preclude me from offering amendments or changing my mind." I replied, "We must change our minds on legislation every day." The vote was unanimous, being 13 yeas and no nays.

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

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Utah?

Mr. ASHURST. Certainly.

Mr. KING. I apologize for interrupting my good friend. The Senator will do me the justice to state that I did not object to the bill being reported, but stated that by such vote I did not mean I was in favor of the bill. I reserved the right to oppose the bill when it came before the Senate.

Mr. ASHURST. The Senator is correct.

Mr. President, I respectfully ask Senators to consider the record. Do they know of any other matter of legislation that was more carefully considered, examined with more prudence and circumspection, than was this bill?

I am now advised that the House committee held subsequent hearings on the same legislation, if I may be permitted to speak of proceedings of the other branch of Congress. It has now been complained that we did not hold hearings and spend probably a thousand dollars to print what had already been printed and was available to every person who wished a copy.

There is another statement in the article in the Star and in other newspapers to which I wish to refer. It is said:

This legislation is something vaguely reminiscent of the N. R. A.

So far as I am personally concerned, nothing vaguely or even in any shadowy form approaching the N. R. A. will secure my vote. I did not vote for the N. R. A. I believed it was unconstitutional when it was passed and I think so now. So far from being vaguely reminiscent of the N. R. A., it is the opposite. I call upon the distinguished chairman of the subcommittee, the Senator from Kentucky [Mr. LOGAN], who has been a judge in his own State, and upon whose sagacity and opinions I am accustomed to rely, to give his views.

The VICE PRESIDENT. The Chair is advised that the time of the Senator on the amendment has expired.

Mr. ASHURST. I thank the Chair. If I have any time on the bill, I will take 3 or 4 minutes more.

The VICE PRESIDENT. The Senator has 15 minutes on the bill.

Mr. ASHURST. I repeat, I believe for the third time, that if the articles printed in various newspapers related to me personally I would not answer. The way to answer criticism, in my judgment, is to let your actions answer. I lay before the Senate the action of the committee and shall let that be the answer.

If my friend the able Senator from Kentucky [Mr. LOGAN] will indulge me, I shall again call upon him as to what occurred, as he was chairman of the subcommittee. In view of the widespread propaganda—I dislike to use that word and shall therefore say in view of the widespread character of telegrams coming from various sources, all bearing closely the same language, even to the split infinitive, which would indicate that the same person had written the telegrams—I ask the Senator from Kentucky whether or not this piece of proposed legislation has been "railroaded" or "streamlined" through the committee.

Mr. LOGAN. Mr. President, in answer to the Senator from Arizona, I will say that the subcommittee had the bill under consideration for nearly 7 months, and we gave it very careful consideration.

The article referred to by the distinguished Senator from Arizona makes one statement which, I believe, might reasonably give offense to the Judiciary Committee; but I attribute the statement to a lack of information. I cannot believe that the writer would deliberately state that which he knew to be false; so he has been imposed upon by lobbyists. There is the most powerful lobby here opposing this bill that I have seen since I have been a Member of the Senate.

The writer states that the bill was not considered by the committee, and that when the Judiciary Committee met there were only two or three members present, and the bill was "railroaded" through, and the clerk was directed to call up the other members of the committee, and he did so, and they voted by telephone; and he suggests that the Senate could go home and cast its votes by telephone.

There is not one word of truth in that statement. Thirteen members of the Judiciary Committee were present. Every Senator who voted there, as I recall, was present and actually participated in the discussion. There are Members here who know that. The Members who were present that morning know that they were present, and they know that the published statement is untrue. I for one am growing rather weary of paid lobbyists inducing newspapers or others to make statements which are absolutely false about the proceedings that go on in Congress.

I do not care anything about what the writer of the article says about me. I can usually take care of myself; but he has no right to mislead the public. I see telegrams coming in here from all over the United States about this bill containing statements that are absolutely false and untrue. It is the most desperate attempt I have ever seen to defeat a bill, and I express the sincere hope that as soon as it may be done, the Senator from Arkansas [Mr. ROBINSON], who is the sponsor of the bill, will have it called up, and I believe the Senate will dispose of it in a very short time, because the bill has been carefully considered. It is only an effort to strengthen the Clayton Antitrust Act. The Clayton Antitrust Act undertook to do years ago what we are now trying to do; but the same persons who are circulating this false information found ways to evade the law. Now we are trying to stop the holes so that they may no longer evade the Clayton antitrust law, and that is all there is in the bill. No hearings are necessary although there have been very extensive hearings.

AGRICULTURAL RELIEF

The Senate resumed consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

Mr. NORBECK. Mr. President, we have another farm bill pending, the soil-conservation bill. For 15 years I have been a Member of the Senate. All that time I have been

a member of the Committee on Agriculture and Forestry. Mr. President, we have been told about the break-down in agriculture, the woe of the farmers, the diminishing business of the merchant, the shrinkage in values, the failure of small banks, the spread of disaster to larger cities, where after a few years it became serious. The farmer continued to buy long after his purchasing power had been curtailed, because he had some reserve. He used it up in a few years and only then did the cities find out that a profitable agriculture was important to them. Slowly, but surely, it has been soaking in. Now it is admitted there can be no general national prosperity unless the earning power of every group is somewhere near average. The farm group is a large group. The well-being of the Nation is generally admitted now to be much influenced by their purchasing power—their ability to buy.

The McNary-Haugen bill was the first specific plan. It was proposed to give the farmer an American price for that part of his product which was consumed in the U. S. A., and a world price only on that part which had to be sold abroad, the so-called surplus.

The pledge of the Republican Party in 1928 was to restore the equality to agriculture. This was the only bill brought out for that purpose. It passed both Houses but was vetoed by the President, who was elected upon that platform, two major reasons for the veto being given—one that it would give the farmers undue advantage; second, that it would add to the farmer's cost of living and, therefore, give him a disadvantage and that the very things he had to consume at home would be higher priced if market conditions were better—and technically speaking at least, he was eating high-priced potatoes and high-priced bread, even though he produced both on his farm.

Later came the so-called Marketing Act—the Hoover plan. I thought it was worse than nothing, so I voted against it. I was one of three Republicans who did. All Congress was stampeded at that time and the Democrats generally voted for the Hoover plan also. It failed utterly in operation and brought on the worst condition agriculture had known in my life, and it cost the taxpayers about $500,000,000. It was the only farm-relief plan that secured a rather solid Republican vote. The Senators from industrial States generally voted for it. One Senator said he did it because there was nothing in the bill except a chance for the Government to lose some money; what he meant was, of course, that there was nothing in it for the farmer—it would not interfere with the industrial viewpoint. He was quite right in his size-up.

Then we had the Agricultural Adjustment Act, about which much criticism was made, but it did help a great deal in giving the farmer some earnings. I never thought it was the best plan, but I voted for it because I thought it was better than nothing. I had voted against the Hoover plan because I thought it was worse than nothing. The experience in both cases shows I guessed right.

But, Mr. President, it should be clear to us, by this time that our trouble is deep-seated and we are dealing with it only superficially. This is one more superficial bill; it is one more makeshift, but for those of us from the farm States there is nothing to do but vote for it, because we have an emergency and this may bring temporary relief.

WHY FARM RELIEF?

Naturally, the question has been asked: Why any farm relief at all? Are farmers less competent than other people? Do they have to be pensioned or paid a bonus? Mr. President, it is not that. They work longer hours than others. They live cheaper than others. They are more saving than others, and still they are losing their homes and being scattered. Why? The word "relief" is not the proper one. It is not relief the farmer is seeking; it is an equal chance to earn a living. He is only seeking that chance which has been taken away from him.

I think there is nothing wrong with agriculture except interference with economic law for the benefit of others. We have tipped up the balance and given an undue advantage to others. The conditions we have are the result of unsound policies pursued.

I think Alexander Hamilton was quite right when he said, in effect, "Let us have a 10-percent tariff upon manufactured goods so that we shall not forever have to import them. We have a lot of people here who can produce some of them. Let us give a little encouragement to infant industries, and get them started; but let us not do it at the expense of the farmer. If we raise the price of industrial products, let us raise it equally for agricultural products, and then there will be no handicap to agriculture. The purchasing power of the farmer will not be destroyed. The United States will have a 10-percent price level higher than the European price level." Is there anything wrong with that? I cannot see anything wrong with it; and yet for a whole century we have protected industry, and have refused to apply the debenture to the farm question.

More than a hundred years of that has gone on. The manufacturer was not satisfied very long with 10 percent. He said, "If 10 percent is good, why not have 20? If 20 percent is good, why not have 40? If 40 percent is good, why not have 80? If 80 percent is good, why not have the tariff so high that foreigners cannot bring anything here at all, and have an embargo?"

Senators remember the great eloquence of our hopeful leader from Indiana, Mr. Watson, speaking here on the last tariff bill. He honestly believed it would bring the millennium, peace and good will on earth, and eternal happiness. Little did he imagine that it would be the measure of his statesmanship, and would result in leaving him home when the time for reelection came around.

TARIFF

The average effective duty on manufactured goods seems to be about 40 percent. It is insisted this must be the rate to meet competition from cheap labor abroad and to give the American businessman a chance for good profits.

In other words, if a unit costs 60 cents in Europe, he would charge a dollar for it here, under a 40-percent tariff. The wheat farmer says, "May I not have the same thing?" "No, no; the 40 percent works the other way with you." "How come?" "Why, you have to pay the transportation charges to get your product over to the European market. You have to pay insurance; you have to pay commissions; and whatever the European market affords you then is your price." The farmer says, "Oh, yes; on the export of part of it; but will you not give me an American price for the rest?" "Oh, no; the world price will have to do for you. We must have the American price for our industrial products; but the country should have the European price for agricultural products less the cost of reaching the European market."

So the farmer could not get any benefit from the tariff; and, on top of that, along came the demand of labor for better wages. They were organized. Many of them were underpaid. They wanted a better wage; they got it. We have higher commodity prices as a result. The increased freight rate is costing the people of my State $10,000,000 annually. It comes out of agriculture; but that is only part of it.

BUSINESS RACKETEERING

What we call business racketeering came, too—the desire for greater profits. When the Standard Oil Co. was organized, Mr. Rockefeller said, "Let us charge a cent or two a gallon extra. That will not hurt anybody. We can do it if we can get away from this competition. We do not want competition. Let us have a monopoly. That will not hurt anybody, because we shall use the money for better purposes than those fellows themselves would use it. We shall have medical centers; we shall have educational centers; we shall have art centers; we shall have a beautiful and lovely America." But what happened? The next businessman said, "I do not like competition, either. I, too, want to charge more for my product; but I shall keep the money. I shall boost the price of my goods, but I am not going to do as John D. does. I am going to keep it." So we had thousands of them starting to racketeer in business, with the result that today we have about 400 commodities on which there is no competition; and that is the market in which the farmer must buy.

We have talked a great deal about the law of supply and demand. That is the only farm-relief law the farmer ever needed, but that law was repealed. He does sell in competition with everything—the cheap labor of the world, the cheap lands of South America, the more productive lands of Canada, and his way to the market is a long one. He buys in a controlled market; he buys from monopolists and trusts who are advancing their prices on every pretext. They always take their pound of flesh; but, Mr. President, where one pound of fish used to satisfy them it now takes several pounds. The greed has grown. The desire for better profits and bigger dividends is the chief desire of the American businessman; if he has the power to get it, he will take it; and he wants more next time. I am not now referring to the small businessman, who is at the mercy of the same things the farmers are; he is driven out of business. The big fellows say, "We can do it better"; they also say, "Beware of socialism, because it destroys human initiative." They also say, "Take our medicine, which also destroys human initiative, but gives us a profit."

Mr. President, at this point I should like to insert in the RECORD a table taken from the publications of the Department of Agriculture showing the relative purchasing power of farm products in the so-called parity period and in 1931.

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

The table is as follows:

Amounts of specified farm products required to buy different items of farm equipment and machinery in 1910–14 and in June 1931

Items of farm equipment and machinery	Wheat (bushels)		Corn (bushels)		Hogs (hundredweight)		Beef cattle (hundredweight)		Cotton (pounds)		Butter (pounds)	
	1910–14	June 1931	1910–14	June 1931	1910–14	June 1931	1910–14	June 1931	1910–14	June 1931	1910–14	June 1931
Harrow, pig tooth	13	62	18	60	1.6	5.7	2.3	6.1	95	418	46	132
Hoe	.5	1.9	¾	1.8	.1	.2	.1	.2	4	13	2	4
Manure spreader	122	314	168	303	14.9	28.6	20.7	31.0	871	2,116	424	668
Mower	56	155	77	150	6.8	14.1	9.4	15.3	397	1,045	193	330
Plow, 2-horse walking	15	42	20	41	1.8	3.9	2.5	42	104	286	51	90
Cream separator	73	179	101	173	9.0	16.3	12.4	17.7	523	1,206	254	381
Wagon	91	246	125	237	11.1	22.4	15.3	24.3	646	1,656	314	523

Mr. NORBECK. This table shows that a harrow that cost 13 bushels of wheat in 1914 cost 62 bushels of wheat in 1931. A mower that cost 56 bushels of wheat in the pre-war period cost 155 bushels of wheat in 1931. A wagon that cost 91 bushels of wheat in the pre-war period has gone up to 246 bushels of wheat, and so on. I have the comparative figures for other farm products as well.

On the subject of supply and demand, I have something which I think is very illuminating. This also comes from official sources and shows how the law of supply and demand works. Theoretically, when there is a drop in supply, the price goes up. If there is a drop in demand, it will go down. I have here a brief table which I desire to insert in the RECORD.

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

The table is as follows:

	Percent drop in prices	Percent drop in production
Agricultural implements	6	80
Motor vehicles	16	80
Cement	18	65
Iron and steel	20	83
Auto tires	33	70
Textile products	45	30
Food products	49	14
Leather	50	20
Petroleum	56	20
Agricultural commodities	63	6

Mr. NORBECK. It shows that the law of supply and demand is not permitted to interfere with the prices of agricultural implements, motor vehicles, iron, steel, auto tires, and so forth, but on food products and agricultural products it tells the opposite story. The petroleum people are not quite able to control the market because there was such a flood of new oil, but Congress helped them out with several provisions at the expense of the public.

The table shows that when the production of agricultural implements dropped 80 percent, the price went down 6 percent; but when the production of agricultural commodities went down 6 percent, the price went down 63 percent. You may call that supply and demand, but that is due to a controlled market, of course. That is all it is.

The VICE PRESIDENT. The Senator's time has expired on the amendment. He has 15 minutes on the bill.

Mr. NORBECK. I will now take my time on the bill.

So we have had different plans proposed to overcome the depression, but there is plenty of reason behind the opinion shared by some Senators that you can boost farm products all you like, but you cannot get very far, anyway.

Mr. President, the bill before us aims to give the farmers better earnings. I think it will be helpful, though there is much about it I do not like. How long it would be helpful I do not know; not very long, I suspect. The farmer must be given the privilege of raising his prices step by step, just as others do, or he cannot stand the pressure.

Then along came the people who were pleading for cooperative marketing to help farmers for the establishment of cooperatives. Leading citizens went to Europe and there made a study of cooperatives. It was found this was somewhat applicable to the marketing of dairy products, fruit, and truck, but did not mean much in the marketing of staples, such as grains and meats. The Committee on Agriculture and Forestry went into that question quite carefully, and we found that one of the most successful cooperatives was a livestock selling association. They handled millions of dollars' worth of livestock, and they had saved 30 cents per head to the producer. A $50 steer did bring $50.30 a year. That was the measure of relief under that plan; it was helpful in a very small way.

The Hoover plan, of course, was based on the theory that we should give Government money to a board in order to speculate in the market, and thereby keep the price level up. It proved to be a fallacy.

We have businessmen today who say, "Let us have normal times and we will take everything you can raise and give you a good price", but, Mr. President, they have not studied the question or they would not talk so glibly. We have too many acres for the number of people. Our population is comparatively small; our area covers a continent; and never has America been able to consume the products of the American farm, neither of food nor of textiles. The cotton farmer and the wheat farmer are well aware of this, but until the production costs got too high, he could sell in a foreign market. He has done it successfully, but conditions gradually grew impossible, and finally the European market fell off in its demand, and, again, embargoes were placed against our products because of our high tariff against them, which was in many instances an embargo tariff. There seems to be no real limit to the demands of the human being, and we have economists who say that expansion is possible; that our people can consume everything we can produce. But, Mr. President, I think we have to make the distinction between food and some of the other material. The human stomach does not change materially in size; it has a limited requirement even in good times. We may desire several suits of clothing; we may desire more furniture; and desire better homes—we can use them. We want automobiles—one, two, or three, if we can pay for them—but there is a limit to the food we want.

It was a common argument that as American labor had better employment in factories, they were better customers for American goods, and there was some truth in that—but only some. Our surplus was sold abroad. The foreign de-

mand determined the price on that. The prosperity of the foreign factory worker fixed it. It became the price on which domestic commodity prices were often based, so we often found that it was the welfare of the European factory hand that fixed the price of our farm products, even if we exported only a small percentage.

Conservation of our soil is conservation of our natural resources; it is a national necessity. Just how effectively it can be brought about under this plan I do not know, but it is a momentous undertaking; it is new. We have no experience in this line and we cannot expect the best results to start with. I am afraid the taxpayers are going to get tired of these huge sums for farm adjustments, and I believe the farmers can be put on a fair basis of earning without taking so much money out of the Treasury, but the first and all-important thing is to give the farmer a fair earning.

BENEFIT PAYMENTS

He does not want a bonus or a dole, but he has to take it now to buy some coal and other supplies for the winter. He needs money for spring operations. He is so near the end of his rope that he begins to depend on these small adjustment checks, of which the Government still owes South Dakota farmers about $9,000,000. It is a little more than $100 to each farmer; it is not large but it helps. Congress is willing to provide for payment; the President favors same. We do not yet know what the Court will let us do; they said there were no contracts.

What the farmer wants is a chance to earn something. He wants a wage; not a big one, but a small wage. I, for one, believe it would be cheaper to buy the surplus land in the country than to be always paying for the surplus crop. To plow every third row of cotton may have been a necessary thing at the beginning of the program, but why be required to plow it up every year, or why pay rental on the land when it is cheaper to buy it?

The money spent under the Hoover plan, together with the money to be spent under this plan, would buy about half the land needed to bring our production within our market demand; but more about that later. It is not the only plan by any means, but it is one plan and it may be the ultimate plan, but I will agree it is not a substitute for the pending measure, nor for any measure that means quick action to meet this emergency. I am thinking of it as a long-time solution with the least possible red tape, the least possible regimentation, the least possible disturbance of natural conditions, and the least possible expense.

There has been much criticism of the killing of the little pigs. We hear about it every day in the Capital. It is wrong to kill little pigs; they should grow up to feed the hungry. The sentiment has an appeal to right-minded people. I hope we can get away from the destruction of food when we have people who go hungry, but it is an old, old game in American business. It is strange, if not amusing.

Some 16 years ago I attended a meeting of cooperative associations of milk producers and learned that in many cities the distributor insisted on the farmer delivering all the milk that could be produced, even if he could not sell it. It must not be sold to others, so the distributor paid the farmer a very small price for it, poured part of it in the sewer, and charged the consumer a high price. But that was in the interest of the businessman; he made a profit and he was considered a good businessman. However, if it is done in the interest of the farmer, who is the poorest paid laborer in the United States of America, then it becomes a crime.

In my city a young merchant was selling groceries and fruit. He found the fruit spoiling and he cut the price and sold it. Poor people, who could not afford to buy fruit at the usual price came in and bought it at half price. This was better for the merchant than to have suffered the entire loss, but the representative of the wholesale house came around and notified the merchant they would sell him no more fruit because he was cutting prices. He was further told he could not cut prices but he could destroy the fruit. This is an old business trick that we have tolerated a long time in America. It has been looked upon as gentlemanly when it is done in the interest of the profiteer. Not so any longer. We still hear about the killing of the little pigs; and the killing of the little pigs!

FARMER'S WAGE

As to the earnings of the farmer, let me put into the RECORD at this time something bearing on the parity price. A number of years ago I wrote the Census Bureau in an effort to discover what the earnings of the farmers were in the pre-war period, the age to which we want to return. I ask to have the reply from the Census Bureau printed in the RECORD at this point.

The VICE PRESIDENT. Is there objection?

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

Hon. PETER NORBECK,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Replying to your letter of July 27, the Bureau of the Census does not compile statistics of individual incomes.

The only general statistics of income which are published by the Government are those issued by the Commissioner of Internal Revenue, based on reports concerning personal-income tax, and these, of course, relate only to incomes large enough to be subject to the tax.

Concerning the farmers' income, in 1916 there was prepared and issued by the Office of Farm Management, Department of Agriculture, a bulletin (no. 746) on the Farmers' Income by Dr. E. A. Goldenweiser. This bulletin showed that the wages of the average farmer are about $600, composed of about $200 in cash and about $400 supplied by the farm. This is the best thing I know of on that subject.

Regretting that I am unable to refer to any more recent or complete statistics, I am,

Very truly yours,

JOSEPH A. HILL,
Assistant to the Director.

Mr. NORBECK. Mr. President, this shows that the farmer's earning power, after he pays his expenses, is $200 a year on an average all over the United States, but that he gets $400 additional through the advantage of living on the farm. These figures are for the golden age, to which the pending bill is trying to take us back, and it is always referred to as the parity price period.

Parity price is the income of the pre-war period—1909 to 1914. It is assumed that if those golden days of $600 a years could come back, that the farm problem would be solved. There is some doubt that the solution is so simple, for they say the farmer has taken on some extravagances since that time; and he has. I remember well the time he used to take his sandwich with him to town, eat his lunch at the town pump. It would keep him from spending a dime or a quarter, and it was these small economies that made it possible for the farmer to progress. The saving of a wage of 30 cents a day over a period of 30 years made the average South Dakota farmer quite well-to-do.

In order to do it, he had to deny himself the luxuries and many of the comforts. He did not go to the theater, and seldom went to the circus because it cost money. He did not take a daily paper; he had no telephone; he had no curtains on his windows or carpets on his floor, but he had food, clothing, and shelter. Now he is more extravagant; he wants a telephone, a daily paper, a radio, and he feels the need of an automobile to go to town. The highways are no longer a safe place for his horses. He goes to town and sees the clerks in the grocery store who wait on him driving cars. He does not feel it is extravagant for him to do likewise, but his income is not sufficient for this and he finds himself unable to send his children to anything but a grade school. He would like very much to send his children to high school, at least some of them, but the income of the farm will not permit it; no, not on the parity price—so he keeps slipping and hoping that the country will recognize the justice of his cause and give him a square deal now or in the future.

NOT MODERN HOMES

Ninety percent of the farmers do not have running water in their houses; they do not have bathrooms; they do not have the conveniences that the poorhouse has, nor the privileges of the relief worker. But they go plodding on trying to have faith in their fellow men and their Government, in

the Constitution, in the courts; they expect little but are certainly disappointed in not getting that.

Little do the people of our cities and towns appreciate the hardships of the farm, but it is good they do not all put a premium on luxury. Our city population has now reached the point where it is dwindling. The average family does not raise two children; if it were not for the children growing up on the farm and going into the cities, then we would have a steadily dwindling population in our cities. The condition is getting worse and worse from year to year. Are we simply facing national disaster? Will our population be much less or will our colored people fill the gap by their greater increase?

I send to the desk an amendment, which I ask to be read, and I wish to make a brief explanation of the amendment.

The VICE PRESIDENT. Let the Chair say to the Senator from South Dakota that there is now an amendment pending before the Senate.

Mr. NORBECK. I will speak on the pending amendment then.

The VICE PRESIDENT. The Chair thinks it is his duty to call the Senator's attention to the fact that he has already spoken on the Clark amendment 10 minutes and 15 minutes on the bill. The Senator has 2½ minutes left.

SUPREME COURT

Mr. NORBECK. I desire to speak on the Supreme Court in the 2½ minutes I have left. At this point I ask to have section 8, the welfare clause of the Constitution, printed in the RECORD.

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

The welfare clause of the Constitution is as follows:

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Mr. NORBECK. The Constitution says that Congress may provide for the general welfare. The Court says the Congress can do it by appropriating money, but the Congress cannot do it by saying how it can be spent. I can find no such provision in the Constitution. My main objection is that there is so much in the decision in the A. A. A. case which is not in the Constitution. That, however, is not so strange. I am not critical of the Court, Mr. President. I think the Court has served a splendid purpose in our Government. But 50 or 100 or more years after the Constitution was written, attempts are made to interpret what the fathers meant by the provisions of the Constitution as applied to transportation, as applied to agricultural problems, and so forth. Then looms up the States' rights theory, and what not, which adds to the confusion and uncertainty as to what the law of the land really is.

William Howard Taft was often rated as the great jurist of our age. He afterwards became Chief Justice of the Supreme Court, but while he was President he vetoed a measure passed by Congress on the ground of its unconstitutionality. His veto message to Congress was a legal brief supporting his view, but both Houses of Congress overrode the veto, so the bill became a law without his approval. It was afterwards tested in the Supreme Court and found to be constitutional. I am informed there was no dissenting opinion. I have reference to the Webb-Kenyon Act. But I think it just goes to show that the Constitution is silent on so many subjects that great difference in opinion results.

What is the Constitution? I am informed that Chief Justice Hughes says "the Constitution is what the Court says it is." Maybe he is right. This would mean that the Constitution means what the Court thinks it should mean or rather what some of the Justices think it should mean—a majority of the Justices.

Of course, the Court is within its rights when they declare an unconstitutional law to be unconstitutional. The Constitution has two purposes: First, it is an instrument in the hands of a majority for maintaining the Government; second, it carries guaranties to the minority of religious freedom, right to worship, freedom of press, and so forth.

Such rights as these are protected without a division of the Court. If it is a clear case of violation, then there will be a unanimous opinion, but it is an entirely different matter for men on the bench to be writing their own economics and political philosophy into decisions and thereby making it a part of the Constitution and doing it by a bare majority. The majority rule is a rule adopted by the Court, not by the Congress, not by the Constitution. It is a practice, but it is a question of a practice. Nowhere would a jury be permitted to render a verdict of guilty on a majority vote. Some States permit finding by three-fourths jury in civil cases. Congress provides that governmental boards in the most important cases cannot decide by a bare majority. Even the constitutional provision for amending the Constitution requires two-thirds vote in Congress and three-fourths of the States ratifying; the majority rule does not prevail.

CHAOS

What I have said about the Court decision is that the Court should not declare an act unconstitutional unless they are quite well agreed among themselves. The record of our Government from its foundation shows this would be a safe rule.

I have much respect for our Justices, not because they wear the robe, but because, as a rule, they are men of great intellect and good purpose. A mediocre lawyer makes a mediocre judge. A mediocre citizen does not make a good judge. The same will apply to judges as to Senators. Nothing additional is conferred by the Creator when the officeholder goes into his new position; his talents and limitations are the same. As Governor, I appointed a number of judges, and as a Member of the Senate I have voted on confirmation. We have freely discussed in this Chamber the views of different nominees and have not been ignorant of their attitude toward certain public questions. Justice Brandeis was opposed for confirmation by conservatives because he was known to be a liberal. Justice Butler was opposed by many Members of the Senate here because they feared he was corporation-minded and not liberal at all; and Justice Cardozo was appointed by President Hoover when he was looking for a liberal, and Cardozo was the outstanding liberal. These men have not been disappointing to their sponsors nor their critics, for they have followed the course that was anticipated.

OTHER COUNTRIES

I presume that if we had no Supreme Court at all, we would get along all right. England does; Canada does; Australia and New Zealand the same. In no other English-speaking country are the courts empowered to nullify laws except in ours. In these other countries they cannot even do it with unanimous vote; in fact, very few civilized countries on the whole globe permit any such interference with a lawmaking body as is done here; in fact, we are beginning to have two lawmaking bodies in our National Capital, the Court and Congress, if "the Constitution is what the Court says it is." Even in conservative old England they are quite democratic. They do not permit their sovereign to veto their laws. They do not permit the court to nullify their laws, although at times they have bad laws. The next election takes care of those matters—their appeal goes to the voters, not to nine Justices appointed for life and responsible to nobody. But American people are sometimes quite impatient. We hate to wait until the next election. It may be a good thing to have a bad law made void, but the penalty that attaches to hasty action by the Court may be even worse than hasty action by Congress, because it is harder to repeal.

ABSURD

Our loyalty is in question now if we agree with the three learned Justices of the Court who were not in the majority, one appointed by President Wilson, one by President Coolidge, one by President Hoover. They are men of high integrity and learning. Are we disloyal to the Constitution because

we think their logic better, because we may agree with the opinion expressed by Justice Stone that the Court decision on the A. A. A. may lead to absurd consequences. Who in criticizing the Court has used any stronger word than that—"absurd" is about as strong a word as can be found. Our Court is much divided on this question, and so are the American people.

Mr. President, I do not think that the three Justices are trying to destroy the Constitution; I think maybe they are trying to save it from a repetition of what once happened, when this high Court passed on a very controversial question—that of slavery, and the Court said it could not be abolished—they thought the only remedy was a constitutional amendment. They knew the slave States would prevent the matter, so they thought they would just settle that by building the dam higher. But it broke. That decision of the Supreme Court was reversed by Executive order—the President freeing the slaves. If this was not revolutionary, I do not know what was. But the American people took so kindly to the author and his acts that the Lincoln Memorial stands as a testimony of veneration.

We have gradually begun to think that the century-old question of State rights was being solved by the law of necessity. The brilliant and plausible arguments of Mr. Calhoun have proven unsound. Webster was more nearly right; but I think President Lincoln had the most correct view of the matter when he said, in substance, that the division of authority between the States and the Federal Government should be along the following lines: Let the States do that which they could do best; let the Federal Government do the things which it could do best. This thought is much at variance with some recent opinions of the Court, especially wherein they have said that the A. A. A. interferes with the constitutional authority of the States to regulate and control agricultural production, just as though the States could do that; just as though the States wanted to do that; just as though the fathers of the Constitution had such a thought in mind.

A layman like myself is absolutely unable to harmonize this opinion with the decision of the same Court in its North Dakota cases, in which it nullified the North Dakota grain-grading law on the ground that the State had exceeded its rights, and another case where it reduced the assessment of the Great Northern Railroad in North Dakota $10,000,000. They did not find the railroad taxation to be unreasonable—there was no proof to that effect, but it was maintained that it exceeded present market value, same as other property in North Dakota does at the present unfortunate period. But the advantage given the railroads becomes a positive burden on other property. Talk about State rights.

CONSTITUTION

Maybe Justice Holmes was right; no one cherished the Constitution more, but he was frank in his expressions. He said:

> It is an experiment, like all things human.

The American people cherish it and they want to hold onto it. They have only gone against the Supreme Court once; they had to do it that time. But the Civil War was an expensive affair, the basic controversy of which was the abolition of slavery.

Strange indeed, but just about the time the American people began to recognize there is an agricultural problem, it happens to be the unfortunate moment when the Court throws everything overboard telling us to start again, but does not tell us how to start. It only gives us a hint that the States might do it and we know the States are not able to. But, Mr. President, I want to devote myself to the agricultural problem.

20 PERCENT OR 7 PERCENT

The farmer, notwithstanding his embarrassing situation, still holds about 20 percent of the Nation's wealth as property, and he constitutes something over 20 percent of the population, variously estimated, from 20 to 25 percent, depending on whether the village farmer or the rubber-tired farmer is to be counted, but call it 20 percent, to be conservative. How can we justify 20 percent of the Nation's getting only 7 percent of the earnings? We cannot justify it—we will not try. We have ignored it for a long time, but it looks as though we have to face it.

The farmer has had much advice; sometimes it comes from those who think they are high and mighty and well able to give it. Someone from a casual study decided he ought to raise something else. A superficial examination of statistics shows we are buying a lot of wool, so the businessman says, "Why not produce more wool?" Only to discover that wool is not a product but a byproduct, and we do not know what to do with the mutton.

Another person discovered that we have been importing a lot of hides, so why not raise a lot of hides; and that argument prevails until someone finds out that a hide is not a product but the covering of an animal, and the rest of the product cannot be marketed. Someone says our imports have increased, and they get it through the newspapers and over the radio; that is music to our ears until we get the cold facts; and this statement also dwindles when we find that our big importation is corn, and that only amounts to 1½ percent of what we produce in this land.

RAISE SOMETHING ELSE

A few years ago the Northwest bankers decided we should milk more cows, and they brought it about. The country was overstocked; butter was overproduced. The market broke; dry weather came; there was a shortage of feed and the Government bought the extra cows and slaughtered them. The farmer, if left alone, would not have made all these mistakes.

Recently we had a big chemical group meeting in Detroit who undertook to solve the farm problem in an afternoon session and made specific recommendations about shifts in production. Some of these proposed changes will come naturally in course of time to a limited extent as industrial demand develops for agricultural products, but the recommendations are without much value. At the head of the list is the recommendation to produce more flax. I come from a flax country. We have been trying for 50 years to increase our flax production to supply the American market, but have not been able to do it profitably. Flax has even been less profitable than wheat. Some vegetable alcohol should be marketed with gasoline for motor fuel. That will come but maybe cannot be hurried much. Oil petroleum is cheap, and powerful interests dominate the industry; at least, we cannot hope for revolutionary changes to materially help the farmer. Even Congress has shown that as between the oil industry and the agricultural industry they are not very brave.

HEARINGS

The Agricultural Committee held some hearings on this bill and it is my opinion that the best thinkers on the agricultural question got scant consideration. Among them was O. L. Brownlee, representing the League for Economic Equality, whose statement before the committee was in part as follows:

> Senator NORBECK. Mr. Chairman, I wish W. R. Ronald, of South Dakota, could be here. He has been so helpful in previous years on farm legislation, but he was unable to come; but his son, W. B. Ronald, came down with a statement, making some suggestions as to the possible way out of this situation, and I ask that it be printed in the record.
>
> The CHAIRMAN. Without objection, it is so ordered.
>
> (The statement referred to follows:)
>
> "This is a summary of a plan to provide a successor to the A. A. A., which is presented to the Wallace farm conference by M. B. Ronald, representing the South Dakota State planning board, and W. R. Ronald, its chairman.
>
> "The plan is a modification of the South Dakota board's recent proposal for a permanent farm program, submitted by W. R. Ronald, a coauthor of the A. A. A.. The modifications are designed to bring it within the constitutional limits laid down in the recent Supreme Court ruling. It involves use of the President's soil-conservation program, Secretary Wallace's ever normal granary plan, and continuation of the crop-stabilization program through a newly created Federal conservation and loan corporation. The plan has also been laid before the White House, Secretary Wallace, Chester Davis, A. A. A. Administrator, and Assistant Secretary of Agriculture, M. L. Wilson.
>
> "The preamble states that 'Whereas reckless cultivation of the farm lands of the United States is threatening the loss of the

fertility of many thousands of acres of farm land w[illegible] consequent danger of a shortage of food products in the United States, in the comparatively near future, this act takes steps to avert that calamity and at the same time prevent suffering by producers of farm products and the consumers of food products within the United States.'

"Section 1 creates a Soil Conservation Corporation of the United States, with provisions for making it become a farmer-owned corporation. The loan of $1,000,000,000 by the Federal Government to the corporation is authorized. The loan is to be on a 20-year amortization basis. Its purpose will be to provide the corporation with a revolving fund to be used in carrying on its land-conservation program.

"Section 2 provides for organization of the United States Farmers Cooperative. The purpose of the cooperative shall be to work with the Soil Conservation Corporation in carrying on its program, and carry out marketing agreements of the members governing commodities produced on farms which are not classed as basic commodities. It shall also be within the powers of the cooperative to make use of the equalization fee principle to make temporary disposal of the surplus of basic commodities at any time the carry-over shall exceed normal consumption by 10 percent or more. When the carry-over has been reduced to the normal consumption of the United States, the equalization fee shall cease to be used on basic commodities.

"Organization of the cooperative will be by the farmers. They will elect township, county, State, and National officers, and a board of directors. The national officers and the board shall be empowered to represent the cooperative in all negotiations with the Soil Conservation Corporation of the United States.

"Powers and duties of the Soil Conservation Corporation are outlined in a third section, as follows:

"'In recognition of agreements made by members of the Farmers Cooperative, the Soil Conservation Corporation shall be empowered to make loans on all basic nonperishable farm commodities amounting to the parity price with industry whenever the parity price drops below market by a specified percentage. Parity is hereby defined as equaling the average ratio between farm and industrial prices during the years 1910 to 1914, inclusive. But in recognition of changing production costs, the Department of Agriculture shall be empowered to make a survey of such costs at any time it is deemed necessary and shall make such corrections in the definition of parity prices as the survey shall indicate are necessary in order to assure farmers the cost of production plus a reasonable profit.

"'The Corporation shall make these loans only to members of the cooperative who can prove they have carried out the Corporation's land-conservation program, by utilizing the required proportions of their lands for the purpose of producing grasses, legumes, and other soil-restoring crops, as the Corporation shall decree.

"'For the purpose of protecting the interests of farm producers and consumers of food products, this act limits the power of the Corporation to carry on its land-conservation program as follows:

"'At any time that the carry-over of a basic nonperishable commodity shall exceed the normal consuming power of the United States by 10 percent, or more, the Corporation shall be empowered to decree the use of a like percentage of the acreage that year for land-conservation purposes.

"'If at any time the carry-over shall fall below the normal consuming power of the United States for any basic commodity, the Corporation shall decree that land in a like percentage of the amount devoted to producing that commodity shall be withdrawn from soil-conservation crops and shall be added to the acreage devoted to the production of said basic commodity.

"'Determination of the amount of soil to go into producing of the basic commodities and the amount to be used for soil-conservation crops shall be made by the Corporation once each year.

"'The Soil Conservation Corporation shall require that each member of the farmers' cooperative who obtains a loan when market prices drop below parity on any basic commodity by 5 percent or more, besides furnishing proof he has complied with the Corporation land-conservation program shall also agree to seal the grain on which the loan is advanced on his farm to be used as security for the Corporation in making the loan.

"'When the price of the basic commodity on which a loan program has been started shall exceed parity by 5 percent, the Corporation shall call the loans.

"'The Corporation shall require that each member of the farmers' cooperative who secures a loan shall use 5 percent of the amount of the loan for the purchase of stock in the Soil Conservation Corporation until such a time as the loan by the Federal Government to establish the revolving fund shall be repaid. At that time the Corporation shall pass into the control of the farmers' cooperative. But its powers and duties shall continue as enumerated while it is still under Federal control.

"'The corporation shall use money paid by cooperative members for capital stock to retire the loan from the Federal Government. Interest shall be charged on the loans made to farmers on basic commodities at the rate of 4 percent. This interest money shall be used to finance the borrowing of the billion-dollar revolving fund and to defray expenses of administration.

"'All profits of the corporation shall be paid to the holders of its stock both before and after the Corporation passes from Federal to farmer control.

"'It is expressly stated that at any time the price of a basic commodity shall drop 5 percent or more below parity the Corporation must make loans to all members of the farmer cooperative who have complied with the soil-conservation program on the terms heretofore laid down.

"'Basic commodities shall include cotton, wheat, corn, oats, barley, rye.

"'Loans shall be made as heretofore specified only on those commodities defined as basic.

"'As a large portion of the corn is marketed in the form of hogs, the corporation shall have power to order curtailment in the production of hogs at any time the supply shall increase above the preceding 10-year average by 5 percent or more. If the supply falls below the 10-year average, the corporations shall decree an increase in hog production by a percentage equaling the percentage of shortage.

"'In carrying out its affairs the corporation shall always conduct its policies so that the interests of farmers and consumers shall be protected. It must take full advantage of all opportunities to conserve the soil of the Nation when surpluses in any basic commodity carry-over shall make it possible to withdraw a portion of the soil used in its production and devote that soil to soil-conservation purposes.

"'But the corporation must not make use of its soil-conservation powers to create a shortage in any basic commodity and thus raise the price above parity with industry.'"

STATEMENT OF O. L. BROWNLEE, REPRESENTING THE LEAGUE FOR ECONOMIC EQUALITY, AND THE PROGRESSIVE FARMERS UNION, SIOUX CITY, IOWA

Mr. BROWNLEE. Senator BANKHEAD and gentlemen of the committee, my name is O. L. Brownlee, appearing for the League for Economic Equality and the Progressive Farmers Union, Sioux City, Iowa.

Senator SHIPSTEAD. How many farmers are there in the Progressive Farmers Union?

Mr. BROWNLEE. About 30,000, I should say, Senator.

Senator SHIPSTEAD. You mean the members?

Mr. BROWNLEE. Members.

Senator SHIPSTEAD. Do you represent the same Farmers Union that these gentlemen represented who spoke this morning?

Mr. BROWNLEE. Not the same organization, no. This is known as the Progressive Farmers Union.

In order to avoid glittering generalities and conserve the time of the committee, I have reduced what I have to say to a few simple written statements. The suggestions contained herein are not offered as a complete plan but as a basis for study, looking to the development of the program which can be quickly enacted and easily administered.

This outline provides for five basic principles which must be incorporated in any program.

First, the constitutionality of the act; second, an ever-normal granary; third, price stabilization; fourth, conservation of the soil; fifth, control of production.

Senator NORRIS. What was the second one? I didn't quite hear it, Mr. Brownlee.

Mr. BROWNLEE. An ever-normal granary, an adequate reserve supply of foodstuffs.

Briefly, we suggest that the following provisions be incorporated in a bill or bills:

1. Give the Secretary of Agriculture authority to designate the basic crops.

2. Provide for the production and financing of an adequate carry-over of food crops to provide an ever-normal and adequate reserve supply of basic foodstuffs.

3. Make provision for a governmental agency to lend money on basic crops in the following amounts and under the conditions specified:

(a) Up to 75 percent of the parity price as established by the Secretary of Agriculture from year to year, using the 1909–14 average as the index figure for computing the crop to be marketed.

(b) Up to 50 percent of the parity price on the normal granary reserve.

Senator NORRIS. What does that mean now?

Mr. BROWNLEE. Whatever surplus we might have, Senator, after allowing for the normal domestic consumption. In other words, an insurance against drought conditions like we had in 1934.

Senator NORRIS. I thought you had that properly stated in one of your preceding statements.

Mr. BROWNLEE. I think I did. This refers to the loaning on that reserve.

Senator NORRIS. You were going to loan 75 percent of the fair value.

Mr. BROWNLEE. That was on the immediately marketable portion up to 50 percent on the carry-over, so as to give that farmer some early cash return, that he would not have to finance that entire operation over the year.

4. The Government would guarantee such loans under the following conditions:

(a) Producers would be required as a condition of the loan privilege to cooperate in a soil-fertility and conservation program by limiting their acreage of basic crops to a ratio figure established by the Secretary of Agriculture from year to year, using the 1936 ratio figure as defined in the A. A. A. contracts for 1935 as a basis of investment.

(b) The producer would agree to repay on his loan such amounts on the basic crops that may constitute a normal granary until such time as his loan contract would be liquidated.

Finally, the Government would cease to guarantee such loans on the products marketed or held as a normal reserve whenever the price rose to, for the sake of convenience, I will say, 15 percent above parity.

I think he had a well-thought-out plan that could have been gotten into quick action, maybe not necessarily permanent, not too quick. Very few things are permanent but I do think effective.

Another plan comes from no less a personality than W. R. Ronald, of Mitchell, S. Dak., co-author of the law recently declared unconstitutional by a divided Court. Mr. Ronald has recognized the need of getting agricultural equality without such a big burden on the taxpayer. Ronald thinks it could be done through cooperative interstate organizations of farmers who might control the production if given some encouragement from Congress and be in line with recent expressions in high court. Mr. Ronald suggested the better use of the loan feature which was so successful in our Corn Belt. He believes the proper course extends through cooperative organizations with such crop control as they impose on their members would be sufficient to bring about agricultural equality, providing the Government will furnish the funds. He believes it can be handled without any substantial loss of Government funds. In other words, it should be self-sustaining.

Mr. President, I ask that the statement of Mr. Ronald be made part of the RECORD.

The VICE PRESIDENT. It is so ordered.

Mr. NORBECK. I think the hope of Northwest agriculture rests with men like Mr. Ronald and Mr. Brownlee. Mr. Ronald is president of the South Dakota State Planning Board, which has endorsed his new plan.

Mr. President, some time ago I introduced an amendment to carry the Ronald plan into effect, and I ask that at this point it may be printed in the RECORD.

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

The amendment is as follows:

Amendment intended to be proposed by Mr. NORBECK to the bill S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, viz: At the end of the bill insert the following new section:

"SEC. —. (a) After January 1, 1938, the Secretary is authorized to make loans on basic farm products, corn, oats, barley, wheat, rye, and cotton to national cooperative marketing associations handling such products in interstate commerce: *Provided*, That the Secretary of Agriculture shall find from a survey and/or other information that the acreage of the ensuing crop of any product upon which loans are requested shall be such as to remove any existing surplus or prevent the creation of any surplus, at normal yields, above a normal carry-over of 25 percent: *Provided further*, That these loans shall be made at not to exceed current market prices of the products: *Provided further*, That the associations shall have title or assignments of the product upon which the loans shall be made: *Provided further*, That the loans shall run for not to exceed 1 year or until the current market price reaches parity, as defined in subsection C: *And provided further*, That such loans shall be made out of a revolving fund created by appropriation by Congress and at an interest rate of not more than 1 percent above the current rates on United States Government bonds.

"(b) Commodities upon which such loans are made shall be stored in such places as the Secretary shall prescribe. The amount of any such loan shall be equal to the parity price of the commodity upon which such loan is made. No such loan shall be made unless the market price of such commodity is below the parity price. When the market price of such commodity reaches the parity price the loan shall be called.

"(c) As used in this section, the term 'parity price' means that price level that will give such commodity a purchasing power as to articles that farmers buy, equivalent to the purchasing power of such commodity in the period of August 1909 to July 1914.

"(d) There is hereby authorized to be appropriated the sum of $1,000,000,000, which shall constitute a revolving fund to be administered by the Secretary to carry out the provisions of this section. Payments of principal or interest upon any such loan shall be covered into the revolving fund."

Mr. NORBECK. I do not offer it as a substitute for the pending bill, but just as an amendment to same, providing that after January 1, 1938, this provision is to take effect.

Of course, there is no chance at this time to get this or any other measure seriously considered, for an emergency exists. The administration has a plan and the Democrats have the votes. The Republicans have neither a substantial plan nor the votes. We can only vote for or against the so-called soil-conservation bill.

But I do not want to close my remarks without again calling attention to the fact that the agricultural problem is never solved until it is solved right. In the long run, I think there is only one solution and that is Government control of the surplus land. Two and one-half billion dollars invested in these lands would be saved in 5 years in the operation of these various farm laws. The Government would own the land and could then hold it out of production temporarily or permanently. In the meantime it could use much of it for reforestation, recreational areas, and wildlife conservation. It would have to buy average land but need not buy large tracts in any one community. They need not be improved farms, there need be no shifting in population in buying, preference to be given to individual landowners, but it would stabilize all land values. It would make good the farm loans which Uncle Sam is carrying now, which run into hundreds of millions. I ask, Mr. President, that the explanation made by Mr. Harold Oldham, formerly of South Dakota, but now of Iowa, be inserted in the RECORD at this point.

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

A SIMPLE PERMANENT PLAN FOR AGRICULTURE

By Harold Oldham

This plan for agriculture is offered in the belief that the matter of an agricultural policy is not a political problem. That primarily it is an economic and social question of national scope and concern and that only by lifting it out of the political arena and treating it as such will a sound, equitable, and lasting solution be found for it.

For the purpose of illustrating this plan let us assume the following statements to be substantially correct:

1. That there are approximately 360,000,000 acres of cultivated farm land in the United States. That the surplus in agricultural commodities over and above that portion required for domestic needs is produced upon about 45,000,000 acres of that area. In other words, our farm plant is overexpanded 45,000,000 acres.

2. This surplus consists chiefly of basic commodities such as wheat, cotton, and pork. Unless this oversupply can be sold abroad, otherwise disposed of, or prevented altogether by just not raising it, the surplus piles up and ruins domestic prices for the American producer, depriving him of his fair share of the national income.

3. While it is true this surplus has been reduced the past 2 years to a point of better balance between supply and demand, partly as a result of A. A. A. acreage reduction but principally because of an unprecedented drought, nevertheless nature's law of averages in production holds surprisingly true. This law now points to abundant, if not abnormally large yields in the most troublesome, basic crops in 1936 which very likely will again ruthlessly tear to pieces all the farmer has accomplished in the way of balanced crops and price improvement.

4. That the agricultural output of the Nation can and must be brought into better balance with demand by curtailing production until domestic consumption increases, until new uses for products of the soil can be created, and, most important of all, until our foreign demand can be enlarged.

5. That reducing the acreage planted to crops will automatically control or curtail the production of livestock and byproducts.

6. Agriculture and other industries are so interwoven that as the one prospers so will the other prosper. Based largely upon the above statements, we now wish to respectfully submit for consideration a simple, workable, and concrete plan for agriculture which would give the farmer the economic equality with other groups to which he is justly entitled.

1. Federal purchase of land: By act of Congress retire from production 40,000,000 acres of the 45,000,000 surplus acres of cultivated land by outright purchase by the Federal Government, the purchase price to be payable to the landowner in 20 equal annual installments with interest or in Government bonds. Purchase this acreage to accomplish erosion control, crop rotation, and soil conservation as well as retirement of surplus-crop land.

2. No dislocating of population: Buy only farms without buildings in order to avoid the serious problem of dislocating population, as has been frequently the case in buying marginal and submarginal farms.

Please keep this point in mind, that the success and principal new feature of this plan rests upon the purchase of cultivated farms without buildings, most of which would be owned by and bought from owners living some distance from the land.

3. Method of retiring land from production: Retire surplus lands from production in some such manner as this: In the rice-producing State of Louisiana, buy whatever number of acres there are in that State which are contributing to the rice surplus of the Nation; in Iowa purchase corn lands high as well as low in productive value, to the extent of the surplus acres Iowa contributes toward the oversupply of corn acreage for the country as a whole, which would also automatically control the output of hogs and fattened cattle; in the wheat and cotton areas acquire title to the surplus wheat and cotton-producing tracts which would include millions of acres of low-priced marginal and submarginal land.

4. Preserve fertility: Preserve the fertility of this 40,000,000 acres by retiring it from all agricultural uses, except for the leasing of some of it to balance production, as hereinafter provided. The return of these lands to their former natural state could be economically hastened by permitting nearby farmers to pasture

the lands more or less for only the first 3 years, because grazing for a longer time might unduly increase beef and mutton production.

5. Preference to individual landowners: Purchase from individual owners in preference to corporate holders.

6. National board: To carry out the purposes of this plan appoint a thoroughly representative National Agricultural Board.

7. Reserve stock. Protection of consumer: Establish a reserve supply in such basic crops as wheat, corn, and cotton equal to 10 percent of the average annual crop, to be stored at convenient points and drawn upon in the event of a Nation-wide shortage in any particular crop, the amount withdrawn to be replaced the following year. This supply would be used as a balance wheel on production and on price. If the prices should tend to rise over the parity figures in a given stored commodity, this reserve would be drawn upon to control the market price of that particular commodity, thereby protecting the consumer against an unfairly high price.

The Government would purchase the initial reserve stocks or the producers could contribute it proportionately out of their first yields.

If an unusually severe shortage should occur some year the Government could lease some of its acquired acreage to producers only until the shortage disappeared.

8. Leasing when export trade revives: If our foreign trade should revive to the stage where the producer could increase his output without lowering the domestic price, the Government could expand the cultivated acres by leasing just enough land to meet the requirements of the enlarged export demand.

9. Control cropping of virgin soils: In all contracts for the purchasing of land by the Government require the owner to agree not to again acquire unimproved or virgin land for farming purposes. Have other owners and tenants likewise agree unless they desire to use the lands as a homestead.

10. Retard reclamation: Open no new reclamation projects, expand no old ones until needed.

11. Improve credit facilities: Encourage minimum interest rates to and improve Government and other credit facilities for the producer.

12. Better marketing: Promote better marketing agencies.

13. Work of agricultural schools: Continue and improve the splendid work of our agricultural schools in advancing scientific agricultural methods, soil conservation, erosion control, and numerous other useful activities.

14. Consumption and employment: Expand food consumption by increasing employment.

15. New crop uses and imported farm products: Promote new crop uses; also the production of those commodities being imported to supply shortages in our domestic market due to lack of production at home.

16. A subsidy without cash: Encourage the American farmer to capture the American market for the imported commodities in which a domestic shortage exists. The Government would accomplish this by granting leases on a portion of the purchased lands at rentals low enough to induce the farmer to raise such products. Adopt the principles of our tariff system for the benefit of the farmer in this manner.

17. Constitutionality: Legal opinion appears to hold this program to be constitutional.

18. Applying plan to 1936 crops: Purchase in time to control production for 1936 could very likely be made through the present A. A. A. set-up by beginning in the South where plantings are earliest. When authority from Congress had been obtained, options from owners to sell or, better still, contracts of purchase could be entered into, providing that the owner would be paid a predetermined value for his crop in event the Government failed to complete its agreement to purchase. In that manner the owner could doubtless be quickly induced to abandon or have abandon plans for 1936 plantings.

An alternative for 1936 crop control might be found in the Government agreeing at an early date to lease selected unimproved tracts with the understanding that rental payments would apply on the purchase price as soon as arrangements for purchase could be arranged. All leases could contain a blank clause providing option to purchase.

19. Total cost to Government: Time and space will not be taken here for a detailed estimate of the total cost to the Federal Government to acquire title to the surplus acreage under consideration. Only a general estimate, which appears to be very reasonable and conservative, will be attempted at present. Therefore let us assume that in acquiring 40,000,000 acres of cultivated land without buildings that it would be necessary to purchase uncultivated or pasture land along with the cultivated areas, and that in all a total of 50,000,000 acres would have to be bought. Assuming these lands would embrace highly productive farms as well as submarginal farms, ranging in cost from $5 per acre to as high as $100, it appears very reasonable and conservative to say that the average cost of the entire 50,000,000 acres should not exceed $50 per acre at the most. On that basis the total purchase price would amount to two and one-half billion dollars.

In other words, the entire cost would be only $125,000,000 per year for 20 years and interest.

Comments: A program in Washington is now under way to spend an estimated $500,000,000 annually in benefit payments for 1936 and 1937. Compared with this program or annual expenditures for the past 2 years, does not the yearly cost of this plan at $125,000,000 look very small? Recent and present plans are ones of spending whereas this program would accomplish the purchase of a lasting national asset and at the same time provide equality in purchasing power for the farmer.

When the total expenditures already made by or through the Government and the individual expenses of farmers under the A. A. A. are added to the huge sums now under consideration for future benefit payments it appears safe to say that the total sum will amount to as much, if not more, than the entire cost of $2,500,000,000 under this permanent program.

This plan is in line with the contention that surplus production must be controlled for the welfare of both farmer and the Nation. It removes the objection of temporary, complicated, and regimenting methods and goes directly at the problem for a simple, permanent cure at a reasonable cost.

DES MOINES, IOWA, *November 1935.*

Mr. NORBECK. Mr. President, more of the details are set out in the bill which I introduced at the request of Mr. Oldham on February 3, being S. 3906, and entitled "To provide for the purchase of certain agricultural lands and for other purposes", and I ask, Mr. President, that this also be printed in the RECORD in full.

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

The bill is as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to acquire by purchase (1) not to exceed 40,000,000 acres of agricultural lands adapted to the raising of wheat, corn, cotton, rice, and tobacco, which have been cultivated for 5 years or more, including lands planted to tame hay, legumes, and other like cover crops, upon which no tenants or owners reside or upon which there is no habitable house, and (2) not to exceed 10,000,000 acres of lands usable for grazing or timber purposes, or unfit for cultivation, which adjoin such cultivated lands. In the acquisition of such lands individual sellers shall be given preference over corporate sellers.

SEC. 2. (a) The Secretary shall purchase such land under contract. Such contract shall provide payment therefor in 20 equal annual installments and shall bear interest at the rate of not more than 3 percent per annum, payable annually. Such contract shall also provide that the seller of such land shall not cultivate or acquire virgin land for farming purposes unless such virgin land is to be converted into and used by himself as a homestead.

(b) There is hereby appropriated annually, out of any money in the Treasury not otherwise appropriated, the sum of $125,000,000 to carry out the provisions of this act.

SEC. 3. (a) All lands acquired under the provisions of this act shall be retired from all agricultural use except as hereinafter provided. Such lands may, within the discretion of the Secretary, be leased for grazing or pasturing at reasonable rentals for the first three seasons following the date of enactment of this act.

(b) If the Secretary finds that a domestic shortage exists in any agricultural commodity he may lease such lands for the purpose of growing such commodities so long as such shortage exists. Rentals under such leases shall be low enough to induce the growing of such commodities.

SEC. 4. The Secretary shall acquire such lands in the States which contribute to the surplus supply of corn, cotton, wheat, rice, and tobacco in the proportion in which those States contribute to such surplus supply. Such lands shall include lands which are high as well as low in productive value. Such lands shall be selected in such manner within the respective States as will not seriously interfere with the taxation program of the State or political subdivisions thereof.

SEC. 5. The Secretary is authorized and directed to establish and maintain a reserve stock in the respective commodities referred to in section 1. Such reserve stocks shall be established and maintained, as nearly as practicable, on the basis of 10 percent of the annual average of each such crop, and shall be stored at convenient points. In the event of a Nation-wide shortage in any of such commodities, the Secretary shall release a sufficient amount of such reserve stocks as will maintain the market price of each such commodity, as nearly as practicable, at the parity price for each such commodity, based upon the index figures of the Department of Agriculture for the period between August 1909 and July 1914, in the case of corn, wheat, cotton, and rice, and for the period between August 1919 and July 1929 in the case of tobacco.

SEC. 6. (a) The Secretary is authorized to make such rules and regulations as may be necessary to carry out the provisions of this act.

(b) The Secretary is authorized, subject to the provisions of the civil-service laws, to appoint, and, in accordance with the Classification Act of 1923, as amended, to fix the compensation of such officers and employees, and to make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere) as are necessary to carry out the provisions of this act.

Mr. CLARK. Mr. President, I ask that my pending amendment be stated.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the committee amendment it is proposed to insert the following new section:

SEC. 6. The obligations incurred by the Secretary of Agriculture for any fiscal year shall not exceed such sum of $500,000,000.

Mr. CLARK. Mr. President, the purpose of this amendment may be very simply stated. It is to add to the bill a limitation of the amount of obligations which may be incurred under the bill. Yesterday an amendment was adopted at the instance of the Senator from South Carolina [Mr. BYRNES] making an authorization of $500,000,000. Of course, it is perfectly apparent that an authorization and a limitation are two entirely different things. Under the bill as it stands at present the Secretary of Agriculture might incur obligations of $50,000,000,000 or $100,000,000,000 or any other sum that he happens to see fit, and the mere fact that the authorization has been limited to $500,000,000 would not prevent him from doing so.

It is said that it is impossible to effectuate these obligations, to carry them out, unless Congress appropriates the money; but we are now confronted with a situation at this very moment when I think there is a universal feeling throughout the country that even though the Agricultural Adjustment Act has been declared unconstitutional, and the contracts made by the Secretary of Agriculture are therefore illegal, there is a moral obligation on the part of Congress to appropriate the money for carrying those contracts into effect. If the pending bill shall be passed in its present form without the amendment which I have just submitted, and the Secretary of Agriculture were to exceed the authorization in any degree whatever, either by $100,000,000 or by $1,000,000,000 or by $10,000,000,000, and contracts should be entered into by reason of which farmers should change their positions, there would be a moral obligation on the part of Congress to appropriate the money to effectuate those contracts.

Therefore I submit that this bill should not pass without a very definite limitation being placed by Congress.

Mr. KING. Mr. President, I should like to ask the chairman of the committee whether in addition to the appropriation which is authorized in the pending bill, which will be for $500,000,000, the Department of Agriculture is to receive and to expend as it may see fit one-third of the amount that may be received from customs duties?

Mr. SMITH. It is provided under the terms of the bill, Mr. President, that 30 percent of customs receipts is to be used by the Secretary of Agriculture in carrying out the provisions of the bill.

Mr. KING. So that if the customs duties totaled, as they did a few years ago, approximately $600,000,000 per annum, there would be nearly $200,000,000 available from that source for the Department of Agriculture to spend. Then there would be a large sum annually appropriated for so-called soil erosion. In addition the bill before us authorizes an annual appropriation of not exceeding $500,000,000. Is that correct?

Mr. SMITH. I think the Senator is substantially correct. I should like to say in that connection, if the Senator will allow me, that this amount of money looking to the benefit of agriculture sinks into insignificance when we consider the billions of dollars that are being poured out in other directions.

Mr. KING. Mr. President, the Senator's ad hominem argument, I presume, would appeal to many people. But if it be a fact that billions of dollars are poured out in other directions for various purposes, it would not justify appropriation of $800,000,000 or more for some other purpose.

Mr. SMITH. Will the Senator again yield to me?

Mr. KING. Yes; I yield.

Mr. SMITH. In making the statement I did I meant to say that the amount we have spent in constructive legislation—I said constructive legislation—for the benefit of agriculture is insignificant as compared to what we have spent lavishly in other directions, and I do not think the amount here being authorized, plus the 30 percent of whatever may be the revenue received from customs duties, if wisely spent for the benefit of agriculture, is in any sense too much.

Mr. KING. The Senator now states that the Government has expended lavishly in various directions large sums of money, and he contends that the amount appropriated for agricultural purposes is insignificant, measured by other governmental appropriations.

I concede, Mr. President, that the expenditures of the Federal Government during the past few years have been enormous; they have exceeded what I regard as necessary; indeed, they were beyond the bounds of prudence or reason, and there is every indication that the swollen stream of Federal expenditures is not being reduced.

Some of the administrative agencies of the executive departments are trying to carry into effect their slogan of a "new social order." In carrying out their philosophy and in executing their plans they would create new organizations, add thousands of additional employees to the Federal pay rolls, and secure larger Federal appropriations. Those interested in this new social order seem indifferent to the burdens of taxation which will be placed upon the people and to the unfortunate, if not disastrous, results if their schemes and philosophy are carried to fruition.

Attacks are made upon the political and economic policies which made this Republic the richest and most powerful nation in the world. Collectivism, so-called, or a diluted form of socialism, is regarded as superior to the so-called profit system; and there are those who seek to undermine the political and economic system which has prevailed from the beginning of our history and to adopt policies utterly at variance with those upon which this Nation has been built and which yielded the greatest liberty and produced the most important economic and social development.

Mr. President, a few years ago when the Republicans were in power, a measure was enacted creating the Farm Board, and $500,000,000 were appropriated to be expended by that organization in the interest of agriculture. It was urged that agricultural cooperatives would be organized to control crop production and the distribution of agricultural commodities. Many farm organizations enthusiastically supported the measure, and it was contended that under the operations of the act the ills of agriculture would be cured. There were many who believed that the measure would not only fall far short of the predictions made in its behalf but in the long run would prove disadvantageous to the agricultural interests of the United States. Many Democrats opposed the bill and prophesied that it would prove most unsatisfactory.

It is to be noted that that measure, which many Democrats opposed, called for the appropriation of only $500,000,000, whereas the bill before us provides annually for an indefinite period a sum not exceeding $500,000,000. Indeed, the measure we are considering is permanent legislation. It does not take into account the economic and agricultural changes that may occur in a few years from now; it fails to recognize that parity may be reached within a short time or that the agricultural situation may radically change so that the annual appropriation provided in the bill would be not only unwise but wholly improper.

But, as above indicated, the annual appropriation herein provided for is to be supplemented by 30 percent of all of the customs duties collected by the Government of the United States, and, in addition, other appropriations have been made, and will continue to be made, ostensibly for the prevention of soil erosion and cognate matters. But there will also be provided annually from $50,000,000 to $100,000,000 for the Agricultural Department, which will be expended under the direction of the Secretary of Agriculture in aid of the farmers of the United States. It is quite likely that the annual appropriations for agricultural purposes will be in the neighborhood of $1,000,000,000.

That reasonable measures should be adopted in the interest of agriculture all admit. If agriculture prospers the country prospers, and reasonable and valid measures that will contribute to the prosperity of the farmers should be approved; but it must be conceded that there have been policies adopted and measures enacted that retarded agricultural development and injured the farmers of the United States.

The VICE PRESIDENT. The time of the Senator on the amendment has expired.

Mr. KING. I will take a few minutes on the bill. Mr. President, I had hoped that the day was at hand when much of the so-called emergency legislation would terminate. But the indications are that the hoped-for day is not at hand. The expenditures for this fiscal year may be greater than those of the fiscal year which ended June 30 last, and there are signs that the appropriations for the following fiscal year will be no less than those for the fiscal year ending June 30, 1937. At the close of this fiscal year the bonded indebtedness will approximate $35,000,000,000. No one can safely predict when the maximum indebtedness of the Federal Government will be reached. In addition to the colossal Federal debt the States and their political subdivisions have obligations approximating $17,000,000,000. All Senators will recall the shock that the American people received when it was announced that we had a billion-dollar Congress. That meant that appropriations amounting to that sum had been made covering a period of 2 years.

But it is a far cry from that day to this when appropriations will be made totaling between six and eight billions of dollars for 1 year; indeed, we cannot now foretell what governmental obligations the next fiscal year and the following fiscal year will have to be met.

It is regrettable that there is so little concern manifested over the enormous expenditures of National and State Governments. Our Republican friends on the other side of the aisle say but little in behalf of governmental economy; indeed, many of the measures carrying large appropriations receive their support.

The Senator from South Dakota [Mr. NORBECK] has based his appeal for aid to agriculture largely upon the fact that industry has been benefited by high tariffs. Undoubtedly our tariff policy has favored various industries to the disadvantage of agriculture. The Republican Party erected strong pillars upon which to rest their tariff policies. Following the Civil War many of the manufacturing interests secured the passage of tariff laws behind which domestic concerns received unwarranted protection. This resulted in indefensibly high prices upon industrial products, and in many instances in the development of monopolies and the monopolistic control of commodities. The farmers were the victims of tariff policies. The Democratic Party for years courageously attacked Republican policies and attempted to lower the ramparts behind which some of the powerful industries waged their relentless battle. Paradoxically as it may seem, the farmers of Iowa and other States were the strongest supporters of Republican tariff schedules.

Mr. President, I sincerely hope that the Democratic Party will adopt policies that will result in materially reducing governmental expenses and abolishing many unnecessary bureaus and Federal agencies, the maintenance of which materially contribute to governmental expenses and adds to the tax burdens which must be borne by the American people.

Mr. President, if it is regarded as necessary in the interest of the farmers of the United States to supplement the appropriations to which I have referred carried by other measures, by authorizing an appropriation of $500,000,000 provided in this bill, then I suggest that there should be a restriction upon the period within which the authorization is to be made effective. There will be important changes in our economic life during the next few years; and, as I have before indicated, conditions may be such in 2 or 3 years as to make indefensible—even in the view of the strongest protagonists of the policy of this bill—an appropriation of this enormous amount.

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

Mr. KING. I yield.

Mr. VANDENBERG. I call the Senator's attention to the language of the Clark amendment.

> The obligations incurred by the Secretary of Agriculture for any fiscal year shall not exceed such sum of $500,000,000.

It seems to me that, under that language, any revenue which might flow from the tariff reservoir would have to be included within the $500,000,000 commitment.

Mr. KING. I hope the Senator's construction is correct, but I fear that it will not be accepted by those who will administer the law.

Mr. President, I should be glad if the Senator from Missouri [Mr. CLARK] had named a smaller sum than is authorized by this bill. However, I shall vote for the amendment, because I regard it as a restraint upon officials in the Department of Agriculture.

Mr. BYRNES. Mr. President, I merely wish to call attention to the fact that the bill as it now stands provides an authorization not to exceed $500,000,000 in any fiscal year. I have heretofore stated that when the independent offices appropriation bill comes before the Senate I intend to offer an amendment to that bill providing an appropriation of $440,000,000 for the purpose of carrying out during the next fiscal year the purposes of this bill.

The Secretary of Agriculture has no right to incur any obligation in excess of the amount appropriated by the Congress for this or for any other purpose. If it be said, if the Secretary, in violation of the law, incurs an obligation, that then there is a moral obligation on our part to pay it, it may be said equally well in case the pending amendment shall be adopted, because the amendment provides that the obligation incurred by the Secretary of Agriculture for any fiscal year shall not exceed such sum of $500,000,000. It merely repeats the law as it now stands. Under existing law the Secretary of Agriculture has no right to incur an obligation; but if, in violation of the law, he should incur an obligation, the question is whether we would then say that there was a moral obligation; there was no legal right to incur the obligation, but just because it was incurred we must pay it.

This language might apply to every appropriation for any purpose at all made by the Congress. It does now apply. No administrative official has any right to incur any obligation in excess of the appropriation.

My only objection to the amendment is that it singles out one appropriation and as to that provides that the Secretary of Agriculture shall not have any right to incur an obligation in excess of the amount appropriated. I suppose someone might assume that as to all other appropriations the Secretary would have the right to go ahead and incur obligations in excess of the appropriation. I say he has no such right, and he knows he has no such right; and if he incurs such obligations he violates the law. If what is proposed is to be done, it ought to be in the form of a repetition of the general language of the present statute that affects all acts, and in some way, if that be deemed wise, penalize to a greater extent under existing law the action of any administrative official who spends money or incurs obligations in excess of the amount appropriated by Congress.

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

Mr. BYRNES. I yield.

Mr. CLARK. The Senator's argument seems to me, according to his own theory, to indicate that certainly there can be no objection to this amendment. According to my theory, it imposes absolutely a necessary limitation. The Senator is as familiar as is any other Senator on this floor with the fact that we pass annually hundreds of millions of dollars of deficiency appropriations, which are nothing on earth except appropriations to cover amounts by which the administrative officers have exceeded the authorizations of the law and the appropriations.

Mr. BYRNES. It is true that the general statute makes it a criminal offense for an official of the Government to incur a deficiency in excess of the appropriation; and if a criminal statute will not stop it, how in the world will we stop it by saying, "You must not do it"? I think the adoption of the amendment would really detract from the strength of the existing law. What we need is the enforcement of the criminal statute when an officer incurs obligations in excess of the appropriation.

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

Mr. BYRNES. I yield.

Mr. KING. Is it the Senator's view—and I ask for information—that the bill which was passed sometime ago and became a law which permits 30 percent of all customs duties to be expended by the Department of Agriculture to fur-

ther our exports will still continue in force and will be in addition to the $500,000,000 or the $440,000,000 authorized by this bill?

Mr. BYRNES. I say to the Senator that the amendment I intend to offer will provide an appropriation of $440,000,000, because at the proper time I shall show, as I believe, that there will be no doubt about sufficient funds being provided by an appropriation of $440,000,000 instead of $500,000,000.

Mr. KING. Is it the Senator's view that the amount which will be collected from customs duties shall constitute a part of the authorization?

Mr. BYRNES. Oh, no. That exists for this year, as I understand, and has nothing to do with this matter.

The Senator from Missouri and I have the same thought in mind; we have the same purpose to achieve; but I submit to him that when we have a criminal statute preventing it I do not know that we will help the situation by saying as to one particular appropriation that the Secretary of Agriculture shall not violate the law. I say he should not violate the law as to any appropriation.

Mr. NORRIS. Mr. President, if we had not already put in the bill a limitation of the appropriation that may be made under it, then I would see no objection to this amendment. The intention of the Senator offering it is, I think, one thing, but I believe if the amendment would have any effect whatever, it would have the opposite effect than that which he seeks.

What the Secretary may do under this bill is limited not by the authorization but by the appropriation. Congress is limited in its appropriation by the authorization. I think that is correct. In other words, the Congress cannot appropriate more than $500,000,000; that is Congress' limitation; and the Secretary is limited to what Congress appropriates. If he disregards that limitation, as seems to be the idea of those supporting this amendment, and is bound by the authorization of $500,000,000, and we adopt this amendment, if it should have any effect whatever, it would have the effect of permitting obligations by the Secretary regardless of appropriations to the extent of this limitation, which is the same as the authorization.

The Senator from South Carolina is going to offer an amendment to an appropriation bill, if we pass this bill in its present form, and that amendment is going to provide that the Secretary may use $440,000,000, which is $60,000,000 less than the authorization. The Secretary of Agriculture will be limited by that. If the authorization limited the Secretary, as seems to be implied by those who support this amendment and think it is necessary to adopt it, then he would have $60,000,000 more that he could use without being liable to the charge that he had violated the law, because if we had an appropriation of $440,000,000 and he should spend $500,000,000, while he would have exceeded his authority by $60,000,000, the law would authorize Congress to make an appropriation of $500,000,000.

I am in sympathy with the limitation, but I do not see that it adds anything. I do not believe it would have the suggested effect, because I believe the Secretary is bound by the appropriation. In addition to that we are seemingly selecting this bill to insert two limitations. We have never done such a thing in any other bill, and I think it might be construed as a reflection that in this case we are endeavoring to be doubly sure, and hence are going to provide against such a condition by inserting two limitations in the bill. It seems to me it is entirely unnecessary, and we cannot accomplish anything by it. It puts Congress in the attitude of doing an unnecessary and what seems to me almost a foolish thing.

Mr. MURPHY. Mr. President, the amendment offered by the Senator from Missouri [Mr. CLARK] reads:

> The obligations incurred by the Secretary of Agriculture for any fiscal year shall not exceed such sum of $500,000,000.

That might mean that the expenditures in the Department of Agriculture in their entirety are limited to $500,000,000. I doubt not that that is not the intent of the Senator from Missouri. I ask if he would be willing to accept a modification limiting the amendment to the expenditures under this bill.

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

Mr. MURPHY. Certainly.

Mr. CLARK. I do not think the language of the amendment is susceptible of the interpretation the Senator places upon it. It certainly is not my intention to limit all expenditures of the Department of Agriculture to $500,000,000. I shall be glad to modify the amendment by inserting after the word "incurred" the words "for the purpose of carrying out this act."

Mr. BYRNES. Mr. President, will the Senator from Iowa yield?

Mr. MURPHY. Certainly.

Mr. BYRNES. While the Senator has the amendment in his hand, I should like to read what the law now is:

> No executive department or other governmental establishment of the United States shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriation unless such contract or obligation is authorized by law.

I submit that that language is far stronger than the language contained in the amendment.

The section of the law concludes:

> Any person violating any provision of this section shall be summarily removed from office, and may also be punished by a fine of not less than $100 or by imprisonment for not less than 1 month.

My only objection is that when the law specifically prohibits not only the excess expenditures but the incurring of any obligation under any contract or otherwise involving the future expenditure of money we weaken it when we say as to one specific appropriation that the amount appropriated shall not be exceeded. I would rather insist upon the enforcement of existing law.

Mr. CLARK. It seems to me a complete answer to what the Senator from South Carolina said is that just the other day we passed a $330,000,000 deficiency appropriation by a viva-voce vote.

Mr. BYRNES. Is it not a further answer that if a criminal statute would not stop such expenditures, we could not stop them by this "milk and water" provision?

Mr. MURPHY. As I understand the situation with respect to the amendment, the Senator from Missouri himself has inserted language in the amendment which meets the situation as I view it.

The VICE PRESIDENT. The Senator from Missouri has modified his amendment, and the amendment as modified will be stated.

The CHIEF CLERK. At the end of the committee amendment it is proposed to insert the following new section:

> SEC. 16. The obligations incurred for the purpose of carrying out this act by the Secretary of Agriculture for any fiscal year shall not exceed such sum of $500,000,000.

The VICE PRESIDENT. The question is on agreeing to the amendment, as modified, to the amendment of the committee in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. McNARY. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In the amendment of the committee, on page 7, line 6, at the end of section 8, it is proposed to insert the following:

> And any payment or grant of other aid which is conditioned, in whole or in part, upon the growth of soil restoration, soil conservation, or erosion preventing crops on any land, or any change in the kind of crop to be grown on any land, shall be subject to the further condition that no crops intended for sale be harvested from, and no livestock intended for sale, or the products of which are intended for sale, be grazed or pastured on, such land.

Mr. McNARY. Mr. President, the pending bill is builded on the theory that certain acreage now planted to the basic commodities, so defined in the Agricultural Adjustment Act, and which now causes a surplus of those commodities, shall be retired and in their stead there shall be raised legumes,

such as cowpeas, soybeans, clover, alfalfa, and all the nodule-bearing nitrogenous plants which are capable of sustaining a very large dairy industry.

The dairymen of the country realize that when the substitution is made which is necessary to carry out the purposes of the bill, it will expand in a very large way the industry which now is balanced as between production and consumption. For that reason I have offered the amendment.

I may say to the chairman of the committee, who is familiar with every phase of the bill, that I am addressing myself to an amendment which I am offering in behalf of a very large group of dairy farmers. In fact, the National Cooperative Milk Producers' Federation, who claim they represent in excess of 23 percent of the gross agricultural income of the country, are asking that the displaced land, later to be planted to nitrogenous plants to carry out the purposes of the bill, shall not be used through the sale of such crops or the use of such crops for the feeding of animals which will be sold in the market.

The purpose is to prevent expansion of an industry which today is self-sustaining, as to which the market demands are about equal to the capacity of production, and to prevent a surplus in milk, cheese, and other dairy products, which unquestionably would result from a very great expansion of the area to be planted to those products to be used by the dairy industry. In their behalf I am asking that the amendment be inserted in the bill to prevent the dairy industry becoming overexpanded.

To carry out the thought which is so well expressed by this great organization whose gross income exceeds that of any other industry and who do not desire to have their business ruined by reason of the administration of the provisions of the measure, I ask that a letter from the secretary of the Cooperative Milk Producers' Association be read at this time supplementary to my remarks.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

THE NATIONAL COOPERATIVE
MILK PRODUCERS' FEDERATION,
Washington, D. C., February 10, 1936.

To Members of the United States Senate:

We would like to call to your attention a situation existing in the pending agricultural relief bill (S. 3780) now being considered by the Senate under which the dairy farmers of this country will be heavily and unjustly penalized unless this situation is corrected by an amendment to the proposed bill.

Under the terms of the proposed bill, payments are to be made out of the Treasury of the United States to farmers for the promotion of soil conservation in the United States. The program contemplates the taking out of production of cotton, wheat, corn, and tobacco and the planting of the acreage so withdrawn in clovers, alfalfa, grasses, and other forage crops. No limitation is placed in the bill upon the use of such withdrawn acres and we are advised that both the Secretary of Agriculture and the Administrator of the Agricultural Adjustment Act admitted before the House Committee on Agriculture that the program would result in an increase in the production of livestock and dairy products.

Only a small percentage of dairy farmers will be eligible for the benefits provided for in this bill. Dairy farmers have in the past and are continuing to practice a type of farming which promotes soil conservation and prevents soil erosion. They already have a system of rotation in effect which provides for the production of grasses and forage crops and thus they will be unable to make shifts in their production which would entitle them to benefit payments.

The result of the program will be that corn, cotton, wheat, and tobacco farmers will withdraw part of their acreage from these crops and receive benefit payments. In addition, they will be permitted to plant the withdrawn acreage in grasses or forage and will put cows out into this acreage and increase the production of dairy products to the detriment of the more than 3,000,000 farmers engaged in whole or in part in commercial dairying.

This program will result in a substantial increase of two- and three-cow farms, with a resultant increase in the production of butter, cheese, and other manufactured dairy products.

We believe that it is absolutely essential for the protection of the dairy farmers of this country that a provision be placed in the bill S. 3780 at the end of section 8 to read as follows: "and any payment or grant of other aid which is conditional, in whole or in part, upon the growth of soil restoration, soil conservation, or erosion preventing crops on any land, or any change in the kind of crop to be grown on any land, shall be subject to the further condition that no crops intended for sale be harvested from, and no livestock intended for sale, or the products of which are intended for sale, be grazed or pastured on such land."

The contention which has been made that such a condition will render the bill unconstitutional is, in our opinion, an unsound one. Certainly if money is to be paid out by the Secretary of Agriculture to farmers who meet certain conditions which are to be fixed by the Secretary of Agriculture, the inclusion in the bill of a condition to be imposed by the Congress of the United States cannot cast further doubt upon the constitutionality of the measure. The argument that conditions fixed by the Secretary of Agriculture will make the bill constitutional, but conditions fixed by the Congress itself will render the bill unconstitutional, is, in our opinion, fallacious.

We therefore urge on behalf of the dairy farmers of this country, who represent in excess of 23 percent of the farm income and who will not be eligible for the benefit payments under the act, that Congress at least in the enactment of legislation for other farmers provide proper safeguards against the harmful effect of such legislation on the major agricultural group of the country.

Very truly yours,

CHARLES N. HOLMAN,
Secretary, the National Cooperative Milk Producers' Federation.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Oregon yield to the Senator from Montana?

Mr. McNARY. I yield to the Senator from Montana.

Mr. WHEELER. I desire first to say that in my judgment this amendment clearly comes within the decision of the Supreme Court in the recent A. A. A. case. Clearly the Congress of the United States cannot say to the farmers of a State, "If you take this land out of production you may not feed livestock upon it, nor may you raise any grass which you are going to feed to livestock."

That is the first thing which it seems to me is perfectly apparent from a reading of the amendment, so that there cannot be any question about it.

Secondly, take the condition in all the Western States where we are not engaged to any extent in the dairy business, but are engaged in cattle raising. Take the situation in Wyoming, or in Montana, or in any of the States where the people are largely engaged in cattle raising and not in the dairy business. If a farmer takes some portion of his land out of wheat raising, it is proposed to say to him that he may not feed his cattle upon it, and that he may not raise hay on it for the purpose of feeding his cattle. One of the things we need in Montana is to raise more hay on which to feed our livestock. This amendment would completely prevent that sort of thing from being done.

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

Mr. WHEELER. I have not the floor.

Mr. McNARY. I yielded to the Senator from Montana when I observed that he desired to make a speech. I yield now to the Senator from Wyoming.

Mr. CAREY. I should like to call the attention of the Senator from Montana to the fact that under the A. A. A. there was an increase in livestock production, due to the fact that land was taken out of crop production; and if we carry out a program of soil conservation, or whatever it may be called, we may expect that many persons will engage in the livestock business who today are not in that business.

I do not agree with the Senator from Montana that it would be harmful to the people of our part of the country if this amendment should be adopted. I think it would help them. In fact, I have had a telegram from the Wyoming Stock Growers' Association to that effect.

Mr. WHEELER. Mr. President, let me say to the Senator from Wyoming that as a matter of fact, no matter what anyone says, there was no large increase in the raising of cattle because of the A. A. A. In my judgment, any livestock association or anyone else who makes that contention is entirely wrong. I know that in Montana, for instance, the reason why the Government had to kill so many cattle was because on account of the drought and on account of the erosion of the land out there, in many instances they did not have any grass or any hay. If they had taken a lot of that land out of cultivation they would not have had erosion, and they would have been able to raise hay.

If any livestock association sent a telegram of that sort it was perfectly absurd for them to do so, because they could not possibly have understood this amendment and have advocated what the Senator says the livestock association of his State has advocated.

Mr. McNARY. Mr. President, I always desire to be courteous to the limit, but I am advised by the Chair that the time occupied by these interruptions is being taken out of my time.

Mr. WHEELER. I do not care to take the Senator's time.

Mr. CAREY. Mr. President, will the Senator from Oregon yield to me for just a moment?

Mr. McNARY. For just a moment; yes.

Mr. CAREY. I merely desire to make a brief statement. It is well known that a great deal of the land in Texas which was taken out of cotton has gone into livestock production; and I think we shall find that the same thing will happen all over the country.

Mr. WHEELER. Mr. President, if the Senator from Oregon will pardon me, I do not know what happened in Texas, but I do say——

The PRESIDING OFFICER. The time of the Senator from Oregon on the amendment has expired. Does the Senator wish to speak on the bill?

Mr. McNARY. Later I wish to speak on the bill. I am rather in doubt as to what to do.

Mr. DUFFY. Mr. President, if I may have the floor, I desire to make just a brief statement, and then I shall be glad to yield to the Senator from Oregon.

Mr. McNARY. I do not think that would conform to the spirit of the rule. I should not care to do that. I thank the Senator.

Mr. DUFFY. Mr. President, it seems to me the amendment proposed by the Senator from Oregon [Mr. McNARY] should be adopted.

It is all very well to say, "I will support a bill in favor of agriculture in other parts of the country because it does some good out there." I have done that a number of times when there was no particular benefit to the agricultural interests of my State; but I think this bill not only is of no particular benefit to the agricultural interests of my State, which is primarily a dairy State, but the operation of it will work directly against their interests.

There can be no question that the dairy farmers—who, as the letter just read has stated, represent in excess of 23 percent of the farm income of this country—should have consideration. Those dairy interests for years have practiced the rotation of crops which will be put into effect under the operation of this bill. They already have done that, and they cannot come in now under this bill, because there is no change they can make whereby they can get the benefit of the bill. So the Senator from Montana adopts the attitude that although the farmers of his part of the country are willing to take benefits from the Government for withdrawing their land from production, in addition to those benefits they wish to put it into use in a way that will operate against, for instance, the dairy farmer, of whose products there is already a large surplus in the country.

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

Mr. DUFFY. I have only 10 minutes, but I will yield to the Senator from Montana.

Mr. WHEELER. In view of the Senator's statement, I desire to call attention to the fact that he is not stating my position accurately at all, for the reason that I assume that the benefits will be paid under some scheme or regulation whereby they may be taken away from the farmer who raises some other crop in preference to the one he has been raising.

Mr. DUFFY. I think it is not fair to the dairy interests of the country to have the Government pay farmers for withdrawing their land from production, and then have them use that land in a manner which will seriously and adversely affect the interests, for instance, of the dairy farmer.

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

Mr. DUFFY. I yield.

Mr. MURPHY. Yet the fact is that in the State of Ohio, for example, taking the data supplied me by the Department of Agriculture, the net shift of contract acres from intensive crops into grasses and legumes in the period from 1933 to 1935 was 80 percent, but, nevertheless, there was a reduction from 83,100,000 pounds of creamery butter to 80,000,000 pounds. I also have the figures for Iowa, Wisconsin, and Tennessee.

Mr. DUFFY. If I may interrupt there, as to any statistics of that kind I desire to say that we all know that drought conditions existed through all the sections where any considerable amount of dairy products was produced; and it is not through the operation of the A. A. A. that any figures of that kind may be accounted for. Especially was that true in Wisconsin.

Mr. MURPHY. I grant that what the Senator says is true as to 1934, the year of the drought.

Mr. DUFFY. The A. A. A. did not go into operation, certainly, until the middle of the year 1933; so it is very difficult to see how the figures of that year can be of any value. I do not wish to take any more time on that subject, however.

Mr. MURPHY. I will discuss the subject in my own time.

Mr. DUFFY. I merely wish to say that I think the dairy producers of this country are entitled to fair consideration. As I say, they represent 23 percent of the agricultural income of this country. They are not only willing to be good sports and say, "We shall not object when other parts of the country, other kinds of agricultural interests, get many benefits out of this bill. We are willing that they shall do so. We from the dairy States want them to." But where the bill will operate directly adverse to their own interests in piling up greater surpluses of the kind against which they have been struggling so long, I think there ought to be some more good sportsmanship shown, and where farmers are having acreages withdrawn and are being paid therefor they should not use them to build up surpluses of dairy products.

Mr. COPELAND. Mr. President, I have not spoken at all on the pending bill. I should take no time now except for the fact that the matter under discussion is of tremendous importance to my State.

New York State stands eighth in agriculture among all the States of the Union largely because of its dairy interests. There are 70,000 dairy farmers in the State. The milk supply of New York City comes from New York, and the section immediately adjacent to it, New Jersey, Vermont, Pennsylvania, and other States in that region.

The dairy interests are very much burdened at the present time. It is really in distress.

The dairy business is a peculiar one; I mean when the milk is produced for beverage purposes and for cooking purposes. At certain seasons of the year, when the meadows are lush, there is an oversupply of milk; in the winter season and other times, when the meadows are not available, we still must have in the great cities a tremendous amount of milk. Consequently the adjustment of the dairy farms must be set to that time when the low production reveals.

In the city of New York every day there are consumed 3,200,000 quarts of milk, an enormous amount. Unless there can be some profit in the dairy business, unless there can be prosperity for the dairy farmer, it means a great menace to the cities of the country. It means scarcity and high price of milk, with consequent invasion of the health, especially among young children.

I shall not undertake to speak on the general merits of the bill, except to say that if it is likely to have the effect feared by the dairy farmers of my State, I must be in opposition to the measure. I do not like to oppose anything that has to do with the prosperity of the farmer. I am conscious of the necessity of increasing the buying power of the farmer. My city of New York is the greatest manufacturing city in the United States, but it sells its products largely to the farms, and if we are to thrive there must be buying power upon the farms. In the pending bill, unfortunately,

are provisions which would destroy the dairy interests, certainly of my section.

To prevent soil erosion, it is proposed there shall be the planting of grasses and legumes and other cover crops. If those crops are used for cattle grazing, it can readily be seen that it will produce such competition with the dairy farmer within my territory that all profit or chance of profit will be lost.

Then farmers and milk distributors must depend upon the sale of butter and cheese and malted and condensed milk in the lush season, in the surplus season. They have to do that in order to get rid of the surplus which prevails then. Yet, to have an abundance of milk there must be enough dairy cattle to insure production for beverage purposes during the indoor season.

Mr. President, evil effects were imposed upon the dairy farmer by the operation of the A. A. A. I want to speak about that; I want to speak very seriously and pointedly, if I can, in order to show that this effort of ours to improve agriculture may perpetuate the troubles caused the dairy farmers by the outlawed method. It may have the effect of destroying certain branches of agriculture, and the important branch in which I am particularly interested is the dairy farmer.

We find, according to the Agricultural Year Book, that the crop-land pastured in the United States amounts to about a billion acres. That is about 55 percent of the total farm area, but it includes desert scrub land, too dry for crop production, and more than a fifth is forest and cut-over land. But if there should be the reduction of acreage proposed by the bill, it would mean bringing about 30,000,000 acres of land into grazing, with dairy production, into the production of milk, butter, cheese, and meat.

It can readily be seen what effect that would have upon our dairy farmers. As I see it, if we are to increase the acreage devoted to fields suitable for the feeding of cattle, we are going to impose another burden upon the dairy farmers of the country. Not to be despised either is the burden placed upon the consumers of the country, because of what it will mean in the limitation of the milk supply of the population of the cities.

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

Mr. COPELAND. I yield.

Mr. WHEELER. I thought that one of the great complaints of the people of New York City and the people of other Eastern States was that under the program which has been carried out by the Department of Agriculture they had killed so many cattle that it increased the price of beef to the consumers of the State of New York—of the city of New York particularly, and of the other metropolitan areas in the United States.

Mr. COPELAND. There may be some truth in that as regards meat, but I am discussing milk particularly.

Mr. WHEELER. But the Senator spoke of meat, and I say that the same thing is true with reference to milk. The truth about it is that by reason of the tremendous drought throughout the West thousands of cattle were killed—not that the people wanted to kill them, but it was because of the drought that they had to kill them. This measure will not and cannot possibly materially affect the State of New York. Not only that, but I am satisfied that under the terms of the amendment as it is drawn it would come clearly within the provisions of the decision which has just been rendered.

Mr. COPELAND. I wish the Senator could convince me that the proposed law would not affect New York. But here are the facts about it. In New York State, in Vermont and Pennsylvania, and all the area of which I have spoken as supplying the eastern city markets with milk, between 1932 and 1934 there was a decrease of 30,000 milk cows.

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

Mr. COPELAND. I yield.

Mr. BONE. I have not heard all of the argument, but I am rather curious about the amendment. I am wondering whether it would not come under the ban of the Court if it adheres to its recent A. A. A. decision, because this would compel the farmer virtually to enter into a contract with the Department of Agriculture, and, furthermore, apparently this would absolutely mean the sterilizing of all the land. They would take it out of production and could not produce anything on it.

Mr. COPELAND. Mr. President, I do not intend to enter into an argument over the constitutionality of the act passed on by the Court or of the pending bill. I think this act is just as bad as the other one.

Mr. SCHWELLENBACH. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. For a question.

Mr. SCHWELLENBACH. Will the Senator let me answer the question as to the constitutionality?

Mr. COPELAND. Certainly.

Mr. SCHWELLENBACH. I will answer when the Senator concludes.

Mr. COPELAND. I am perfectly willing to yield to the Senator now to answer.

Mr. SCHWELLENBACH. The question which the Senator from Montana and my colleague raised about the Constitution is, I believe, based upon a misapprehension in reference to the decision of the Supreme Court. The Supreme Court did not hold that the compulsory feature of the relationship between the Department of Agriculture and the farmer was in itself the objectionable phase of the Agricultural Adjustment Act. They held that the Federal Government had no right to control the production of agriculture, and that, as such, on that broad basis, the Agricultural Adjustment Act was unconstitutional.

In answering that argument the Government attempted to reply by saying that while it may be impossible for the Federal Government to enter into the activities of the States in controlling the production of agriculture, as a defense they said the A. A. A. was voluntary, and therefore it did not make any difference whether the Federal Government had that right or not. The Supreme Court answered that by saying that it was not voluntary because certain requirements and restrictions were made. Therefore apparently what is worrying the Senator from Montana and my colleague is that we are imposing restrictions. If the soil-conservation feature of the bill is unconstitutional as an improper exercise of Federal authority, then it makes no difference whether there are restrictions or whether it is voluntary. But it is an entirely different question from that which was raised in the A. A. A. decision.

Mr. WHEELER. Mr. President, if the Senator from New York will pardon me for just a moment——

The PRESIDING OFFICER. The time of the Senator from New York on the amendment has expired.

Mr. COPELAND. I will take my time on the bill. I shall not yield to the Senator from Montana now, because he is against me. He can speak in his own time. I am sure he will not be offended, because of the limitation on my time.

I am very much obliged to the junior Senator from Washington [Mr. SCHWELLENBACH]. I am impressed that what he says is fundamentally and legally and constitutionally correct.

Mr. President, let me show the effect upon the dairy industry of such a measure as the pending one, as shown by the Agricultural Yearbook.

In 1935, in New York, Vermont, and Pennsylvania—and that is the area in which I am interested, because it supplies the milk for the New York market—there was a decrease of 34,000 milk cows. During the same period there was an increase of 41,000 milk cows in the State of Mississippi, 32,000 in Arkansas, 36,000 in Louisiana, 28,000 in Georgia—I suppose my good friend from Georgia [Mr. GEORGE] will oppose this amendment for that very reason—19,000 increase in Kentucky, 18,000 increase in North Carolina, 36,000 increase in Kansas, and 48,000 increase in Nebraska. These States are representative of the cotton, tobacco, wheat, and corn producing areas. Yet there was an increase in the number of cows in those States, which, of course, in milk products, is creative of serious competition with us.

The appeal I make, Mr. President, is that it is not fair to enact any sort of legislation which seeks to benefit certain sections of the country against some other section.

National happiness and contentment will not be enhanced if one section of the country is arrayed against another section of the country, or several sections are arrayed against one section.

If the pending bill shall be passed without amendment, and if the effects shall be produced which are contemplated by its authors and proponents, I am convinced that 30,000,000 acres of land now used for other purposes, or not used at all, will be put into grass and legumes, which are crops used for developing the dairy industry. That is not fair to us.

I do not have any thought in the world that the amendment will be adopted. It is not because I hope there may be sufficient argument produced to cause the amendment to be adopted that I speak now; but I desire to enter my solemn protest against legislation which seeks to tear down a section of agriculture which has been self-sustaining, which has carried on its work through 100 years and which has never asked for relief.

I protest that there should be no legislation of that sort. If justice shall be done to the section of the country which I represent, some provision must be made that while land is taken out of production for other purposes it shall not be devoted to a farm use which will impair and even destroy the dairy interests of the eastern part of the country.

Mr. President, I wish I had words which could impress upon Senators the seriousness of this situation as we see it. I should not presume to speak so feelingly if I did not have some knowledge of the question. For many years—pardon the reference, Mr. President—it was my duty to supervise, in a sense, the dairy products of the East. The great consuming market of New York was the market into which these products were sent; and it was my official duty to guard and protect them and, in a sense, to supervise them.

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

Mr. COPELAND. I yield.

Mr. NORRIS. I wish to ask the Senator from New York if he thinks it is a good thing to prevent soil erosion, and that we ought to prevent it?

Mr. COPELAND. Mr. President, I think it is a good thing. I have no objection to that.

Mr. NORRIS. One practical way to prevent soil erosion is to put the marginal lands or other lands into legumes and grasses, and in other cases into forests. Would the Senator do that in order to prevent erosion?

Mr. COPELAND. I would.

Mr. NORRIS. If the Senator produced a tree that could be sawed up into lumber, would he throw it away, or would he prevent its use for lumber for fear it would interfere with some other section of the country which produced trees? Or, if his land produced grasses, would he prevent the cattle and the horses from eating the grass?

Then I wish to ask another question following that. If the Senator advocates the adoption of his amendment in order to prevent objection from New York and other dairy States, will he not agree that his amendment, if adopted, would incur additional expense far beyond the $500,000,000 for Federal inspectors to see that cattle and horses did not eat any of the grass which might happen to grow in the areas in question?

Mr. MURPHY. Mr. President——

Mr. COPELAND. Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator from New York has 5 minutes left.

Mr. MURPHY. Mr. President, will the Senator yield to me to make one observation?

Mr. COPELAND. I must not yield, Mr. President. I do not like to refuse to yield, but I am advised by the Chair that I have only 5 minutes left.

I do not know what are the secret purposes back of this bill. If it undertakes actually to prevent soil erosion and to put the soil back in condition, I am in sympathy with it. I can speak as a farmer, Mr. President. I know how the soil on my farm is destroyed by washing and erosion. I know how the soil is deteriorated by these acts of Nature. I know what a valuable thing it would be to the farming country to have soil erosion prevented. With that object I am in perfect sympathy. But I am not willing to have enacted legislation which would result in the immediate placement upon that new land of large numbers of dairy cattle to eat the fodder found there, when, as the result of that act, there would be the destruction of that part of the industry represented by the dairy farmers. I am particularly interested, of course, in that problem as it affects my section.

To answer the Senator from Nebraska a little more fully, I think the future may bring about gradual adjustments. I do not know. I hope it will.

If this amendment shall not be adopted, I shall vote against the pending bill. I shall do so because I am unwilling to have created by act of Congress a situation which would surely result in bringing into dairy use 30,000,000 additional acres of land, and therefore still further to impoverish the dairy farmers of the East. I can make no argument for other sections of the country; but I am convinced, Mr. President, that unless this amendment shall be adopted the bill will bring distress into 70,000 homes in my State alone, to say nothing of distress which may enter homes in other parts of the country.

So my appeal, Mr. President, is that the amendment offered by the able Senator from Oregon [Mr. McNARY] shall be adopted. If it raises a new constitutional question I cannot help that, and I do not think any lawyer ought to be worried about it, because, speaking now as a "constitutional lawyer", I think the entire proposal is unconstitutional, anyhow. But at least give us a chance to save our people from the distressing effect of an act which is bound to bring destruction upon the dairy interests of great sections of the United States.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon desire recognition to speak on the bill?

Mr. McNARY. Yes, Mr. President, I do; because of the observation made by the distinguished Senator from Nebraska [Mr. NORRIS].

Everyone knows—and I am treating this matter from the physical standpoint—that if soil is going to be conserved by being planted to legumes, they should be plowed under. That is fundamental. If the pending bill proceeds upon the theory that leguminous crops are going to be raised and sold, then it will not fully add to the soil fertility. That is an exposure of another weakness of the bill that I did not expect to see disclosed on the floor of the Senate. I have known from practical experience, from observation, and from study—and everyone knows it who has given the subject study from that standpoint—that if soil fertility is going to be conserved by means of these crops, they must be plowed under and not harvested and sold.

Mr. President, if this is a plan to pay benefits to the acreage that is reduced, and sell the crops in the open market, then we are not following the intended purposes of this bill in any manner whatsoever. If that is what is intended, it is not only unconstitutional but it is void of any virtue, and will not accomplish anything the advocates of the bill have been describing in the way of soil conservation.

One may put in all the clover and the vetches that he can plant per acre, but unless they are turned under and treated as "green manures" they do not return to the soil those vital food elements which are necessary. It seems to be now the exposed purpose of this bill to have the farmers plant legumes and sell them to the livestock and dairy industry. In the case of range cattle—and I see before me the Senator from Montana, who lives in a State where they have great ranges—it would be desirable to get cheap cowpeas, vetches, and clovers from some of the Central States and sell them to those who raise cattle. But what of the dairy interests?

Mr. President, if the farmers are to cut and harvest these crops, then they have not fully conserved the fertility of the

soil; they have not added to the fertility of the soil in anyway whatsoever; but they have flooded the market with cheap dairy products and expanded the industry to the point of its destruction. It seems to me that nothing could be more fair in connection with this bill than to provide, if it is desired to give it a soil-conservation aspect, that the livestock that is browsed on the "green manures" and the green crops should not enter the market. That would bring about the balanced situation that obtains today, and would prevent a flooding of the market with cheap materials for the dairy industry and its unfortunate ruinous expansion, and would carry out the honest purposes which, I assume, to start with, this bill has.

I think the bill, as I have said heretofore, Mr. President, comes within the inhibitions of the decision of the Supreme Court, and I must say to my friends who challenge the constitutionality of this little amendment that, while it is in the nature of control, if we are going to control farm production by the displacement of corn and tobacco and rice and peanuts and wheat by nitrogenous crops, which is in itself control, and which is the embodiment of the purposes of the bill, we had better, at the same time, protect the dairy industry from ruinous competition and expansion which would result from using these crops on the market instead of applying them correctly and rightly, as any horticulturist knows—that is, by returning them to the soil. For that reason I want to comment briefly upon the statement made by the Senator from Nebraska that these crops should be sold, for I say if that is done, I repeat—it cannot be repeated too often—the purposes of this bill are destroyed.

Mr. COPELAND. Mr. President——

Mr. McNARY. I yield.

Mr. COPELAND. Will the Senator emphasize that point? I understand that what he has in mind is that the only way these legumes can ultimately increase the fertility of the soil is by being frequently plowed under, so that there may be fertilization and a restoration of the nitrogenous elements.

Mr. McNARY. I hesitate to refer to any practical experience, but, as an orchardist, I have had years of experience. It is an old story with me. I have never asked the Government to buy seed for me or to pay any benefits, but each one of these nitrogenous plants have nodules which fixate the nitrogen from the air. That nitrogen goes to the soil when the plant is plowed under, is then released, and the tops of the grasses above the soil furnish the humus which makes the ground compact and prevents it from being blown or washed away. The whole process is complete when the legumes are turned under the ground.

Are we going to say that it is a conservation plan, and then deny it, and defeat its purposes, and at the same time claim that the dairy industry is asking something unfair because they do not want their business injured? I am surprised, Mr. President, at the turn this measure has taken in that respect.

Mr. McNARY subsequently said: I ask unanimous consent to have read by the clerk an excerpt from the minority report of the House Committee on Agriculture indicating what effect, in their opinion, the unbridled production of legumes will have upon the dairy industry; and I ask to have these remarks appear in connection with the remarks I made a few moments ago.

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

The legislative clerk read as follows:

The Secretary of Agriculture and the Administrator of the Agricultural Adjustment Act finally appeared informally before the committee, and from the statements made by these officials it was definitely ascertained that the Secretary proposed to take from twenty to thirty million acres of cotton, wheat, corn, and tobacco land out of the usual line of production. It was stated by both gentlemen that the greater part of this land would be used for the production of grasses and legumes, and that farmers entering into the arrangements would receive a subsidy or bounty for changing their usual type of production. It was also admitted that the carrying out of the contemplated program would materially increase dairy and livestock production throughout the country, and that the Department's program would encourage livestock production in areas now used exclusively for other types of farming.

Mr. MURPHY. Mr. President, the assumption back of the pending amendment is that returning surplus-crop lands to grasses and legumes will increase livestock and dairy production, and that, therefore, the dairy and livestock industries would have to bear the brunt of the soil-conservation program. I do not intend to speak on the constitutionality of the amendment; to my mind it is unconstitutional; but I do wish to dissipate the assumption that it necessarily will follow, or that it will follow at all, that the retirement of acreage from grain crops to legumes and grasses will increase competition in the dairy industry.

In a statement interpolated in the remarks of the Senator from Wisconsin a little while ago, I referred to four States as to which I intended to give the statistics, showing the percentage of acres contracted under A. A. A. and converted from intensive crops into grasses and legumes during the years 1932 to 1935, inclusive, and the trend in butter production in those States for those years. I had covered the case of the State of Ohio, where the percentage of shift of contract acres was 80, and the reduction in the production of creamery products was from 83,100,000 pounds to 80,000,000 pounds.

I have the figures for the States of Ohio, Iowa, Wisconsin, and Tennessee in the form of a table, which I will read, repeating the figures as to Ohio for the sake of completeness.

State	Percentage of shift of contract acres from intensive crops into grasses and legumes, 1933–35	Trend in creamery-butter production from 1933 to 1935
Ohio	About 80 percent	Reduced from 83.1 million pounds to 80 million pounds.
Iowa	About 85 percent	Reduced from 239.1 million pounds to 217.2 million pounds.
Wisconsin	About 90 percent	Increased from 157.9 million pounds to 166.1 million pounds.
Tennessee	About 75 percent	Reduced from 17.4 million pounds to 16 million pounds.

It is not an answer, I submit, Mr. President, to say that the drought explains the facts disclosed by these statistics. There was a drought in one year only. These figures cover 3 years. Further proof that the drought is not the explanation is found in the figures as to the State of Wisconsin, as set forth in the table.

So it is very clear, Mr. President, that, on the basis of our experience, the shift of the contract acres to grasses and legumes has not been attended in the States mentioned with an increase in the production of creamery butter.

Mr. DUFFY. Mr. President——

Mr. MURPHY. I yield to the Senator from Wisconsin.

Mr. DUFFY. Will the Senator give us his idea of how making more grasses available to the cows will cut down the production of milk?

Mr. MURPHY. I answer the Senator that that has been the experience under the A. A. A. The great fear that the dairyman has is not from the result produced by the shift of acreage to grasses; the great fear he has is that the farmer producing beef cattle and grain, because of low prices for those commodities, will shift into the production of milk, because milk is a cash crop and his necessities will force him to do that. That is the great fear he has. There is no incentive supplied here for that farmer to do that, because the program otherwise seeks to elevate the prices of other food products and thereby lessen the attractiveness of dairy farming to that particular farmer.

For the country as a whole, approximately 35,000,000 acres were taken out of the intensive soil-depleting crops, and most of such acreage went into grasses and forage crops. The record shows that for the country as a whole from 1933 to 1935, when the adjustment programs were in effect, creamery-butter production decreased from 1,762.7 million pounds to 1,633.8 million pounds.

Mr. BLACK. Mr. President——

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

Mr. BLACK. I listened to the figures of the Senator from New York showing that one of the States had increased the number of cows, I believe, during 1 year 18,000. I did not

hear his figures as to the increase or decrease of the cow family in the entire country during that same period; but the thought occurs in connection with the Senator's statement—and I will ask him if it is not justified—that possibly there were a great many cows owned by families for their own use who had never before owned a cow and who were not able to buy any creamery butter from New York; and it may be possible in that way that more people are getting milk. I should judge from the figures the Senator has given that it is clearly established that the withdrawal of the land from crop production did not increase the number of farmers who went into the dairy business. Did not the Senator's figures show that it did not have that effect?

Mr. MURPHY. The figures show the production of creamery products declined in that period.

Mr. BLACK. They show that the production of creamery products declined; so that, if it be true in the States the Senator mentions that there was either a natural or an unnatural increase in the number of cows—the figures do not show whether there was a natural or unnatural increase in the number of cows in those States—it is very clear from the Senator's statement that it did not injure the dairy business.

Mr. MURPHY. I thank the Senator for his remarks. But suppose, Mr. President, these figures do not give a true picture and suppose the soil-conservation program would increase dairy production; even so, the Congress has provided ways to deal with the situation which have been and will be used effectively to protect dairymen; so there is no use talking about the necessity of this amendment as essential to the preservation of the homes of dairymen in New York.

The thing that wrecks the dairyman is the existence of seasonal surpluses, which are bought up and stored by speculators. Under the powers provided by Congress in the Jones-Connally amendment to the Adjustment Act, and section 37 of the amendments to the Agricultural Adjustment Act last August, money and authority are provided for surplus purchases and the elimination of diseased animals in the dairy and cattle industries. Support for the dairy industry through surplus diversion is also provided in section 32 of the Agricultural Adjustment Act amendments adopted last August. So the Government, to protect the dairymen and cattlemen against these seasonal slumps, can slide a plank under the market whenever there is need and at any time it elects.

Mr. President, to my mind this amendment is impossible of enforcement.

The PRESIDING OFFICER. The time of the Senator on the amendment has expired.

Mr. MURPHY. I shall take a few minutes on the bill.

The Senator from Nebraska [Mr. NORRIS], in his remarks a few moments ago, suggested the possibility of the unenforcibility of this measure. He suggested that there would be a great increase in administrative expense. The Senator is eminently correct. It would be necessary to police every cow and every beef steer to see that it did not graze on any of these grasses.

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

Mr. MURPHY. I yield.

Mr. WHEELER. Not only the cows, but if a farmer were raising some horses and the colts should run over to the other piece of land and feed there, he would be denied the right to his benefits under the measure.

I am interested in one other thing that should be called to the attention of Senators on this side of the Chamber. We constantly hear the ex-President of the United States and all the other Republican leaders of the country saying that what the Democrats are preaching is an "economy of scarcity", that what we are trying to do is to keep the people from getting milk, trying to keep them from getting beef and a sufficient amount of food.

Now, we find the Republican leader on the other side of the Chamber offering an amendment to the bill, supported by the distinguished Senator from New York [Mr. COPELAND], advocating the "economy of scarcity", and saying that what they are afraid of is that the people of New York will get a little too much milk and consequently force down the prices of milk for the consumer, and afraid they will get a little too much beef unless the amendment is adopted.

I have supported every measure that has ever come here for the benefit of the dairy farmer. In my judgment, any dairy farmer or organization of dairymen that says this is going to definitely injure the dairy farmer is absolutely wrong, as the figures submitted by the Senator will show.

I did not want to let this opportunity go by without pointing out the inconsistency of the Republican leader in this Chamber and of the Republican candidates for the Presidency.

Mr. MURPHY. I thank the Senator for his very pointed observation. I would be the last man in the Senate to do anything willfully to the prejudice of the dairy industry, which is one of the greatest industries in my State. But the evidence attending the administration of A. A. A. shows that the dairymen and cattlemen have already gained and stand to gain further from a program for the general interests of American agriculture, and that Congress has provided special measures, money and powers, to meet the special problems of the dairymen. There is every reason to believe that the soil-conservation program has the overwhelming support of the rank and file of real dairymen who are thinking straight about the true interests of their industry.

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

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. MURPHY. I yield.

Mr. DUFFY. Can the Senator tell me whether any dairy organization ever came to the conclusion that this would not jeopardize their interests very seriously?

Mr. MURPHY. I have not been addressed, to my knowledge, by any dairy organization on the subject.

Mr. NORRIS. Mr. President, I regret that the dairy people of the United States, represented by the organization whose letter was read at the desk at the request of the Senator from Oregon [Mr. MCNARY], feel as they do. I cannot help, to some degree at least, losing some of the confidence I have in that great organization.

The dairy farmers of America have been the recipients of many governmental favors; and justly so, I believe. I have sat for days and days in the Committee on Agriculture and Forestry listening to the pleas of the dairy farmer for different kinds of protection in various kinds of bills which have been before that committee. I believe I have invariably and without exception come to the conclusion that much, if not all, the relief they were asking was relief for which they were justified in asking; and I have done what little I could do to help them.

Now, I am surprised and startled that these dairy organizations, who have been favored by congressional enactments on many occasions and are now enjoying such governmental favor, have suggested an amendment to this bill which seems to me shows on its face that it is unfair and unjust, and that they are asking for a favor to which they are not honestly entitled.

In the first place, I believe the statistics and the arguments just presented by the Senator from Iowa [Mr. MURPHY] absolutely show that the dairymen stand in no danger of injury if the amendment should be adopted. The statement of the Senator from Oregon [Mr. MCNARY], in answer to the question by the Senator from New York [Mr. COPELAND], was to the effect that the lands withdrawn must be planted to legumes and plowed under every year in order to enrich the soil. That would enrich the soil; but in many instances, perhaps in the majority of instances, where we are trying to prevent erosion, the lands which are eroding now are doing so because they have been cultivated—lands that never ought to have felt the touch of a plow.

In some instances we are going to plant them to trees. Is it not just as fair to the lumbermen to say the trees will grow up and afterward be cut into lumber and come in competition with trees some place where we now have immense forests? In all legislation that we enact for the benefit of

some it may be figured out how it might be an interference with the prosperity of others. But in the end these matters adjust themselves. The dairy farmers of Wisconsin and New York are in no danger of becoming extinct because we are going to plant some trees and some grasses on withdrawn land in some other section of the country.

Mr. President, the injury about which there is apprehension is entirely too indefinite and uncertain. I remember once being criticized by some of the newspapers of my State which ordinarily had great admiration for me because I had supported a bill dealing with the Reclamation Service which would have put under irrigation some land which at that time was producing nothing; and the criticism was solely on the ground that the land would produce crops which might interfere with crops produced in my State. That might have been true; it probably was; but is that any reason why we should be what I believe to be narrow-minded, and take all the benefits to ourselves, and then build a fence around the remainder of the country and say we shall do nothing for it?

In the end, as I said, these things will adjust themselves. I remember when I first came to Congress it was proposed to install typesetting machines in the Government Printing Office; and delegations of men and women came to my office by the hundreds, praying with me almost on bended knees—because they were in dead earnest; they meant what they said; they thought they were right—to vote against any such improvement as that, because it would deprive of employment their husbands, their brothers, and their sons who were standing up in the Government Printing Office, setting type by hand. We put in the typesetting machines, however. Every country newspaper now has one, all over the United States. Nobody would go back to the old way of setting type.

The people who have cows and dairies in New York will not be injured by the proposed legislation. It will not hurt them to have some legumes or some grasses or some trees or some bushes planted on land withdrawn from cultivation. Shall we say, after it is planted to grasses, that it never shall be pastured? If we should provide that when these legumes and grasses and trees were planted the Government should build a wire fence around the whole thing and keep everybody out, it would be cheaper, in my opinion, than to employ the thousands of inspectors who will always have to be on guard to see that no cow or horse or sheep or goat gets over into some of these marginal lands and eats a bunch of grass.

Mr. President, there is one other thing I desire to mention. This amendment is flying right in the teeth of the Supreme Court decision in the A. A. A. case. It specifically, almost in so many words, provides for doing something which the Supreme Court in so many words has held that we may not do. They may hold the law unconstitutional, anyway, without this amendment; but they will have a much better excuse to do it if we put on this amendment, and the whole thing will go out.

There can be no doubt whatever that this amendment specifically regulates agricultural production. I think the remainder of the bill does that somewhat, but it is not so brazen in talking about it. The idea is not to let the Supreme Court find it out, I think; but we are going to point out the fact to them in flaming headlines if we put in this amendment. It seems to me the effect of it would be to make certain the death of the bill. It now has at least a hope of life.

Mr. GEORGE. Mr. President, I desire to say a few words on this amendment.

If it should result that the passage of this bill without this amendment would work great hardship on the dairying interests of the country and therefore on the farmers who are engaged in dairying, I should regret it. I cannot lead myself to accept that view as being altogether correct, however, although I can understand the apprehension which inspires the amendment.

I should like to say that I am loath to make the suggestion which has been made by the distinguished Senator from Nebraska [Mr. NORRIS] that the dairying interests of this country have not been altogether considerate of other sections of the country. Innumerable acts have been passed by previous Congresses outlawing products which came from other agricultural States. We have the oleomargarine statutes; we have the filled-milk legislation; we have outlawed products which admittedly were wholesome, which admittedly were desirable. We have outlawed them solely upon the ground that it was desired to prevent competition with dairy products.

I very well remember a distinguished member of this body, when we had under consideration a milk bill, who admitted—and I had very great respect for him, as did all of his colleagues—that the milk he proposed to outlaw was not harmful from any possible point of view. He admitted that it was even desirable for children in certain conditions; and yet the Congress struck down an industry at the request of the dairying interest of the country.

I have generally voted to support anything which I thought was at all proper and in the true interest of dairying; but it is a remarkable sort of thing for the dairying interest in certain States to come here and ask that lands which may be taken out of clean-crop cultivation in order to receive the benefits which the Secretary of Agriculture may grant under this bill should not be sown to cover crops or feed crops, or at least that those feed crops should not be used at all to fatten or to produce any dairy product or beef product sold on the market. I think I ought not to lose the opportunity of saying that the dairy States have stood here and asked that the southern cotton farmer be penalized by an unconscionable tax on the products of cottonseed and cottonseed meal, and that has been done. Now they are here complaining that somebody may compete with them.

Mr. President, I call attention to the fact that this amendment does not propose that the grasses and cover crops shall not be consumed by hogs and cows and cattle and other livestock, and that the farmer may not eat the livestock produced on these additional acreages of cover or feed crops, but only that he may not sell on the open market the products which result from an increase in the food crops, as our dairying friends anticipate.

The Senator from Nebraska [Mr. NORRIS] is obviously right when he says that it would take an immense sum of money and a vast army of inspectors and snoopers to find out whether one's chickens or his hogs or his cows had gone over onto some of the prohibited territory, or the lands which had been taken out of clean-crop cultivation and had been put to raising feed crops.

But, Mr. President, it seems to me there is no need to delude ourselves. If this amendment shall be adopted, this entire legislation beyond a peradventure of a doubt will be ended before it is commenced. It seems to me, with all due respect, that there has been considerable misapprehension in this body about the meat, the heart of the decision in the A. A. A. case.

The Supreme Court did not hold, as has been assumed—and many very severe strictures have been directed at the Court because it was thought it had so held—that the Congress could not aid agriculture by an appropriation. The Supreme Court did not hold that there were not less restrictions on the power to appropriate than on the power to legislate. They did not hold any such thing as that at all. They did not intend so to hold. The Supreme Court said some things in the decision which may be criticized from the standpoint of those who do not believe in a dual system of government. I, myself, do believe in it, and I shall not criticize the Supreme Court because it is in favor of preserving the State with something more than the trifling police power of a municipality.

While I am discussing the pending amendment, I might as well discuss other things. I regret expressions coming from this side of the Senate, particularly from leaders of the party, and I think they are without substantial foundation or justification. But as for my part, and in order to make it clear, whatever my party declares in the next national convention, or writes into its platform, or announces through its candidate, I will not support a program looking

to the destruction of the dual system of government in this country, because, as I conceive it, my obligation and duty to my country are above my obligation to my party. That is as plain as I can make it, and I want to make it plain.

Mr. President, what did the Supreme Court say? I read from the opinion:

> We are not now required to ascertain the scope of the phrase "general welfare of the United States" or to determine whether an appropriation in aid of agriculture falls within it.

The Court expressly and implicitly reserved those questions. This is what the Court did say, and this is the heart of its decision:

> Wholly apart from that question, another principle embedded in our Constitution prohibits the enforcement of the Agricultural Adjustment Act. The act invades the reserved rights of the States. It is a statutory plan to regulate and control agricultural production, a matter beyond the powers delegated to the Federal Government.

I call attention to this language:

> The tax, appropriation of the funds raised, and the direction for their disbursement are but parts of the plan. They are but means to an unconstitutional end.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired.

Mr. GEORGE. I will take my time on the bill.

What the Supreme Court said—what it meant to say, what it explicitly did declare—was that the whole scheme of the Agricultural Adjustment Act aimed at an unconstitutional purpose, or an extra-constitutional purpose, so far as the Federal Government was concerned. In this decision they do not commit themselves to the doctrine that the power to appropriate is as restricted as is the power to legislate. They concede, as I think most lawyers have always believed, that there were less restrictions in fact on the power to appropriate money than on the power to legislate. There was the early view of Mr. Madison, and the Supreme Court dealt with this conflicting view, but they took the other view. They took the Hamiltonian view, as interpreted at least by Judge Story. What they said was that the power to regulate agricultural production was a power reserved to the States or to the people of the States; and that the tax laid for that purpose, the tax levied for that purpose, the means of distributing the money that was appropriated for that purpose, constituted one general scheme, and they condemned it.

If the pending amendment should be enacted, Mr. President, there could be no question that the Soil Conservation Act would become at once an act to regulate agricultural production, to control it, because the provision written into the act by the Congress itself would provide that no crops intended for sale be harvested from and no livestock intended for sale, or the products of which are intended for sale, be grazed or pastured on the lands that are taken out of clean cultivation, at least under the soil-conservation measure now before the Senate.

If the bill is to have the slightest chance of favorable consideration by the Supreme Court, it seems to me that we cannot afford to write into it the pending amendment. It does seem that the objection to the amendment is so clearly good that it would be useless to write it in and entertain any further hope that the act would be held to be constitutional.

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

Mr. GEORGE. I yield.

Mr. McNARY. Mr. President, I have a very favorable opinion of the judgment of the able Senator from Georgia, and I should like to ask him whether it is his idea that the amendment is in any way weaker, from the constitutional standpoint, than the bill itself?

Mr. GEORGE. I think it is, because it is clearly and distinctly disclosed that with the amendment in the measure the purpose of the legislation is to control agricultural production.

Mr. McNARY. Would it be any more controlled than for the Secretary of Agriculture to say to a farmer that certain grasses or legumes should be planted, and that he was compelled to do that in order to receive his benefits; and then go further and say that if they were planted, he could not feed them to cattle which would go into the dairy business?

Mr. GEORGE. I think it would be, because I can see that if the conservation of soil is within the power of the Federal Government and not within the powers reserved to the States, or to the people of the States, anything that is appropriate to the conservation of the soil itself may be said to be within the power of the Congress, or within the competency of the Congress.

I do not mean to express an opinion that the Supreme Court will hold the bill as it stands to be constitutional, because I know perfectly well that much will depend upon the administration of the measure. The court has always, and rightly, looked to the actual application of a law as the final test of whether the act itself is constitutional.

Mr. BORAH. Mr. President, will the Senator from Georgia yield to me?

Mr. GEORGE. I yield.

Mr. BORAH. I invite the Senator's attention on the question of constitutionality to subdivision (4) of section 7. Subdivision (1) provides for "preservation and improvement of soil fertility." Subdivision (2) is for the "promotion of the economic use and conservation of land." Subdivision (3) is for the "diminution of exploitation and wasteful and unscientific use of national soil resources."

It seems to me that the Court might well hold the bill to be constitutional as to those three purposes, because they all relate directly and intimately to the question of soil conservation. But subdivision (4) provides for the "reestablishment and maintenance of farmers' purchasing power." I do not see how that could be sustained within the decision of the Supreme Court in the Agricultural Adjustment Act case.

Mr. GEORGE. I am very frank to say to the Senator from Idaho that I do not see how it could be sustained within that decision because it has at least no direct relation to the constitutional purpose, if it be conceded that soil conservation is within the powers of the Federal Government.

I was about to say that even in the N. R. A. case, so far as one essential feature of that act was concerned, had the administration of the N. R. A. been confined to interstate commerce, the act would not have been condemned; but in its actual application the administrator undertook to regulate barber shops, pressing clubs, restaurants, hotels, and other purely local and intrastate business. So that if under the pending measure in its actual administration it were apparent that the purpose was the regulation of agricultural production, the act would unquestionably meet the fate of the Agricultural Adjustment Act, and writing into the measure the amendment which the distinguished Senator from Oregon, for whom I entertain not only the highest respect but the deepest affection, has presented, would certainly declare the purpose in unequivocal and explicit language, as I read it—that is, to control agricultural production.

Mr. President, that is all I have to say.

Mr. BORAH. Mr. President, I should like to ask the Senator in charge of the bill whether he regards subdivision 4 as essential to the effective working of the bill. I entertain the view, which I suppose all entertain, that we would like to legislate for soil conservation and the prevention of soil erosion.

Mr. SMITH. Mr. President, I will state frankly that it was contended that this provision might be misconstrued. A great many members of the committee thought that in the Government's effort to prevent soil erosion and to bring about soil conservation one of the necessary corollaries would be the reestablishment and maintenance of the purchasing power of farmers.

Mr. BORAH. If that be true, Mr. President, then subdivision 4 is surplusage. The fact, however, that this subdivision is inserted conclusively establishes the fact that it is proposed to do something aside from dealing with soil erosion, and I venture to believe that it would imperil the measure if it

were left in it. We ought not to insert a clause which may invalidate the entire measure when we can effectuate our purpose without it.

Mr. SMITH. Mr. President, all of us know that the object of the entire bill is to aid agriculture, to preserve the fertility of the soil, and to reclaim the soil whose fertility has been destroyed. We are attempting now to legislate constructively, for the future increase in population, and we hope we will not always be in the depression or facing a future depression, and that possibly we will need a great extension in the future of the soil on which to produce the necessities of life at home and whatever may be needed abroad.

That was the whole purpose of the bill.

I am frank to say that by the language of the bill it did not appear that the ordinary farmer's specific personal interest was being taken care of; and the committee thought it was perfectly legitimate to say that the result of the operation of these laws will perhaps have the effect of maintaining and reestablishing the ordinary farmer's purchasing power.

I remember the illustration was used that we certainly have the constitutional right—so declared now—to build a dam to improve the navigability of a stream. If, in building that dam, incidentally there is produced power, that is in no sense correlated to the objective of the dam and the locks.

Now, the question is, what declaration should be made in reference to a projected construction of a dam under which incidentally there would be power produced? It might very well be said that in providing money to build the dam there will be incidentally a considerable contribution to another accomplishment.

Mr. BORAH. Mr. President, I agree with the logic of the Senator's position with reference to building a dam and power development; but I must say that that does not seem to me to be an answer to this contention.

Mr. SMITH. Mr. President, is it the objective of this bill really to benefit the farmer?

Mr. BORAH. Oh, yes; to benefit the farmer, of course.

Mr. SMITH. Certainly. In what respect?

Mr. BORAH. When it is said that we propose to reestablish and maintain the farmer's purchasing power, I do not know what is meant, unless we propose to control production.

Mr. SMITH. Mr. President, I think that largely depends upon what construction is placed upon the reestablishment of the farmer's soil. To meet the issue squarely and fairly, let me say that it was thought that if it should be necessary to take out of cultivation certain lands in order to prevent erosion and in order to increase fertility, it would perhaps necessarily and logically reduce production.

Mr. BORAH. Exactly. Therefore, I say that everything can be done which it is proposed to do under this bill.

Mr. SMITH. But we want the farmer to understand it. He might not understand the constitutional, technical phase of the matter. We must get it down to a cornfield basis. Frankly, that is exactly what influenced the committee. I am telling the Senate that now. We may pile up our technicalities and our constitutional constructions, but the gentleman out in the field says, "Where do I come in?"

Mr. BORAH. The gentleman out in the field is a great deal more intelligent than we give him credit for being.

Mr. SMITH. Yes; I hope he is, and I hope the effect will be felt later on. It has not been felt up to the present time. He has not proven his intelligence as he ought to have done—I mean, by exhibition where the laws are made.

Mr. BORAH. The Senator and I are both here.

Mr. SMITH. Yes; I know we are, and that proves the point I am making.

Mr. President, I fully agree with the Senator from Idaho that in view of the decision of the Supreme Court, that language, if they so desired, might be construed as expressing one of the main objectives. It is a corollary coming from the erosion and depletion of the soil.

Mr. BORAH. I think I understand the Senator's position.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oregon [Mr. McNary] to the committee amendment.

Mr. CAREY. Mr. President, a few moments ago I referred to a telegram which I had received from the secretary of the Wyoming Stockgrowers' Association, and which I now ask to have read by the clerk.

The PRESIDENT pro tempore. Without objection, the clerk will read the telegram.

The legislative clerk read as follows:

CHEYENNE, WYO., *February 10, 1936.*

ROBERT D. CAREY,
United States Senate:

We urge you oppose farm legislation as now proposed. First, because it provides for expansion of hay and pasture land in farm States, which we believe will lead to great subsidized expansion of cattle and sheep production in those States to utilize millions of acres of new hay and pasture land. Thus created, this would lead either to serious oversupply of livestock or to forced reduction in livestock on western ranges through restriction of stock licensed to graze under Taylor Act and on forests. Either of these results would be disastrous to West, and especially Wyoming. Second, we understand such farm legislation likely to be financed by processing taxes, thus further burdening livestock industry. Our stockmen are united in their opposition to such taxes, especially if levied upon livestock or its products.

RUSSELL THORP,
Secretary, Wyoming Stock Growers' Association.

Mr. CAREY. Mr. President, we know that under the A. A. A. program as soon as there was a reduction of one crop the farmer turned to another crop. We began by legislating with respect to a very few basic commodities, which were constantly added to on account of new crops and new kinds of surpluses resulting from our previous acts.

If the pending bill is an honest bill, if it is the intention of the Department of Agriculture and other advocates of the bill really to administer it as a soil-conservation measure, the result will be, we know, that these lands will go into the production of grasses and feeds, which means a larger livestock production throughout the United States, as well as an expansion of the dairy industry.

I desire to read from an article written by J. Evetts Haley, of the department of history of the University of Texas, Austin, Tex., entitled "The Cows in the Cotton Patch." I quote from this article:

The unplanned results of the planners are coming in with the bills, and the dislocations of our national economy are just now beginning to be felt. The center of meat production is shifting South and East, following the growth of feed. Peter Molyneaux, editor of the Texas Weekly, notes the increase in Texas production and suggests coastal packing houses to process and ship southern hogs to eastern markets; Dr. George W. Carver, famed agriculturist of Tuskegee Institute, says cattle are supplanting cotton in the South; and in distant Wisconsin Dr. Glenn Frank raises his voice to warn the dairy interests of the potentialities of other regions. Nor are these wild predictions. Already the cows are in the cotton patch, and only the western cowman and the Corn Belt feeder will worry about who is a-going to get them out.

I quote from another part of this article:

From Red River to the coast of Texas this writer has seen cotton lands being turned to feed and to range, and the preliminary report of the census of agriculture indicates the trend elsewhere. Around Selma, Dallas County, Ala., there is a 9-percent reduction in agricultural acreage for the last 5 years. Yet hay and oats are up, corn production increased more than 17,000 acres, and the number of cattle advanced to 37,716 head for this county alone, or an increase of 55 percent. Markets at Montgomery report an active demand for light stocker cattle, the biggest calf crop "in years", and "unprecedented" receipts in the yards.

I ask unanimous consent to have the entire article printed in the RECORD at this point as a part of my remarks.

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

The article is as follows:

THE COWS IN THE COTTON PATCH

(By J. Evetts Haley, of the Department of History, University of Texas, Austin, Tex.)

That the western range man, the Corn Belt feeder, and even the Wisconsin dairyman have almost as vital an interest in the restriction of cotton acreage as the southern planter is a fact but slowly realized. Though originally designed to promote stability in one industry, the Bankhead Act and cotton subsidy now threaten the life of others, and offer another illustration of the

fallacy of "economic planning" as practiced by the "brain trust." Such "planning" for one group at the expense of another is mere class legislation, and for downright consistency in at least one New Deal field there seems nothing in American history to equal it.

In the early summer of 1933, Mr. Henry Wallace, short on experience but long on philosophy, called a conference of southern cotton authorities to advise as to the disposition of surpluses and the prevention of their recurrence. With the usual emotional fervor of those "first hundred days", and also with their usual lack of deliberation, a scheme of reduction was evolved.

Dr. A. B. Cox, recognized cotton authority from Texas, there in attendance, opposed the sacrifice of our world trade and the dislocation of southern economy upon the basis of emergency. Emphatically he warned the Secretary that if cotton production were severely restricted, the South would be forced into the cattle business. At that time it was traitorous to doubt, and Mr. Wallace strode across the room, shook his finger under the Texan's nose, and laid down the first principle of regimentation:

"No; you can't do that," he said. "We won't let you!"

Since then the extension of bureaucratic power to American agriculture and, through agriculture, to American life, has moved apace to encompass the domestic economy, all the way from chewing tobacco to baked potatoes.

Upon the surface the plan was simple enough. The farmers were in distress; prices should be raised; and, marvelously, these planners decided the exact amount they should be raised and called this the "parity" price. Certain commodities were declared "basic", and processing taxes or class levies were collected to pay "cooperating" farmers a bonus. Obviously processors could not absorb these levies indefinitely, as the propagandists seem to have led the country to believe, and the cost was passed on to the consumer. When buyers' strikes developed and the products would not move, the levies were, of necessity again, passed back to the producers in lower prices.

But by offering the cotton farmer a bounty not to raise cotton, and the corn-hog grower a subsidy not to raise corn and hogs, the so-called Agricultural Adjustment Administration induced them to vote approval of the plans, and, of course, "voluntarily" submit to control.

Since that day the devastating results of planned economy have broadened with the field. At first the A. A. A. was to limit but one southern crop, and that crop was cotton. Then it bit off tobacco. But as tobacco and cotton acreage decreased, peanuts increased, and in order to save this considerable industry, "goobers" were added to the Triple A list. Still the millions of tillable acres remained, and planters put more land into potatoes. The potato market slid to the bottom, and now by recent amendment to the A. A. A., the most arbitrary rule of all is invoked, not only to prescribe the number of bushels each person may produce, but to indicate the only container in which they may be sold, and to lay down a penalty of a thousand dollar fine for both seller and buyer of bootleg goods.

Today, instead of one southern crop, a half dozen are "under control." It is a dangerous progression pointing the short way to complete regimentation of the agricultural field and a corresponding change in the American way of life.

It takes several years to raise a cow or produce a heavy beef, and hence the effects of the A. A. A. upon beef production are but now becoming evident. Some 13,000,000 acres have been withdrawn from cotton in the South, and millions from production of other basic crops. Yet it is a notable fact that acres growing but weeds and grass produce meat, whether on a western range or on a delta plain, and the consumers are beginning to wonder when this and the other costly contradictions will end.

The Administration pays farmers to retire rich corn land in Iowa while Texas is producing the biggest crop in 25 years; it holds down production of grain while we import trainloads from Mexico and Canada; it kills off our cattle in the name of "balanced abundance" while importing meats from abroad; and, through one division of the A. A. A., kills the calves and pigs to save the growers, while another division of the organization, known as Consumers' Counsel, advises resentful buyers to turn to other articles of diet.

The unplanned results of the planners are coming in with the bills, and the dislocations of our national economy are just now beginning to be felt. The center of meat production is shifting south and east, following the growth of feed. Peter Molyneaux, editor of the Texas Weekly, notes the increase in Texas production and suggests coastal packing houses to process and ship southern hogs to eastern markets; Dr. George W. Carver, famed agriculturist of Tuskegee Institute, says cattle are supplanting cotton in the South; and in distant Wisconsin Dr. Glenn Frank raises his voice to warn the dairy interests of the potentialities of other regions. Nor are these wild predictions. Already the cows are in the cotton patch, and only the western cowman and the Corn Belt feeder will worry about who is a-going to get them out.

If these interested parties attempt to do it with unrestrained production, will Mr. Wallace again rise to remark:

"No; * * * we won't let you."

Yet this is the ruthless, unavoidable sequence of the plan for abundance through scarcity, this so-called agricultural adjustment. Control of one big crop means control of all; planning for agriculture means planning for the other industries. It happened with peanuts and potatoes, and now Nature's inevitable cycle moves on the upgrade to a vast surplus of beef. The western producer can read the signs as he rides; prices in the West will be scaled down through the pressure of great herds from the South. This is neither planning, nor balance, nor adjustment, but plain economic bungling, disturbance, and impending disruption, with none of the commendable, shock-absorbing features of the easy, natural readjustment of our economic life.

Will Mr. Wallace permit the western range man and the Corn Belt feeder to hold his business by meeting this southern expansion? The past history of the A. A. A., as well as its uncertain future, poise the negative answer. To do so means defeat of the whole scheme. The outcome must be more and more control. Already his machinery for handling the situation exists through the cattle-adjustment contracts extended to the western range through the medium of drought relief. Through the cattle-killing program and the payment of bonuses more than 700,000 ranchmen and farmers in 24 range States signed a contract to "cooperate with further general programs pertaining to the adjustment or reduction of production * * * which may be proffered by the Secretary." Furthermore, they agreed "to abide by and conform to regulations and administrative rulings" relating to the agreements "hereafter prescribed by the Secretary." It hardly seems rash to predict that the "hereafter" is near at hand. Will the blanket contract be invoked to hold western production in check when the South can produce at its own free will?

Whatever may be Mr. Wallace's philosophical rejoinder, the meat producers of the West must face these grim facts, as well as a foreign trade sheet steadily mounting in their disfavor. Department of Commerce figures for the first 8 months of the last 2 years tell their own story—the story of eating our neighbors' beef:

Imports (in pounds)	1934	1935
Beef and veal	136,972	7,115,925
Hams, bacon, etc	547,223	2,395,608
Canned meats	26,215,757	49,770,402
Lard, etc	296,185	10,758,779
Butter	436,695	21,826,263

While the experts were punching hypothetical cows across their charts, the ranches of Alberta, Canada, in these 8 months shipped 30,000 cattle over the American tariff walls, compared with 6,567 head for all of Canada through the whole of last year. Likewise, cattle pour in from Mexico, beef from Argentina, and the South drifts its herds into the cotton patches.

From Red River to the coast of Texas this writer has seen cotton lands being turned to feed and to range, and the preliminary report of the census of agriculture indicates the trend elsewhere. Around Selma, Dallas County, Ala., there is a 9-percent reduction in agricultural acreage for the last 5 years. Yet hay and oats are up, corn production increased more than 17,000 acres, and the number of cattle advanced to 37,716 head for this country alone, or an increase of 55 percent. Markets at Montgomery report an active demand for light stocker cattle, the biggest calf crop "in years", and "unprecedented" receipts in the yards.

In the simple idiom of the range, these cows in the cotton patch are being bred by the Bankhead "outfit", running the A. A. A. brand. The mavericks haven't been tallied; the count still isn't in. The big herds are to be "punched" by the political cowboys, riding the New Deal range.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. McNary] to the committee amendment.

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	Connally	Hatch	O'Mahoney
Austin	Coolidge	Hayden	Overton
Bachman	Copeland	Holt	Pittman
Bailey	Costigan	Johnson	Pope
Barbour	Couzens	Keyes	Radcliffe
Benson	Davis	King	Reynolds
Black	Dickinson	La Follette	Robinson
Bone	Dieterich	Logan	Russell
Borah	Donahey	Lonergan	Schwellenbach
Brown	Duffy	Long	Sheppard
Bulkley	Fletcher	McAdoo	Smith
Bulow	Frazier	McGill	Steiwer
Burke	George	McKellar	Thomas, Okla.
Byrd	Gerry	McNary	Trammell
Byrnes	Gibson	Maloney	Truman
Capper	Glass	Murphy	Vandenberg
Caraway	Gore	Murray	Walsh
Carey	Guffey	Neely	White
Chavez	Hale	Norbeck	
Clark	Harrison	Norris	

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

The question is on the amendment offered by the Senator from Oregon [Mr. McNary] to the amendment in the nature of a substitute reported by the committee.

Mr. McNARY. On that I ask for the yeas and nays.

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

Mr. CAREY (when his name was called). On this question I have a special pair with the senior Senator from Montana [Mr. WHEELER]. If he were present, he would vote "nay", and if I were permitted to vote I should vote "yea."

Mr. DICKINSON (when his name was called). On this vote I have a pair with the junior Senator from Mississippi [Mr. BILBO], who is necessarily absent. I transfer that pair to the junior Senator from North Dakota [Mr. NYE] and will vote. I vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Minnesota [Mr. SHIPSTEAD], who is unavoidably absent. Therefore I withhold my vote. I do not know how he would vote if present, and I doubt if I know how I would vote if at liberty to vote.

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

The roll call was concluded.

Mr. AUSTIN (after having voted in the affirmative). I observe that the junior Senator from Utah [Mr. THOMAS] is not present and has not voted. I have a pair with that Senator for the day. I understand that if present he would vote "nay." Therefore I withdraw my vote.

Mr. McKELLAR (after having voted in the negative). I inquire if the junior Senator from Delaware [Mr. TOWNSEND] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. McKELLAR. I have a general pair with that Senator. In his absence, I transfer my pair with him to the Senator from Nevada [Mr. McCARRAN], and will allow my vote to stand.

Mr. AUSTIN. I announce the following pairs on this question:

The Senator from Rhode Island [Mr. METCALF] with the Senator from Indiana [Mr. VAN NUYS]; and

The Senator from Delaware [Mr. HASTINGS] with the Senator from Kentucky [Mr. BARKLEY].

I am advised that if present the Senator from Delaware [Mr. HASTINGS] would vote "yea" and the Senator from Kentucky [Mr. BARKLEY] would vote "nay."

Mr. MURRAY. I announce that the Senator from Alabama [Mr. BANKHEAD] is detained on account of illness, and that the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the Senator from Illinois [Mr. LEWIS], the junior Senator from Indiana [Mr. MINTON], the senior Senator from Indiana [Mr. VAN NUYS], the Senator from Utah [Mr. THOMAS], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are detained on important public business.

I further announce that the Senator from Nevada [Mr. McCARRAN] and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

The result was announced—yeas 28, nays 45, as follows:

YEAS—28

Barbour	Coolidge	Frazier	Maloney
Borah	Copeland	Gibson	McNary
Brown	Couzens	Hale	O'Mahoney
Bulkley	Davis	Johnson	Pittman
Burke	Dickinson	Keyes	Schwellenbach
Capper	Donahey	La Follette	Steiwer
Clark	Duffy	Lonergan	Vandenberg

NAYS—45

Adams	Costigan	Long	Reynolds
Bachman	Dieterich	McAdoo	Robinson
Bailey	Fletcher	McGill	Russell
Benson	George	McKellar	Sheppard
Black	Gerry	Murphy	Smith
Bone	Gore	Murray	Thomas, Okla.
Bulow	Guffey	Neely	Trammell
Byrd	Harrison	Norbeck	Truman
Byrnes	Hatch	Norris	Walsh
Caraway	Holt	Overton	
Chavez	King	Pope	
Connally	Logan	Radcliffe	

NOT VOTING—23

Ashurst	Glass	Minton	Tydings
Austin	Hastings	Moore	Van Nuys
Bankhead	Hayden	Nye	Wagner
Barkley	Lewis	Shipstead	Wheeler
Bilbo	McCarran	Thomas, Utah	White
Carey	Metcalf	Townsend	

So the amendment of Mr. McNARY to the amendment in the nature of a substitute reported by the committee was rejected.

Mr. O'MAHONEY. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In the amendment of the committee on page 7, line 17, at the end of section 8, it is proposed to insert the following:

> There shall be deducted from any payment or grant of other aid which is conditioned, in whole or in part, upon the growth on any lands of any crops intended to restore or conserve the soil, or to prevent erosion, or conditioned upon any change in the kind of crop to be grown on any land, the net proceeds of any crops harvested from, or of any livestock or products of livestock, grazed or pastured on, such land.

Mr. O'MAHONEY. Mr. President, the amendment of the Senator from Oregon [Mr. McNARY], which was voted on just a moment ago, would have prohibited the use of lands taken out of cultivation for the purposes of the act for the harvesting of crops or the pasture of livestock. The amendment which I have offered is in the nature of a substitute for his amendment.

The bill authorizes the payment of benefits and the grant of aid to farmers based upon the retirement of lands from cultivation for the purposes of soil conservation or based upon the use of lands for purpose of preventing soil erosion. The effect, of course, will be to change the use of lands. If my amendment should be adopted, it would merely mean that if any of the retired lands were used for the purpose of grazing livestock or producing livestock products or the growing of any other crops which should be harvested and sold, then the owner of the land would not be permitted to receive both a benefit payment and the net proceeds of such a crop or such a product.

It seems to me it is not necessary to elaborate the arguments upon the proposal. It follows the discussion which has already been had. Retired lands should not be permitted to be used in competition with farmers and producers who do not derive benefits from the act. If my amendment is adopted beneficiaries of the act will not use their retired lands for the production of additional surpluses. This provision will be particularly helpful to the livestock industry.

I submit the amendment with this brief explanation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I send to the desk an amendment which I offer to the committee amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 8, line 2, after "thereof", it is proposed to insert "or for the stabilization of the markets for such commodities or the products thereof"; and on page 8, line 2, after "thereof", to insert the following new sentence:

> In carrying out the provisions of this section the Secretary is authorized and empowered to enter into contracts with associations of producers or associations composed of producer associations as defined by the act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act, under which said associations may be designated by the Secretary as the agency to carry out any program authorized by this section, and the Secretary is further authorized and empowered to allot to said associations whatever funds may be necessary to carry out any program authorized by this section.

Mr. LA FOLLETTE. Mr. President, in opposing the amendment which was offered by the Senator from Oregon [Mr. McNARY], the Senator from Iowa [Mr. MURPHY] suggested there were certain provisions of law by which the dairy and livestock industries could be protected against serious declines in price due to the operations of the pending measure or market conditions. The purpose of the amendment which I have offered is to enable the Secretary of Agriculture

to reinforce such activities and to make use of cooperative organizations in carrying out stabilization programs.

Senators familiar with the subject may remember that in 1933, when operations were undertaken to stabilize the butter market, the Secretary of Agriculture designated one of the large cooperatives as his agency for that particular operation. I am advised that unless this language is placed in the bill there will be a question as to whether or not the Secretary, if he so desired, might employ these cooperative associations as his agents in stabilization operations.

Personally I can see no objection that could legitimately be raised against the amendment, since it only strengthens the arm of the Secretary to protect the dairy and livestock industries and, if he finds it advisable, to make use of cooperative organizations for these purposes.

With that brief statement concerning the purposes of the amendment, I desire to avail myself of this opportunity to state briefly my attitude toward the pending legislation.

Mr. AUSTIN. Mr. President, will the Senator yield for a question before he leaves that point?

Mr. LA FOLLETTE. Certainly.

Mr. AUSTIN. I inquire of the Senator from Wisconsin whether his amendment applies and relates only to commodities that move in interstate commerce or that hinder or obstruct interstate commerce or that directly affect interstate commerce?

Mr. LA FOLLETTE. The sections which were mentioned by the Senator from Iowa [Mr. MURPHY], and under which certain stabilization operations and certain purchases to relieve surplus commodities have been made, are in the existing law. They are to be found in the so-called Jones-Connally Act and in section 32 of the amendment of the Agricultural Adjustment Act which was passed at the last session of Congress. The Senator may likewise remember that when the deficiency appropriation bill, I believe it was, was under consideration an amendment was written into the law which permitted the Secretary of Agriculture to make purchases of surplus commodities for distribution.

All that my amendment seeks to do is to provide the Secretary of Agriculture with additional authority to carry on similar operations. It also provides that these stabilization programs may be conducted through cooperative organizations.

Mr. President, during the time I have been a Member of the Senate I have supported agricultural legislation. Shortly after I came to the Senate a measure then under consideration was the McNary-Haugen bill. I supported it throughout its legislative history. I supported the debenture amendment offered by the Senator from Nebraska [Mr. NORRIS] to the so-called Hoover Stabilization Corporation Act, although when that amendment was eliminated I voted with a few other Senators in the Chamber against the bill itself. I supported the Agricultural Adjustment Act. I supported the amendments to the Agricultural Adjustment Act. I intend upon the final roll call to support the pending bill.

In all of these instances in the past I have had to admit, both publicly and to myself, that the measures did not represent entirely my own point of view; but recognizing, as it seems to me any person must acknowledge, that the purchasing power of the great agricultural population of the country is vitally essential to its economic life, I have refused to take the position of voting against a measure simply because it did not meet all of the phases of the problem which I believed should be met. Therefore, while I share to some extent the apprehension which is held in the minds of some of those who are deeply and vitally concerned in the prosperity of the dairy industry and the livestock industry, yet it seems to me that upon the final passage of the measure I cannot take the position that the bill should be killed. It is perfectly clear that in our present economic situation the interdependence of the various sections of the agricultural industry and the interdependence of the urban population are interwoven together. We cannot hope to achieve a better and more abundant life until all sections of our population have been given an opportunity to share in it.

Furthermore, as I read the pending bill, I do not agree with the construction which some have placed upon it, that the farmers in the dairy and livestock industries are barred from participation in the benefits of the measure because they have employed more scientific use of their soil. As I read the bill, it will be the duty of those charged with its administration to consider the programs advanced by each and every State; and if they are reasonably designed to accomplish the primary purposes of the legislation, I assume that they will receive sympathetic consideration and approval. Therefore I do not think it is fair to take the position that those who are engaged in the livestock and dairy industries are denied participation and benefits under it.

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

Mr. LA FOLLETTE. I yield to the Senator from Iowa.

Mr. MURPHY. I will say to the Senator that he has expressed the view taken of this proposed legislation by the committee. The committee feel that the bill will be beneficial also to those industries.

Mr. LA FOLLETTE. Mr. President, we are not confronted with a theory. We are confronted with a very realistic situation.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired.

Mr. LA FOLLETTE. I shall proceed on the bill.

The Agricultural Adjustment Act has been declared unconstitutional. Six million farmers in this country find themselves once more denied any opportunity to obtain relief and benefits from the Federal Government. We must make the best of a difficult situation. It is a case of take this bill or nothing. I regard it as another temporary device to divert a larger proportion of the wealth produced from year to year to those who are engaged in tilling the soil.

Our problem in this country is to produce more wealth. We have in America today a potential abundance which, if we could find ways and means of releasing, would provide not only an abundant and a satisfactory life to those who live upon the farms, but, by the same token, an abundant and a satisfactory life to those who live in our urban communities. I am firmly convinced that our ultimate objectives should be to release this potential abundance, and bring about a more equitable distribution of it to those who participate in its production from year to year. Nevertheless, in the economic crisis with which we have been confronted for the past several years, it seems to me that, as practical men, we must acknowledge that if we cannot achieve these greater objectives in their entirety, we must then rely upon other devices to secure a more equitable distribution of the wealth which we are able to produce during the crisis.

Believing that agriculture as a whole has been in distress since 1920 and 1921, I am not embarrassed by the fact that perhaps temporarily this program may seek to some extent to curtail production, if it will enable a more equitable proportion of the wealth we do produce to flow into the hands of those who live upon the farms, and who are dependent upon agriculture for their livelihood.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the committee.

On a division, the amendment to the amendment was agreed to.

Mr. RUSSELL. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment offered by the Senator from Georgia to the amendment of the committee will be stated.

The CHIEF CLERK. On page 5, line 14, of the reprint, after the word "value", it is proposed to insert: "and loss in value of exports below the average for the period 1924–29."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on the committee amendment, as amended.

Mr. McNARY. Mr. President, the committee amendment, as amended, is the bill itself?

The VICE PRESIDENT. If the committee amendment as amended shall be agreed to, no more amendments will be in order, and the amendment as amended will become the bill of the Senate.

Mr. McNARY. I anticipated that that would be the Vice President's answer. There are further amendments pending. I will say frankly that at the appropriate time I am going to move to recommit the bill to the Committee on Agriculture and Forestry. I do not desire to make that motion if it will result in denying any other Member of the Senate an opportunity to present his amendment. I am advised that there are 8 or 10 amendments on the desk.

The VICE PRESIDENT. At the present time no amendment is presented to the Senate.

Mr. NORBECK. Mr. President, I have a couple of amendments which I should like to offer. One of them is an additional section to be added at the end of the bill, however; and I thought I would wait until the last minute to offer that amendment.

The VICE PRESIDENT. The Senator would have to offer it now, because if the amendment reported by the committee should be agreed to, it would become the bill and would not be subject to further amendment.

Mr. NORBECK. I send to the desk the amendment and ask to have it stated.

The VICE PRESIDENT. The amendment offered by the Senator from South Dakota to the amendment of the committee will be stated.

The CHIEF CLERK. In the committee amendment it is proposed at the proper place to insert the following:

The Secretary of Agriculture is hereby authorized and directed to investigate the practicability of purchase of 10 to 15 percent of average agricultural lands for the purpose of taking said lands temporarily or permanently out of production and converting them to the purpose for which they are best suited, such as forestry, recreation, and wildlife conservation. And the Secretary shall estimate the cost of various plans he may suggest and make a report to the Congress, if in session; if not, then to the Secretary of the Senate and the Clerk of the House.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. NORBECK] to the committee amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

Mr. McNARY. Mr. President, if there are no further amendments to be offered to the amendment, I desire to propose the motion which I send to the desk.

The VICE PRESIDENT. The Senator from Oregon submits a motion, which the clerk will read.

The legislative clerk read as follows:

It is moved that the pending bill be recommitted to the Committee on Agriculture and Forestry with instructions to report the bill back within 3 weeks.

Mr. McNARY. Mr. President, I am compelled to offer this motion for the reason that I think the bill in its present form is unworkable and unconstitutional. I do not intend to repeat the argument I made a few days ago on that particular phase of this problem. When the bill was first proposed to the committee it contained a plan which is embodied in the pending bill, but did not contain the so-called plan of cooperation between the States and the Federal Government in the matter of the protection of soil fertility and prevention of erosion.

When I addressed the Senate on the bill a few days ago I stated that, in my opinion, the plan of cooperation between the Federal Government and the States had many potentialities worthy of consideration. It is my judgment that if the bill should be returned to the Committee on Agriculture and Forestry and a permanent plan which did not impinge upon the Constitution or do violence to the decision of the Supreme Court in the case of Butler against the United States should be worked out, it might be of great aid to agriculture in the future.

I am not at this moment concerned about the present-day price levels. This morning I inquired of the Bureau of Agricultural Economics concerning the price levels before, at the time, and since the rendition of the Supreme Court decision. From that source, and from other data which have been published, it is my opinion that the farmer is doing very well today without the processing tax, and for the RECORD I should like to read some statistics.

On January 4 the market price of cotton, Middling spot, was 11.71 cents. On the day the decision was rendered it was 11.47 cents, and on February 8, a day or two ago, it was 11.38 cents, showing that there was a very small decline in the price level.

As to wheat, Hard Winter No. 2, at Kansas City, the primary market, on January 4 the price was $1.18; on January 11 it was $1.15; and on February 8 it was $1.10, showing a decline of a few cents.

The price of corn, No. 3 Yellow, was 60.9 cents a bushel in the Chicago market on January 4. On the day of the rendition of the decision the price was 60 cents, and today it is 61 cents, showing an increase of practically 1 cent a bushel.

Hogs, on January 4, were worth 9.38 cents a pound; on January 11, 9.85 cents; and at this time, 10.36 cents, showing a general elevation in the price level since the Supreme Court decision.

Mr. President, what do we find as to hard wheat on the Chicago market? The price of No. 1, Dark Northern spring was $1.34 before the decision, on January 4; it was $1.30 at the time of the decision, and it is $1.3410 now, showing an increase in the price of hard wheat.

Taking all the farm commodities, we find that there has been a gradual increase in farm prices since the rendition of the Supreme Court decision.

This shows that there is no immediate and urgent necessity for legislation. There is a necessity for a permanent plan, which Congress over the last decade has attempted to establish, and my judgment is that the pending bill should be returned to the Committee on Agriculture and Forestry and considered in connection with the Norbeck bill, the Connally debenture bill, the bill which I introduced here some time ago containing what is called the three-way plan, the old equalization fee and the allotment plan; the bill offered by the Senator from Wyoming [Mr. CAREY] and the bill prepared by Mr. Peek, one of the greatest agricultural economists in the country, which sets forth completely and specifically a plan of cooperation between the Federal Government and the States. If the committee today were charged with the obligation of taking these various bills now before it, studying them, and reporting back in 3 weeks, in my opinion the grave mistake and serious error that was made in the hasty consideration of the A. A. A. and the N. R. A. would be avoided.

For these reasons, since it is shown conclusively by the figures that there is no present necessity for hasty legislation, I ask in the best of faith of the Members of this body who are interested in the farmer and who do not want in the future to embarrass him as we have in the past, that the bill be returned to the Senate Committee on Agriculture and Forestry. I have very carefully protected the industry of agriculture from possible evil effects of any delay in legislation by providing that the report must be made within 3 weeks.

Mr. SMITH. Mr. President, I wish to make just one statement. I do not want the impression to go abroad that the bill was not carefully considered by the committee. In all my experience on the Committee on Agriculture and Forestry I have not known of a bill being considered as carefully by both parties as was the pending bill. The fact is that we ourselves have been charged with delay, when we have worked hard to frame a bill which would meet the situation.

Mr. McNARY. Mr. President, I did not expect a challenge, and I shall not be content without answering it.

The bill had four editions; four publications of the bill were made, and the Senator from South Carolina nods in affirmation of my statement.

The Secretary of Agriculture; Mr. Davis, Administrator of the A. A. A.; Mr. Reed, the Solicitor General; and one solicitor of the Department whose name eludes me now, in executive session, were the only ones who came before the committee. If that constitutes a public hearing, if that amounts to careful consideration, then I am not advised as to what those terms mean.

Mr. NORBECK. Mr. President, I think the Senator from Oregon overlooks the main point. There were other hearings on the bill and the bill was improved in the committee. Six distinguished gentlemen had the bill under consideration, but they were all taken from the Democratic side. No Republican was on the committee and we do not know how they considered the bill. I say that this is the first time I have ever served on a committee when a subcommittee of that size was appointed all from one party. I am not protesting, except that I do not want the remark made that the bill was carefully considered by both sides. One side was left out of consideration.

Mr. SMITH. The members on the Republican side refused to serve.

Mr. NORBECK. Who are they?

Mr. SMITH. The Senator from Oregon [Mr. McNARY] and the Senator from Nebraska [Mr. NORRIS].

Mr. NORBECK. How many Republicans are there on the committee?

Mr. SMITH. There were others.

Mr. BLACK. Mr. President, yesterday I asked for some figures with reference to prices. I did so by reason of the fact that the Senator from Oregon yesterday stated the prices compared with those of several weeks ago.

I was unable at that time to obtain any figures as to the prices. I was told that wheat was selling on yesterday, I believe, at 98 cents. I think the Senator from Oregon has said that today it is selling for $1.10, if I am not mistaken.

Mr. McNARY. No; I said No. 1 Dark Northern, spring, which is the wheat containing proteins, was selling yesterday in Chicago at $1.34 a bushel.

Mr. BLACK. I now desire to read, Mr. President, a brief extract from the speech of the Senator from Idaho [Mr. BORAH] made in this body on July 8, 1932:

> I was conversing today with one of the great wheat raisers of the United States, perhaps the largest wheat raiser in the United States. He informed me that he was harvesting some 500,000 bushels of wheat, and that the price of his wheat on board the cars is 16 cents a bushel.

That shows what wheat was selling for before the present program began. I noticed a few minutes ago that the price of hogs was given. If I am not mistaken, the Senator from Oregon [Mr. McNARY] stated that hogs were selling for $9.85 on January 4 of this year, and for $10.36 today. Are those figures correct?

Mr. McNARY. Hogs, good and choice, were bringing $9.38 on January 4, $9.85 January 11, and $10.36 yesterday.

Mr. BLACK. In January 1933 hogs were selling for $2.68, as against a little more than $10 at the present time. According to this statement, wheat then was selling at 14 cents, as against a little over a dollar today. I have here a list of prices of various other products.

The reason why I have placed these figures in the RECORD at this point is that all of us realize that since the A. A. A. decision there has not been a proper opportunity to determine the effect on farm prices without laws. All over the United States it is anticipated that laws will be enacted.

At the time the present administration assumed office wheat was selling at about 14 cents a bushel. I have in my possession news items with reference to burning corn at that time. Corn was selling so low that it was cheaper to use it for fuel than to sell it for feed.

The Senator from Oregon now suggests that the bill be recommitted to the committee, with all the confusion that would result from such action, in spite of the fact that the National City Bank of New York, which is certainly not supposed to be proadministration, has recently issued a bulletin which attributes the prosperity which started in the Nation when the new administration came in to the rising price of farm products.

I simply desired to have these price figures in the RECORD at this time in order that we might not be misled by figures as to prices for which farm products are selling today compared with their prices 2 years ago. The question which Senators who vote to send this bill back to the committee will have to answer is, What was wheat selling for on March 4, 1933? What was corn selling for then? What were hogs selling for at that time? What were other farm products selling for on that date? As the result of the administration's program, the prices of those products have been brought up to the point where at least the farmers are getting somewhere near a reasonable price for their commodities. Those results were brought about during this administration. There is no other way to explain to one's constituents the differences between 14-cent wheat and $1 wheat.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon [Mr. McNARY] to recommit the bill.

Mr. VANDENBERG. Mr. President, there is one very important thing to be said, it seems to me, in favor of the motion submitted by the able Senator from Oregon which thus far has been overlooked. I refer back by analogy to the time when the Senate voted to refer back to the committee the great $4,880,000,000 work-relief appropriation bill. Why did the Senate vote to send that bill back to committee for further survey and exploration? The Senate voted to send it back because Senators could not find within the language of the bill any specifications whatever which would indicate in what fashion the undertaking contemplated was to be carried out. It was a blank check. The Senate insisted that it was entitled to some small degree of information respecting the ultimate contemplation involved in the legislation.

The Senate asserted temporarily its sense of responsibility. The bill went back to the committee. It was returned to the floor of the Senate, I confess, without much additional illumination, but, Mr. President, the original bill respecting the appropriation of $4,880,000,000 was brilliantly illuminated by electricity compared to the bill which is before us now. This bill is the sum total of all the errors of haste, generality, and degelation of power ever heretofore committed. It is the climax in legislation in the dark.

Nobody knows what is to happen under the terms of this bill. Nobody knows how it is to happen, when it is to happen, why it is to happen, or what shall be the result after it has happened. This bill proposes to sublet to the Secretary of Agriculture a complete grant of power and money, limited only by a vague expression of pious purpose and altruistic objective. It turns the Treasury and the American farmer over to the mercy and the undisclosed wisdom of the Secretary of Agriculture and his associated experimentalists.

Mr. President, good intentions are not enough to help agriculture or to save the farmer. I am not questioning the good intentions of the Secretary of Agriculture or those who might be clothed with the responsibility to proceed under this anonymous grant of power. But I am asserting that time and time again there have been failure and errors through just such hasty, ill-considered, pell-mell legislation.

Let me give Senators one typical example, just one, and I will take my seat. The Senate will remember the famous Matanuska resettlement project in Alaska, which it investigated as the result of a resolution submitted jointly by the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Wisconsin [Mr. LA FOLLETTE], and myself. Administrator Hopkins enthusiastically reported back last June that the Matanuska project would cost, speaking roughly, a million dollars, and that it contemplated putting 200 families on 40-acre farms in the Matanuska Valley in Alaska. These farm families were moved from Michigan, Minnesota, and Wisconsin. Now, 6 months later, we have a little more definite information as to what has happened. The dream and the reality may be paralleled. Instead of $1,000,000, the experiment has cost $2,500,000. The guess on cost was missed by about 125 percent.

Mr. President, that is incidental and insignificant compared to the real moral to be drawn from the table. As the

result of the Matanuska operation, let us contemplate this thing which has been done in the name of humanity and idealism and aid to the farmer. This is what we contemplate. A situation in Matanuska where American farmers have been taken to this new pioneering area, put upon 40-acre farm plots, each 40 acres mortgaged for $6,000, in round numbers, to the Government of the United States. In addition to the $6,000 mortgage which rests upon every 40-acre farm in this great, enlightened, humane undertaking, the Government itself has spent another $6,000 per 40-acre farm upon the adventure. Twelve thousand dollars per 40-acre farm, half of which rests as a mortgage throughout the life not only of the farmer who is the head of the family but of his children as long as they can live, because no one can work out a $6,000 mortgage on a 40-acre farm. Not only is the Public Treasury victimized but so also are the intended beneficiaries of this nobly meditated experiment in farm planning.

Now, what happened—and this is the analogy? The thing that happened, Mr. President, was that we rushed into the Matanuska project in the face of warnings from Alaska, warnings from within our own country continentally, that the thing could not be done on the basis on which it was proposed. It was absurd from the first, but no time was taken to find it out.

I am asserting, I repeat, that good intentions are not enough to save agriculture and the farmer. Good intentions at Matanuska have produced a gross distortion, so far as any aid to agriculture is concerned. Who knows how many Matanuskas, speaking generally of all this experimentation, are wrapped up within the boundaries of the anonymous language of this bill? Who knows? Why is it that we cannot have an understandable formula brought here which will permit us upon our responsibility as legislators to know what it is we are doing with the farmer's destiny and with $500,000,000 of the public money? It is in the hope and belief that through a further exploration of the subject precisely along the lines indicated by the able Senator from Oregon that I would expect a recommittal of the bill might produce more palatable and more useful legislation. At least, it should produce a measure which somebody on this floor can understand and explain. At least, it should bring us something besides a legislative monstrosity which uses the excuse of farm aid, which we all want to encourage, to cloak a complete surrender of legislative prerogatives and a complete and uncharted dictatorship in the Department of Agriculture. There is no need for haste, as has been clearly demonstrated by the Senator from Oregon. There is ample time to look before we leap. I submit we owe this precaution both to the farmer and to the taxpayer.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon [Mr. McNARY] to recommit the bill.

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

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

Mr. CAREY (when his name was called). On this question I have a special pair with the senior Senator from Montana [Mr. WHEELER]. If he were present, he would vote "nay." If permitted to vote, I should vote "yea."

Mr. McKELLAR (when his name was called). On this vote I have a pair with the junior Senator from Delaware [Mr. TOWNSEND], which I transfer to the junior Senator from Nevada [Mr. McCARRAN], and will vote. I vote "nay."

Mr. WHITE (when his name was called). On this vote I have a pair with the junior Senator from Alabama [Mr. BANKHEAD]. I understand that if present he would vote "nay." If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. COPELAND. My colleague [Mr. WAGNER] is unavoidably detained. If he were present and permitted to vote, he would vote "yea."

Mr. AUSTIN. I announce the following pairs on this question:

The Senator from Rhode Island [Mr. METCALF] with the Senator from Indiana [Mr. VAN NUYS];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Kentucky [Mr. BARKLEY];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Iowa [Mr. DICKINSON] with the Senator from Mississippi [Mr. BILBO].

I further announce that the Senator from Delaware [Mr. HASTINGS], the Senator from Rhode Island [Mr. METCALF], and the Senator from Iowa [Mr. DICKINSON], if present, would vote "yea", and that the Senator from Kentucky [Mr. BARKLEY], the Senator from Indiana [Mr. VAN NUYS], and the Senator from Mississippi [Mr. BILBO] would vote "nay" on this question.

Mr. MURRAY. I announce that the Senator from Alabama [Mr. BANKHEAD] is detained on account of illness, and that the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the Senator from Illinois [Mr. LEWIS], the junior Senator from Indiana [Mr. MINTON], the senior Senator from Indiana [Mr. VAN NUYS], the Senator from Maryland [Mr. TYDINGS], and the Senator from Colorado [Mr. COSTIGAN] are detained on important public business. I further announce that the Senator from Nevada [Mr. McCARRAN] and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

I announce a pair between the Senator from Maryland [Mr. TYDINGS] and the Senator from Illinois [Mr. LEWIS]. If present, the Senator from Maryland would vote "yea", and the Senator from Illinois would vote "nay."

Mr. BYRD. I announce the unavoidable absence of my colleague [Mr. GLASS]. He has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

The result was announced—yeas 21, nays 54, as follows:

YEAS—21

Austin	Couzens	Johnson	Steiwer
Barbour	Davis	Keyes	Vandenberg
Bulkley	Donahey	King	Walsh
Burke	Gerry	Lonergan	
Coolidge	Gibson	Maloney	
Copeland	Hale	McNary	

NAYS—54

Adams	Clark	Logan	Pope
Ashurst	Connally	Long	Radcliffe
Bachman	Dieterich	McAdoo	Reynolds
Bailey	Duffy	McGill	Robinson
Benson	Fletcher	McKellar	Russell
Black	Frazier	Moore	Schwellenbach
Bone	George	Murphy	Sheppard
Brown	Gore	Murray	Smith
Bulow	Guffey	Neely	Thomas, Okla.
Byrd	Harrison	Norbeck	Thomas, Utah
Byrnes	Hatch	Norris	Trammell
Capper	Hayden	O'Mahoney	Truman
Caraway	Holt	Overton	
Chavez	La Follette	Pittman	

NOT VOTING—21

Bankhead	Dickinson	Minton	Wagner
Barkley	Glass	Nye	Wheeler
Bilbo	Hastings	Shipstead	White
Borah	Lewis	Townsend	
Carey	McCarran	Tydings	
Costigan	Metcalf	Van Nuys	

So the Senate refused to recommit the bill.

The VICE PRESIDENT. The question now is on agreeing to the amendment of the committee in the nature of a substitute as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. The question now is, Shall the bill pass?

Mr. McNARY. On that question I ask for the yeas and nays.

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

Mr. CAREY (when his name was called). On this question I have a pair with the senior Senator from Montana [Mr. WHEELER]. If he were present, he would vote "yea." If I were permitted to vote, I should vote "nay."

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

Mr. FRAZIER (when Mr. NYE's name was called). My colleague [Mr. NYE] is absent. On this vote he is paired with the junior Senator from New York [Mr. WAGNER]. If my colleague were present, he would vote "yea", and I understand the Senator from New York, if present, would vote "nay."

Mr. COPELAND (when Mr. WAGNER's name was called). My colleague [Mr. WAGNER] is unavoidably absent. As already announced, if he were present and permitted to vote, he would vote "nay."

Mr. WHITE (when his name was called). I again announce my pair with the junior Senator from Alabama [Mr. BANKHEAD]. I understand, however, that the senior Senator from Idaho [Mr. BORAH], if present, would vote as I desire to vote. I, therefore, transfer my pair to him, and will vote. I vote "nay."

The roll call was concluded.

Mr. BLACK. My colleague the junior Senator from Alabama [Mr. BANKHEAD] is absent on account of illness. If present, he would vote "yea."

Mr. KING (after having voted in the negative). The junior Senator from Indiana [Mr. MINTON] is absent from the Chamber. I promised several days ago that if he did not return I would protect him on the final vote. I understand if he were present he would vote "yea." I am compelled to withdraw my vote.

Mr. AUSTIN. I announce the following pairs:

The Senator from Delaware [Mr. HASTINGS] with the Senator from Kentucky [Mr. BARKLEY];

The Senator from Rhode Island [Mr. METCALF] with the Senator from Indiana [Mr. VAN NUYS]; and

The Senator from Iowa [Mr. DICKINSON] with the Senator from Mississippi [Mr. BILBO].

If present, the Senator from Delaware, the Senator from Rhode Island, and the Senator from Iowa would vote "nay"; and if present, the Senator from Kentucky, the Senator from Indiana, and the Senator from Mississippi would vote "yea."

I further announce that if present the Senator from Minnesota [Mr. SHIPSTEAD] would vote "yea."

Mr. MURRAY. I announce a pair between the Senator from Illinois [Mr. LEWIS] and the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Illinois would vote "yea", and the Senator from Maryland would vote "nay."

I further announce that the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the Senator from Illinois [Mr. LEWIS], the junior Senator from Indiana [Mr. MINTON], the senior Senator from Indiana [Mr. VAN NUYS], and the Senator from Maryland [Mr. TYDINGS] are necessarily detained from the Senate on official business.

The Senator from Nevada [Mr. MCCARRAN] and the Senator from Montana [Mr. WHEELER] are unavoidably detained from the Senate. Both Senators, if present, would vote "yea."

Mr. BYRD. I announce the unavoidable absence of my colleague [Mr. GLASS]. He has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

The result was announced—yeas 56, nays 20, as follows:

YEAS—56

Adams	Clark	Johnson	Overton
Ashurst	Connally	La Follette	Pittman
Bachman	Costigan	Logan	Pope
Bailey	Dieterich	Long	Radcliffe
Benson	Duffy	McAdoo	Reynolds
Black	Fletcher	McGill	Robinson
Bone	Frazier	McKellar	Russell
Brown	George	Moore	Schwellenbach
Bulow	Gore	Murphy	Sheppard
Byrd	Guffey	Murray	Smith
Byrnes	Harrison	Neely	Thomas, Okla.
Capper	Hatch	Norbeck	Thomas, Utah
Caraway	Hayden	Norris	Trammell
Chavez	Holt	O'Mahoney	Truman

NAYS—20

Austin	Copeland	Gibson	McNary
Barbour	Couzens	Hale	Steiwer
Bulkley	Davis	Keyes	Vandenberg
Burke	Donahey	Lonergan	Walsh
Coolidge	Gerry	Maloney	White

NOT VOTING—20

Bankhead	Dickinson	McCarran	Townsend
Barkley	Glass	Metcalf	Tydings
Bilbo	Hastings	Minton	Van Nuys
Borah	King	Nye	Wagner
Carey	Lewis	Shipstead	Wheeler

So the bill was passed.

Mr. GORE. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a statement which I have prepared for the press with reference to my position and vote on the bill which has just passed.

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

STATEMENT BY HON. THOMAS P. GORE

I have decided to resolve all doubts in favor of the new farm bill and vote for it. I do this in spite of serious objections to the measure both on economic and administrative grounds. I have not been entirely free from question as to its constitutionality, although I think that the Logan amendment to protect navigable streams against soil erosion strengthens the measure somewhat from a theoretical standpoint, and in the light of certain decisions from a legalistic standpoint as well. If a farm-relief measure can be so drawn as to come within the general welfare clause, as to come within the purview of the Constitution, this bill probably achieves that end. If this measure is not constitutional, then it would hardly be found practical to bring any general relief measure within the scope of the Constitution. For my own part, I do not wish at this time to precipitate the Constitution or the Supreme Court into the maelstrom of a heated partisan campaign. That would adjourn economic issues which are pressing for solution, and would disrupt existing party ties and alinements and thus aggravating rather than diminishing political and social confusion. I prefer reform to revolution; I prefer evolution to revolution.

I naturally take a keen and sympathetic interest in this measure insofar as it undertakes to prevent soil erosion and promote soil conservation. After all, I think that is the fundamental problem, and the existing conservation act I regard as one of the most constructive measures passed in recent years. It may be that I am biased in its favor because I introduced the bill in the Senate on the same day it was introduced in the House, which was enacted into law and became the present Soil Conservation Act. We must save our soil in order to save our farms, save our homes, and save our civilization itself.

My objection to the measure on administrative grounds is that it places more power in one man than should be placed in one man or set of men. I see no reason why the Secretary could not make payments to Farmer Smith and withhold payments from Farmer Jones in exactly the same circumstances. He could discriminate between them for any reason or for no reason. Unrestrained power is liable to abuse, and all human experience gives force to the fear that it will be abused; and when abused, that is the very reverse of equal rights and equal justice which the farmers seek.

My objection to the measure on economic grounds is that it substitutes artificial forces for natural forces; that it may arbitrarily encourage scarcity; may divert and disrupt production; may further diminish our foreign trade and surrender our foreign markets for staple agricultural products.

One of the chief complaints against the A. A. A. was its effect upon the tenant farmer, particularly the share cropper. Often the tenant farmer deserves help as much and needs it more than the landlord himself. It seems to me that the pending bill, since it addresses itself to soil conservation, may be difficult of application in such a way as to help the tenant farmer who owns no land at all.

I prefer a government of laws rather than a government of men, and I would, therefore, prefer a measure more certain and definite in its terms, standards, and limitations. But I have no such measure at hand. There is no other present alternative, there is no other choice. It is this or nothing now, and I have, therefore, owing to my special interest in conservation, resolved the doubts in favor of the pending bill.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. MCKELLAR. I move that the Senate proceed to the consideration of House bill 9863, being the independent offices appropriation bill.

The motion was agreed to; and the Senate proceeded to the consideration of the bill (H. R. 9863) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1937, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

RECESS

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

The motion was agreed to; and (at 3 o'clock and 20 minutes p. m.) the Senate took a recess until Monday, February 17, 1936, at 12 o'clock meridian.