SENATE

MONDAY, FEBRUARY 17, 1936

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

The Senate met at 12 o'clock, 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 Saturday, February 15, 1936, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I note 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	Couzens	King	Pittman
Ashurst	Davis	La Follette	Pope
Austin	Dickinson	Lewis	Radcliffe
Barbour	Dieterich	Logan	Reynolds
Barkley	Donahey	Lonergan	Robinson
Benson	Duffy	Long	Russell
Bilbo	Fletcher	McAdoo	Schwellenbach
Black	Frazier	McGill	Sheppard
Bone	George	McKellar	Smith
Borah	Gerry	McNary	Steiwer
Bulkley	Gibson	Maloney	Thomas, Okla.
Bulow	Gore	Metcalf	Thomas, Utah
Burke	Guffey	Minton	Townsend
Byrd	Hale	Moore	Trammell
Byrnes	Harrison	Murphy	Truman
Capper	Hastings	Murray	Tydings
Caraway	Hatch	Neely	Vandenberg
Chavez	Hayden	Norbeck	Wagner
Coolidge	Holt	Norris	Walsh
Copeland	Johnson	O'Mahoney	Wheeler
Costigan	Keyes	Overton	White

Mr. BYRD. I announce the unavoidable absence of my colleague the senior Senator from Virginia [Mr. GLASS] on account of illness in his family. I ask that the announcement stand for the day.

Mr. LEWIS. I announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness, and that the Senator from North Carolina [Mr. BAILEY], the Senator from Tennessee [Mr. BACHMAN], the Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Texas [Mr. CONNALLY], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Indiana [Mr. VAN NUYS] are necessarily detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Wyoming [Mr. CAREY] and the Senator from Minnesota [Mr. SHIPSTEAD] are necessarily absent.

Mr. FRAZIER. I announce that my colleague the junior Senator from North Dakota [Mr. NYE] is necessarily detained from the Senate.

The VICE PRESIDENT. Eighty-four Senators have answered to their names; a quorum is present.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

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

On January 31, 1936:

S. 3328. An act to provide an official seal for the United States Veterans' Administration, and for other purposes.

On February 10, 1936:

S. 3934. An act to repeal the Kerr Tobacco Act, the Bankhead Cotton Act of 1934, and the Potato Act of 1935.

On February 11, 1936:

S. 2148. An act to provide for the leasing of restricted Indian lands of Indians of the Five Civilized Tribes in Oklahoma;

S. 2166. An act for the relief of Ludwig Larson;

S. 2175. An act to grant to the State of California a retrocession of jurisdiction over certain rights-of-way granted to the State of California over certain roads about to be constructed in the Presidio of San Francisco Military Reservation and Fort Baker Military Reservation;

S. 2206. An act for the relief of the State of New Mexico;

S. 2321. An act for the relief of S. M. Price;

S. 2323. An act for the relief of Ida C. Buckson, executrix of E. C. Buckson, deceased;

S. 2343. An act for the relief of Maj. Edwin F. Ely, Finance Department; Capt. Reyburn Engles, Quartermaster Corps, and others;

S. 2741. An act for the relief of Maj. Joseph H. Hickey;

S. 2877. An act to reimpose and extend the trust period on lands reserved for the Pala Band of Mission Indians, California;

S. 2897. An act for the relief of Lt. Robert A. J. English, United States Navy;

S. 3140. An act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes; and

S. 3186. An act for the relief of Edward H. Karg.

On February 12, 1936:

S. 363. An act to increase the efficiency of the Veterinary Corps of the Regular Army; and

S. J. Res. 169. Joint resolution granting permission to Hugh S. Cumming, Surgeon General of the United States Public Health Service; John D. Long, medical director, United States Public Health Service; Bolivar J. Lloyd, medical director, United States Public Health Service; and Clifford R. Eskey, surgeon, United States Public Health Service, to accept and wear certain decorations bestowed upon them by the Governments of Ecuador, Chile, Peru, and Cuba.

On February 13, 1936:

S. 1298. An act for the relief of John Z. Lowe;

S. 1301. An act to provide further for the maintenance of United States Soldiers' Home; and

S. 2891. An act to provide for the adjustment and settlement of personal injury and death cases arising in certain foreign countries.

On February 14, 1936:

S. 423. An act for the relief of Lynn Brothers' Benevolent Hospital;

S. 2691. An act for the relief of E. E. Sullivan;

S. 3020. An act for the relief of A. E. Taplin; and

S. 3447. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended.

On February 15, 1936:

S. 3381. An act to provide for the protection and preservation of domestic sources of tin.

REPORT OF GOVERNOR GENERAL OF THE PHILIPPINES FOR 1934

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Territories and Insular Affairs, as follows:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands", I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands for the calendar year 1934.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

(NOTE.—Report accompanied similar message to the House of Representatives.)

JACK DOYLE—VETO MESSAGE (S. DOC. NO. 174)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed, as follows:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

To the Senate:

I return herewith, without my approval, S. 166, "Act for the relief of Jack Doyle."

This bill provides that Jack Doyle, who was dishonorably discharged from the military service on September 29, 1920, shall be held and considered to have been honorably discharged from the military service on that date, it being provided that no back pay, compensation, benefits, or allowances shall be held to have accrued prior to the passage of this act.

In view of the facts set forth in the accompanying letter of the Secretary of War, I do not feel justified in giving my approval to this bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

ELMER BLAIR—VETO MESSAGE (S. DOC. NO. 175)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed, as follows:

To the Senate:

I return herewith, without my approval, S. 246, "An act for the relief of Elmer Blair."

This bill provides that Elmer Blair, whose separation from the service was under other than honorable conditions, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on March 13, 1918, it being provided that no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of the act.

In view of the facts set forth in the accompanying letter of the Secretary of War, addressed to the Acting Director, Bureau of the Budget, I do not feel justified in giving my approval to this bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

THOMAS A. COYNE—VETO MESSAGE (S. DOC. NO. 173)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Military Affairs, and ordered to be printed, as follows:

To the Senate:

I return herewith, without my approval, S. 1176, "An act for the relief of Thomas A. Coyne."

This bill provides that, in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, the said Thomas A. Coyne, who was a member of Company C, Forty-fifth Regiment, United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on January 4, 1918, it being provided that no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The official records show that Thomas A. Coyne was, on January 4, 1918, discharged from the Army without honor, by direction of the Secretary of War, by reason of his imprisonment under sentence of a civil court. This action was in accord with the Army regulations in force at the time, which regulations had the effect of law.

Due notice is taken of the fact that at a later date Coyne was "inducted" into the military service under the World War draft, served in this country about 4 months, and was honorably discharged by reason of demobilization. However, I do not consider that this circumstance has any material bearing upon this case.

The enactment of S. 1176 into law would, in effect, constitute a legislative reversal of the considered action of the authorities charged with the execution of the laws enacted for the government and control of the military forces and would single out for preferential treatment one individual of a large but undetermined number of former soldiers whose status is identical with that of the man now under discussion. Moreover, it would place a man who was convicted of offenses against the civil laws, while serving as a noncommissioned officer and wearing the uniform of the United States Army, on a par with those who, by reason of honest and faithful service, earned honorable discharges from the military forces.

The Secretary of War strongly recommends that this bill be not favorably considered, and I find nothing in the facts in the case which would justify different action on my part.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

JULIUS CRISLER—VETO MESSAGE (S. DOC. NO. 172)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Finance, and ordered to be printed, as follows:

To the Senate:

I return herewith without my approval S. 1950, an act for the relief of the estate of Julius Crisler.

This bill authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the executors of the estate of Julius Crisler, deceased, the sum of $1,525.31, in full satisfaction of his claim against the United States, such sum representing the amount of taxes assessed against the said Julius Crisler as transferee of the Jackson Sanitorium & Hospital Co. and paid by him. The bill would authorize and direct the refund of such tax regardless of the fact that the matter has been adjudicated by the Board of Tax Appeals, from which judgment a timely appeal was not taken by the said Julius Crisler.

On several occasions there have been submitted to me other bills which proposed to except certain taxpayers from the operation of the statutes of limitations pertaining to the revenue laws by extending the time for the refunding of certain taxes to such taxpayers. On those occasions I expressed my accord with the enacted policy of Congress that it is sound to include in all revenue acts statutes of limitations, by the operation of which, after a fixed period of time, it becomes impossible for the Government to collect additional taxes or for the taxpayer to obtain a refund of an overpayment of taxes. I pointed out in each instance that legislation such as the proposed bill selects a small class of taxpayers for special treatment by excepting them from that policy. Such legislation thus discriminates against the whole body of Federal taxpayers, and establishes a precedent which would open the door to relief in all cases in which the statute operates to the prejudice of a particular taxpayer, while leaving the door closed to the Government in those cases in which the statute operates to the disadvantage of the Government.

In this regard the instant measure, S. 1950, does not differ in principle from the bills which were under consideration on those prior occasions. I know of no circumstances which would justify the exception made by S. 1950 to the long-continued policy of Congress. Again I must express my belief that the field of special legislation should not be opened to relieve special classes of taxpayers from the consequences of their failure to perfect their claims for the refund of taxes within the period fixed by law.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

PETITIONS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Mississippi, which was referred to the Committee on Agriculture and Forestry:

A Senate concurrent resolution memorializing the President and Congress of the United States of America to extend cotton loans to February 1, 1937, and to provide for the waiving of the charges and accruals to February 1, 1936

Whereas in the season of 1934–35 the Reconstruction Finance Corporation, through the Commodity Credit Corporation, pursuant to the policy announced by the Agricultural Adjustment Administration, financed some 4,500,000 bales of cotton through a flat

12-cent loan on all grades and staples ranging from low Middling seven-eighths inch up; and

Whereas, pursuant to this policy, and inspired by a desire to cooperate with the administration, the farmers of Mississippi, who produced during that season cotton, 85 percent of which was fifteen-sixteenths inch and better, accepted a loan with the belief that the announced policy of the administration would be carried out as stated in the President's words in his inaugural address with reference to parity on farm commodities—"it may take 1 year, it may take 2 years, or it may take more, but do it we will"; and

Whereas at the expiration of the term of these notes Commodity Credit Corporation did extend the loans to February 1, 1936; and

Whereas the present collateral value of all cotton in the loan is approximately 90 percent of the loan plus accruals; and

Whereas the Reconstruction Finance Corporation has extended loans to other business and industrial groups with collateral of lesser value: Now, therefore, be it

Resolved (by a joint resolution of the Mississippi Legislature), That in fairness to cotton producers the Reconstruction Finance Corporation should extend the cotton loans to February 1, 1937, and the Congress of the United States should promulgate a plan that will provide for the waiving of the charges and accruals to February 1, 1936, and permit farmers in their wisdom to execute sale of their own cotton at such time and in such manner as they deem wise and expedient; and be it further

Resolved, That, in our opinion, to place in the hands of any agency the power to fix a policy of dumping on the market a definite amount of cotton at fixed intervals would be disastrous to the interest of cotton producers, and that the President of the United States exercise his vested authority in directing the Reconstruction Finance Corporation to extend these loans and urge the Congress to promulgate the foregoing plans that will guarantee equitable participation of producer interests.

The VICE PRESIDENT also laid before the Senate letters from the Director of the Division of Territories and Island Possessions, office of the Secretary of the Interior, embodying cablegrams in the nature of petitions addressed to the Secretary of the Interior from the Civic Association Liga Defensora, the Association of Unemployed Women, and the General Union Laborers, all of Mayaguez, P. R., praying for the confirmation of Benigno Fernandez Garcia to be attorney general of Puerto Rico, which were referred to the Committee on the Judiciary.

Mr. WAGNER presented a resolution adopted by the board of supervisors of Jefferson County, N. Y., favoring the enactment of the bill (S. 1632) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by water carriers operating in interstate and foreign commerce, and for other purposes, which was ordered to lie on the table.

RECIPROCAL-TRADE AGREEMENTS

Mr. WAGNER presented a resolution adopted by a meeting of dairy farmers and representatives of business interests of St. Lawrence and Franklin Counties, Ogdensburg, N. Y., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolved, That this meeting of dairy farmers and representatives of the business interests of St. Lawrence and Franklin Counties held in Ogdensburg, N. Y., February 7, 1936, deplores the present policy of the National Government with respect to the so-called reciprocity-trade agreements with Canada, Switzerland, and Holland wherein the necessary import duties levied by the Tariff Act of 1930 have been materially reduced. The lowering of these duties curtails both the possible income of dairy farmers of this and other regions of the United States, and curtails the volume outlet of domestic dairy products in domestic markets by virtue of the outside competition from countries whose cost of production is lower than ours.

We urge the Congress—

1. To establish import quotas as provided for in the Agricultural Adjustment Act amendments.

2. To pass legislation to prevent any further raids on dairy and other agricultural tariffs by restoring to the Senate its right to ratify these agreements.

3. To pass legislation requiring all dairy products imported into the United States to be officially certified by foreign governments that they come from herds that are free from tuberculosis.

GEORGE WASHINGTON FOUNDATION NATIONAL HEALTH SHRINE—BERKELEY SPRINGS, W. VA.

Mr. NEELY presented a resolution of the George Washington Foundation National Health Shrine, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Whereas the George Washington Foundation, Inc., has been chartered and organized to promote as a national health shrine the historic springs in the town of Bath, Berkeley Springs, Morgan County, W. Va., in tribute to George Washington, the first surveyor, sponsor, and patron of these mineral springs and health resort after Indian days; and

Whereas the title of said springs is vested in the State of West Virginia, and the legislature thereof has approved and endorsed the development of said springs as a health-shrine project; and

Whereas "Y. Fam'd Warm Springs" were a gift by Thomas, Lord Fairfax, "to be forever free to the public for the welfare of suffering humanity"; and

Whereas a town by the name of Bath was first established at these medicinal warm springs by the State of Virginia as a health resort for the sick and wounded soldiers of the Revolutionary War; and

Whereas, according to documentary evidence in the Library of Congress, historic Bath was also the home of the world's first steamboat—invented, built, and tried out there by James Rumsey (a Revolutionary soldier, native of Cecil County, Md.) in the years 1782–1784; and where General Washington witnessed the successful demonstration of one of Rumsey's mechanical boats, gave him the famous certificate for same, and engaged "the ingenious Mr. Rumsey" to build his "dwelling house, kitchen, and stable" on his lots "at the Warm Springs in Berkeley" (now Morgan County), and where Washington Irving wrote much of his great work, The Life of Washington; and

Whereas the West Virginia George Washington Foundation National Health Shrine project is nonpartisan, nonsectarian, nonpolitical, and nonprofit sharing, and has been indorsed by the Legislature of West Virginia, the West Virginia State Medical Association, the West Virginia State Medical Association Auxiliary, the Business and Professional Women's Club, the West Virginia State Quota Club, the West Virginia State Lion's Club, the town of Bath and local organizations, the Masonic order, the American Legion, the Chamber of Commerce and the town of Bath Chapter Daughters of the American Revolution, and other organizations, for the perpetuation of this historic health center and the purpose for which it was established, and in tribute to the founder who virtually laid the cornerstone of the George Washington Foundation National Health Shrine nearly two centuries ago; and

Whereas "Y. Fam'd Warm Springs"—the town of Bath is the only health center in America that was surveyed, laid out as a town, promoted as a health resort and summer colony by the great Washington, who took his family there for many weeks at a time "to try y. effects of y. water" because he himself had been "cured of rheumatic fever and other disorders"; and

Whereas "Y. Fam'd Warm Springs" was the health center of the earliest Americans and first famed through Indian legend, about which Washington wrote when he made his pioneer visit there on March 18, 1748: "We this day call'd to see y. Fam'd Warm Springs. We camp'd out in y. fields this night", and which health center was made socially famous by him and patronized by the founder throughout his lifetime (1748–1794) even after he became the first President of the United States: Therefore, be it

Resolved, That the Congress of the Nation founded by George Washington endorse the West Virginia George Washington Foundation National Health Shrine in commemoration of this two hundred and fourth anniversary of the birthday of the founder, February 22, 1936, for the welfare of suffering humanity and in tribute to the great Washington who began this humanitarian project nearly two centuries ago.

REPORTS OF COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. NORRIS. From the Committee on Agriculture and Forestry I ask unanimous consent to report back favorably, with amendments, the bill (S. 3483) to provide for rural electrification, and for other purposes, and I submit a report (No. 1581) thereon.

The VICE PRESIDENT. Without objection, the report will be received and the bill will be placed on the calendar.

Mr. SMITH, from the Committee on Agriculture and Forestry, submitted a report (No. 1575) to accompany the joint resolution (S. J. Res. 205) providing for the disposition of certain cotton held by the United States, heretofore reported by him from that committee with amendments.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that today, February 17, 1936, that committee presented to the President of the United States the enrolled bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes.

EXECUTIVE REPORTS OF INTERSTATE COMMERCE COMMITTEE

As in executive session,

Mr. WHEELER, from the Committee on Interstate Commerce, reported favorably the following nominations:

Clyde B. Aitchison, of Oregon, to be Interstate Commerce Commissioner for the term expiring December 31, 1942; and

Claude R. Porter, of Iowa, to be Interstate Commerce Commissioner for the term expiring December 31, 1942.

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

BILLS INTRODUCED

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

By Mr. BARBOUR:

A bill (S. 4031) to create a commission to enter into negotiations with respect to the refunding of certain obligations of foreign governments held by the United States, and for other purposes; to the Committee on Finance.

By Mr. TYDINGS:

A bill (S. 4032) for the relief of George Edwin Godwin; to the Committee on Naval Affairs.

By Mr. SCHWELLENBACH:

A bill (S. 4033) to amend the Longshoremen's and Harbor Workers' Compensation Act, as amended; to the Committee on the Judiciary.

By Mr. HATCH:

A bill (S. 4034) to provide for the conveyance to entrymen under the land laws of the United States of the rights to the gas, oil, and oil shale in the lands patented to them; to the Committee on Public Lands and Surveys.

By Mr. BARKLEY:

A bill (S. 4035) granting an increase of pension to Margaret C. Mitchell; to the Committee on Pensions.

By Mr. MURPHY:

A bill (S. 4036) to prevent the infringement of patents; to the Committee on Patents.

By Mr. BURKE:

A bill (S. 4037) to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes; to the Committee on Commerce.

PURCHASE OF SUPREME COURT DECISIONS AND DIGEST—AMENDMENT

Mr. BURKE submitted an amendment intended to be proposed by him to the bill (S. 1589) authorizing the purchase of United States Supreme Court decisions and digest, which was referred to the Committee on the Judiciary and ordered to be printed.

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL

Mr. TYDINGS submitted an amendment intended to be proposed by him to House bill 11035, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On pages 63 line 17, to strike out "$6,000" and in lieu thereof to insert the following: "177,000, of which $171,000 shall be available for expenditure by the Secretary of War for the acquisition, by purchase, condemnation, or otherwise, of such suitable lands in the vicinity of the city of Baltimore, Md., as in his judgment are required for enlargement of existing national cemetery facilities, and shall remain available until expended."

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. THOMAS of Oklahoma submitted an amendment 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, as follows:

At the proper place in the bill to insert the following:

"The sum of $2,000,000 of the unobligated balance of the appropriation for relief purposes contained in the Emergency Relief Appropriation Act of 1936, approved April 8, 1935, is hereby made available to the Secretary of Agriculture for allocation and payment to the States in the southern great plains area, or to farmers therein, for wind erosion control, under plans to be approved by the Secretary of Agriculture."

LINCOLN DAY ADDRESS BY SENATOR STEIWER

Mr. DAVIS. Mr. President, I ask unanimous consent to have inserted in the RECORD an address delivered by the junior Senator from Oregon [Mr. STEIWER] on February 12 at the Lincoln Day banquet of the Republican Club of Rhode Island at Providence, R. I.

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

America today celebrates the anniversary of the birth of Abraham Lincoln, who rose to immortal heights in the service of his country and mankind. It was Lincoln's leadership that brought the first great success of the Republican Party. His service in this regard is only a small part of an eventful life of magnificent achievement, but it affords justification for our tribute of respect and gratitude upon this occasion.

In the shifting destinies of the years since the Great Emancipator, the reunited American Nation has attained new heights and enjoyed a succession of opportunities which have resulted in the great Republic of this generation. Now for half a decade all America has suffered from economic maladjustment and some of our people have been confronted with privation and want. From the suffering of the people there has come a restless instability and desire for change. The national administration has sought and now seeks to capitalize upon unrest by urging a whole series of experimental proposals. If we are to render to the memory of Mr. Lincoln a service sincere and genuine, we will examine the new proposals and determine whether they tend to strengthen or to destroy the American system of government.

We are almost within hearing of the tumult of a Presidential election. We ask ourselves the simple question, What is the issue which will divide the American people? Is it recovery? It ought not to be, for recovery is a national objective sought by all. Nor does the issue consist of the old partisan controversies between the Republican and the Democratic Parties. For the moment the old questions which separated the two great political groups are not the paramount issues. Moreover, the incumbent national administration which wears the label of the Democratic Party is not proclaiming the time-honored traditions of that party.

By its conduct and avowed purposes, this administration proclaims it is something other than the Democratic Party. It is a New Deal with personnel recruited from both the old political parties and from the Socialists and Communists and from those who recognize no party at all. It repudiates the platform of the last Democratic National Convention. This New Deal is disowned by outstanding Democratic leaders, including Governor Smith, who courageously place love of country above mere party regularity. Among the many distinguished Democrats who have denounced the New Deal philosophy there are, in addition to Governor Smith, men like Governor Ely, of Massachusetts; Governor Ritchie, of Maryland; ex-Senator Reed, of Missouri; Governor Talmadge, of Georgia; and John W. Davis, a former standard bearer of his party. To define the issue let us consider the claims made in behalf of the New Deal by its own leader. At the $50 per plate Jackson Day feast in Washington the President declared—I quote:

"* * * the real issue before the United States is the right of the average man and woman to lead a finer, a better, and happier life."

Most respectfully I ask what sort of an issue is this? Of course, every right-thinking person desires the average man and woman to lead a better and happier life. It is the goal of the reformer in the field of morals. It is the hope of the church, the consummation of a national ideal. But who has challenged this right, and under what sort of fantastic ledgerdemain is anyone to claim that the right to live right is a political issue? In the same address the President again stated the issue—in a fashion inconsistent with the statement just read, but, nevertheless, nearer to political reality. He said:

"* * * the basic issue will be the retention of popular government."

A fair interpretation of the phrase "popular government" would be the people's government; the representative democracy established by the forefathers and described by Abraham Lincoln as "government of the people, by the people, and for the people." The retention by the American people of popular government might well be a political issue to the extent that the right has been threatened. I can accept popular government as a basic issue and assert that the government of the people as described by Mr. Lincoln is threatened, but not by the Republican Party nor by any present-day critic of the incumbent New Deal administration. Popular government is menaced by New Deal usurpations and placed in jeopardy by the soaring ambition of the President himself. Popular government under our institutions is government by law and not government by men. We do not retain such government when we substitute for government by law the ipse dixit of any ruler, however good his intentions. It is not retained under any formula which is based on the delegation by a subservient New Deal Congress to the President and his agents of its legislative powers in order that the American people may be ruled and regimented under a system of executive regulations. It is not retained by any new-fangled political structure in which the "dealers", new and old, speak in defiance of the courts and indicate disrespect for judicial processes. An instance is the remark by the Secretary of Agriculture that a recent decision of the United States Supreme Court is "the greatest legalized steal in American history." Government by the people is not retained when authority to make laws and enact taxes is lodged by Executive order in subordinate administrative agencies. Much less is it retained when the elected servants of the people yield up their legislative authority and permit themselves to be led against their judgment into innovations and experiments in which the people are not consulted but in which their liberties are abridged or suspended. The rights of popular government are not retained when a Federal oligarchy in defiance of the Federal Constitution seeks to perform the functions reserved to the several States, and for this unauthorized and unconstitutional purpose sets up at Washington the greatest bureaucracy that the world has ever known. Popular government is not retained when the efficient administration of the people's business is degraded by the spoilsman's assault upon the Civil Service. And, finally, there can be no assurance of its retention when Federal bureaucracy creates a crushing national debt which by its cruel exactions

threatens not only the prosperity of the people but the perpetuity of government itself.

I submit this indictment: That from the beginning of the New Deal to this day not one move has been made by the administration to perfect the right of the people to participate in their own Government. If I may be indulged in making reference to my own efforts in Congress, I would tell you of the resolution, which I offered which provides a system for direct nomination of candidates for President and Vice President as a substitute for the present method of selection by national conventions. This resolution has been pending before the Judiciary Committee of the United States Senate since January 1934; but in a New Deal Congress I have never been able even to get it reported out of the committee. I would tell you also of Senate bill 509, which I first introduced June 10, 1933, which has been pending in the Senate in slightly modified form since that date. This bill is designed to prevent the use of Federal official patronage and the misuse of positions of public trust for partisan ends. I quote from the bill, as follows:

"* * * no person holding an appointive office of trust or profit under the Government of the United States shall be officer, delegate, or alternate of any political convention, having for its aim the nomination or election of any candidate, avowed or unavowed, for President or Vice President of the United States."

This bill is on the Senate Unanimous Consent Calendar, having been favorably reported by the Judiciary Committee on March 12, 1935. The CONGRESSIONAL RECORD will support my declaration that this bill cannot be enacted because of the opposition of the New Deal leaders in the Senate. Its defeat will insure a spoils convention of New Deal minions and officeholders at Philadelphia whose only thought will be—not the retention of popular government—but the retention of Federal jobs for which they will applaud the New Deal and pay $50 per plate on the anniversary of Andrew Jackson's victory in the Battle of New Orleans. Even partial loyalty to the principles of popular goevrnment would prompt the New Deal leaders to withhold objection to this bill. On this record the President's lip service for popular government is amazing. We see a New Deal President asserting the basic importance of popular government and at the same time seeking nomination from a convention of United States marshals and postmasters at Philadelphia. America is entitled to a better deal than the New Deal.

The people know political power rightfully resides with them and that this power should be exercised without hindrance and without obstruction, both within political conventions and outside the conventions. There is no justification for thwarting the will of the people in the selection of candidates for the Presidency through manipulation of nominating conventions or by any other means. A political appointee in a convention is always a menace to and sometimes the destroyer of the worthy purposes of the convention. He attends the convention to do his master's bidding. If the President is right in his declaration that the basic issue is the retention of popular government, I can say only that he is on the wrong side of the issue.

After stating in his Jackson Day speech that the retention of popular government will be the basic issue, the President added a plea for strong, effective, political organization. This is an extraordinary plea to be made by a President of the United States. At the risk of being presumptuous, I answer that the maintenance of popular government will never be assured by more effective organization of politicians. The opposite is true. It is rendered insecure by an administration which increases the civil rolls of the Government by more than 250,000 patronage jobs in 34 months. When the people are hungry there is no justification for any deal, old or new, that increases the annual Federal pay roll nearly $500,000,000. On the contrary, the life of the Republic will be extended by economical government and by avoiding the inefficiency which is incident to the New Deal evasions of the Federal Civil-Service system. It is silly for this administration to talk of a balanced Budget or of decreased burden of taxation. Incompetence, by its very nature, cannot and will not result in a balanced Budget and bureaucracy has never willingly permitted exaction of less taxes from the people. The incompetent administration of third-rate theorists and New Deal bureaucrats constitutes a never-ending threat to the retention of popular government. We are faced with the fact that a debt-burdened government inefficiently administered directly invites new forms of government, because in the long run it inevitably will destroy the existing forms.

I would define another issue equally basic, and that is the retention of constitutional government. Our Constitution was written to restrain the Government, not to restrain the people. For this purpose it provides for distribution of governmental powers among three independent coordinate branches. This division of governmental power is the bulwark of constitutional freedom. For nearly 3 years we have seen the spectacle of a Chief Executive intent upon the attainment of extraordinary power. In this undertaking he has been highly successful. The willingness of Congress to delegate its legislative authority and to place in the hands of the President vast sums to be expended substantially at his discretion is the foundation of the bureaucracy from which the Nation now suffers. Gratification of the greed for power in the Executive breaks down the system of checks and balances provided by the Constitution and substitutes government by regulation. The President speaks of the hatred of "entrenched greed." I am not its defender, but I can see that, after all, entrenched greed is the greed for money and that it is less destructive of the people's rights than the greed for power. With all respect I submit that he who induces concentration of power is himself responsible for the greatest threat to the perpetuity of our institutions. President Coolidge in his lifetime characterized Federal centralization as tyranny. He said:

"Unless bureaucracy is constantly resisted it breaks down representative government and overwhelms democracy. It is the one element of our institutions that sets up the pretense of having authority over everybody and being responsible to nobody."

Let us examine New Deal political philosophy. In his inaugural address, March 4, 1933, President Roosevelt said:

"It is to be hoped that the normal balance of executive and legislative authority may be wholly adequate to meet the unprecedented task before us. But it may be that an unprecedented demand and need for undelayed action may call for temporary departure from that normal balance of public procedure."

This hope should have warned the country of his purpose to disturb the balance of governmental powers. In his message to Congress, January 3, 1934, he said we are now engaged in building "on the ruins of the past a new structure designed better to meet the present problems of modern civilizations." In an industrial area like Rhode Island the "ruins of the past"—I again quote Mr. Roosevelt—are insignificant in comparison with the ruins created under his New Deal mismanagement. What did the President mean by his phrase "the ruins of the past" if he did not believe American institutions had come to the end of their usefulness? And what did he mean by the phrase "the new structure" if he did not refer to the extraordinary delegation of legislative powers to the Executive? The President himself answered these questions in a further statement in the same message. I quote:

"Out of these friendly contacts we are, fortunately, building a strong and permanent tie between the legislative and executive branches of the Government. The letter of the Constitution wisely declared a separation, but the impulse of common purpose declares a union."

Thus the impulse of common purpose as seen by the President would break down the balance between the legislative and executive branches as provided in the Constitution. But this is not all. In his message to Congress of January 3 of this year the President said:

"They realize that in 34 months we have built up new instruments of public power. In the hands of the people's government this power is wholesome and proper. But in the hands of political puppets of an economic autocracy such power would provide shackles for the liberties of the people."

I agree that the "new instruments of public power" which are now under control of the Executive would, in the hands of an economic autocracy, provide shackles for the liberties of the people, but these "new instruments of public power" are the tools of dictatorship. Dictatorship is both un-American and unsafe in anybody's hands. The shackles already have been forged, but they will never be worn by the free men and women of America. These powers will never be accepted in the Commonwealth founded by a great champion of religious and personal liberties.

These new instruments of public power are especially unsafe in the hands of a President who in the 1932 campaign said that the Republican Party was in control of the United States Supreme Court. No political party, then or now, controlled the United States Supreme Court, and I assume that by this time the President is advised of this fact.

In his Jackson Day dinner address the President implied that he and Jackson were much alike. Let us see. President Jackson was opposed to the Bank of the United States. When Congress passed a law extending the life of the bank, Jackson resorted to the veto. The Supreme Court had already held that Congress was acting within its constitutional authority when it created the bank in the first instance. Jackson denied the constitutionality of the bank and exercised his veto power in defiance of the Court's conclusions. But between Andrew Jackson and Franklin Roosevelt we still find a very definite political difference. In the incident referred to Jackson's grievance lay in the fact that the Court has upheld a power in the Federal Government which he did not personally approve. At the present time Mr. Roosevelt's grievance is that the Court denies him the power to extend the jurisdiction of the Federal Government into the exclusive sphere of the States and prevents him from carrying on operations which he personally desires. Mr. Jackson, therefore, defended the rights of the States and of individuals. Mr. Roosevelt would invade the rights of the States and of individuals. Against usurpation of this sort, President Jackson, in his veto message, issued his most solemn warning. He said:

"Nor is our Government to be maintained or our Union preserved by the invasion of the rights and powers of the several States. In thus attempting to make our general government strong, we make it weak."

Any claim that the New Deal is based on the philosophy of Jackson is a distortion of historic fact. They have little in common except that each, in victory, dealt in spoils.

And now Mr. Roosevelt says, "We will not retreat"; but the New Deal has been in retreat almost from the time it started. It retreated from the Democratic platform of 1932 and from its early efforts to balance the Budget. It retreated from P. W. A. to C. W. A., and from C. W. A. to F. E. R. A., and from F. E. R. A. to W. P. A. It retreats from control of production of cotton, tobacco, and potatoes. It was thrown into rout by the resistance of the Supreme Court, and is now engaged in trying to suppress mutiny in its own ranks. In the meantime the cause of popular

government and of good government both suffer alike. They will continue to suffer until next November, when the people will resort to their last but most effective weapon.

This crisis demands clear thought and straight talk. The people will not be deceived by prettily expressed Presidential sophistries. Oratorical flourishes about the "real issue" and "basic issue" and "refusal to retreat" will not obscure the fact that the incumbent administration is wasteful and expensive; that it creates deficits, unbalances the Budget, and increases the national debt; nor the further fact that its excesses are almost the sole cause of the talk of governmental repudiation, currency inflation, and national financial disaster. One great group knows that its savings have been lost in the depression, and now those who still retain the rewards of industry and thrift know their savings are being endangered by excessive cost of government and generous provisions by the administration for the care of its political favorites. They know the largess of Mr. Roosevelt does not come from the skies, but that somebody foots the bills; and they know that finally the people pay. They pay through taxes which add to the cost of bread and meat. Above all else they know that if we do not pay the bill it will become a charge against the future and a cruel handicap upon children yet unborn. This knowledge is a call to arms. New England's answer to this call is expressed in Nathaniel Hawthorne's Allegory of the Gray Champion. From it I summarize:

In the reign of King James, the unprincipled Sir Edmund Andros, Governor of New England, held the colonists in his tyrannical sway. One afternoon the Governor and his councilors assembled the armed guard and appeared in the streets in an effort to intimidate and overawe the oppressed and suffering people. A multitude gathered in King Street, and there, quiet yet murmuring, fearful yet unafraid, they stood in sullen suspense as the redcoats marched toward them. Suddenly, in the path of the Governor, there was seen the figure of an ancient man. He was so venerable no one recognized him and none suspected his purpose; but when the redcoats approached, he cried, "Stand", in a voice of authority, and the advancing line stood still. The Governor demanded "How dare you stay the march of the King's Governor!" to which the ancient patriarch replied: "I have stayed the march of the King himself. The tyrant James is no longer on the throne. Back, thou that wast a Governor, back! With this night thy power is ended; tomorrow the prison. Back! Lest I foretell the scaffold." The Governor sensed the anger of the multitude and perceived his peril. He turned back in retreat.

Who was the Gray Champion? It was said that whenever the descendents of the Puritans are to show the spirit of their sires the old man appears again; that he stood on the green at Lexington and at Bunker Hill he walked his round throughout the night; and that today, should domestic tyranny oppress us, the Gray Champion will come again, and, to use the language of Hawthorne:

"* * * his shadowy march, on the eve of danger, must ever be the pledge that New England's sons will vindicate their ancestry."

AMERICAN NEUTRALITY

Mr. BONE. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Constantine Brown, published in the Washington Evening Star of February 14, 1936, dealing with the neutrality plan.

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

[From the Washington Star of Feb. 14, 1936]

GENEVA HAPPY AS UNITED STATES NEUTRALITY PLANS BREAK DOWN, AND EUROPE PREPARES FOR ANOTHER WAR

By Constantine Brown

Geneva is all smiles, while the State Department is in tears, because the Congress has given a first-class burial to the neutrality bill containing the embargo clauses for raw materials.

The State Department was convinced that an embargo on oil, cotton, and other such materials would help to keep this country out of war and would also make foreign wars more difficult.

But at Geneva the "defection" of the United States has produced only crocodile tears. The sanctionist leaders welcome the opportunity of laying the blame for the League's inaction at the doorsteps of this country. And secretly they are glad that the Congress has not voted a neutrality law with sharp teeth, because a war in Europe within the next few months seems inevitable. America may still provide the necessary raw material.

The opinion of the best diplomatic and military authorities is that a way must break out shortly. The ratification of the French-Soviet military alliance (officially it has a different name), the strong attitude of the French foreign minister, Flandin, toward the remilitarization of the Rhineland, and the feverish arms race all over the world—all these point out toward a war.

Money counts no longer. Whatever the general staffs need, the treasuries of the different countries grant them. It is true, unlike during the World War, that money is no longer thrown away. The general staffs have learned to count.

The great propaganda to enlist the favor of other nations is also being loosened. But this time the governments are careful about their expenditure. The agents of the various countries in the United States, for instance, endeavor to play on the sympathetic feelings of individuals rather than on bribery and corruption, as was the case between 1914 and 1917.

Of course, most of the nations which are going to war are almost broke. They are trying to be self-sufficient and to use, as much as possible, their own national resources to provide for all war necessities.

Those within the orbit of France can still draw a few millions from the French Treasury, but they have been warned not to abuse this privilege. Great Britain has cut down drastically on foreign loans. France, of course, still has a limited credit, but nothing like in the first years of the World War.

Germany and Poland must rely mainly on whatever can be produced in their own countries, and for the time being they are still able to obtain foreign exchange by dumping industrial products in foreign countries. But that exchange is being spent on war materials.

In these countries scientists who can make wool out of bark, gasoline out of coal, coffee out of barley, cocoa out of sweeetened dust, and tobacco out of anything from corn silk to tree leaves are at a premium. And there is no doubt that these men are doing a remarkable job.

Unemployment throughout Europe and Japan is on the decline. Men are drafted either in the army or in the labor corps or are working overtime in ammunition and gun factories.

The cannon fodder is accepting its fate with oriental resignation. The peoples of Europe have come to the conclusion that theirs is an accursed fate which cannot be avoided. The men receive their pink preliminary mobilization slips with a shrug of the shoulders.

"It cannot be helped," they say, and go on with their business awaiting the final call.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate resumed 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.

Mr. BYRNES. Mr. President, I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will state the first amendment reported by the committee.

The first amendment of the Commiteee on Appropriations was, under the heading "Independent establishments—American Battle Monuments Commission", on page 4, line 6, after "118a", to insert "purchase and repair of uniforms for caretakers of national cemeteries and monuments in Europe at a cost not exceeding $1,200", so as to read:

For every expenditure requisite for or incident to the work of the American Battle Monuments Commission authorized by the act of March 4, 1923 (U. S. C., title 36, secs. 121–133), and by Executive Order No. 6614 of February 26, 1934, including the acquisition of land or interest in land in foreign countries for carrying out the purposes of said act and Executive order without submission to the Attorney General of the United States under the provisions of section 355 of the Revised Statutes (U. S. C., title 34, sec. 520; title 40, sec. 255); employment of personal services in the District of Columbia and elsewhere, including not to exceed $750 for allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (U. S. C., Supp. VII, title 5, sec. 118a); purchase and repair of uniforms for caretakers of national cemeteries and monuments in Europe at a cost not exceeding $1,200; travel expenses; rent of office space in foreign countries; the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles which may be furnished to the Commission by other departments of the Government or acquired by purchase; the purchase of one motor-propelled passenger-carrying vehicle at a cost not exceeding $750; printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activities, battlefields, memorials, and cemeteries in Europe; the purchase of maps, textbooks, newspapers, and periodicals, $71,000, together with $100,000 of the unexpended balances of the appropriation carried for the American Battle Monuments Commission in the Independent Offices Appropriation Act, 1936, and of the no-year appropriations for the said Commission carried in any and all previous acts, which unexpended sum is hereby made available for all the purposes of this appropriation.

The amendment was agreed to.

The next amendment was, under the heading "Federal Trade Commission", on page 15, line 6, after the word "act" and the semicolon, to strike out "$1,399,000, together with $8,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1935" and insert "$1,407,000", so as to read:

For five commissioners, and for all other authorized expenditures of the Federal Trade Commission in performing the duties

imposed by law or in pursuance of law, including secretary to the Commission and other personal services, contract stenographic reporting services; supplies and equipment, law books, books of reference, periodicals, garage rentals, traveling expenses, including not to exceed $900 for expenses of attendance, when specifically authorized by the Commission, at meetings concerned with the work of the Federal Trade Commission, for newspapers and press clippings not to exceed $600, foreign postage, and witness fees and mileage in accordance with section 9 of the Federal Trade Commission Act; $1,407,000: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) when the aggregate amount involved does not exceed $50.

The amendment was agreed to.

The next amendment was, on page 15, line 15, to increase the total appropriation for the Federal Trade Commission from $1,431,000 to $1,439,000.

The amendment was agreed to.

The next amendment was, under the heading "Interstate Commerce Commission—Salaries and expenses", on page 18, line 13, before the word "may", to strike out "$170,000" and insert "$190,000", so as to read:

Regulating accounts: To enable the Interstate Commerce Commission to enforce compliance with section 20 and other sections of the Interstate Commerce Act as amended by the act approved June 29, 1906 (U. S. C., title 49, sec. 20), and as amended by the Transportation Act, 1920 (U. S. C., title 49, sec. 20), including the employment of necessary special accounting agents or examiners, and traveling expenses, $847,000, together with $5,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1935, of which amount not to exceed $190,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 19, line 7, before the word "may", to strike out "$87,900" and insert "$90,000", so as to read:

Safety of employees: To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with acts to promote the safety of employees and travelers upon railroads; the act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906 (U. S. C., title 45, sec. 35), and the provision of the Sundry Civil Act approved May 27, 1908 (U. S. C., title 45, secs. 36, 37), to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation, inspectors, and for traveling expenses, $500,000, together with $6,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1935, of which amount not to exceed $90,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

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

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 40 it is proposed to strike out lines 9 to 19, inclusive, as follows:

Adjusted-service certificate fund: For an amount necessary under the World War Adjusted Compensation Act (U. S. C., title 38, secs. 591–683; U. S. C., Supp. VII, title 38, secs. 612–682), to provide for the payment of the face value of each adjusted-service certificate in 20 years from its date or on the prior death of the veteran, and to make loans to veterans and repayments to banks in accordance with section 507 of the act, as amended (U. S. C., Supp. VII, title 38, secs. 642, 647, 650; act July 21, 1932, 47 Stat., pp. 724–725), $160,000,000, to remain available until expended.

And to insert in lieu thereof the following:

Adjusted-compensation payments: To carry out the provisions of the World War Adjusted Compensation Act, 1924 (Public, No. 120, 68th Cong.), enacted May 19, 1924, as amended, and the Adjusted Compensation Payment Act, 1936 (Public, No. 425, 74th Cong.), enacted January 27, 1936, except section 5 thereof, $1,730,000,000 to the adjusted-service certificate fund, to be immediately available and to remain available until expended, and such amount as represents the face value of the bonds required to be paid to the United States government life insurance fund pursuant to section 5 of said act is hereby directed to be charged to any moneys in the Treasury not otherwise appropriated for transfer and deposit as a public-debt receipt.

Mr. KING. Mr. President, I should like to have an explanation of the amendment.

Mr. BYRNES. Mr. President, when the bill authorizing the payment of the adjusted-compensation certificates was pending before the Senate, the statement was made that when the pending appropriation bill came before the Senate an amendment would be offered providing for the money to pay the bonds authorized to be issued by that act. The amount of money appropriated by the amendment is arrived at in the following manner:

The figures submitted by the Veterans' Administration at the time of the consideration of the adjusted-compensation payment bill showed that there would be payable to the veterans in bonds $1,836,213,950; that there would be payable in cash to veterans, by reason of the odd amounts less than $50, the face of the bonds, various amounts, the average of which would be about $25, and the total of which would be $87,786,050.

The report stated that in addition to these amounts it would be necessary to pay to the banks in cash, in order to secure the release of adjusted-compensation certificates, $60,000,000.

The total amount payable as the result of the enactment of Congress would be $1,984,000,000.

In the adjusted-compensation certificate fund in the Treasury is the sum of $254,000,000. The appropriation contemplated in the pending amendment is made to that fund.

In arriving at the figure included in the amendment, therefore, I deduct from the total amount estimated by the Veterans' Administration of $1,984,000,000 the sum the Veterans' Administration now has on hand in that fund, $254,000,000, which leaves a balance of $1,730,000,000, the amount proposed in the amendment to be appropriated.

Then I should like to invite attention to the fact that the bill carries an appropriation for the next fiscal year of $160,000,000 to be placed in what we might call the sinking fund for the redemption of the adjusted-compensation certificates in 1945. Each year an appropriation has been made for that purpose, the amounts of the appropriation varying. This year the amount which was added by the House and reported by the Senate Committee on Appropriations is $160,000,000.

Inasmuch as the amendment contemplates making available the total amount which would be necessary to make the payment contemplated by the act, we therefore eliminate from the bill the item of $160,000,000.

The total amount of $1,730,000,000 is added to the bill not because it is believed any such amount will be asked of the Treasury during the next fiscal year. No one familiar with the subject would estimate that more than one-half of the amount would be called for. However, the Treasury takes the position that the bonds authorized by the Congress to be issued, inasmuch as they are payable on demand, are in effect checks upon the Treasury, and even if that were not true, their position is that whenever bonds are issued there must be, for their bookkeeping purposes, an appropriation made to cover the amount of the bonds issued. Therefore, in order to remove any question as to the right of the Veterans' Administration and the Treasury to issue the bonds which are provided for by the law which was recently enacted by the Congress, the appropriation is made for the entire amount.

In addition to the amount of $1,730,000,000 there is included in the amount language which has the effect of transferring to the United States Government life-insurance fund the $507,000,000 of bonds which were authorized under section 5 of the recent act. It will be recalled that section 5 directed the Secretary of the Treasury to transfer bonds of the character described in that section bearing 4½-percent interest, to the United States Government life-insurance fund, because out of that fund there had been used money to make advances to veterans, the United States Government life-insurance fund receiving from the veterans as security for such advances their adjusted-compensation certificates. That is but a bookkeeping transaction. The language which is contained in the amendment to accomplish this transfer was drafted for me by Comptroller McCarl and, I understand, is con-

curred in by the officials of the Treasury as accomplishing the purpose of the Congress as set forth in section 5.

Of course, I must say that while this appropriation, in order to comply with the bookkeeping requirements of the Treasury, must be carried in full in the bill, it means that in the years to come prior to the maturity of the bonds in 1945 there will exist no longer the necessity for making an annual appropriation to redeem the bonds falling due in 1945.

If the Treasury this year shall be called upon to pay in cash a billion dollars—the outside amount that any man could suggest—the Treasury will have the authority, under this appropriation, to meet the payment. If the Treasury should borrow the money to meet it, the only difference would be that instead of the Government of the United States owing the veteran, as it has owed the veteran since 1925 upon a certificate due in 1945, the Government would then be owing an investor instead of the veteran. There would also be the difference that upon the money borrowed the Government would have to pay interest, whereas it was not paying interest upon the adjusted-compensation certificates outstanding.

With this explanation of the method by which the amount is arrived at, I ask for the adoption of the amendment to carry out the purposes of the act of Congress.

Mr. KING. Mr. President, may I ask the Senator from South Carolina whether or not his committee gave any consideration to the question of the source from which the funds are to be obtained to meet the appropriations?

Mr. BYRNES. The Senator knows that the Appropriations Committee does not consider the questions of finance; but the Finance Committee, of which the distinguished Senator from Utah is such an able and efficient member, has charge of that problem. I said, however, in concluding my remarks, that, certainly, if I had my way about the matter there would be done just what I have suggested; and upon the presentation for payment of the obligation of the Government in the hands of the veteran, if the funds to meet that payment were not available in the Treasury, I should favor issuing the obligations of the Treasury to secure the funds with which to pay it. So the difference would be that thereafter the Government, instead of owing the veteran, would owe the investor. I see no reason for the Appropriations Committee's considering the question as to how the funds could be raised.

Mr. KING. Mr. President, the Senator will admit, will he not, that the adoption of the amendment just offered would increase the obligations of the Government, and if the payment to the ex-service men were in cash instead of bonds, it would mean that additional revenue would be required and the burdens of taxation now resting upon the American people increased?

Mr. BYRNES. I have said to the Senator that the certificates which are outstanding have been obligations of the Government, have constituted the promise of the Government to pay in 1945. That was just as sacred an obligation as any other obligation of the Government. If the Senator means, however, that there would be added the interest upon any amount which might be borrowed, I agree that the amendment would to that extent increase the obligation of the Government, but I do not admit that the adjusted-compensation certificates have not for all these years been obligations of the Government. Because the certificates are obligations of the Government, each year the annual supply bill carries an amount to be placed to the credit of this fund in the Treasury in order to redeem the certificates at maturity; and by my amendment $160,000,000, which otherwise would have been appropriated for this purpose is eliminated from the bill.

Mr. KING. Mr. President, if I understand the Senator's position, it is not entirely sound. He states, if I am correct, that the obligations growing out of the so-called bonus legislation do not mature until 1945, and therefore they are not to be placed in the same category as obligations which call for immediate payment to be made by an appropriation of money or by the issuance of bonds immediately payable. The Senator's amendment calls for payment either in cash or bonds, of nearly $2,000,000,000. But, as I understand the Senator, a portion of this sum will not be paid during the present fiscal year. He contends, as I understand, that perhaps only $1,000,000,000 will be required within the immediate future.

But to meet that amount the Government will be required to issue and sell bonds, because the Treasury will not have adequate funds for that purpose and can only obtain the necessary funds by the sale of bonds or by additional taxation. Obviously, then, the Treasury must make provision for the $1,000,000,000 required by the veterans who will receive certificates; I repeat when I say that that can only be done by increasing taxes or selling more Government bonds.

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

Mr. KING. I yield.

Mr. TYDINGS. As I understand this matter, originally Congress passed the bonus act, which made the payment of the certificates an obligation of the Government. This year we passed another bonus act, so to speak, creating another obligation of the Government. The fact is that the second obligation will cost more than the first obligation; but, now that we have taken action, is not the second obligation the law of the land? If it is the law of the land, it seems to me the sole question is as to whether or not Congress is going to appropriate the money to carry out an obligation created at this very session of Congress and now the law of the land.

Mr. KING. The Senator from Maryland has only stated a truism. Everybody admits that, of course.

Mr. TYDINGS. But the point I desired to make is that even if the second obligation does cost more the door has now been closed; the action has been taken; and the sole question is whether or not Congress is going to make good on its obligation.

Mr. KING. I am not challenging the Senator's position. I have not raised the question as to the original so-called bonus act or the recent act of Congress which was passed over the President's veto. Under that act provision must be made to meet the obligation there created. I am only attempting to ascertain what provisions have been made, or must be made to meet such obligation. I understand, of course, that the Committees on Appropriations recognize Federal obligations created by law, and that it is their duty to report measures in order that such obligations may be met. However, there are many demands made upon the committees for appropriations which are not authorized by law, and which, even though they have merit, may be postponed to some future date.

Before measures are reported from committees involving present or future appropriations they should be carefully scrutinized, their effect upon the revenues of the Government should be considered, and certainly every effort should be made to compel economies in every branch of the Government.

I was prompted to make the inquiry addressed to the Senator from South Carolina [Mr. BYRNES] in order that I might be advised as to whether any steps had been taken by the Senate Committee on Appropriations to ascertain what provisions must be made before Congress adjourns to meet the appropriations which will be recommended by the committee.

It is obvious that appropriation bills will be presented for our consideration totaling many billions of dollars. It seems to me that Senators should be put on notice of the stupendous sums which will be required to meet the requirements of the Federal Government in order that they may devise measures to meet the same.

An ordinarily prudent person attempts to balance his budget; before spending he determines what his income will be. The obligation rests upon governments to be more careful in their financial operations than are individuals. The Government is in the position of a trustee for the American people. It must discharge the obligation of the trust with fidelity; it must not spend unwisely; indeed, it must meticulously consider every request for appropriations and every dollar authorized to be expended. Prudent individuals who have outstanding obligations weigh more carefully every demand

made upon them for expenditures, because they realize that disaster will overtake them if increased expenditures widen the gulf between income and outgo and increase their annual deficits.

It is already certain that the deficit for the next fiscal year will amount to several billion dollars, and it is believed by many that the aggregate indebtedness of the Federal Government at the end of the period referred to will be between $35,000,000,000 and $40,000,000,000. My recollection is that the Budget figures submitted by the President contemplated an expenditure of more than six and three-fourths billions of dollars. The interest upon the public debt will soon exceed a billion dollars, and it is manifest that if revenues are not increased and expenditures are maintained substantially along the present high figures, the interest charges will be greater.

The total income of the Government for the fiscal year 1936 was approximately $4,400,000,000. I should add that in view of the recent decision of the Supreme Court in the A. A. A. case, this amount must be reduced by at least $500,000,000. Substantially the entire revenue which will be available for Government expenses is derived from income taxes and customs duties. It is estimated that the revenue for the fiscal year 1937 will be approximately five billion one or two hundred million dollars. I am assuming that no part of the Federal income will be derived from so-called processing taxes. The Budget estimates of expenditures for the year 1937 did not include, as I understand, provisions to meet the payments authorized under the recent Bonus Act, nor did they include the payment of approximately $500,000,000 which was authorized under the so-called Farm Erosion Act, which passed the Senate last Saturday. Other appropriations will be made before Congress adjourns not brought within the Budget estimates. Only a few moments ago the Senator from Nebraska [Mr. NORRIS] reported a bill from the Committee on Agriculture which calls for $1,000,000,000 for so-called rural electrification.

Mr. President, it is impossible to determine with any degree of accuracy the aggregate appropriations which will be made for the next fiscal year. No matter how stupendous will be the total of the appropriations provided before Congress adjourns, there will be perhaps two or three deficiency appropriation bills before the fiscal year 1937 expires, which will carry several hundred million dollars. Experience has demonstrated that no matter how generous, indeed how extravagant, Congress is in providing for the various governmental activities in the so-called general and normal appropriation bills, there are in every Congress two or three deficiency appropriation bills carrying in the aggregate several hundred millions of dollars.

I have stated that the President's Budget contemplates expenditures for 1937 of more than $6,750,000,000. If we add to that stupendous sum the nearly $2,000,000,000 to meet the bonus legislation and $450,000,000 to meet the demands of the soil-erosion measure, we will have a total of between eight and nine billions of dollars.

The Senator from South Carolina stated, however, that the bonus payments may be less than a billion dollars for the next fiscal year. However, if I correctly interpreted his remarks, there must be an authorized appropriation of the total amount to be paid under the terms of the Bonus Act.

Mr. President, I know that any effort to reduce amounts carried in appropriation bills will be futile. The demands made by the people for Federal appropriations are increasing. Functions which should be performed by States or their local subdivisions, it is now insisted, should be discharged by the Federal Government. With no desire to be critical, and within the bounds of accuracy, it may be said that there is a growing disposition throughout the country to strengthen the power of the Federal Government, even though it diminishes the power and authority of the States. There is a stronger nationalistic spirit than ever; and as the activities of the Federal Government are multiplied, the forces of local self-government and of proper individualism are weakened. That there are powerful gravitational forces operating throughout the country which draw into the vortex of the Federal Government all must admit. This means that there is a decadence of the spirit of local self-government, the maintenance and perpetuity of which are essential if our form of government is to endure.

With the tragic record of the past, which records the death of democratic governments and the frustration of the ambition and hopes of communities and States for wider liberty and greater freedom, many of the American people complacently regard the aggrandizement of the Federal Government—indeed, they urge it to further invasions of individual and local government.

In my opinion our fathers were wiser than those of this generation; they had a broader and more comprehensive understanding of the philosophy of government and certainly of the dangers of centralized power and authority.

Their admonitions and their precepts are being disregarded; and the advocates of a powerful national government, in which the States are compounded and brought into a colloidal mass, rise to positions of leadership in various parts of the land. If our form of government is to be preserved, there must be not only a restatement of democratic principles but a reinstatement in the hearts of the people of the ideals of the fathers of this Republic.

Mr. President, the bill before us, as it came from the committee, carries more than seventy-four and one-half million dollars in excess of the appropriations for the same organizations for this fiscal year; and, as I have indicated, there will be added to the bill before it leaves the Senate at least two and one-fourth billion dollars additional, so that the measure will leave this body with the seal of approval, though it carries appropriations of approximately $3,000,000,000.

Mr. President, as I have indicated, opposition to the bill or any of its provisions will be futile. No minority report accompanies it, and, so far as I am advised, no dissenting voice will be raised against any of its provisions. One would suppose that a measure which will result in placing burdens upon the taxpayers of the United States of $3,000,000,000 would call for some opposition or at least some criticism or comment, but it, like other appropriation bills in these days of large appropriations, provokes neither opposition nor comment.

There are meritorious provisions in the bill, but I should like to see it recommitted with a view to modifying some of its provisions and reducing the total amount for which provision is made.

Mr. President, I am constrained to submit these observations and to indicate that I do not approve of all of the provisions of the bill nor of the policy which enlarges the Federal bureaus, multiplies the number of Federal officials, and increases Federal expenditures.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. BYRNES].

The amendment was agreed to.

Mr. BYRNES. Mr. President, I send to the desk another amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment offered by the Senator from South Carolina will be stated.

The CHIEF CLERK. On page 41, after line 6, it is proposed to add a new section, as follows:

SEC. 2. To enable the Secretary of Agriculture to carry out the purposes of sections 7 and 8 of the Soil Conservation Act as amended, $440,000,000, to be made immediately available and remain available until expended, together with the unexpended balance, not exceeding $30,000,000, of the funds made available for rental and benefit payments by the Secretary of Agriculture under the provisions of the Supplemental Appropriation Act, fiscal year 1936, approved February 11, 1936.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Carolina.

The amendment was agreed to.

Mr. BYRNES. Mr. President, I offer another amendment, which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 8, line 25, it is proposed to strike out "$85,900" and to insert in lieu thereof "$85,000."

The amendment was agreed to.

Mr. BYRNES. I ask unanimous consent that the clerks be authorized to change the section numbers of the bill.

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

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

NEUTRALITY OF THE UNITED STATES

Mr. PITTMAN. Mr. President, I ask that the Senate proceed to the consideration of Senate Joint Resolution 198, to extend the neutrality law.

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 198) to extend for 1 year the joint resolution approved August 31, 1935, relating to neutrality, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and to insert the following:

That section 1 of the joint resolution (Public Resolution No. 67, 74th Cong.) approved August 31, 1935, be, and the same hereby is, amended by inserting after the word "shall" and before the word "proclaim", in the fourth line, the words "so soon as such fact shall come to his knowledge", and by striking out the word "may", after the word "President" and before the word "from" in the twelfth line, and inserting in lieu thereof the word "shall"; and by substituting for the last paragraph of said section the following paragraph:

"Except with respect to prosecutions commenced or forfeitures incurred prior to May 1, 1937, this section and all proclamations issued thereunder shall not be effective after May 1, 1937."

SEC. 2. There are hereby added to said joint resolution two new sections, to be known as sections 1a and 1b, reading as follows:

"SEC. 1a. Whenever the President shall have issued his proclamation as provided in section 1 of this act, it shall thereafter during the period of the war be unlawful for any person within the United States to purchase or sell bonds, securities, or other obligations of the government of any belligerent country, or of any political subdivision thereof, or of any person acting for or on behalf of such government, after the date of such proclamation, or to make any loan or extend any credit to any such government or person except ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in current commercial business.

"The provisions of this section shall not apply to a renewal or adjustment of indebtedness existing on the date of the President's proclamation.

"Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, any officer or agent thereof participating in the violation shall be liable to the penalty herein prescribed.

"When the President shall have revoked his proclamation, as provided for in section 1 of this act, the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply.

"SEC. 1b. This act shall not apply to an American republic or republics engaged in war against an non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war."

SEC. 3. Section 9 of said joint resolution is amended to read as follows:

"There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this act."

The VICE PRESIDENT. The question is on agreeing to the committee amendment, which is in the nature of a substitute.

Mr. McNARY. Mr. President, I think we have all been surprised at the expedition by which the independent offices supply bill was passed. I had thought, from general observation and some inquiry, that there would be contests over some of the provisions of the bill and that the Senate probably would not reach the pending joint resolution until tomorrow afternoon or Wednesday.

During the latter part of the week which has just passed the Senator from North Dakota [Mr. NYE] and the Senator from Missouri [Mr. CLARK] discussed the matter with me, and each expressed a very sincere desire to be present when the neutrality resolution was taken up. I gave it as my judgment that the independent offices appropriation bill would occupy the time of the Senate all day Monday. In less than 30 minutes that bill has been passed by the Senate.

I was advised by the Senator from North Dakota [Mr. NYE] and by the press that a number of Senators met in the office of the Senator from North Dakota a few days ago and decided to offer amendments to the neutrality joint resolution. I am not at all conversant with these amendments; I do not know that I shall support any of them; in fact, I do not know the nature of the amendments. My only thought is that, as a matter of courtesy and fairness to these Senators who are absent, they should have an opportunity to be present when the joint resolution is proceeded with. At least it should not be finally disposed of until they have an opportunity to be present.

I do not wish to be in the attitude at all of delaying any any legislation; that has not been my habit; it has not been my practice. I think all Senators know that I have tried to expedite bills as they have come to the floor of the Senate. I have no personal interest in a postponement of the pending measure, because I am always present and willing to express my views by a vote on any measure which comes before the Senate.

From the knowledge I have I am very well satisfied with the action of the Foreign Relations Committee in reporting the joint resolution. I am only asking that some consideration be given to those who are absent and to other Senators who probably have the same mental attitude toward this subject as that of the Senator from North Dakota and the Senator from Missouri.

Mr. President, with this brief appeal, I submit the matter to the Senator from Nevada.

Mr. PITTMAN. Mr. President, the joint resolution, as amended, and as it has been read, was reported unanimously by the Committee on Foreign Relations on last Wednesday. It was printed, and has been on the clerk's desk and on the desks of all Senators.

It was the desire of the committee, and I think the desire of the Senators to whom the Senator from Oregon has referred, that action should be taken on this matter at as early a time as possible. It is known that the existing law, which the pending joint resolution would extend, will expire on the 29th day of this month, and it is understood that matters like appropriation bills coming in would take precedence over the joint resolution. It was recognized that if it should cause very much debate, the debate might be proceeding on the 29th of February, when the present act will cease to exist, and there would be no law on the subject.

I may say that the joint resolution is brought forward at this time by reason of the expiration of the present law on the 29th of February, and the danger of our having on the books no law on the subject of neutrality.

This joint resolution is a compromise measure, pure and simple, by reason of the emergency which exists. There are Senators on the Foreign Relations Committee who do not believe there should be any law with respect to neutrality at this time. They do not believe the present law should be extended. Witnesses came before our committee who are recognized as great international lawyers, who testified that in their opinion it would be safer and better not to enact any neutrality legislation at present. That is one extreme.

The other extreme was represented by those who believe that if it were necessary in order to prevent our being dragged into a foreign war we should place an embargo upon the exports of everything to belligerent countries. Those are the two extremes.

In between there are various schools of thought. The committee was not through with its hearings. There were members of the committee who were desirous of hearing from other international lawyers than those who had been heard. There were various groups in the country who had petitioned the committee to be heard on this question; and very probably the committee would have invited them to address the committee except for this compromise. But I think practically all the members of the committee agreed that no legislation favored by either extreme could possibly pass through Congress at this session. The feeling was so intense on the

question, and the controversy was so sincere, that any Senator holding one of the extreme views possibly would have been justified, except for this compromise, in debating the subject without limit on the floor of the Senate.

Therefore there comes to the Senate this compromise. The compromise is simply an extension until May 1, 1937, of the existing law, which by its own terms will expire on the 29th of February. It adds to that law the prohibition of the sale or purchase of the bonds, notes, or other securities of belligerent nations. It adds to that law an exception in favor of the Latin-American republics. Those are all the changes in existing law.

Mr. VANDENBERG. Mr. President——

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

Mr. PITTMAN. I yield.

Mr. VANDENBERG. Is it the Senator's conception that this compromise ends for the present session the consideration of the neutrality problem by the Foreign Relations Committee; or is it his conception that further consideration will be given to the moot points which we have set to one side in order to agree upon this temporary formula?

Mr. PITTMAN. I am sorry that I am totally unable to answer that question, because there has been, to my knowledge, no expression on that subject in committee by any member of the committee.

Mr. VANDENBERG. Would the Senator be willing to state his own view as to whether this compromise is conclusive for the session?

Mr. PITTMAN. I will state my own view; yes.

Mr. VANDENBERG. That is what I am asking.

Mr. PITTMAN. I gave out a written statement, several days before we acted on this matter, expressing my personal views only; and therefore I shall go into a slight history of the question for the purpose of developing my personal views.

As the Senate well knows, I introduced in this body what was known as the administration bill. That bill provided, in addition to other things, that there should be, in certain cases, a restriction upon the export to any belligerent of practically all materials above the peacetime normal. That provision is included also in what is called the Nye-Clark bill. That question involved a great deal of discussion in the committee. Here was the administration bill, which provided that when the President found it was necessary to the preservation of our neutrality he should issue a proclamation to that effect; and, when he did, the export to belligerents of all materials and articles in addition to arms, ammunition, and implements of war should be restricted to what were termed the "normal shipments" during peacetimes. The provision included practically everything.

The so-called Nye-Clark bill had exactly the same provision in it, except that it used the expression "essentials of war", and the administration bill used the expression "materials used in the conduct of war."

The administration bill would allow the President to use his discretion as to when the time had arrived to place that restriction. I think the Nye-Clark bill makes the same provision. However, the Senator from North Dakota [Mr. NYE] was in favor of making the provision mandatory. Nevertheless, it was that section of both bills pending before the committee which aroused the controversy in the committee and, I may say, the controversy on the floor of the Senate outside of the committee, because practically every Senator was interested in that vital legislation.

There was a wide, sincere difference of opinion not only as to how that section should be framed but as to its effect on peace. The question was, What are the essentials of war? What items, if any, should be enumerated? Should they be enumerated in the bill or should they be left to the discretion of the President; or, on the other hand, should all items, everything, mandatorily be restricted to normal shipments after the proclamation that war existed between certain countries?

As I said, we had expert opinion on this question. Great international lawyers stated that this measure, if enacted, would mean war instead of peace, and tried to sustain their positions by arguments. Others sustained the measure on the ground that the limitation to normal peacetime shipments would arouse less antagonism on the part of belligerents not controlling the seas than would unlimited shipments. Nevertheless, the difference of opinion was wide; it was sincere; it was intense; and it occurred to several members of the committee, who informally discussed the matter with each other, that if there was an attempt to report out either one of those bills, or to report out any bill carrying either one of those main sections, it would result in unlimited debate upon the floor of this body, and not only would the legislation not be enacted but the existing law which places an embargo on arms, ammunition, and implements of war would also die, and we should end with no legislation at all.

Whether the members of the committee were right or wrong in their supposition, I say to the Senate that I believe 90 percent of them were of that opinion. At least I may say positively that a majority of the committee was so firmly of that opinion, and so anxious to save the existing law, that they were prepared to vote for a resolution of extension without any further amendment. This matter was taken up with the State Department. It was discussed as the hearings went on. The State Department itself agreed with us that in the circumstances there was danger of having no law, and I say there is grave danger of having no law. For that reason the compromise was agreed on.

The compromise does not meet the demands of the administration group. It does not meet the demands of the Nye-Clark group. It does not even meet the demands of those who do not believe in any legislation at this particular time; but it is a step along the desired line of legislation, and a very forward step.

If Senators will take the existing law and look at it, they will find that it provides for an absolute mandatory embargo upon arms, ammunition, and implements of war. The act absolutely prohibits American vessels from carrying arms, ammunition, or implements of war to a belligerent country. The existing law provides that the President may prohibit the departure from this country of a vessel which has previously made such deliveries. The present law provides that the President may proclaim that American citizens shall refrain from traveling on any vessel of any belligerent nation except at their own risk. The existing law controls the use of our ports and harbors by submarines of belligerents. To that we add the credit provision, which, to my mind, is a very strong and important provision.

If Senators remember, the Johnson Act which was passed at a recent session prohibited the sale in this country of bonds and securities of belligerent countries who are in default on their debts to us. But that only applied to certain great countries. It applies to Great Britain; it applies to Italy; it applies to France; it applies to Belgium; but there are other great and powerful countries to which it does not apply. What the committee has done is to place in the joint resolution an amendment carrying a prohibition against the sale in this country of bonds and securities of all belligerents; and that should be done. That is the whole situation. The question is solely whether or not we shall attempt to carry out the unanimous vote of the committee. When I say "unanimous" I mean that there was not an objection made; there was not a vote against in it the committee. Certain Senators reserved the right to take any action they saw fit on the floor of this body. They have that right, anyway.

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

Mr. PITTMAN. I do.

Mr. VANDENBERG. I substantially concur in everything the able chairman of the committee has said. Even though I have been rather intimately related with the so-called Nye-Clark group, which has been studying this problem, I am inclined to believe that something of this nature is necessary in order to beat the deadline of February 29.

I submit to the Senator, however, that there is a sharp division of opinion upon some details even in this temporary

extension. The Senator from Missouri [Mr. CLARK] and the Senator from North Dakota [Mr. NYE] are not in the city today, as I understand. I am advised that they can be here tomorrow. The only plea I make to the Senator, sustaining that submitted by the able Senator from Oregon [Mr. MCNARY], is that, with this preliminary exploration of the matter, we may let the subject pass until tomorrow, so that full and free opportunity may be given for whatever additional exploration these Senators may desire to pursue.

Mr. PITTMAN. I will say that both Senators to whom the Senator from Michigan has referred knew that I was going to seek to have this joint resolution considered immediately after the disposition of the appropriation bill.

Mr. VANDENBERG. Will the Senator yield at that point?

Mr. PITTMAN. Yes.

Mr. VANDENBERG. Does not the Senator think it would have been a rather reasonable presumption on the part of a Senator that an appropriation bill involving two or three billion dollars might have taken more than 20 minutes to pass in the Senate of the United States?

Mr. PITTMAN. I do not think so. That is the reason I was here prepared to seek consideration of the joint resolution. I saw no reason why the appropriation bill should take very long. It was almost a formal matter, involving appropriations to carry out existing law; I think that was all it was for.

It seems to me, in view of the circumstances, particularly that we do not know how long the debate is going to last on the joint resolution, and as we are trying to expedite its consideration, that one of those Senators might have been present today; in fact, I understood that the Senator from Missouri [Mr. CLARK] would be here today. I am disappointed that he is absent.

I have no desire, of course, to attempt to foreclose any Senator from offering and obtaining a vote on any amendment he may desire to submit, but it seems to me that the request for a continuance of this matter has not been supported very strongly by any good reason. So far as I know, no Senators who are particularly interested in the subject matter are sick; no one has asserted that they are absent on account of official business; in fact, I do not know why they are absent from the body. I know that it is the desire of the administration to close this session of Congress as rapidly as it may be done and yet transact absolutely necessary business. I am satisfied that that is also the desire of the Congress of the United States. Now to have this matter delayed possibly into a time when another appropriation bill or other important measure might come on the floor, resulting in the joint resolution's being temporarily laid aside, would not be advisable.

I am rather surprised that both the Senator from North Dakota [Mr. NYE] and the Senator from Missouri [Mr. CLARK], who are just as anxious as am I to preserve the existing law, if they cannot get anything more, are allowing a day, at least, to go by when the time is already so short to enact any legislation at all on this matter. Yet I cannot conceive how we could proceed to a vote today without possibly appearing to have crowded this measure through the Senate.

So, Mr. President, I ask unanimous consent that when the Senate concludes its business today it recess until 11 o'clock tomorrow, and that at that time the Senate proceed to the consideration of the pending joint resolution.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. MCNARY. Mr. President, I did not clearly understand the concluding remarks made by the able Senator from Nevada in response to the suggestion I made that action be deferred today on the joint resolution. Were they to the effect that the Senator was willing to defer consideration?

Mr. PITTMAN. Yes; and I have asked unanimous consent that when the Senate concludes its business today it recess until 11 o'clock a. m. tomorrow, and that the joint resolution be taken up at that time for consideration and disposal.

Mr. MCNARY. I appreciate the Senator's attitude, and may say that I am just advised by the secretary of the Senator from North Dakota [Mr. NYE] that he and the Senator from Missouri [Mr. CLARK] will be here tomorrow morning.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

Mr. THOMAS of Utah. Mr. President, despite the remarks that have been made by the chairman of the Committee on Foreign Relations [Mr. PITTMAN] indicating that the committee is anxious, as I believe the Senate is anxious, to have action upon the joint resolution, I believe, because of the fact that I introduced the joint resolution extending the time of the operation of the present law, it will probably be well for me to speak concerning the reasons I had in mind when the joint resolution was introduced.

When I introduced the joint resolution extending the Neutrality Act I did so because I thought I foresaw that before February 29 there would not be sufficient time for the consideration of what was planned to be permanent neutrality legislation.

The difficulties in the way of determining the permanent-neutrality policy of the United States are so great that it seems doubtful whether a wise, final decision can be reached at the present time.

It is, of course, important to distinguish between the neutrality policy of the United States and the international law governing neutral rights and duties. Everyone recognizes that the events during the World War are extremely important in considering the future of the law of neutrality. Yet one provision of one of the proposed laws attempts to ignore all of our and the world's experience since 1914. We cannot cut out of history or growing laws and custom those things we do not like. We had the World War and we now have its consequences in law and treaty, habit and custom. We may not like what is, but that does not destroy what is. There were many violations of international law during the World War as there have been in other wars. Violations of law never change the law, but in this particular case the United States, after becoming a belligerent, acted upon certain principles which it had contested during the period of its neutrality. The War Memoirs of Robert Lansing state clearly in a number of places that our protests during the neutral period were restrained because we did not want to prejudice our later position as a belligerent. On page 128 of the memoirs he says:

> It was of the highest importance that we should not become a belligerent with our hands too tightly tied by what we had written. We would presumably wish to adopt some of the policies and practices which the British had adopted, though certainly not all of them, for our object would be the same as theirs, and that was to break the power of Germany and destroy the morale of the German people by an economic isolation which would cause them to lack the very necessaries of life.

In the summer of 1916 Mr. Lansing wrote further:

> Nothing in our controversies with Great Britain must be brought to a head. We must keep on exchanging notes, because if we do not, we will have to take radical measures.

That was written by the American Secretary of State, who, in theory, was operating under instructions from his President to be neutral. This tends to prove that which I am now going to assert. The theory of neutrality is based upon a fallacy. It would be an unneutral act to pray for rain right now in Ethiopia. Neutrality means being impartial. Nations are not equal in war. Not to act means helping the stronger nation; to act helps the one you aid, and both are unneutral effects.

Before we entered the World War in 1916 former President Roosevelt wrote Senator Lodge:

> It is dreadful to think that some millions of Americans will vote for Wilson.

That statement we can forgive Mr. Roosevelt because Mr. Wilson was making headway with the slogan, "He kept us out of war," and also because no man who has himself been through a Presidential campaign is supposed to write 100 percent perfect logic from July to November of the Presidential year. But we have a key to what Mr. Roosevelt meant in

another letter sent about the same time. He was not worked up about the election. It was the war and his own zeal to get us into it that caused his words, for to the British Ambassador he wrote the following:

> Your country is passing through the flame and will come out cleansed and refined to lofty nobleness. Mine is passing through the thick yellow mud streak of "safety first" and its high places are held * * * by men of little soul, who desire only sordid ease; and perhaps we shall have to be shot over, and eat the bitter bread of shame, before we find again the spirit of high desire.

I myself thought President Theodore Roosevelt was right. I believed it then so intensely that I almost believe it now. I emphasize this fact because I want to show how hard it is to be neutral and how almost impossible the idea of a spiritually equal neutrality is to bring about. But in the light of history we know that Mr. Roosevelt's reactions were developed reactions. It is harder today to make war than it has been in the past. But rest assured that it can be done, and it will seem no more sordid than it did when we made it before.

Our strange neutrality and the desire of the Government of the United States not to cause a breach with England by disputes over neutral rights is further illustrated by the incident told by Ambassador Page in his letters. A ship called the *Dacia*, formerly a German ship, was sold in December 1914 to Americans. Under general rules of international law questions were raised regarding the validity of such a transfer in wartime. Ambassador Page knew that it was a probability that the ship would be seized on the ground that she was still a German vessel. He told Sir Edward Grey, the British Foreign Secretary, that there were so many causes of controversy between the United States and Great Britain that it would be unfortunate to add this additional dispute. He therefore suggested that it might be well to have the *Dacia* captured by a French cruiser instead of a British cruiser. The suggestion was acted upon and the issue was tried in a French instead of a British prize court.

Before I proceed further I should make the statement that I emphasize this point again to show that during the time we were operating under a neutrality law and during the time we were urged to be neutral in thought and action, there could be no doubt from history that we did not live up to the instructions of our President and that what we were doing was in terms definitely unneutral.

The contraband list issued by the United States after we entered the war in 1917 was not as detailed as the lists of other belligerents, but the broad categories indicated would cover about as many articles.

Since the war there has been no real attempt to settle the differences of opinion which existed in 1914 and which were accentuated from 1914 to 1918.

Therefore, it would be most unwise for us to attempt to enact a more stringent, more severe, more harsh neutrality law at this time without ascertaining the experience in regard to neutrality not only of ourselves, but of other countries, before we take another step.

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

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

Mr. THOMAS of Utah. I yield.

Mr. LEWIS. I recall to the able Senator from Utah, whose scholarly attainments upon international law we all acknowledge and respect as he is a professor of eminence in a great university in Utah. In the ship *Dacia* case there is an important phase that has been omitted by the Senator, he feeling that possibly it was not necessary to his thesis. But it must be considered that the diplomatic correspondence began with our Ambassador in London but was then brought to America, and the formal correspondence between the then Ambassador from Britain and our State Department ensued, in which the Ambassador from Great Britain stated that the dispute about selling the German ship to American owners could not change the fact of German property. The purchase was by the Texas citizens to get a ship to take American cotton bought for the purpose of being sent to the buyers generally in Europe.

The British Ambassador wrote to our State Department that Great Britain refused to yield to the contention exempting such a vessel, though transferred honestly, apparently, and for honest purposes of merchandise, transportation to other lands than those at war. Still England reserved the right to seize and confiscate the vessel. Our Secretary of State finally addressed another communication in reply and it was upon the theory of this Government as presented if I am not in error, rather than the policy of France that the matter be submitted where it could be disposed of from a legal point of view instead of a political one. I ask the able Senator if that is not the situation?

Mr. THOMAS of Utah. The Senator from Illinois is entirely correct. If we had gone into the dramatics of the situation instead of attempting to make the single point which I did, they would have been more interesting than this, because the subtle suggestion thrown out by the question-and-answer method, which is the way in which gentlemen carry on when they meet, is more interesting than the actual history as it became recorded.

The point, though, remains exactly the same. In attempting to adopt drastic neutrality legislation, no matter what the motive, no matter how ideal the appeal, no matter what the purpose, the fact remains that such legislation must rest upon the facts of history and the condition of history, and that when once we have war in the world we have a situation which says good-bye to law. The real definition for war is ultima ratio regum. Will the Senator from Illinois translate that for me?

Mr. LEWIS. I think that means the last argument of kings.

Mr. THOMAS of Utah. That is the way it is translated in the textbook. I like to translate it and call it "the end of reason." That is exactly what war is. When we try to bind our hands, bind our actions, and look into the future at a time like this, at a time when we do not know what is going to happen, we cannot help but make mistakes.

A slight step was taken at the Washington Disarmament Conference of 1921 and at the London Naval Conference of 1930 regarding visit and search by submarines, but these treaties have not received general acceptance. The Pan American Convention on Maritime Neutrality was signed by the United States and ratified by the United States, but the other parties are only a few Latin American nations, and the convention has no value as a general world statement.

Neutral rights and duties, of course, flow from international law and cannot be fixed by domestic statute.

Moreover, we must keep in mind this primary fact about modern war. We are no longer fighting a two-dimensional war. We are fighting a three-dimensional war. We have all the law to be developed for the air and for the submarine. In the evolution of the law for the submarine I must call attention to the fact that we may expect complete reversal of all the ideas and theories we have had in the past in regard to attacks by submarines. The reason for that is that the conditions, the necessary conditions themselves, will lay down the law. When a submarine under restrictions of international law is under obligation to warn a ship before it sinks it, to take a ship to a port and deliver the noncombatants after search before it destroys it, we are asking the impossible because everyone knows that a submarine stands utterly defenseless, and although a larger boat, an ordinary Atlantic boat, would be without arms and could not destroy a submarine by a shot, it has higher speed than the submarine and the mere accident of allowing the big boat to run into the submarine and sink it would, of course, have the effect of actual destruction.

These are the facts, and it is only upon the facts that we can build international law.

There is the primary fact which we should keep in mind at all times. We cannot, here in the Congress of the United States, enact international law.

For us to make our domestic law stronger than international customary law may not only put us at a disadvantage but actually bring disaster to the very aims we are attempting to achieve. The worth of any constitution is tested

while the state operating under the constitution is passing through an emergency such as war. A false move which might tie our Government while war is in the earth may be not only against public policy but also it may actually threaten our very existence.

If the United States is a neutral in another great war before any agreement is reached on the international law of neutrality, we shall be faced with exactly the same type of dispute with belligerents which led to our difficulties in the World War, and which similarly had previously led us into the War of 1812 with England, and into the limited war with France in 1798. Therefore, we need international action defining rights and duties of neutrals in the light of our treaty obligations. This has not yet been attained. The logical move for us to make is to attempt to bring about international action in regard to these international rights and duties, and then build our domestic law upon those international rights and duties.

Let me here call attention to the fact that when President Washington issued his neutrality proclamation, and later when the neutrality law became the law of our country, that law not only became good law from our own standpoint, but it became recognized as good law from the world standpoint. The reason it was good law was that domestic legislation was built upon the customary habits and customary rules of the nations of the world, and was in complete harmony with what the world itself had decided in regard to neutrality.

After any important war, the naval colleges and war colleges and general staffs immediately begin to study war practices in order to determine their effect upon future plans. All future contingencies are carefully worked out. Nothing comparable has been done in our country in regard to neutrality. The Department of State is not adequately staffed to enable it to devote the proper amount of time to the subject. A number of very competent people in the Department have been studying the question of neutrality for some time, but they have been forced to do so only as one item among numerous other duties. This is only one of the aspects which make no new legislation desirable at the present time.

That situation is in no sense a reflection upon our Department of State. I wish merely to point out the fact that when it comes to governmental efficiency, when it comes to governmental planning, our War Department and our Navy Department are away ahead of the Department which should take care of peaceful processes. It seems to me a very, very constructive idea for us to attempt to bring about a situation wherein we could have a staff dealing with the problems of future international law just as we have a staff dealing with the future problems of war on sea and on land.

Not only are the questions of international law unsettled, but the current neutrality bills involve problems of great difficulty which have not yet been worked out. For example, throughout the bills there are provisions regarding the shipment of embargoed articles to neutrals for transshipment to belligerents. This, of course, raises the whole question of continuous voyage through neutrals to belligerents. In the past, and particularly in the World War, this has been a fruitful source of controversy; but in the past these questions have been determined by a prize court. Under the bill the neutral United States Government would have the burden of determining in advance these extremely difficult problems of continuous voyage and ultimate destination.

I believe no plans have been worked out to enable the Government to discharge this duty. If the neutral American Government does not discharge this duty properly, belligerents, of course, will not respect any statement we make to the effect that the destination is really an innocent neutral one. In that connection it may be noted, as brought out in the hearings before the Munitions Committee, that our laws at present do not give customs inspectors any adequate power to investigate shipments, and therefore frauds in shipping under false labels cannot be prevented. Testimony before some of the congressional committees has shown that during the embargo on arms during the Chaco war evasions of the embargo could not be prevented.

It should also be pointed out that the United States is now a party to the Argentine Antiwar Pact of 1933. The Senate advised and consented to the ratification of the treaty on June 15, 1934, and it was ratified by the President on April 27, 1934. The treaty came into force on November 13, 1935. The other parties to the treaty are now believed to be the following: Twenty-one American republics, and Austria, Bulgaria, Czechoslovakia, Italy, Portugal, Rumania, Spain, Turkey, and Yugoslavia. Article 3 of that treaty provides—and we should pay particular attention to this, because it is not only the supreme law of our land but it is one of our foreign policies:

> In case of noncompliance by any state engaged in a dispute with the obligations contained in the foregoing articles, the contracting states undertake to make every effort for the maintenance of peace. To that end they will adopt in their character as neutrals a common and solidary attitude; they will exercise the political, juridical, or economic means authorized by international law; they will bring the influence of public opinion to bear but will in no case resort to intervention either diplomatic or armed; subject to the attitude that may be incumbent on them by virtue of other collective treaties to which such states are signatories. (Department of State Press Release, Apr. 28, 1934, 234. Text in Department of State Treaty Information Bulletin No. 54, March 1934.)

The supreme law of the land, therefore, now requires that during a period of neutrality we should take common and solidary action with other neutrals. Some may assume that this is new theory growing out of the collective theory for action against an erring state by members of the League; but such is not the case. Joint action by neutrals is the only way in which a neutral right can be enforced. It has long been the practice of nations. Neutrality, as John Adams pointed out, in his day implied joint action with other neutrals.

So far as I know, no plans have been developed to indicate what type of action should be taken. I doubt whether there has been sufficient exploration of the economic and juridical means permitted by international law which are referred to in the treaty. All these questions obviously require detailed consideration and long study. It would be most unfortunate to pass legislation hastily at this time, before these points are worked out. Attention may also be called to the preamble of the Pan American Convention on Maritime Neutrality of 1928, which has been ratified by the United States, and which refers to the fact that "neutral states have equal interest in having their rights respected by the belligerents."

The interesting thing about the detail of this bit of history is the fact that last year, in the discussion of our Neutrality Act, this necessary historical background dealing with the actual law under which we operate was not brought out, was not discussed on the floor of this body, and was not made part of the editorial writings of the country. It is also interesting to note that even the great peace societies, which sponsored and advocated the action which we took last year, acted emotionally and impulsively, and through their action legislation followed, as all emotional legislation does follow. The least emotional of all things that we have to deal with is the law of nations. It is built upon custom, and it is the longest existing law about which we know anything.

This question of the common interest of the neutrals in defense of their rights has nothing to do with the League members or with the action of the League powers. I emphasize that because we invariably have a habit of assuming that because a word is commonly used today, and has reference to today's action, it grew out of today's conditions. The collective idea is hundreds of years older than the League of Nations idea. It is quite clear that there may be many situations in which even members of the League will be neutral, as is proved by the actions of Austria, Hungary, and Albania. We know that that is the case. Under the League theory, the question arose as to whether it was possible to have neutrality; but today members, in full standing, of the League of Nations are neutrals in the present situation, and have declared their neutrality. Austria, Hungary, and Rumania are understood to be neutrals; and from the standpoint of the whole scheme of international

convention, international organization, and the working of international law, it is very much better for the peace of the world to have these three States remain neutral in the present situation.

Finally, it will be noted that the first neutrality act of the United States was passed in 1794 as a temporary measure limited to 2 years, and was followed by a still more temporary proclamation of President Washington. When the question of renewing it and making it permanent came up in Congress in 1797 the following discussion took place:

Mr. Gallatin said there was the same reason for continuing the limitation now that there was for originating it when the law passed. The law was suitable for our present situation, and whilst the European war continued it might be well to continue this law in all its parts * * *.

Owing to the temper of the public mind at the time (1794) the regulation was a proper one; it might be so now (1797); but he was not prepared to say that it would always be so, because there might be considerations which, whilst we were at full peace, would induce us to wish our citizens to learn the art of war.

This legislating by the lump was not convenient. This was a long act, and, as the session was near a close, there would not be time for discussing it section by section; the law must therefore be reenacted without undergoing much discussion. If it were to continue in force for 2 years longer, it might then be taken up section by section, and they would see whether it could not be amended.

Mr. Holland was in favor of the limitation. It has been observed, he remarked, that experience has shown the law to be a good one; if so, it would continue to be so. The gentleman from Maryland [Murray] was certain that it was agreeable to the fixed law of nations; it might be so, but he ought not wish to pass it without giving gentlemen time and opportunity to examine it for themselves.

Gallatin's advice was taken and the act was renewed for a further temporary period of 2 years. After the Civil War an ill-advised neutrality act was attempted during a period of stress, but the bill died in the Senate Foreign Relations Committee after having passed the House; it was an emotional reaction of the times, and an attempt to go back to the original principles of 1794.

This probably is the best illustration in our American history of an attempt, made in so many other countries so many times before, to cut out a policy which we do not particularly like, and go back to another policy which, because it was adopted a long time ago, was deemed to be good.

The proposed draft neutrality act of the 60's of the last century, if it had become law, as the emotional advocates of the proposed act wanted it to become law, would have destroyed our case in regard to the *Alabama* claims, because they attempted to take our neutrality back in 1794, and the *Alabama* claims, which we presented, and in which we were successful, grew out of experiences which we had at the beginning of the nineteenth century.

Similarly, at the present time we have had only a very brief time in which to try out the act of last August 31. A war is now in existence, and the uncertain factor of League sanctions introduces an element which makes it very difficult to legislate for the future.

The great American theory of neutrality instituted in 1794 was great and lasting law because it caused our domestic law to rest upon the already established customary law of nations. I repeat, for us to put limitations upon our citizens when other States will not limit their citizens is merely inflicting an injury upon ourselves.

Under these circumstances in more and more increasing numbers Americans will ask why they should lose their trade. I hold no brief for anyone who would glory in extra profits taken from war, but I am totally unable to see why an American oil company, or a motor company, or a hot-dog salesman, or even a student or a tourist, who wishes to go abroad to study and observe, should have to suspend his ordinary pursuits and suffer inconveniences and loss, simply because some state is seized with the hydrophobia of war.

War between two nations cannot diminish the rights of the rest of the world remaining at peace. The doctrine that the rights of nations remaining quietly in the exercise of moral and social duties are to give way to the convenience of those who prefer plundering and murdering one another is a monstrous doctrine; and ought to yield to the more rational law, that "the wrong which two nations endeavor to inflict on each other, must not infringe on the rights or conveniences of those remaining at peace." Shall two nations turning tigers break up in one instant the peaceable relations of the whole world?

Those words are not my words; they are too strong. Those words, which might surprise some of those now listening to me, were written by a gentleman by the name of Thomas Jefferson in a letter to R. Livingstone, September 19, 1801. (T. J. Randolph (ed.) Memoirs, Correspondence, etc., vol. III, pp. 478–482.)

Public opinion today and treaty law denounce nondefensive war as a crime and the state which carries it on as a criminal. But neutrality carried to illogical ends may say that when such a state starts upon its career of crime we must do nothing that might embarrass it in its criminality. Do you want our neutrality to go further? Do you want it to announce to the criminal in advance that we will do nothing to stop him, and that we hereby give up all our rights so that he can conduct his crime without restraint?

Mr. President, I hate war. I regard it as utterly futile in accomplishing any good; but I would fight before I would give up a single right to a bully state running riot and condemned as a national criminal by the public opinion of the world. But we would never have to fight. The weight of public opinion would prevail.

To yield to such a bully, if we should go that far, would be the most humiliating and ignoble position ever taken by a great state. Even if we were unwilling to help others, it would still be an ignoble position, for we would be unwilling even to help ourselves. We would lose immediately all our influence in the community of nations; we would allow war to continue and grow; we would allow the law-breaking state to become stronger and stronger, until the time when it could be ready to devour us also. We would invite our own destruction, and we would deserve it, for civilization was never builded upon such supine surrender to crime, nor can it last if the greatest of all nations in the world permits it.

Mr. President, I do not wish to be misunderstood in uttering these rather strong statements, which cannot be construed as referring to a rather strong national position. I say I do not wish to be misunderstood. I stand where our great leader, the Senator from Arkansas [Mr. ROBINSON], stood last summer when on August 24 he uttered in the Senate what seem to me to be the greatest words ever uttered in regard to peace in the history of our country, saying:

We want no war. We want no wealth gained from war.

We rose to a height, to a position which we had never yet attained, and I should like to see us stand right there. I am merely trying to stress the complications, to show that we have gone as far as we should go at the present time, and with the present law, and the arguments which I put forth, I trust, imply that we should defend the joint resolution as it came out of the Committee on Foreign Relations.

The question as to whether we want to make neutrality the foundation of our foreign policy in times of war is still a question which has not yet been settled. There is in my mind a grave question as to whether we should attempt to make neutrality the foundation on which we are going to build our policy. That should be studied; it should be worked out in the light of the experience through which we have passed since last August. I think the deduction heretofore made, that there is not time before February 29 to consider a permanent neutrality policy, is a valid deduction.

It is not well to have our policy too strong and too absolute. Neutrality must remain a matter of degree. This we discovered the minute we started considering the measures which were before us. It was pointed out—and everyone accepted the theory—that if they did not accept the words, neutrality must remain a matter of degree and never become an absolute thing. As soon as we thought about neutrality rather seriously, we discovered that to be absolutely neutral in regard to all war meant turning our backs on one of the most cherished policies we have advocated, and a policy which has done much good in the world, namely, the Monroe Doctrine.

In the wording of the pending joint resolution as we have it now, we have inserted words the like of which have not

been used before, and once more we realize what an American and what a non-American state is. But in regard to these things everyone knows that the United States would not be neutral when a question of that type arose. So completely do we understand that we could not be neutral in accepting any theory in regard to the Monroe Doctrine that, whether we accept the theory of Woodrow Wilson that it is a cooperative, regional understanding, or whether we accept the theory of Monroe himself, we still stand where we have always stood, and everyone would teach the fact that the minute there was war on this continent between a state which is an American state and one which is a non-American state the United States would not remain neutral.

I will state now what I shall repeat later, because I think it is worthy of emphasis, that in our declaration in the pending amendment, which has been reported from the Committee on Foreign Relations, that the neutrality law shall not apply whenever an American state is at war with a non-American state, we are merely responding to something which has already occurred in the history of our neutrality relations.

When the World War broke out many South American states accepted the same theory we accepted in our declared neutrality policy. When we entered the war those South American states changed their neutrality policy and gave notice that they were going to be neutral no longer when it was to the advantage of the United States for them not to be neutral. The legislation which we are considering today is merely a return to the spirit which the South American states already expressed under actual law. It is cooperative. I am sure we probably will not be neutral if war should break out affecting that part of the world where the Philippines are. I am sure we would not be neutral if our interest in the Far East were being questioned. We should likely refuse to remain aloof under those circumstances.

Would it be right to bind ourselves by a law which we are not going to live up to, and that will merely give the people of America another opportunity to be disillusioned about the force and the strength of law? If Senators imagine we can keep out of war just by enacting a law, they are making the mistake of the ages. We have all the law anyone needs to keep all nations out of war. The most universally accepted piece of international law that the world has ever known in its whole history is the treaty that has actually outlawed war as an actual instrument. Yet we have war today. You could not make law any stronger than that unless you enacted a piece of domestic law which actually forbade intercourse with an outside state.

We can follow what was the practice of China and what was later the practice of Japan—we can isolate ourselves and we can pass laws, as Japan passed laws, providing that any man who left Japan would be beheaded, and any man who came in would be beheaded—and make it a crime to build anything larger than a 40-foot boat. We can do that if we want to. That is probably one way we could avoid war.

If there should develop that which is threatened from time to time—a war between races—there is no question about our neutrality in a situation of that kind. These factors are so many and are so great that surely they emphasize the common sense behind the present report of the Foreign Relations Committee.

Neutrality must remain a matter of degree, for at one time our obligations may be great and another time they may be less. It must also remain a matter of degree in regard to places, and at one time our interests may be comparatively more important than at another time. The policy of neutrality, therefore, has many more factors than our emotional desire to avoid war.

We should not enact further law until we have had time to review the experiences of those States which have successfully during the most trying times maintained a neutral position. Personally I have felt that a simple, general law such as prevails in a certain traditionally neutral state might become the best guaranty possible to effect our neutrality. The state I am referring to has maintained its neutrality not only through the great World War but through other wars. That general law reads as follows:

> All persons who, in case of war, in which (this state) is not engaged, willfully do any act by which the neutrality of the state is imperiled, or who willfully violate any particular order for maintaining neutrality, shall be punished by imprisonment not exceeding 6 years.

That simple law has kept a state, which rests its very existence upon the theory of neutrality, from war and from trouble.

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

Mr. THOMAS of Utah. I yield.

Mr. MURPHY. The law does not attempt to define what neutrality is?

Mr. THOMAS of Utah. There is no definition of neutrality there. The definition would come, as I have suggested, as the result of a proclamation, as the result of an order, as the result of a condition.

Mr. MURPHY. The knowledge as to what neutrality is rests in the citizens of the state.

Mr. THOMAS of Utah. When I say that I must not be too dogmatic. Our Constitution works quite differently from the constitution of the state of which I speak. Over there policies are enacted by the legislature. The laws are pretty generally administrative. I think our Supreme Court has suggested that that is not the way for us to do things in the United States, so that which I have said is probably not in order.

Our excess neutral war trade was estimated at more than $2,000,000,000 from 1914 to 1917. We sold more while we were a neutral than after we became a belligerent. If love of profits took us into war, as some people assume, then our businessmen made their usual bad judgments about how to get richer. The minute we went into war sales dropped off.

When we went to war with Spain the little State of Denmark immediately passed a law which forbade Danish subjects "to openly offer to raise a State loan for either of the belligerents if the Government has issued a special prohibition against it." If we had had that simple law in 1914 our people would not have loaned the Allies over $2,000,000,000, which they did during our period of neutrality. Note these figures, please. We sold to the warring nations in excess of our ordinary trade during our period of neutrality $2,000,000,000 worth of goods. We loaned to the warring nations during the period of our neutrality $2,000,000,000 of money. It seems to me that you cannot get better figures to show that trade with warring nations under the period of war does not pay, and it seems to me that it is proper here to emphasize again the statement of our great leader that we want no war and we want no profit made from war.

There are those who hold that due to the revelations of the Munitions Committee we are prepared for permanent legislation now. I do not accept the conclusion, nor do I underestimate the work of the committee. I give them credit for having accomplished many things, and I think that it is due to the committee that a review be made of the type of things the committee brought to light. For example, it discovered that embargoes actually attempted to be enforced during the World War were defied by shippers and circumvented. That should be the key to the spirit in which we approach our present neutrality legislation.

The Munitions Committee also discovered that bribery or payment of special commissions to influential persons frequently was regarded as a necessary element in the promotion of arms sales. If it was a necessary element in 1914 to 1917, it may become a necessary element in the minds of those persons who would profit out of dishonest trade—for them to continue to do the same thing. The point I make here is that there must be other laws antecedent to a neutrality law before a neutrality law can be effective.

The committee proved that arms were sold simultaneously to both sides in time of war, and proved that arming revolutionary and government factions in civil wars were common practices. Those are the things we should remedy before we tie our hands in regard to action.

Arms manufacturers opposed embargoes in Congress and sought aid from the War and Navy Departments to press their opposition.

These are historical facts which we now know, and, based upon those facts, we should build our law and make our law cover cases where the wrong was done.

Under existing laws and regulations—and this is the point I have already made, but I am going to make it again—United States customs officers found it useless to attempt to stop embargo violations or prevent mislabeling of shipments to foreign countries. Why? Because we have not given those officers of the United States Government, who are responsible for the goods shipped out of the United States, the authority to investigate and to stop the very shipments we would stop by neutrality laws.

British, German, and American arms companies were linked together under patent and sales agreements providing for an exchange of secret processes, division of profits, and division of sales territories.

That is something we should legislate about. That is necessary before we adopt a law which would tie more tightly than we do tie the hand of government in attempting to overcome these situations. Up to that point everyone present, I am sure, can sustain everything which the Munitions Committee did. Up to that point we have evidence of fruitful historical facts on which to build and on which to legislate.

It was only when the committee left the realm of the investigation of munitions that it got itself into trouble and got itself mixed up with history. For example, when it got into the secret treaties it did not go far enough either to help the members of the committee themselves draw the proper deductions or to guide our newspapers and their reporters and editors in the deductions which they made from the things which were said.

The secret treaties which were mentioned and which were forgotten have a place in history. The most interesting thing about those treaties, and about what was said concerning them, is that those treaties were generally known to the whole world in November 1917, just a few months after we entered the war. They were in all the history textbooks that were written as early as 1919. It will be remembered that the secret treaty made between England, Russia, and France was made public by Trotsky after the bolshevistic revolution got control of Russia. The Russians seem to have been imbued with a sense of fair dealing with all nations. They wiped their hands of the past, and, to prove that their government was the type of government the people should support, they showed not only to the Russian people but to the whole world the terrible consequences of secret treaties. So in 1917 Trotsky published this secret treaty. The Russians then made public also the other treaties referred to in the discussions before the munitions committee, the treaties which made certain promises to Italy and which made certain promises to Japan. The Russians published those treaties. The Manchester Guardian in England copied the Russian publications, and American newspapers copied what was printed in England and in Russia.

So our whole country knew of the existence of those treaties; they were common knowledge. However, the existence of the treaties was not the point at all. Those treaties did not hold when the time came for their holding. Russia broke her own treaty through a revolution and made separate peace. That made the first secret treaty null and void, and so it did not bind and had no place in the final treaty discussion.

So far as the treaties with Italy and Japan are concerned, neither did they hold, because they were broken by the invention of that great theory of trusteeship, which is one of the remarkable discoveries and inventions of international dealing known as the mandate system. Whether or not we like the system or whether or not the system is a mistake, the purposes for which the treaties were executed were not realized and did not become the purposes of the Allies.

I had as one of my teachers for 2 full years——

Mr. BORAH. Mr. President——

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

Mr. THOMAS of Utah. I yield.

Mr. BORAH. Is it not fair to assume that when discussing the secret treaties later we did not have in mind the Russian treaty, because that had been made public; that had been exposed in 1917; and it was never regarded thereafter as a part of the group of secret treaties?

Mr. THOMAS of Utah. That is the point I am trying to make, and I thank the Senator.

I should like to say—although probably it has no place here, and yet it has a place, for in working out these great controversies the men who are engaged in the task must be given every sort of generous treatment because they are dealing with mighty questions—with my own ears, I heard President Wilson explain the outcome of the secret treaty which was made with the Japanese. That treaty, I am sure, and that explanation of the President, I am sure, will satisfy everyone in regard to his sincerity and in regard to the historical situation.

I started to say that I had as an instructor for 2 full years a gentleman who was one of the President's closest advisers with regard to these matters, and I also know a man who was at Versailles at the time the secret treaties were drawn into discussion. I talked to him. The information as to those treaties came in such a way as to surprise everybody, in fact, so much so that no more business was done on the day they were laid on the table, and no business was done the day after. Whether or not there was knowledge of the treaties, there was consternation when the treaties were presented, and they came in as matters which seemed out of order.

That which I have said means nothing to you, Mr. President, or to anyone else, but it means something to me as one who attempts to accept history and the interpretation of history as a descriptive process, and not as a process which attempts to make points or to defend sides.

To proceed further with the question of what was in my mind when I introduced the joint resolution, a month or so ago, let me say that I thought that I foresaw the danger of a lapse of our present law, and I did not think it fair to our own people or to our officials that America should be without a law after a proclamation had been issued under it to cover a world condition which persisted. Nor did I think it fair to the many nations that had undertaken collective action for us to change our policy at this time; that while our Neutrality Act was domestic law, enacted to guide our Government in its actions toward our own people, it did have international significance in that if the rest of the world was interested the world was informed as to what our attitude would be. This was fair both to ourselves and to the world, and it was proper, for I can conceive of no better way to foster international understanding than for nations to speak plainly and then stand firmly for the policies which their words imply.

When I introduced the joint resolution I also had this consideration in mind: So long as the present Italian-Ethiopian emergency continued it seemed to be contrary to the spirit of neutrality to change our rules in the midst of the emergency. Our law, I repeat, is domestic law, so that there is no legal barrier in fact or theory against our adopting a new law, but such action would be distasteful to tens of thousands of our own people and bring criticism in the parts of the world which might actually mar the good which the spirit of neutrality implies. To be neutral means to take no side but to remain friendly to both or to all sides.

In international law it is deemed an unneutral act to change policy in the midst of a war. There are many cases that might be cited, but the outstanding case which has the broadest sanction in international-treaty law emphasizes the rule by laying down another—a neutral state must remain neutral or else be liable to pay damages.

I repeat now a bit of history which I have previously mentioned. After the entry of the United States into the World War a number of Latin-American states modified their neutrality regulations so as to favor the United States by offering use of ports, railways, and so forth. This was

done long before they became belligerents. This act was deemed by the Latin-American states themselves so much a hostile act to the Central Powers that they forced into the Treaty of Versailles article 439, which made it necessary for Germany to waive all claims which she might bring against them as a result of this unneutral act. We need no stronger emphasis of the point we have made that to change our neutrality laws during an existing emergency is unneutral so far as the spirit of neutrality is concerned and is actually unneutral so far as the law is concerned than the sanction of this article in the Treaty of Versailles, which is, of course, the most valid type of international law.

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

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

Mr. THOMAS of Utah. I yield.

Mr. VANDENBERG. I should like very much to obtain the Senator's further opinion at that point. Suppose there is an existing conflict, as at present; the Senator's point is that it would be unneutral to change the rules while that conflict is proceeding? It seems to me that is axiomatic. Suppose that conflict subsequently should extend itself into a wider field, would the Senator say that it still would be an unneutral act to change the formula as it might refer to the expanded zone of conflict?

Mr. THOMAS of Utah. No, sir; I would say just the opposite. I would refer the Senator back to the words which I have already uttered, that the theory of neutrality must be relative. Neutrality must be neutrality of a degree both as to time, circumstance, and place.

Mr. MURPHY. And not absolute.

Mr. THOMAS of Utah. And further it must not be absolute, as the Senator from Iowa suggests.

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

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

Mr. THOMAS of Utah. I yield.

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

Mr. THOMAS of Utah. Certainly.

Mr. MURPHY. Does the Senator say, if we should now change our policy in respect to neutrality and yield to a request or demand that we interdict the shipment of oil to Italy, that would make us subject to an action for libel? Will the Senator express his opinion on that point?

Mr. THOMAS of Utah. I think the answer to that question would depend upon a number of factors. If the President's proclamation issued in accordance with the law on which it is based is a proclamation which promises change, and the implication of change is there, a case may be brought in court, in a prize court or international court, or in a local court which, of course, administers international law; but I do not think it would hold.

Mr. MURPHY. I thank the Senator for his lucid answer.

Mr. BONE. Mr. President, will the Senator from Utah kindly yield to me?

Mr. THOMAS of Utah. Certainly.

Mr. BONE. All of the horrors of war seem to remain, but the formalities of modern warfare or what seem to be warfare have been abandoned. Nations seem to have started actual war against each other without the formality of a declaration of war. There was an absence of formal declaration of war on Ethiopia. Certainly Japan has not seen fit to adopt a formal declaration of war against another nation of Asia.

The very pertinent question propounded by the Senator from Michigan [Mr. VANDENBERG] about sterilizing the thing and preventing it spreading is a thing which most of us have in mind. We are not so much concerned with this mess in Africa as with the possibility of keeping that cancerous thing from spreading and perhaps involving us.

I am wondering if the Senator can find any justification for any action involving the taking of a position which will keep us from being embroiled outside of action of a negative kind. That is the way I feel about it. I do not care whether it suits the convenience of a belligerent nation or the convenience of any group in this country. I think we should divorce ourselves from those activities which involve the possibility of such activities as drew us into the late war. If we get ourselves embroiled commercially with these nations, which I want to avoid, it seems to me we are inevitably going to follow the damnable pathway which appears now to have been laid out for our faltering footsteps in 1914 and 1915.

Why can the Senator find any objection to what he has referred to as a sort of negative policy of cutting loose from them rather than doing something to aid either of them? I think real neutrality consists in making laws and divorcing ourselves from them completely. Let them think what they please; it is better than killing our own boys and involving ourselves in an expenditure so profligate it will destroy our civilization.

I should like to have the Senator's views as to whether he thinks we ought not to cut loose from the whole thing, not to do anything that will injure either of them, unless it be said our refusal to sell oil is injurious, and in that case I should like to feel that we were injuring them by divorcing ourselves by legal means which lie in the hands of the Congress. In default of that action I think this body will have to answer to the American people. I feel that very keenly.

Mr. THOMAS of Utah. If the Senator had been present when I discussed the logic of neutrality very briefly, which must always remain a thing of degree and circumstances, he would have seen the utter futility of attempting to accomplish that which he wants to accomplish by binding by a law which will not hold.

Mr. BONE. Does the Senator feel it can be accomplished in any other way except by law? As a lawyer, I know of no other way except by law under our parliamentary practices. I find myself in harmony with the Senator's viewpoint, but as a lawyer I confess I am unable to find any way to accomplish the purpose except by law. There are theories about this thing, but we know what happened in 1914 and 1915, preceding the time when we immersed ourselves in that terrible war. Are we going to stand now and just by a wishful feeling endeavor to keep ourselves out of these affairs? The Senator is a lawyer and so am I, and there are other lawyers in this body, but I do not think any lawyer will suggest to himself or anyone else there is any way out except by law. Certainly we cannot pray or wish ourselves out.

Mr. THOMAS of Utah. I accept the thesis of the Senator in tota. The only hope is through the medium of law, but we must remember what I have said heretofore, that a neutrality law enacted by us is domestic legislation.

The international law of neutrality is law based upon international custom and international action. If we break down the law of international custom and the law of international action, there is no way under the sun of developing a legal and a lawful world. Therefore, our domestic law should follow just as the original neutrality law of George Washington followed, and that is what made that law so great and so lasting. It was built upon the law of custom and international practice, and therefore it was a law that endured.

Now I desire to make one other statement, because I am sure the Senator from Washington did not hear all I have said:

Our problem in domestic law finds itself a problem of the English language. Our present law says, "whenever war exists", for example. There are questions which have not been settled about when war exists. Do we mean a de facto war? Do we mean a warlike condition? Do we mean a state of war? Do we mean a de jure war? Can we not see that all the law on earth which we may enact can never cover the great number of situations which may arise; that even if we attempt to make our neutrality law so binding that we have completely to isolate ourselves in every imaginable action, and give up every right we have gained, both as a nation and a right we fought for for our people, we do not any better overcome an emergency which might arise?

If I were a mathematician, I would show how difficult it is to attempt to control factors that are outside of us by our

own legislation. There are in the neighborhood of 65 states which have some kind of status in international law and international custom, states which are more or less sovereign in their own right. Cannot Senators see that it is hopeless for us to assume that we can pass a law which will cover every situation which might come up when we start with the primary factor of 65 different states? It would take a very much greater mathematician than I am some time to figure out the number of complications for which we should have to make law. The only possible way to deal with the matter is to stand with policy and make the assertion that our law, which has respect to international-law dealings, shall be based upon the law which has been recognized by the best thought of the world as being proper international law.

If I may go on with the point I was making, for us to enact new legislation at this time, since the emergency has occurred, does smack of breaking the international spirit of neutrality. In 1914—to turn again to our own history—Senator Hitchcock, of Nebraska, who was then chairman of the Foreign Relations Committee, actually introduced in the Senate of the United States a joint resolution prohibiting the shipment of munitions to belligerents. That joint resolution was protested by foreign states as being an unneutral act. That joint resolution did not receive the sanction of our administration and was actually disavowed by our Secretary of State, Mr. Bryan, and by the President of the United States, Mr. Wilson.

Mr. BONE. Mr. President, may I again intrude and ask the Senator a question?

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

Mr. THOMAS OF UTAH. I yield.

Mr. BONE. The Senator will recall that these belligerent powers apparently had very little respect for the international law which the Senator discusses. Great Britain had no hesitancy in impounding our vessels and taking them into her ports, putting prize crews on them and taking them into prize courts. Germany had no hesitancy in doing so.

What I am getting at is that the very existence of the munitions traffic is in itself a constant menace and a threat to peace; and as surely as we all sit in this Chamber, if we again resume the operations of 1914 and 1915, as inevitably as the sun rises and sets we shall again be drawn in by the same process.

The Senator from Utah may be accurately stating international law; but the trouble is that belligerents do not give a hoot about international law when their backs are to the wall and their boys are dying. They do not care anything about the niceties of international law. They want powder and guns and shot and shell and food and clothing; and when we send those things to one of them the other says, "Our boys are dying on fields of battle, and America is supplying this stuff"; and we cannot blame them. What do they care about the niceties of international law if their boys are dying? If my boy or your boy or millions of other American boys were dying, and some country were supplying munitions to the country that was bringing about their death, obviously a sentiment would grow up in this country of absolute, outright hostility to the country which was doing it; and all the niceties of international law cannot remove that human impulse.

That is why I have asked the Senator these questions. I think we have gone far beyond that sort of thing. Certainly the ghastly experience which we had in 1917 and 1918 must have blasted out of our minds any great reverence for these niceties of international law, these expressions which come so trippingly to the lips of people who write books and laws about this subject. The fact is that we are going into another war if we do not keep our fingers out of it.

We may regard international law with all the reverence that I suppose it is entitled to have, and I am mighty happy to have had this expression from the Senator from Utah, who probably knows as much, or more, about it than any other man in this Chamber; but I am a very cold, practical sort of person, and I know that if we start selling munitions and asserting our right to the freedom of the seas another country whose boys are dying because American munitions are being sent there is going to hate us, and start fighting us and sinking our vessels, precisely as was done in 1915 and 1916.

Why should we discard all human experience in dealing with this thing? I wish I could share the Senator's viewpoint and agree absolutely with him, but I think it does violence to our experience in the past, and it does violence to human experience, and the only safe plan is the one that Washington enunciated, "keep out of European troubles." The only way we can keep out is just to keep out. If we do that, I do not know what country can complain.

If we assert our right to the freedom of the seas and ship munitions to Europe, some other country will immediately insist that we are outraging and raping that country, and will attack us. That is precisely what happened when we shipped munitions to the Allies. Germany insisted that German boys were dying as the result of shipment of munitions from this country; and it made no difference whether or not we had a right to do it, or whether we ought to have asserted the doctrine of freedom of the seas as a typical American doctrine. The fact is that when we did it, and when we proceeded down that pathway—that primrose pathway of dalliance with this fascinating evil that stood right there and was very glittering, very impressive, very attractive to us—we got into the very thing which the Senator now seeks to avoid in the proposal he is making.

Mr. THOMAS of Utah. Mr. President, I think if the Senator from Washington had been present during the whole of my remarks, he would have discovered that many times, in a very much weaker way than he has done, I have described the situation. I am arguing now for the purpose of pointing out the complications which we are facing; and I am going to argue in a minute that aside from the fact that certain things would be considered improper in the light of the spirit of neutrality, we have gone far enough with the present law for the present; and if the Senator had been here he would know that I suggested that we need, for the building up of law, agreement about these things on which to build up domestic law.

Assuming that neutrality means impartiality, it would be almost impossible to enact a true neutrality law while the present emergency is on us. The great number of factors which present themselves when we think about the impartiality of neutrality, and think about the present situation, make it utterly impossible for us to be neutral in mind or neutral in fact while we are attempting to enact neutrality legislation.

Let me point out the factors—and these factors come to our minds. We may deny it; we may assume that we are just trying to take care of our own country and mind our own country's business; but even those things need further definition. When we use those expressions, we have to multiply factors and multiply ideas.

These are a few of the factors: There is the League, and all that the League is attempting to do. We immediately attract partisanship; we immediately attract emotional thinking; we immediately attract either pro or con attitudes when once we mention the term "League of Nations."

That has happened even on the floor of this great body. There is the present Italian-Ethiopian situation. There are some persons in the United States, in spite of our neutral policy, who are anti-Italian, and some who are pro-Italian. There are men who do not understand the situation who think they should have allegiances of various kinds to this idea. It may be outside the experience of the rest of the Senators present, but I can tell them for their information that there is many an Italian society and many a peace society and many an international law society that has written me quite a few letters upon this subject, and in nearly all cases those letters have been emotional.

Then there is a new thing which has come into the world—a thing which we do not yet understand, because its practice has not been evolved. It is represented by the word "sanction." I venture to say that if someone mentions the word "sanction" in a group of five or six persons, there will be five or six different reactions to the word itself. If, for example, the law of sanction as it is now being practiced

or now being attempted—it would be better to say, as it is now being evolved—becomes a fact of international law, we shall have accomplished one of the wonders of the ages. We shall have gotten a key to a certain situation. Would it work any better than in past situations? No one knows. Why not watch the experiment working out as it is working out, and discover what we can learn from this first trial that has been attempted?

Then there is a theory about collective action, and I have pointed out that as far as neutrality is concerned, for the whole 150 years of our theory of neutrality we have always assumed that there should be collective action among neutrals. That we seem to have forgotten. Then there are our own treaties. There are obligations. You can never build up respect for law by making your own treaties scraps of paper. You must work in harmony with that which you have.

There is, for example, the Argentine pact, which I have mentioned, under which we have certain obligations. Then, too, we could wipe aside all the other treaties and attempt to interpret this law of neutrality in accordance with the Briand-Kellogg Pact, or the theory behind that pact, because the theory is very much greater than the pact itself. Our varying theories of neutrality are so many and so complicated that every time in the Foreign Relations Committee there has been a question upon the simplest phase of neutrality, there has of necessity been difference of opinion, and radical difference of opinion.

Then there is the League theory of determining the aggressor. What a mountain of obstacles we meet if we attempt to legislate neutrality law in the light of our feelings in regard to the effect of determining, accepting, building up, an aggressor!

So complicated is the law of neutrality that I doubt very much, despite our desire to keep out of war, that we want to make our law of neutrality stronger than the customary international law of neutrality is. On second thought, our attempt to keep out of war by binding ourselves, and only ourselves, with drastic domestic rules may do the very opposite of keeping us out of war. Neutrality is a legal theory. Our desire to keep out of war is an evolutionary fact, or, we might better say, an emotional fact. Emotions change overnight. Laws at least require repealing. Is Congress prepared, in the time given us, to review the history of the concept of neutrality and then prepare policy-forming legislation?

At this point, since I mentioned the League and the League theory and the theory of aggressor, I wish to read into the RECORD the out-and-out League theory in regard to neutrality, to show what a conflict in thought there is.

Assume that we had a perfect society of states, that every state was a member of the society and that the law of the society was ruling the world. Then assume that we take the step which the League Covenant desires to be taken, that in time of war we discover the aggressor. Immediately we bring back into international relationships the theory which rests upon morality. No longer is it a pure theory of law. We go back to the beginning of the very concept of neutrality as it worked itself out in ancient India, where all legal thoughts rested upon religion and religious tradition, where it was impossible to take an action which was not backed by some moral notion.

But the theory of neutrality as it is in the League of Nations, if it ever becomes effective—and I bring this out merely to emphasize the complexity of the things with which we are trying to deal—goes back only to Grotius; and Grotius brought into the law of neutrality of his time the moral idea. He said that a state which remains apart when two other states are at war first of all must decide which is the just cause and then support the side which is right. That is the fundamental theory of the League's notion of the aggressor. It rests upon the concept of morality.

The American theory of neutrality is exactly the opposite. The two do not fuse at any place. Our theory of neutrality has, since the days of Thomas Jefferson and George Washington, rested absolutely upon the notion of impartiality, and the two words could be interchanged. There is no morality in our American theory of neutrality. It is based definitely upon a concept of law.

This is the way the pro-leaguer would emphasize the neutrality notion: Neutrality is immoral, because everyone should stand for right against the wrong. That is the ancient Indian notion. That is the idea of Grotius, and that is the notion of the collective action of the world today. This is the teaching of every system of ethics with which I am acquainted. It is certainly the teaching of the Christian religion.

When the fundamentals of the Christian religion controlled the governments of Europe, when there was the Petrine theory of the universality of Rome's control, there was no neutrality, no place for neutrality, and no theory in regard to neutrality. It was only when that theory of sovereignty was questioned and various nations started to rise in the world in opposition to that theory that Grotius pointed out his law and brought his book into existence dealing with the law as it is in nations when at peace and in nations when at war.

It is also the lesson of all political experience, say the pro-leaguers, which shows that the right can only be maintained by the combined support of all against the evildoer. But neutrality says, "Am I my brother's keeper? What do we care which side wins—just so we can keep out of trouble?" The inevitable result of that is the theory that might makes right, because you can only keep out of trouble by asserting yourself. Therefore, if we went to the extreme, if we made our domestic law stronger than the international law and the custom of nations, we would enact law which did just the opposite to what we expected to do, and we would immediately enact law which emphasized the theory that he who can maintain the right is right; which, of course, is the law of force.

Neutrality is impracticable nowadays, however useful it may have been in the past, for the reasons above suggested. Under modern conditions, the neutral depends upon the belligerent, and the belligerent upon the neutral. However scrupulously impartial the neutral may be, he is sure to hurt one side more than the other. When the United States asserted that she would sell equally to Germany and to the Allies, the actual result was that Germany could obtain nothing from us. If we had reversed the situation and refused to sell to both, our neutrality would have offset the British Navy to the advantage of the Germans. Today, when we refuse to sell to both Italy and Ethiopia, the result is actually to hurt Italy more than Ethiopia, for Ethiopia could not obtain supplies from us anyhow—as is shown by the violent threats of the spokesman for Italy that oil sanctions mean war.

Under the League theory "sanction" is defined as actually not being war. If he means that if sanctions are applied there will be war, that is one meaning. If he means that sanctions are war, that is another meaning, and in either case we discover the difficulty with which we have to deal when we attempt to frame a domestic law which rests upon an international practice. But if Ethiopia were next door to us—like Mexico—she would suffer more, for Italy has more resources of her own. Neutrality cannot be impartial today, if it ever could; its inevitable result in the situation of our day is to weaken the weaker State, and to help the stronger State to win. That is not the objective of our neutrality law, and everyone knows it, but that is the fact which faces us under the neutrality law.

Neutrality, in its old form, is dangerous. If the neutral state thinks it has rights, it can maintain them only by fighting for them; and we have been led into two great wars in exactly that fashion. The belligerent has much at stake. He is always ready to invade the rights of the neutral, or to take offense at what the neutral does. Let us remember, when we legislate, that our mere declaration of neutrality is in itself an implication of weakness.

There are those who will consider the revolutionary changes already accomplished by our neutrality law of last August, and they furnish another reason why I introduced my joint resolution. There are those who know that the

neutrality law of last August was almost revolutionary in its effect. Probably we have never in the history of our country made such a complete break with the past as we did in enacting that neutrality law. The neutrality law, therefore, before it becomes a permanent law, should be considered in a neutral atmosphere. We have already changed the policy which we have maintained for 150 years. Wise action can follow only after long consideration and study of this policy. If we had done nothing, the question would be different; but last summer's act was revolutionary in many particulars, as a brief recital will show.

I am probably tiring many Senators; but for the purpose of the RECORD, and in justification of the joint resolution which has been introduced, and in justification of the logic which was in my mind when I introduced the joint resolution, I think it no more than fair to point out the great changes in regard to neutrality that have taken place as the result of last summer's legislation. This will take a few minutes, but I deem it worthwhile.

Our old neutrality, the neutrality which ran from 1793 to 1917, was what the text-writers call "straight" neutrality. It was based upon the theory of impartiality. Its aim was what the Senator from Washington [Mr. BONE] has implied, to stay aloof; to have nothing to do with wars; that we are not a part of the wars. This law was optional at the outbreak of war. It was not, under our theory, as I have pointed out, modifiable during the process of war.

If Senators will examine the present neutrality law, they will discover that it is a straitjacket type of law. Rules announced during peacetime, and before war breaks out, constitute the theory of the present law. Theoretically, it remains as the old law. It is not modifiable during war, but its only theory is that it operates in that way because in the act itself there is no prescription against changing. It is mandatory where the other law was optional. It is not discretionary or permissive in its provisions. It is a commanding type of law. If Senators will think those few changes through, as to the two kinds of neutrality, they will realize that I have not used an exaggerated expression when I have used the word "revolutionary."

If we compare the characteristics of the two laws, this is what we shall find in regard to our neutrality law which lasted from 1794 to 1917:

It was moderate in the matter of neutral duties. It was extremely extensive in stressing neutral rights. There must be public abstention from, and we must prevent, strictly military activity. That is provided in the old law. Private participation in the economic and financial phases of war was allowed; and, as I have already pointed out, we not only sold $2,000,000,000 worth of goods but we lent $2,000,000,000 to help finance the selling.

I might point out here that the beginning of this theory of our law of neutrality came from an interpretation made by Thomas Jefferson in regard to the first neutral law that was passed. There Jefferson laid down the theory of a neutral right. He was asked, if we may put it in a simple way: "Are you going to be actually neutral both in spirit and in deed? Are you going to limit any kind of trading with the enemy?" Jefferson's reply was that there were scores of citizens of the United States who made their living out of munitions manufacturing and the manufacturing of arms; that it was not the function of the Government to interfere with the economic affairs of its people; and that therefore they had the right to trade. Remember, international law gave to belligerent nations the right to capture and to confiscate goods shipped in this trade; but, so far as we were concerned, it was not illegal trade at all, and since Jefferson's time we have always stressed the theory of right. That is the great outstanding fact, the great generalized statement, in regard to our older neutrality law.

Under the old law there was no interference at all by Government in the economic activities of American nationals. Therefore, public military activity must not be indulged in, but there was private economic participation of every kind. We aimed at political isolation only. The old law, as a characteristic, was impartial in theory. The degree of partiality, in fact, depended upon the state of belligerent control of the trade routes. That is, the facts and the circumstances actually controlled our theory of neutrality in the actual consequences.

Compare what the new law has done in that respect: There is a tremendous increase in the stressing of neutral duties. There is an almost complete abandonment of any neutral rights. That is, we have gone so far that when one analyzes it he is surprised. Public, and to an increasing degree private, remaining away from both military and economic activity is demanded under the present law. There are stringent governmental controls over all economic intercourse with belligerents. Therefore, public and private military and economic abstention, political and economic isolation, impartiality in theory, are assured by the neutral but not by the belligerent action in withholding export.

Each one of these items, which I probably read too rapidly for Senators to follow, was a radical change, and we shall never know until we have run through the next 150 years of history whether the change will effect that which we tried to do.

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

Mr. THOMAS of Utah. I yield.

Mr. VANDENBERG. Will the Senator from Utah express an opinion as to whether he thinks the change will be a useful improvement upon the old situation?

Mr. THOMAS of Utah. I surely do, Mr. President. There is absolutely no doubt in my mind but that the stressing of neutral duties and the tempering of our theory of neutral rights is the key to keeping us out of war. Yet I may say that last year we builded bigger than we thought. I have no criticism at all for what was done. It was only the step which we may take, due to present circumstances and lack of study, that makes further legislation at the present time ill-advised, in my opinion. In fact, we have builded away back, and we have broken with the past so greatly that experience alone can help us in discovering whether or not we have done the right thing.

I have full faith that we have done the right thing, because our experience in the late war showed that our everlastingly stressing rights and forbidding duties caused our neutrality to break down.

Mr. VANDENBERG. Mr. President, may I express my appreciation of the Senator's statement and register my own complete concurrence in it? In my very humble judgment, the progress already made in breaking with the traditional rules will immunize us against 75 percent of the war hazard and war exposure which heretofore have existed. I think that is a great and notable achievement.

Mr. THOMAS of Utah. And if I may add to what has been said by the Senator from Michigan, it is not only a noble achievement for ourselves, but is a noble example to the whole world. We knew what was the matter with our neutrality law; we rectified that; but let us not go any further and find ourselves in the position where we will stand to break because of insistence upon a right which we cannot afford to maintain.

Mr. VANDENBERG. When the Senator says, go no further, I do not understand that he objects to the additional prohibition of loans and credits contained in the pending joint resolution?

Mr. THOMAS of Utah. We should go no further than the joint resolution implies. I am speaking in defense of the joint resolution. I will explain why that part of the joint resolution is not in conflict with the logic which I have attempted to assume in the past.

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

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

Mr. THOMAS of Utah. I yield.

Mr. MURPHY. Abandoning the old policy of Jefferson, we abandon with it affirmation of the right of the freedom of the seas for our commerce. Is that a logical conclusion?

Mr. THOMAS of Utah. That is a logical conclusion, thinking in terms of relativity and nonabsoluteness. There has been a tremendous growth and development in the theory of freedom of the seas. It is not an easy thing to

define. Our law does limit certain aspects of the theory of the freedom of the seas; but I think our law, as it grows and develops, will emphasize the point of the freedom of the seas pronouncement, which we find at its very best in the second, I believe it is, of Woodrow Wilson's 14 points—the very best in the history of international law—and that more and more our neutrality law will aid us by international negotiation and international arrangement, and bring a universal acceptance of the theory as then attempted to be established in 1918 or 1919.

Mr. VANDENBERG. Mr. President, may I add a layman's answer to the question submitted by the Senator from Iowa?

Mr. THOMAS of Utah. I yield.

Mr. VANDENBERG. It has always seemed to me that we use freedom of the seas not as a great impersonal, abstract principle worthy of defense, but that too frequently we use it almost exclusively in an acquisitive manner so as to expand our commerce and to enjoy the widest possible participation in war profits based upon the misery of others.

Now, because, as the able Senator from Utah has said, we now propose to stress duties as well as rights, it seems to me we are abandoning only that portion of the doctrine of the freedom of the seas which was a wholly sordid, selfish, acquisitive thing which put commerce ahead of peace; and now we are proposing to reverse the emphasis.

Mr. THOMAS of Utah. I thank the Senator for those remarks.

Mr. MURPHY. The Senator would except from his statement, would he not, commerce not consisting of munitions of war consigned to neutral ports in American bottoms and taken into British ports, as in the last war, in defiance of the rights of that commerce to be on the seas?

Mr. VANDENBERG. I do not think I catch the question.

Mr. MURPHY. During the late war the British Government took into British ports our ships consigned to neutral ports, laden with cargoes not consisting of munitions of war. The Senator would not associate, would he, the right of such commerce to be on the seas with any greedy design on the part of Americans for profits growing out of participation in the war?

Mr. VANDENBERG. I do not think so. Nevertheless, I think, abstractedly and fundamentally, the wellspring of our difficulties finally has been, as I said before, our anxiety to make the most that we could out of the misery of others by way of war profits.

Mr. THOMAS of Utah. Mr. President, we should make a comparison of the old neutrality with the new neutrality as the two take into consideration world organization and the progress we have made in world organization. The old neutrality assumed the absence of organized effort for the maintenance of international legal order. That was the assumption of our neutrality acts for 150 years. It was based upon complete indifference to the merits of any kind of controversy, and it was operated in a world that, in theory, was a world of laissez faire. It was generally effective in minor wars. In major wars it was a theory that did not hold and could not hold. There is a fact that we should stress in the light of international organization. The present law in relation to world organization assumes the ineffectiveness of and our isolation from any organized efforts for the maintenance of international legal order. We are not made a part of any organized scheme excepting as we are bound by such pacts as the Argentine Pact and the Briand-Kellogg Pact. It is based on the refusal to distinguish between the aggressor and the attacked state. The present law emphasizes what has been our national theory of neutrality, based upon the notion of our impartiality and the treatment of all belligerents alike. Our present law, though, is highly operative in a world of highly intricate commercial restrictions; that is, the actual condition in the world itself due to national law and international agreements is so different from what it was before the World War that the attitude behind the present law was a consistent reason for proposing the present law.

Probably our present law will be very effective in minor wars, more effective than was the old law. Its effectiveness in major conflicts must be determined by future conditions. Where we have made the most radical changes is in the effect upon persons of the new law as contrasted with the old law. If I may emphasize the difference, the old law permitted the maximum of latitude to individuals. It made restraints on military activities on land, sea, and in the air, but there were no restraints on nonmilitary activities for either belligerent. Actual safety under the old law was dependent upon the humaneness of the belligerent's attitude and upon diplomatic pressure which might be expressed by the neutrals, and that, in turn, depended upon not only the degree of neutrality but on the strength of the individual neutral, because he had to assert his position entirely by himself, although the old law did imply that there could be a community of interest and solid action on the part of neutrals. As to the effect of the new law on persons, it will be found that this is greatly changed. There is a minimum of concern for individuals so far as our own people and their rights are concerned. There are great restraints upon military activities on land, sea, and in the air; so that remains the same. There are equal restraints on the economic and financial activities on behalf of belligerents under the joint resolution we are considering. Those restraints are placed so that they will apply universally against every belligerent.

The safety under the new act to the persons who may be found upon belligerent ships or in other places depends now entirely upon the humaneness of the belligerents. We cannot under the new law make an assertion about one of our own citizens and be consistent, because we have notified him that that which he is doing he is doing at his own risk. There is a tremendously great change when it is realized the difference between the laws.

Then, under the new law, in addition to the notice that the individual is traveling at his own risk and places himself in belligerent situations at his own risk, there are inhibitions put upon our Diplomatic Service against doing anything for those individuals. In this I say we have gone far enough. We had better find out the actual effect of that law through practical experience before we go any further.

Under the old law the effect on property should be analyzed. There was a maximum latitude in regard to property; there were no restrictions except in the transfer of Government property or the acquisition of belligerent shipping by neutrals. The actual safety of property depended upon the belligerents' conduct, again subject to the neutral government's claim on behalf of its citizens and the neutral government's ability to enforce the claim. There was, though, complete diplomatic protection and support, and the evidence as to just how effective that protection and support were is indicated by the numerous and almost endless notes of protest which our Government sent at the beginning of the last war.

Now, as to the effect of the new law upon property. Under it there is a minimum concern for property.

The old law had a maximum concern for property. The new one hardly considers the rights of property at all. The restraints on government are continued, but they are probably increased. The right of individuals to trade in contraband is completely curtailed. Under the old law we could sell contraband, but it was subject to capture. Now we cannot sell contraband, and if it is captured we make no complaint. We could not, of course, make complaint if contraband were captured under the old law.

There is no protection at all for goods in trade with either belligerent. Actual security is dependent solely upon belligerent conduct.

That is the first time I think in the history of our country that we have left our citizens in a position where they might become almost in that condition of stateless individuals if they find themselves in belligerent countries during wartime. Our property is in the same stateless condition. There is no diplomatic protection at all for property.

What is the effect upon commerce of the two laws? and this, of course, emphasizes again what a revolutionary step we have taken? There was, under the old law, the maximum latitude to commerce, actually an encourage-

ment of commerce. We have come back to the words of Thomas Jefferson, whom we have quoted in different phases of the discussion today. Jefferson said that the foolish people in Europe who carry on war will make us rich. These are not his words, but they are mine. We will profit by their very foolishness. That has been the economic and commercial morality in regard to trade up until the passage of last summer's act.

Individual commerce is unrestricted, limited only by the activity of the belligerents themselves.

Actual safety is dependent upon belligerent conduct subject to the neutral governments' claims on behalf of their nationals. That meant, if I may use an actual case, that a citizen of a great neutral country traveled on a belligerent boat because he knew his country would take care of him. The citizen of a small neutral country traveled also on the boat, but he knew he was traveling at his own risk, no matter what the law of either nation said.

The logic of the situation in regard to war, and this I know the Senator from Washington [Mr. BONE] will like, is that the neutral from the small country not only had the best logic, but had the best experience and had the right attitude. Circumstances will show that while we used millions of wealth and lost hundreds of thousands of men in one way or another to defend the rights of our citizen who traveled because he knew our flag was wrapped around him, the neutral from the small country put in his claim after the war was over and got the price of his damages without paying anything. There is a common sense of neutrality which we should recognize in connection with the present situation and the present law.

There was always full diplomatic support to any kind of merchant's adventure. That was part of our scheme. We did not go as far in the late war. The ultimate to that sort of theory came after the war, but it came in the pronouncement of a Secretary of the Navy who laid down the principle, under the fundamental theory about which we are talking, of the old neutrality notion that wherever an American dollar is invested there shall be an American battleship to protect it. That logic may be all right, but the economics of the idea are simply terrible.

Under the new theory we have made such a revolutionary change that there is a contrast in almost every item. There is a minimum concern about commerce. So far as the law is concerned, it might have the actual effect of an embargo. Restraints on governments are continued and greatly increased. The rights of individuals to trade are reduced to the carriage of nonembargoed goods at their own risk. See how completely revolutionary that is and how far we went.

There is no protection for ships engaged in trade with either or any belligerent during times of belligerency. There was always protection under the old law. Actual security is dependent solely, entirely, absolutely upon the conduct of the belligerent as it affects or as it runs into our own economies.

I think there can be no doubt, in stressing these great changes we have taken—and any reasonable and thoughtful person will realize that we have gone the maximum extent in expanding our theory of neutrality—that it would be wrong for us to go any further without more—I hate to use the word—experimentation, or without more experience than we have had so far.

I favor the committee report and urge the Senate to adopt it without modification. First the act of August 31 was proper in its motive and right in its aim, and was adopted before a state of war existed; so it can be justified on any type or score that we need or want to justify it. Never in our history has the antiwar theory reached a higher plane than it did last summer. America's attitude toward the immorality of war was the highest since the war. It became accepted through this act as a legal instrument. Remember what a great change we made there. We are backing up by this act, in theory, a pronouncement which we made in an international treaty where we actually reached a point wherein we were willing to accept the illegality and the immorality of war itself, and it was in that spirit that last year's act was made into law. We could not find a better spirit than that under which to enact a neutrality law.

Conditions have given us a chance to do something in relation to this enlarged notion in regard to the immorality of war itself. This we have done and this we ought to do. It might be interesting here, but I shall not do it, though it is worth the while of anyone who wants to go into the revolutionary notion of our present law, to trace the international theory of neutrality as it works itself out in history. It had its ramifications and its ideas in ancient India. It had its aspects in ancient China. But neutrality never had its chance to be born because of the dominating theory of Chinese and the checkerboard notion of keeping peace by a balance of power. When China became a unit even international concepts and interstate concepts were lost, just as they were when Europe became a unit.

When we come down to Greece and Rome we find that the law of neutrality had a place among the ancient Greek states. There was a state that was found in the midst of war, but not at war, and the Greeks worked out a theory for the rights and duties of that State. When we get over to Rome we find no theory like that at all.

If I may again have the attention of the Senator from Illinois [Mr. LEWIS], probably we may quote a line from Livy, and get the Roman theory, showing that there was no place for the neutrality idea there:

"Media nulla via est"—"There is no middle way"; and those who fight, or those who are enemies to the Romans, are either friends, allies, or enemies.

The Roman theory had its reflection in the statement which I think will be found in the New Testament, that "Those who are not for us are against us." Am I right?

Mr. LEWIS. Mr. President, I was about to say to the able Senator from Utah, since he complimented me by calling my attention to the quotation from Livy, that it occurs in a letter in which the position was taken that "You are either against your country or you are with it. There is no middle ground."

The able Senator is quite correct. That was expressed by Jesus Christ in the words—

He that is not with me is against me.

And that doctrine is borne out, as the able Senator says, in the classic reference to which he has made allusion.

Mr. THOMAS of Utah. I have already stressed the theory as it evolved in Grotius' time. I shall not repeat it here. I have already, too, stressed the theory which Washington and Jefferson so ably laid down.

In passing this measure we must, I think, pay attention, just for a moment, to the provisions which are called amendments to the joint resolution itself. These I think I can talk about probably in a briefer way if I confine myself to my notes.

There are five amendments which have to do with the present joint resolution as it came out of the Foreign Relations Committee.

The first amendment is merely to extend the present law.

The second and third are merely clarifying amendments, making the wording mean what the authors of the original law always thought the words meant. There is no break of the neutral spirit in those two amendments.

The fourth amendment, which has to do with loans and credits, might be characterized as an amendment which breaks the spirit of neutrality. It might be thought that we are there adding to the law of last year, but we are not, as it affects the present situation. We already have on our statute books the act known as the Johnson Act, and this act already does, so far as the richest belligerent is concerned, what the new measure will do to all belligerents. As the poorer of the two present belligerents has carried on no trade with us and has attempted to make no loans with us, it, of course, is not affected at all; so that in expanding the law we may expand it without in any way upsetting or marring, either internationally or nationally, that which we are doing in regard to the present situation.

The last amendment is the one which is vitally important.

There is no doubt in my mind but that the words of this amendment will find a place in every textbook of United States history as those textbooks shall be written from this time on. There is in that amendment an appreciation of

what has been the underlying theory of our Monroe Doctrine, if not the underlying fact of that doctrine, as it has evolved and as it has changed from time to time. We have used there terms which admit the complete equality of the Latin-American States, terms which imply the good-neighbor notion and the neighborliness of interests as we are part of this western world. The amendment implies absolute and complete cooperation, because we take, as I have said, the spirit of the present measure from the spirit which had its effect and its leadership in States which were not States of the United States in regard to this theory.

Thus we see that we are again building probably very much bigger than we think; that we are modifying an international policy as it affects the western world in such a way that we are putting pronouncement upon the American and the non-American States. The use of these words, used as they are used, will become a wonderful incentive for developing and evolving that notion of neighborliness to which we have already called attention.

Fellow Senators, I apologize for having taken so much of your time. I realize that to have done so meant that I, as a freshman Senator, or at least as a sophomore Senator, probably have taken myself more seriously than is the rule and the practice of this august body. I apologize with all my heart.

T. V. A. DECISION OF THE SUPREME COURT

During the delivery of the speech of Mr. THOMAS of Utah Mr. DICKINSON asked and obtained leave to correct certain figures used by him in his speech of February 14, whereupon the following debate ensued:

Mr. LEWIS. Mr. President, will the Senator from Utah yield briefly?

Mr. THOMAS of Utah. I yield.

Mr. LEWIS. The able Senator from Iowa rises to correct something in the RECORD. I would ask, while he is in the mood to make corrections, would he not now like to correct the speech he made before the Union League Club in New York in view of the decision of the Supreme Court of the United States this morning, in which the Court takes a position in opposition to the position the able Senator from Iowa then took before his audience while making a Lincoln Day speech?

Mr. DICKINSON. Permit me to suggest to the Senator from Illinois that when I have knowledge of what the decision of the Supreme Court contains I shall be glad to tell the Senate my views with reference to it. I think certain phases of the T. V. A. are not constitutional. I do not know whether or not they are covered by the decision. They have to do with the Government building extension lines and generating plants in direct competition with private business.

Mr. LEWIS. I was only asking the Senator to fulfill his task and make other corrections while he was making one.

Mr. McKELLAR. Mr. President, will the Senator from Utah yield to me?

Mr. THOMAS of Utah. I yield.

Mr. McKELLAR. In order that the Senator from Iowa [Mr. DICKINSON] and other Senators may know exactly what is the opinion of the Supreme Court rendered today, I ask unanimous consent that it may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the decision of the Supreme Court was ordered to be printed in the RECORD, as follows:

Supreme Court of the United States. Nos. 403–404. October term, 1935. 403. *George Ashwander et al., petitioners,* v. *Tennessee Valley Authority et al.* 404. *George Ashwander et al., petitioners,* v. *Tennessee Valley Authority et al.* On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. [Feb. 17, 1936.]

Mr. Chief Justice Hughes delivered the opinion of the Court.

On January 4, 1934, the Tennessee Valley Authority, an agency of the Federal Government,[1] entered into a contract with the Alabama Power Co. providing (1) for the purchase by the Authority from the power company of certain transmission lines, substations, and auxiliary properties for $1,000,000; (2) for the purchase by the Authority from the power company of certain real property for $150,000; (3) for an interchange of hydroelectric energy and, in addition, for the sale by the Authority to the power company of its "surplus power", on stated terms; and (4) for mutual restrictions as to the areas to be served in the sale of power. The contract was amended and supplemented in minor particulars on February 13 and May 24, 1934.[2]

The Alabama Power Co. is a corporation organized under the laws of Alabama and is engaged in the generation of electric energy and its distribution generally throughout that State, its lines reaching 66 counties. The transmission lines to be purchased by the Authority extend from Wilson Dam, at the Muscle Shoals plant owned by the United States on the Tennessee River in northern Alabama, into seven counties in that State, within a radius of about 50 miles. These lines serve a population of approximately 190,000, including about 10,000 individual customers, or about one-tenth of the total number served directly by the power company. The real property to be acquired by the Authority (apart from the transmission lines above mentioned and related properties) is adjacent to the area known as the Joe Wheeler dam site, upon which the Authority is constructing the Wheeler Dam.

The contract of January 4, 1934, also provided for cooperation between the Alabama Power Co. and the Electric Home & Farm Authority, Inc., a subsidiary of the Tennessee Valley Authority, to promote the sale of electrical appliances, and to that end the power company, on May 21, 1934, entered into an agency contract with the Electric Home & Farm Authority, Inc. It is not necessary to detail or discuss the proceedings in relation to that transaction, as it is understood that the latter corporation has been dissolved.

There was a further agreement on August 9, 1934, by which the Alabama Power Co. gave an option to the Tennessee Valley Authority to acquire urban distribution systems which had been retained by the Power Co. in municipalities within the area served by the transmission lines above mentioned. It appears that this option has not been exercised and that the agreement has been terminated.

Plaintiffs are holders of preferred stock of the Alabama Power Co. Conceiving the contract with the Tennessee Valley Authority to be injurious to the corporate interests and also invalid, because beyond the constitutional power of the Federal Government, they submitted their protest to the board of directors of the Power Co. and demanded that steps should be taken to have the contract annulled. The board refused, and the Commonwealth & Southern Corporation, the holder of all the common stock of the Power Co., declined to call a meeting of the stockholders to take action. As the protest was unavailing, plaintiffs brought this suit to have the invalidity of the contract determined and its performance enjoined. Going beyond that particular challenge, and setting forth the pronouncements, policies, and programs of the Authority, plaintiffs sought a decree restraining these activities as repugnant to the Constitution, and also asked a general declaratory decree with respect to the rights of the Authority in various relations.

The defendants, including the Authority and its directors, the power company and its mortgage trustee, and the municipalities within the described area, filed answers and the case was heard upon evidence. The district court made elaborate findings and entered a final decree annulling the contract of January 4, 1934, and enjoining the transfer of the transmission lines and auxiliary properties. The court also enjoined the defendant municipalities from making or performing any contracts with the Authority for the purchase of power, and from accepting or expending any funds received from the Authority or the Public Works Administration for the purpose of constructing a public distribution system to distribute power which the Authority supplied. The court gave no consideration to plaintiff's request for a general declaratory decree.

The Authority, its directors, and the city of Florence appealed from the decree and the case was severed as to the other defendants. Plaintiffs took a cross appeal.

The circuit court of appeals limited its discussion to the precise issue with respect to the effect and validity of the contract of January 4, 1934. The district court had found that the electric energy required for the territory served by the transmission lines to be purchased under that contract is available at Wilson Dam without the necessity for any interconnection with any other dam or power plant. The circuit court of appeals accordingly considered the constitutional authority for the construction of Wilson Dam and for the disposition of the electric energy there created. In the view that the Wilson Dam had been constructed in the exercise of the war and commerce powers of the Congress and that the electric energy there available was the property of the United States and subject to its disposition, the circuit court of appeals decided that the decree of the district court was erroneous and should be reversed. The court also held that plaintiffs should take nothing by their cross appeal (78 F. (2d) 578). On plaintiffs' application we granted writs of certiorari (296 U. S. —).

First. The right of plaintiffs to bring this suit. Plaintiffs sue in the right of the Alabama Power Co. They sought unsuccessfully to have that right asserted by the power company itself, and upon showing their demand and its refusal they complied with

[1] The Tennessee Valley Authority is a body corporate created by the act of Congress of May 18, 1933, amended by the act of Congress of Aug. 31, 1935 (48 Stat. 58; 49 Stat. 1075).

[2] The Commonwealth & Southern Corporation, organized under the laws of Delaware, and the owner of the common stock of the Alabama Power Co., was a party to the contract, which also contained agreements with other subsidiaries of the Commonwealth & Southern Corporation, viz: Tennessee Electric Power Co., Georgia Power Co., and Mississippi Power Co. The agreements with these companies are not involved in this suit.

the applicable rule.[3] While their stock holdings are small, they have a real interest, and there is no question that the suit was brought in good faith.[4] If otherwise entitled, they should not be denied the relief which would be accorded to one who owned more shares.

Plaintiffs did not simply challenge the contract of January 4, 1934, as improvidently made—as an unwise exercise of the discretion vested in the board of directors. They challenged the contract both as injurious to the interests of the corporation and as an illegal transaction—violating the fundamental law. In seeking to prevent the carrying out of the contract, the suit was directed not only against the Power Co. but against the Authority and its directors upon the ground that the latter, under color of the statute, were acting beyond the powers which the Congress could validly confer. In such a case it is not necessary for stockholders—when their corporation refuses to take suitable measures for its protection—to show that the managing board or trustees have acted with fraudulent intent or under legal duress. To entitle the complainants to equitable relief, in the absence of an adequate legal remedy, it is enough for them to show the breach of trust or duty involved in the injurious and illegal action. Nor is it necessary to show that the transaction was ultra vires the corporation. The illegality may be found in the lack of lawful authority on the part of those with whom the corporation is attempting to deal. Thus the breach of duty may consist in yielding, without appropriate resistance, to governmental demands which are without warrant of law or are in violation of constitutional restrictions.

The right of stockholders to seek equitable relief has been recognized when the managing board or trustees of the corporation have refused to take legal measures to resist the collection of taxes or other exactions alleged to be unconstitutional (*Dodge* v. *Woolsey*, 18 How. 331, 339, 340, 345; *Pollock* v. *Farmers' Loan & Trust Co.*, 157 U. S. 429, 433, 553, 554; *Brushaber* v. *Union Pacific R. R. Co.*, 240 U. S. 1, 10); or because of the failure to assert the rights and franchises of the corporation against an unwarranted interference through legislative or administrative action (*Greenwood* v. *Freight Co.*, 105 U. S. 13, 15, 16; *Cotting* v. *Kansas City Stockyards Co.*, 183 U. S. 79, 114). The remedy has been accorded to stockholders of public-service corporations with respect to rates alleged to be confiscatory (*Smyth* v. *Ames*, 169 U. S. 466, 469, 517; *Ex parte Young*, 209 U. S. 123, 129, 130, 143). The fact that the directors in the exercise of their judgment, either because they were disinclined to undertake a burdensome litigation or for other reasons which they regarded as substantial, resolved to comply with the legislative or administrative demands, has not been deemed an adequate ground for denying to the stockholders an opportunity to contest the validity of the governmental requirements to which the directors were submitting. See *Dodge* v. *Woolsey*, supra, at pp. 340, 345; *Greenwood* v. *Freight Co.*, supra, at p. 15; *Pollock* v. *Farmers' Loan & Trust Co.*, supra, at pp. 433, 553, 554; *Brushaber* v. *Union Pacific R. R. Co.*, supra, at p. 10.

In *Smith* v. *Kansas City Title Co.* (255 U. S. 180) a shareholder of the title company sought to enjoin the directors from investing its funds in the bonds of Federal land banks and joint-stock land banks upon the ground that the act of Congress authorizing the creation of these banks and the issue of bonds was unconstitutional, and, hence, that the bonds were not legal securities in which the corporate funds could lawfully be invested. The proposed investment was not large—only $10,000 in each of the classes of bonds described (id., pp. 195, 196). And it appeared that the directors of the title company maintained that the Federal Farm Loan Act was constitutional and that the bonds were "valid and desirable investments" (id., p. 201). But neither the conceded fact as to the judgment of the directors nor the small amount to be invested—shown by the averments of the complaint—availed to defeat the jurisdiction of the Court to decide the question as to the validity of the act and of the bonds which it authorized. The Court held that the validity of the act was directly drawn in question, and that the shareholder was entitled to maintain the suit. The Court said: "The general allegations as to the interest of the shareholder and his right to have an injunction to prevent the purchase of the alleged unconstitutional securities by misapplication of the funds of the corporation give jurisdiction under the principles settled in *Pollock* v. *Farmers' Loan & Trust Co.* and *Brushaber* v. *Union Pacific R. R. Co.*, supra" (id., pp. 201, 202). The Court then proceeded to examine the constitutional question and sustained the legislation under attack. A similar result was reached in *Brushaber* v. *Union Pacific R. R. Co.*, supra. A close examination of these decisions leads inevitably to the conclusion that they should either be followed or be frankly overruled. We think that they should be followed, and that the opportunity to resort to equity, in the absence of an adequate legal remedy, in order to prevent illegal transactions by those in control of corporate properties, should not be curtailed because of reluctance to decide constitutional questions.

We find no distinctions which would justify us in refusing to entertain the present controversy. It is urged that plaintiffs hold preferred shares and that, for the present purpose, they are virtually in the position of bondholders. The rights of bondholders, in case of injury to their interests through unconstitutional demands upon, or transactions with, their corporate debtor, are not before us. Compare *Reagan* v. *Farmers' Loan & Trust Co.* (154 U. S. 362, 367, 368). Plaintiffs are not creditors but shareholders (with equal voting power share for share with the common-stock holders, according to the findings) and thus they have a proprietary interest in the corporate enterprise which is subject to injury through breaches of trust or duty on the part of the directors who are not less the representatives of the plaintiffs because their shares have certain preferences. (See *Ball* v. *Rutland Railroad Co.*, 93 Fed. 513, 514, 515). It may be, as in this case, that the owner of all the common stock has participated in the transaction in question, and the owners of preferred stock may be the only persons having a proprietary interest in the corporation who are in a position to protect its interests against what is asserted to be an illegal disposition of its property.[5] A court of equity should not shut its door against them.

It is said that here, instead of parting with money, as in the case of illegal or unconstitutional taxes or exactions, the power company is to receive a substantial consideration under the contract in suit. But the power company is to part with transmission lines which supply a large area, and plaintiffs allege that the consideration is inadequate and that the transaction entails a disruption of services and a loss of business and franchises. If, as plaintiffs contend, those purporting to act as a governmental agency had no constitutional authority to make the agreement, its execution would leave the power company with doubtful remedy, either against the governmental agency which might not be able, or against the Government which might not be willing, to respond to a demand for the restoration of conditions as they now exist. In what circumstances and with what result such an effort at restoration might be made is unpredictable. If, as was decided in *Smith* v. *Kansas City Title Co.*, *supra*, stockholders had the right to sue to test the validity of a proposed investment in the bonds of land banks, we can see no reason for denying to these plaintiffs a similar resort to equity in order to challenge, on the ground of unconstitutionality, a contract involving such a dislocation and misapplication of corporate property as are charged in the instant case.

The Government urges that the power company is estopped to question the validity of the act creating the Tennessee Valley Authority and, hence, that the stockholders, suing in the right of the corporation, cannot maintain this suit. It is said that the power company, in 1925, installed its own transformers and connections at Wilson Dam and has ever since purchased large quantities of electric energy there generated, and that the power company continued its purchases after the passage of the act of 1933 constituting the Authority. The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality (*Great Falls Manufacturing Co.* v. *Attorney General*, 124 U. S. 581; *Wall* v. *Parrot Silver & Copper Co.*, 244 U. S. 407; *St. Louis Co.* v. *Prendergast Co.*, 260 U. S. 469). We think that the principle is not applicable here. The prior purchase of power in the circumstances disclosed may have a bearing upon the question before us, but it is by no means controlling. The contract in suit manifestly has a broader range and we find nothing in the earlier transactions which preclude the contention that this contract goes beyond the constitutional power of the Authority. Reference is also made to a proceeding instituted by the power company to obtain the approval of the contract by the Alabama Public Service Commission and to the delay in the bringing of this suit. It was brought on October 8, 1934, following plaintiffs' demand upon the board of directors in the preceding August. Estoppel in equity must rest on substantial grounds of prejudice or change of position, not on technicalities. We see no reason for concluding that the delay or the proceeding before the commission caused any prejudice to either the power company or the Authority, so far as the subject matter of the contract between them is concerned, or that there is any basis for the claim of estoppel.

We think that plaintiffs have made a sufficient showing to entitle them to bring suit and that a constitutional question is properly presented and should be decided.

Second. The scope of the issue. We agree with the circuit court of appeals that the question to be determined is limited to the validity of the contract of January 4, 1934. The pronouncements, policies, and program of the Tennessee Valley Authority and its directors, their motives, and desires did not give rise to a justiciable controversy save as they had fruition in action of a definite and concrete character constituting an actual or threatened interference with the rights of the persons complaining. The judicial power does not extend to the determination of abstract questions (*Muskrat* v. *United States*, 219 U. S. 346, 361; *Liberty Warehouse Co.* v. *Grannis*, 273 U. S. 70, 74; *Willing* v. *Chicago Auditorium*, 277 U. S. 274, 289; *Nashville, Chattanooga & St. Louis Ry. Co.* v. *Wallace*, 288 U. S. 249, 262, 264). It was for this reason that the Court dismissed the bill of the State of New Jersey which sought to obtain a judicial declaration that in certain features the Federal Water Power Act[6] exceeded the authority of the Congress and encroached upon that of the State (*New Jersey* v. *Sargent*, 269 U. S. 328). For the same reason the State of New York, in her suit against the State of Illinois, failed in her effort to obtain a decision of abstract questions as to the possible effect of the diversion of water from Lake Michigan upon hypothetical water-power developments in the indefinite future (*New York* v. *Illinois*, 274 U. S. 488). At the last term the Court

[3] Equity Rule 27.

[4] The District Court found that "Approximately 1,900 preferred stockholders of the Alabama Co., holding over 40,000 shares of the preferred stock thereof, have associated themselves with a preferred stockholders' protective committee and authorized their names to be joined with the plaintiffs of record in this case as parties plaintiff."

[5] See note 2.

[6] 41 Stat. 1063.

held, in dismissing the bill of the United States against the State of West Virginia, that general allegations that the State challenged the claim of the United States that the rivers in question were navigable, and asserted a right superior to that of the United States to license their use for power production, raised an issue "too vague and ill-defined to admit of judicial determination" (*United States* v. *West Virginia*, 295 U. S. 463, 474). Claims based merely upon "assumed potential invasions" of rights are not enough to warrant judicial intervention (*Arizona* v. *California*, 283 U. S. 423, 462).

The act of June 14, 1934,[7] providing for declaratory judgments, does not attempt to change the essential requisites for the exercise of judicial power. By its terms, it applies to "cases of actual controversy", a phrase which must be taken to connote a controversy of a justiciable nature, thus excluding an advisory decree upon a hypothetical state of facts. See *Nashville, Chattanooga & St. Louis Ry. Co.* v. *Wallace*, supra. While plaintiffs, as stockholders, might insist that the board of directors should take appropriate legal measures to extricate the corporation from particular transactions and agreements alleged to be invalid, plaintiffs had no right to demand that the directors should start a litigation to obtain a general declaration of the unconstitutionality of the Tennessee Valley Authority Act in all its bearings or a decision of abstract questions as to the right of the Authority and of the Alabama Power Co. in possible contingencies.

Examining the present record, we find no ground for a demand by plaintiffs except as it related to the contracts between the Authority and the Alabama Power Co. And as the contract of May 21, 1934, with the Electric Home and Farm Authority, Inc., and that of August 9, 1934, for an option to the Authority to acquire urban distribution systems, are understood to be inoperative (ante, p. —), the only remaining questions that plaintiffs are entitled to raise concern the contract of January 4, 1934, providing for the purchase of transmission lines and the disposition of power.

There is a further limitation upon our inquiry. As it appears that the transmission lines in question run from the Wilson Dam and that the electric energy generated at that dam is more than sufficient to supply all the requirements of the contract, the questions that are properly before us relate to the constitutional authority for the construction of the Wilson Dam and for the disposition, as provided in the contract, of the electric energy there generated.

Third. The constitutional authority for the construction of the Wilson Dam. The Congress may not, "under the pretext of executing its powers, pass laws for the accomplishment of objects not entrusted to the Government" (Chief Justice Marshall, in *McCulloch* v. *Maryland*, 4 Wheat. 316, 423; *Linder* v. *United States*, 268 U. S. 15, 17). The Government's argument recognizes this essential limitation. The Government's contention is that the Wilson Dam was constructed, and the power plant connected with it was installed, in the exercise by the Congress of its war and commerce powers, that is, for the purposes of national defense and the improvement of navigation.

Wilson Dam is described as a concrete monolith 100 feet high and almost a mile long, containing two locks for navigation and eight installed generators. Construction was begun in 1917 and completed in 1926. Authority for its construction is found in section 124 of the National Defense Act of June 3, 1916.[8]

It authorized the President to cause an investigation to be made in order to determine "the best, cheapest, and most available means for the production of nitrates and other products for munitions of war"; to designate for the exclusive use of the United States "such site or sites upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act"; and "to construct, maintain, and operate" on any such site "dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products." The President was authorized to lease or acquire by condemnation or otherwise such lands as might be necessary, and there was further provision that "the products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe." (Id.)

We may take judicial notice of the international situation at the time the act of 1916 was passed, and it cannot be successfully disputed that the Wilson Dam and its auxiliary plants, including the hydroelectric power plant, are, and were intended to be, adapted to the purposes of national defense.[9] While the district court found that there is no intention to use the nitrate plants or the hydroelectric units installed at Wilson Dam for the production of war materials in time of peace, "the maintenance of said properties in operating condition and the assurance of an abundant supply of electric energy in the event of war constitute national-defense assets." This finding has ample support.

The act of 1916 also had in view "improvements to navigation." Commerce includes navigation. "All America understands, and has uniformly understood," said Chief Justice Marshall in *Gibbons* v. *Ogden* (9 Wheat. 1, 190), "the word 'commerce', to comprehend navigation." The power to regulate interstate commerce embraces the power to keep the navigable rivers of the United States free from obstructions to navigation and to remove such obstructions when they exist. "For these purposes," said the Court in *Gilman* v. *Philadelphia* (3 Wall. 713, 725), "Congress possesses all the powers which existed in the States before the adoption of the national Constitution, and which have always existed in the Parliament in England." (See, also *Philadelphia Co.* v. *Stimson*, 223 U. S. 605, 634.)

The Tennessee River is a navigable stream, although there are obstructions at various points because of shoals, reefs, and rapids. The improvement of navigation on this river has been a matter of national concern for over a century. Recommendation that provision be made for navigation around Muscle Shoals was made by the Secretary of War, John C. Calhoun, in his report transmitted to the Congress by President Monroe in 1824,[10] and, from 1852, the Congress has repeatedly authorized projects to develop navigation on that and other portions of the river, both by open-channel improvements and by canalization.[11] The Wilson Dam project, adopted in 1918, gave a 9-foot slack-water development, for 15 miles above Florence, over the Muscle Shoals rapids and, as the district court found, "flooded out the then-existing canal and locks which were inadequate." The district court also found that a "high dam of this type was the only feasible means of eliminating this most serious obstruction to navigation." By the act of 1930, after a protracted study by the Corps of Engineers of the United States Army, the Congress adopted a project for a permanent improvement of the main stream "for a navigable depth of 9 feet."[12]

While in its present condition, the Tennessee River is not adequately improved for commercial navigation, and traffic is small, we are not at liberty to conclude either that the river is not susceptible of development as an important waterway, or that Congress has not undertaken that development, or that the construction of the Wilson Dam was not an appropriate means to accomplish a legitimate end.

The Wilson Dam and its power plant must be taken to have been constructed in the exercise of the constitutional functions of the Federal Government.

4. The constitutional authority to dispose of electric energy generated at the Wilson Dam. The Government acquired full title to the dam site, with all riparian rights. The power of falling water was an inevitable incident of the construction of the dam. That water power came into the exclusive control of the Federal Government. The mechanical energy was convertible into electric energy, and the water power, the right to convert it into electric energy, and the electric energy thus produced, constitute property belonging to the United States. (See *Green Bay Canal Co.* v. *Patten Paper Co.*, 172 U. S. 58, 80,; *United States* v. *Chandler-Dunbar Co.*, 229 U. S. 53, 72, 73; *Utah Power & Light Co.* v. *Pfost*, 286 U. S. 165, 170.)

Authority to dispose of property constitutionally acquired by the United States is expressly granted to the Congress by section 3 of article IV of the Constitution. This section provides:

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[7] 48 Stat. 955.

[8] 39 Stat. 166, 215.

[9] Among the findings of the district court on this point are the following:

"38. The Muscle Shoals plants, including the Sheffield steam plant and the eight hydroelectric units installed at Wilson Dam, were authorized for war purposes by sec. 124 of the National Defense Act of 1916 in anticipation of participation of the Great War. The original conception was for the use of nitrate plant no. 1 employing the Haber process and plant no. 2 employing the cyanamid process for the fixation or manufacture of nitrogen and its subsequent conversion into ammonium nitrate for explosives. Plant no. 1 was completed, but was never practicable, due to the lack of knowledge of the Haber process. Plant no. 2 successfully developed calcium cyanamid from a manufacturing standpoint, but, due to the availability of ammonium nitrate as a result of commercial development of byproduct or synthetic processes, the commercial or peacetime manufacture of calcium cyanamid at nitrate plant no. 2 is considered uneconomical and undesirable and is not proposed or suggested by either the War Department or the T. V. A. The court further finds, however, that the plant, with the aid of electric power furnished by Wilson Dam and the Sheffield steam plant, can be operated to produce annually 110,000 tons of ammonium nitrate by the cyanamid process and that the present plans of the War Department count upon that plant to supply that amount annually in the event of a major war. * * *

"40. The existence of these facilities which make available large quantities of nitrogenous war materials by use of either the nitrogen-fixing process or the oxidation of synthetic ammonia is a valuable national-defense asset."

[10] S. Doc. 1, 18th Cong., 2d sess.; H. Doc. 119, 69th Cong., 1st sess., 11, 12.

[11] See River and Harbor Acts of Aug. 30, 1852, c. 104, 10 Stat. 56, 60; July 25, 1868, c. 233, 15 Stat. 171, 174; Mar. 3, 1871, c. 118, 16 Stat. 538, 542; Aug. 18, 1872, c. 416, 17 Stat. 370, 372; Sept. 19, 1890, c. 907, 26 Stat. 426, 445, 446; Aug. 18, 1894, c. 299, 28 Stat. 338, 354; Apr. 26, 1904, c. 1605, 33 Stat. 309; Mar. 2, 1907, c. 2509, 34 Stat. 1073, 1093; June 25, 1910, c. 382, 36 Stat. 630, 652; July 25, 1912, c. 253, 37 Stat. 201, 215; July 27, 1916, c. 260, 39 Stat. 391, 399; Mar. 3, 1925, c. 467, 43 Stat. 1186, 1188; July 3, 1930, c. 847, 46 Stat. 918, 927, 928. See also H. Docs. 319 (67th Cong., 2d sess.), 463 (69th Cong., 1st sess.), 185 (70th Cong., 1st sess.), 328 (71st Cong., 2d sess.).

[12] Act of July 3, 1930, c. 847, 46 Stat. 918, 927, 928.

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

To the extent that the power of disposition is thus expressly conferred, it is manifest that the tenth amendment is not applicable. And the ninth amendment (which petitioners also invoke) in insuring the maintenance of the rights retained by the people does not withdraw the rights which are expressly granted to the Federal Government. The question is as to the scope of the grant and whether there are inherent limitations which render invalid the disposition of property with which we are now concerned.

The occasion for the grant was the obvious necessity of making provision for the Government of the vast territory acquired by the United States. The power to govern and to dispose of that territory was deemed to be indispensable to the purposes of the cessions made by the States. And yet it was a matter of grave concern because of the fear that "the sale and disposal" might become "a source of such immense revenue to the National Government, as to make it independent of and formidable to the people." Story on the Constitution, secs. 1325, 1326. The grant was made in broad terms, and the power of regulation and disposition was not confined to territory, but extended to "other property belonging to the United States", so that the power may be applied, as Story says, "to the due regulation of all other personal and real property rightfully belonging to the United States." And so, he adds, "it has been constantly understood and acted upon." [Id.]

This power of disposal was early construed to embrace leases, thus enabling the Government to derive profit through royalties. The question arose with respect to a Government lease of lead mines on public lands under the act of March 3, 1807. The contention was advanced that "disposal is not letting or leasing"; that Congress had no power "to give or authorize leases" and "to obtain profits from the working of the mines." The Court overruled the contention, saying: "The disposal must be left to the discretion of Congress. And there can be no apprehensions of any encroachments upon State rights by the creation of a numerous tenantry within their borders, as has been so strenuously urged in the argument" (*United States* v. *Gratiot* (14 Pet. 526, 533, 538)). The policy, early adopted and steadily pursued, of segregating mineral lands from other public lands and providing for leases, pointed to the recognition both of the full power of disposal and of the necessity of suitably adapting the methods of disposal to different sorts of property.

The policy received particular emphasis following the discovery of gold in California in 1848.[13] For example, an act of 1866, dealing with grants to Nevada, declared that "in all cases lands valuable for mines of gold, silver, quicksilver, or copper shall be reserved from sale."[14] And Congress from the outset adopted a similar practice in reserving salt springs (*Morton* v. *Nebraska*, 21 Wall. 660, 667; *Montello Salt Co.* v. *Utah*, 221 U. S. 452). It was in the light of this historic policy that the Court held that the school grant to Utah by the enabling act of 1894[15] was not intended to embrace land known to be valuable for coal (*United States* v. *Sweet*, 245 U. S. 563, 572). See, also, as to the reservation and leases of oil lands, *Pan American Co.* v. *United States* (273 U. S. 456, 487).

But when Congress thus reserved mineral lands for special disposal, can it be doubted that Congress could have provided for mining directly by its own agents, instead of giving that right to lessees on the payment of royalties?[16] Upon what ground could it be said that the Government could not mine its own gold, silver, coal, lead, or phosphates in the public domain, and dispose of them as property belonging to the United States? That it could dispose of its land but not of what the land contained? It would seem to be clear that under the same power of disposition which enabled the Government to lease and obtain profit from sales by its lessees, it could mine and obtain profit from its own sales.

The question is whether a more limited power of disposal should be applied to the water power, convertible into electric energy, and to the electric energy thus produced at the Wilson Dam constructed by the Government in the exercise of its constitutional functions. If so, it must be by reason either of (1) the nature of the particular property, or (2) the character of the "surplus" disposed of, or (3) the manner of disposition.

(1) That the water power and the electric energy generated at the dam are susceptible of disposition as property belonging to the United States is well established. In the case of *Green Bay Canal Co.* v. *Patten Paper Co.*, supra, the question was "whether the water power, incidentally created by the erection and maintenance of the dam and canal for the purpose of navigation in Fox River" was "subject to control and appropriation by the United States, owning and operating those public works, or by the State of Wisconsin, within whose limits Fox River lies" (id., pp. 68, 69). It appeared that, under the authority of the Congress, the United States had acquired, by purchase from a canal company, title to its improvement works, lands and water powers, on the Fox River, and that the United States had consented to the retention by the Canal Co. of the water powers with appurtenances.

We held that the "substantial meaning of the transaction was that the United States granted to the Canal Co. the right to continue in the possession and enjoyment of the water powers and the lots appurtenant thereto, subject to the rights and control of the United States as owning and operating the public works"; and that the method by which the arrangement was effected was "as efficacious as if the entire property had been conveyed to the United States by one deed and the reserved properties had been reconveyed to the Canal Co. by another" (id., p. 80). We thought it clear that the Canal Co. was "possessed of whatever rights to the use of this incidental water power that could be validly granted by the United States" (id., p. 69). And in this view it was decided that so far as the "water powers and appurtenant lots are regarded as property", the title of the Canal Co. could not be controverted, and that it was "equally plain that the mode and extent of the use and enjoyment of such property by the Canal Co" fell within the sole control of the United States. (See *Kaukauna Water Power Co.* v. *Green Bay Canal Co.*, 142 U. S. 254; *Green Bay Canal Co.* v. *Patten Paper Co.*, 173 U. S. 179.)

In *United States* v. *Chandler-Dunbar Co.* (229 U. S. 53), the United States had condemned land in Michigan, lying between the St. Marys River and the ship canal strip of the Government, in order to improve navigation. The riparian owner, under revocable permits from the Secretary of War, had placed in the rapids "the necessary dams, dikes, and forebays for the purpose of controlling the current and using its power for commercial purposes" (id., p. 68). The act of March 3, 1909,[17] authorizing the improvement, had revoked the permit. We said that the Government "had dominion over the water power of the rapids and falls" and could not be required to pay "any hypothetical additional value to a riparian owner who had no right to appropriate the current to his own commercial use" (id., p. 76). The act of 1909 also authorized the Secretary of War to lease "any excess of water power which results from the conservation of the flow of the river, and the works which the Government may construct." "If the primary purpose is legitimate," said the Court, "we can see no sound objection to leasing any excess of power over the needs of the Government. The practice is not unusual in respect to similar public works constructed by State governments" (id., p. 73).

Reference was made to the case of *Kaukauna Water Power Co.* v. *Green Bay Canal Co.*, supra, where the Court had observed in relation to a Wisconsin statute of 1848, which had reserved to the State the water power created by the dam over the Fox River: "As there is no need of the surplus running to waste, there was nothing objectionable in permitting the State to let out the use of it to private parties, and thus reimburse itself for the expenses of the improvement." In *International Paper Co.* v. *United States* (282 U. S. 399), the Government made a wartime requisition of electrical power and was held bound to make compensation to a lessee who thereby had lost the use of the water to which he was entitled. The Court brushed aside attempted "distinctions between the taking of power and the taking of water rights", saying that the Government intended "to take and did take the use of all the water power" and had exercised its power of eminent domain to that end (id., pp. 407, 408).

(2) The argument is stressed that, assuming that electric energy generated at the dam belongs to the United States, the Congress has authority to dispose of this energy only to the extent that it is a surplus necessarily created in the course of making munitions of war or operating the works for navigation purposes; that is, that the remainder of the available energy must be lost or go to waste. We find nothing in the Constitution which imposes such a limitation.

It is not to be deduced from the mere fact that the electric energy is only potentially available until the generators are operated. The Government has no less right to the energy thus available by letting the water course over its turbines than it has to use the appropriate processes to reduce to possession other property within its control, as, for example, oil which it may recover from a pool beneath its lands, and which is reduced to possession by boring oil wells and otherwise might escape its grasp. (See *Ohio Oil Co.* v. *Indiana*, 177 U. S. 190, 208). And it would hardly be contended that, when the Government reserves coal on its lands, it can mine the coal and dispose of it only for the purpose of heating public buildings or for other governmental operations. Or, if the Government owns a silver mine, that it can obtain the silver only for the purpose of storage or coinage. Or that when the Government extracts the oil it has reserved, it has no constitutional power to sell it. Our decisions recognize no such restriction (*United States* v. *Gratiot*, supra; *Kansas* v. *Colorado*, 206 U. S. 46, 88, 89; *Light* v. *United States*, 220 U. S. 523, 536, 537; *Ruddy* v. *Rossi*, 248 U. S. 104, 106). The United States owns the coal, or the silver, or the lead, or the oil, it obtains from its lands, and it lies in the discretion of the Congress, acting in the public interest, to determine of how much of the property it shall dispose.

We think that the same principle is applicable to electric energy. The argument pressed upon us leads to absurd consequences in the denial, despite the broad terms of the constitutional provision, of a power of disposal which the public interest

[13] See citations of numerous statutes in *United States* v. *Sweet* (245 U. S. 563, 568, 569).

[14] Act of July 4, 1866, c. 166, sec. 5, 14 Stat. 85, 86.

[15] Act of July 16, 1894, c. 138, 28 Stat. 107.

[16] See, as to royalties under leases "to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", the act of February 25, 1920, c. 85, 41 Stat. 437. Also, as to leases of public lands containing potassium deposits, the act of October 2, 1917, c. 62, 40 Stat. 297.

[17] 35 Stat. c. 264, 815, 820, 821.

may imperatively require. Suppose, for example, that in the erection of a dam for the improvement of navigation it became necessary to destroy a dam and power plant which had previously been erected by a private corporation engaged in the generation and distribution of energy which supplied the needs of neighboring communities and business enterprises. Would anyone say that, because the United States had built its own dam and plant in the exercise of its constitutional functions, and had complete ownership and dominion over both, no power could be supplied to the communities and enterprises dependent on it, not because of any unwillingness of the Congress to supply it, or of any overriding governmental need, but because there was no constitutional authority to furnish the supply? Or that, with abundant power available, which must otherwise be wasted, the supply to the communities and enterprises whose very life may be at stake must be limited to the slender amount of surplus unavoidably involved in the operation of the navigation works, because the Constitution does not permit any more energy to be generated and distributed?

In the case of the Green Bay Canal Co., above cited, where the Government works supplanted those of the canal company, the Court found no difficulty in sustaining the Government's authority to grant to the canal company the water powers which it had previously enjoyed, subject, of course, to the dominant control of the Government. And in the case of *United States* v. *Chandler-Dunbar Co.*, supra, the statutory provision, to which the Court referred, was "that any excess of water in the St. Marys River at Sault Ste. Marie over and above the amount now or hereafter required for the uses of navigation shall be leased for power purposes by the Secretary of War upon such terms and conditions as shall be best calculated in his judgment to insure the development thereof." It was to the leasing, under this provision, "of any excess of power over the needs of the Government" that the Court saw no valid objection (id., p. 73).

The decisions which petitioners cite give no support to their contention. *Pollard* v. *Hagan*, 3 How. 212, *Shively* v. *Bowlby*, 152 U. S. 1, and *Port of Seattle* v. *Oregon-Washington Railway Co.*, 255 U. S. 56, dealt with the title of the States to tidelands and the soil under navigable waters within their borders. See *Borax Consolidated* v. *Los Angeles*, 296 U. S. 10, 15. Those cases did not concern the dominant authority of the Federal Government in the interest of navigation to erect dams and avail itself of the incidental water power. We emphasized the dominant character of that authority in the case of the Green Bay Canal Co., supra, by this statement, at page 80: "At what points in the dam and canal the water for power may be withdrawn, and the quantity which can be treated as surplus with due regard to navigation, must be determined by the authority which owns and controls that navigation. In such matters there can be no divided empire." The case of *Wisconsin* v. *Illinois*, 278 U. S. 367, related to the diversion by the State of Illinois of water from Lake Michigan through the drainage canal at Chicago, and the questions now before us with respect to the disposition of surplus energy created at a dam erected by the Federal Government in the performance of its constitutional functions were in no way involved.

(3) We come then to the question as to the validity of the method which has been adopted in disposing of the surplus energy generated at the Wilson Dam. The constitutional provision is silent as to the method of disposing of property belonging to the United States. That method, of course, must be an appropriate means of disposition according to the nature of the property; it must be one adopted in the public interest as distinguished from private or personal ends; and we may assume that it must be consistent with the foundation principles of our dual system of government and must not be contrived to govern the concerns reserved to the States. See *Kansas* v. *Colorado*, supra. In this instance, the method of disposal embraces the sale of surplus energy by the Tennessee Valley Authority to the Alabama Power Co., the interchange of energy between the Authority and the Power Co., and the purchase by the Authority from the Power Co. of certain transmission lines.

As to the mere sale of surplus energy, nothing need be added to what we have said as to the constitutional authority to dispose. The Government could lease or sell and fix the terms. Sales of surplus energy to the Power Co. by the Authority continued a practice begun by the Government several years before. The contemplated interchange of energy is a form of disposition and presents no questions which are essentially different from those that are pertinent to sales.

The transmission lines which the Authority undertakes to purchase from the power company lead from the Wilson Dam to a large area within about 50 miles of the dam. These lines provide the means of distributing the electric energy, generated at the dam, to a large population. They furnish a method of reaching a market. The alternative method is to sell the surplus energy at the dam, and the market there appears to be limited to one purchaser, the Alabama Power Co., and its affiliated interests. We know of no constitutional ground upon which the Federal Government can be denied the right to seek a wider market. We suppose that in the early days of mining in the West, if the Government had undertaken to operate a silver mine on its domain, it could have acquired the mules or horses and equipment to carry its silver to market. And the transmission lines for electric energy are but a facility for conveying to market that particular sort of property, and the acquisition of these lines raises no different constitutional question, unless in some way there is an invasion of the rights reserved to the State or to the people. We find no basis for concluding that the limited undertaking with the Alabama Power Co. amounts to such an invasion. Certainly, the Alabama Power Co. has no constitutional right to insist that it shall be the sole purchaser of the energy generated at the Wilson Dam; that the energy shall be sold to it or go to waste.

We limit our decisions to the case before us, as we have defined it. The argument is earnestly presented that the Government by virtue of its ownership of the dam and power plant could not establish a steel mill and make and sell steel products, or a factory to manufacture clothing or shoes for the public, and thus attempt to make its ownership of energy, generated at its dam, a means of carrying on competitive commercial enterprises and thus drawing to the Federal Government the conduct and management of business having no relation to the purposes for which the Federal Government was established. The picture is eloquently drawn, but we deem it to be irrelevant to the issue here. The Government is not using the water power at the Wilson Dam to establish any industry or business. It is not using the energy generated at the dam to manufacture commodities of any sort for the public. The Government is disposing of the energy itself which simply is the mechanical energy, incidental to falling water at the dam, converted into the electric energy which is susceptible of transmission. The question here is simply as to the acquisition of the transmission lines as a facility for the disposal of that energy. And the Government rightly conceded at the bar, in substance, that it was without constitutional authority to acquire or dispose of such energy except as it comes into being in the operation of works constructed in the exercise of some power delegated to the United States. As we have said, these transmission lines lead directly from the dam, which has been lawfully constructed, and the question of the constitutional right of the Government to acquire or operate local or urban distribution systems is not involved. We express no opinion as to the validity of such an effort, as to the status of any other dam or power development in the Tennessee Valley, whether connected with or apart from the Wilson Dam, or as to the validity of the Tennessee Valley Authority Act or of the claims made in the pronouncements and program of the Authority apart from the questions we have discussed in relation to the particular provisions of the contract of January 4, 1934, affecting the Alabama Power Co.

The decree of the Circuit Court of Appeals is affirmed.

Supreme Court of the United States. Nos. 403 and 404. October term, 1935. 403. *George Ashwander et al., petitioners*, v. *Tennessee Valley Authority et al.* 404. *George Ashwander et al., petitioners*, v. *Tennessee Valley Authority et al.* On certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. [Feb. 17, 1936.]

Mr. Justice Brandeis, concurring.

"Considerations of propriety, as well as long-established practice, demand that we refrain from passing upon the constitutionality of an act of Congress unless obliged to do so in the proper performance of our judicial function, when the question is raised by a party whose interests entitle him to raise it" *Blair* v. *United States* (250 U. S. 273, 279).

I do not disagree with the conclusion on the constitutional question announced by the Chief Justice; but, in my opinion, the judgment of the Circuit Court of Appeals should be affirmed without passing upon it. The Government has insisted throughout the litigation that the plaintiffs have no standing to challenge the validity of the legislation. This objection to the maintenance of the suit is not overcome by presenting the claim in the form of a bill in equity and complying with formal prerequisites required by Equity Rule 27. The obstacle is not procedural. It inheres in the substantive law, in well-settled rules of equity, and in the practice in cases involving the constitutionality of legislation. Upon the findings made by the district court, it should have dismissed the bill.

From these it appears: The Alabama Power Co., a corporation of that State with transmission lines located there, has outstanding large issues of bonds, preferred stock, and common stock. Its officers agreed, with the approval of the board of directors, to sell to the Tennessee Valley Authority a part of these lines and incidental property. The management thought that the transaction was in the interest of the company. It acted in the exercise of its business judgment with the utmost good faith.[18] There was no showing of fraud, oppression, or gross negligence. There was no showing of legal duress. There was no showing that the management believed that to sell to the Tennessee Valley Authority was in excess of the company's corporate powers, or that it was illegal because entered into for a forbidden purpose.

Nor is there any basis in law for the assertion that the contract was ultra vires the company. Under the law of Alabama, a public utility corporation may ordinarily sell a part of its transmission lines and incidental property to another such corporation if the approval of the public service commission is obtained. The con-

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[18] The management explained that it was in the best interest of the company to accept the offer of the Authority for the purchase of the transmission lines in a limited area, coupled with an agreement on the part of the Authority not to sell outside of that area during the life of the contract. It protected the company against possible entrance of the Authority into the territory in which were located nine-tenths of the company's customers, including the largest; and it assured the company that so long as the latter retained its urban distribution systems within the territory served by the transmission lines those systems would be serviced by power from Wilson Dam. Upon delivery of the transmission lines the Authority agreed to pay the company $1,150,000.

tract provided for securing such approval. Moreover, before the motion to dissolve the restraining order was denied, and before the hearing on the merits was concluded, the legislature, by act no. 1, approved January 24, 1935, and effective immediately, provided that a utility of the State may sell all or any of its property to the Tennessee Valley Authority without the approval of the public service commission or of any other State agency.

First. The substantive law: The plaintiffs who object own about one-three hundred and fortieth of the preferred stock. They claimed at the hearing to represent about one-ninth of the preferred stock; that is, less than one-forty-fifth in amount of all the securities outstanding. Their rights are not enlarged because the Tennessee Valley Authority entered into the transaction pursuant to an act of Congress. The fact that the bill calls for an inquiry into the legality of the transaction does not overcome the obstacle that ordinarily stockholders have no standing to interfere with the management. Mere belief that corporate action, taken or contemplated, is illegal gives the stockholder no greater right to interfere than is possessed by any other citizen. Stockholders are not guardians of the public. The function of guarding the public against acts deemed illegal rests with the public officials.

Within recognized limits, stockholders may invoke the judicial remedy to enjoin acts of the management which threaten their property interest. But they cannot secure the aid of a court to correct what appear to them to be mistakes of judgment on the part of the officers. Courts may not interfere with the management of the corporation, unless there is bad faith, disregard of the relative rights of its members, or other action seriously threatening their property rights. This rule applies whether the mistake is due to error of fact or of law, or merely to bad business judgment. It applies, among other things, where the mistake alleged is the refusal to assert a seemingly clear cause of action, or the compromise of it (*United Copper Securities Co.* v. *Amalgamated Copper Co.*, 244 U. S. 261, 263–264). If a stockholder could compel the officers to enforce every legal right, courts, instead of chosen officers, would be the arbiters of the corporation's fate.

In *Hawes* v. *Oakland* (104 U. S. 450, 462) a common-stock holder sought to enjoin the Contra Costa Waterworks Co. from permitting the city of Oakland to take without compensation water in excess of that to which it was legally entitled. This court, in affirming dismissal of the bill, said: "It may be the exercise of the highest wisdom to let the city use the water in the manner complained of. The directors are better able to act understandingly on this subject than a stockholder residing in New York. The great body of the stockholders residing in Oakland or other places in California may take this view of it, and be content to abide by the action of their directors. If this be so, is a bitter litigation with the city to be conducted by one stockholder for the corporation and all other stockholders, because the amount of his dividends is diminished?"

In *Corbus* v. *Alaska Treadwell Gold Mining Co.* (187 U. S. 455, 463), a suit by a common-stock holder to enjoin payment of an Alaska license tax alleged to be illegal, the Court said: "The directors represent all the stockholders and are presumed to act honestly and according to their best judgment for the interests of all. Their judgment as to any matter lawfully confided to their discretion may not lightly be challenged by any stockholder or at his instance submitted for review to a court of equity. The directors may sometimes properly waive a legal right vested in the corporation in the belief that its best interests will be promoted by not insisting on such right. They may regard the expense of enforcing the right or the furtherance of the general business of the corporation in determining whether to waive or insist upon the right. And a court of equity may not be called upon at the appeal of any single stockholder to compel the directors or the corporation to enforce every right which it may possess, irrespective of other considerations. It is not a trifling thing for a stockholder to attempt to coerce the directors of a corporation to an act which their judgment does not approve, or to substitute his judgment for theirs." [19]

2. The equity practice. Even where property rights of stockholders are alleged to be violated by the management, stockholders seeking an injunction must bear the burden of showing danger of irreparable injury, as do others who seek that equitable relief. In the case at bar the burden of making such proof was a peculiarly heavy one. The plaintiffs, being preferred-stock holders, have but a limited interest in the enterprise, resembling, in this respect, that of a bondholder in contradistinction to that of a common-stock holder. Acts may be innocuous to the preferred which conceivably might injure common-stock holders. There was no finding that the property interests of the plaintiffs were imperiled by the transaction in question; and the record is barren of evidence on which any such finding could have been made.

3. The practice in constitutional cases. The fact that it would be convenient for the parties and the public to have promptly decided whether the legislation assailed is valid, cannot justify a departure from these settled rules of corporate law and established principles of equity practice. On the contrary, the fact that such is the nature of the inquiry proposed should deepen the reluctance of courts to entertain the stockholder's suit. "It must be evident to anyone that the power to declare a legislative enactment void is one which the judge, conscious of the fallibility of the human judgment, will shrink from exercising in any case where he can conscientiously and with due regard to duty and official oath decline the responsibility." (1 Cooley, Constitutional Limitations (8th ed.), p. 332.)

The Court has frequently called attention to the "great gravity and delicacy" of its function in passing upon the validity of an act of Congress,[20] and has restricted exercise of this function by rigid insistence that the jurisdiction of Federal courts is limited to actual cases and controversies, and that they have no power to give advisory opinions.[21] On this ground it has in recent years ordered the dismissal of several suits challenging the constitutionality of important acts of Congress. In *Texas* v. *Interstate Commerce Commission* (258 U. S. 158, 162) the validity of titles III and IV of the Transportation Act of 1920. In *New Jersey* v. *Sargent* (269 U. S. 328) the validity of parts of the Federal Water Power Act. In *Arizona* v. *California* (283 U. S. 423) the validity of the Boulder Canyon Project Act. Compare *United States* v. *West Virginia* (295 U. S. 463), involving the Federal Water Power Act, and *Liberty Warehouse Co.* v. *Grannis* (273 U. S. 70), where this Court affirmed the dismissal of a suit to test the validity of a Kentucky statute concerning the sale of tobacco; also *Massachusetts State Grange* v. *Benton* (272 U. S. 525).

The Court developed, for its own governance in the cases confessedly within its jurisdiction, a series of rules under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for decision. They are:

1. The Court will not pass upon the constitutionality of legislation in a friendly, nonadversary proceeding, declining because to decide such questions "is legitimate only in the last resort, and as a necessity in the determination of real, earnest, and vital controversy between individuals. It never was the thought that by means of a friendly suit a party beaten in the legislature could transfer to the courts an inquiry as to the constitutionality of the legislative act" (*Chicago & Grand Trunk Ry.* v. *Wellman*, 143 U. S. 339, 345; compare *Lord* v. *Veazie*, 8 How. 251; *Atherton Mills* v. *Johnston*, 259 U. S. 13, 15.)

2. The Court will not "anticipate a question of constitutional law in advance of the necessity of deciding it" (*Steamship Co.* v. *Emigration Commissioners*, 113 U. S. 33, 39;[22] *Abrams* v. *Van Schaick*, 293 U. S. 188; *Wilshire Oil Co.* v. *United States*, 295 U. S. 100). "It is not the habit of the court to decide questions of a constitutional nature unless absolutely necessary to a decision of the case" (*Burton* v. *United States*, 196 U. S. 283, 295).

3. The Court will not "formulate a rule of constitutional law broader than is required by the precise facts to which it is to be applied" (*Steamship Co.* v. *Emigration Commissioners*, supra, Compare *Hammond* v. *Schappi Bus Line, Inc.*, 275 U. S. 164, 169–172).

4. The Court will not pass upon a constitutional question, although properly presented by the record, if there is also present some other ground upon which the case may be disposed of. This rule has found most varied application. Thus if a case can be decided on either of two grounds, one involving a constitutional question, the other a question of statutory construction or general law, the Court will decide only the latter (*Siler* v. *Louisville & Nashville R. R.*, 213 U. S. 175, 191; *Light* v. *United States*, 220 U. S. 523, 538). Appeals from the highest court of a State challenging its decision of a question under the Federal Constitution are frequently dismissed because the judgment can be sustained on an independent State ground (*Berea College* v. *Kentucky*, 211 U. S. 45, 53).

5. The Court will not pass upon the validity of a statute upon complaint of one who fails to show that he is injured by its operation [23] (*Tyler* v. *Judges, etc.*, 179 U. S. 405; *Hendrick* v. *Maryland*, 235 U. S. 610, 621). Among the many applications of this rule none is more striking than the denial of the right of challenge to one who lacks a personal or property right. Thus, the challenge by a public official interested only in the performance of his official duty will not be entertained (*Columbus & Greenville Ry.* v. *Miller*, 283 U. S. 96, 99–100). In *Fairchild* v. *Hughes* (258 U. S. 126), the Court affirmed the dismissal of a suit brought by a citizen who sought to have the nineteenth amendment declared unconstitutional. In *Massachusetts* v. *Mellon* (262 U. S. 447), the challenge of the Federal Maternity Act was not entertained, although made by the Commonwealth on behalf of all its citizens.

6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits [24] (*Great Falls Mfg. Co.* v. *Attorney General*, 124 U. S. 581; *Wall* v. *Parrot Silver & Copper Co.*, 244 U. S. 407, 411–412; *St. Louis Malleable Casting Co.* v. *Prendergast Construction Co.*, 260 U. S. 469).

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[19] See also *Samuel* v. *Holladay* (21 Fed. Cas. No. 12,288, pp. 306, 311–312).

[20] E. g., Miller, J., in Ex parte Garland (4 Wall. 333, 382; *Hepburn* v. *Griswold* (8 Wall. 603, 610); *Adkins* v. *Children's Hospital* (261 U. S. 525, 544); Holmes, J., in *Blodgett* v. *Holden* (275 U. S. 142, 147–148).

[21] E. g., Hayburn's case (2 Dall. 409); *United States* v. *Ferreira* (13 How. 40); *Gordon* v. *United States* (2 Wall. 561, 117 U. S. 697); *Muskrat* v. *United States* (219 U. S. 346); *Willing* v. *Chicago Auditorium Assn.* (277 U. S. 274).

[22] E. g., *Ex parte Randolph*, 20 Fed. Cas. No. 11558, pp. 242, 254; *Charles River Bridge* v. *Warren Bridge*, 11 Pet. 420, 553; *Trade-Mark Cases*, 100 U. S. 82, 96; *Arizona* v. *California*, 283, U. S. 423, 462–464.

[23] E. g., *Hatch* v. *Reardon* (204 U. S. 152 160–161; *Corporation Commission* v. *Lowe* (281 U. S. 431, 438); *Heald* v. *District of Columbia* (259 U. S. 114, 123); *Sprout* v. *South Bend* (277 U. S. 163, 167); *Concordia Insurance Co.* v. *Illinois* (292 U. S. 535, 547).

[24] Compare *Electric Co.* v. *Dow* (166 U. S. 489); *Pierce* v. *Somerset Ry.* (171 U. S. 641, 648); *Leonard* v. *Vicksburg, etc., R. R.* (198 U. S. 416, 422).

7. "When the validity of an act of the Congress is drawn in question, and even if a serious doubt of constitutionality is raised, it is a cardinal principle that this Court will first ascertain whether a construction of the statute is fairly possible by which the question may be avoided" (*Crowell* v. *Benson*, 285 U. S. 22, 62).[25]

Fourth. I am aware that on several occasions this Court passed upon important constitutional questions which were presented in stockholders' suits bearing a superficial resemblance to that now before us. But in none of those cases was the question presented under circumstances similar to those at bar. In none were the plaintiffs preferred-stock holders. In some the Court dealt largely with questions of Federal jurisdiction and collusion. In most the propriety of considering the constitutional question was not challenged by any party. In most the statute challenged imposed a burden upon the corporation and penalties for failure to discharge it; whereas the Tennessee Valley Authority Act imposed no obligation upon the Alabama Power Co., and under the contract it received a valuable consideration. Among other things, the Authority agreed not to sell outside the area covered by the contract, and thus preserved the corporation against possible serious competition. The effect of this agreement was equivalent to a compromise of a doubtful cause of action. Certainly, the alleged invalidity of the Tennessee Valley Authority Act was not a matter so clear as to make compromise illegitimate. These circumstances present features differentiating the case at bar from all the cases in which stockholders have been held entitled to have this Court pass upon the constitutionality of a statute which the directors had refused to challenge. The cases commonly cited are these:[26]

Dodge v. *Woolsey* (18 How. 331, 341–346) was a suit brought by a common-stock holder to enjoin a breach of trust by the directors which, if submitted to, would seriously injure the plaintiff. The Court drew clearly the distinction between "an error of judgment" and a breach of duty; declared that it could not interfere if there was only an error of judgment; held that on the facts the threatened action of the directors would be a breach of trust; and pointed to the serious injury necessarily resulting therefrom to the plaintiff.[27]

Greenwood v. *Freight Co.* (105 U. S. 13, 15–16) was a suit brought by a common-stock holder to enjoin the enforcement of a statute alleged to be unconstitutional as repealing the corporation's charter. The Court said: "It is sufficient to say that this bill presents so strong a case of the total destruction of the corporate existence * * * that we think the complainant as a stockholder comes within the rule * * * which authorizes a shareholder to maintain a suit to prevent such a disaster where the corporation peremptorily refuses to move in the matter."

Pollock v. *Farmers' Loan & Trust Co.* (157 U. S. 429, 553–554) was a suit brought by a common-stock holder to enjoin a breach of trust by paying voluntarily a tax which was said to be illegal. The stockolder's substantive right to object was not challenged. The question raised was that of equity jurisdiction. The allegation of threatened irreparable damage to the corporation and to the plaintiff was admitted. The Court said: "The objection of adequate remedy at law was not raised below, nor is it now raised by appellees, if it could be entertained at all at this stage of the proceedings; and, so far as it was within the power of the Government to do so, the question of jurisdiction, for the purposes of the case, was explicitly waived on the argument. * * * Under these circumstances we should not be justified in declining to proceed to judgment upon the merits." The jurisdictional issue discussed in the dissent (157 U. S. at 608–612) was the effect of Revised Statutes, section 3224.

Cotting v. *Kansas City Stock Yards Co.* (183 U. S. 79, 113), was a suit brought by a common-stock holder to enjoin enforcement of a rate statute alleged to be unconstitutional against which the directors refused to protect the corporation. It was alleged and found that its enforcement would subject the company to great and irreparable loss. The serious contention concerning jurisdiction was, as stated by Mr. Justice Brewer, whether a suit lay against the attorney general of the State. Of the jurisdiction of the suit "as one involving a controversy between the stockholders and the corporation and its officers, no serious question is made."

Chicago v. *Mills* (204 U. S. 321), was a suit brought by a common-stock holder of the People's Gas, Light & Coke Co. to enjoin enforcement of an ordinance alleged to be illegal. The sole question before this Court was whether the Federal court had jurisdiction. That question raised an issue of fact. This Court in affirming the judgment below said (p. 331): "Upon the whole record we agree with the circuit court that the testimony does not disclose that the jurisdiction of the Federal court was collusively and fraudulently invoked. * * *"

Brushaber v. *Union Pacific R. R.* (240 U. S. 1, 9–10), was a suit brought by a common-stock holder to restrain the corporation from voluntarily paying a tax alleged to be invalid. As stated by plaintiff's counsel: "The contention is—and this is the only objection that is made to the suit—that it seeks to do indirectly what the Revised Statutes (sec. 3224) have said shall not be done; namely, enjoin the collection of a tax." The Court, assuming that the averments were identical with those in the *Pollock case*, declared that the right of the stockholder to sue was clear.

Smith v. *Kansas City Title & Trust Co.* (255 U. S. 180, 199–202) was a suit brought by a common-stock holder to enjoin investment by the company in bonds issued under the Federal Farm Loan Act. Neither the parties, nor the Government which filed briefs as amicus, made any objection to the jurisdiction. But as both parties were citizens of Missouri, the Court raised, and considered fully, the question whether there was Federal jurisdiction under section 24 of the Judicial Code. It was on this question that Mr. Justice Holmes and Mr. Justice McReynolds dissented. The Court held that there was Federal jurisdiction, and upon averments of the bill, assumed to be adequate, sustained the right of the stockholder to invoke the equitable remedy on the authority of the *Brushaber* and *Pollock cases*.

Hill v. *Wallace* (259 U. S. 44, 60–63) was a suit by members of the Board of Trade of Chicago to restrain enforcement of the Future Trading Act, alleged to be unconstitutional. The Court held that the averments of the bill, which included allegations of irreparable injury, stated "sufficient equitable grounds to justify granting the relief" on the cases above cited.

If, or insofar as, any of the cases discussed may be deemed authority for sustaining this bill, they should now be disapproved. This Court, while recognizing the soundness of the rule of stare decisis where appropriate, has not hesitated to overrule earlier decisions shown, upon fuller consideration, to be erroneous.[28] Our present keener appreciation of the wisdom of limiting our decisions rigidly to questions essential to the disposition of the case before the Court is evidenced by *United States* v. *Hastings* (296 U. S. —), decided at this term. There we overruled *United States* v. *Stevenson* (215 U. S. 190, 195), long a controlling authority on the Criminal Appeals Act.

5. If the company ever had a right to challenge the transaction with the Tennessee Valley Authority, its right had been lost by estoppel before this suit was begun; and as it is the company's right which plaintiffs seek to enforce, they also are necessarily estopped. The Tennessee Valley Authority Act became a law on May 18, 1933. Between that date and January 1934 the company and its associates purchased approximately 230,000,000 kilowatt-hours electric energy at Wilson Dam. Under the contract of January 4, 1934, which is here assailed, continued purchase of Wilson Dam power was provided for and made; and the Authority has acted in other matters in reliance on the contract. In May 1934 the company applied to the Alabama Public Service Commission for approval of the transfers provided for in the contract; and on June 1, 1934, the commission made in general terms its finding that the proposed sale of the properties was consistent with the public interest. Moreover, the plaintiffs in their own right are estopped by their long inaction. Although widespread publicity was given to the negotiations for the contract and to these later proceedings, the plaintiffs made no protest until August 7, 1934; and did not begin this suit until more than 8 months after the execution of the contract. Others—certain ice and coal companies who thought they would suffer as competitors—appeared before the commission in opposition to the action of the Authority; and apparently they are now contributing to the expenses of this litigation.

6. Even where by the substantive law stockholders have a standing to challenge the validity of legislation under which the management of a corporation is acting, courts should, in the exercise of their discretion, refuse an injunction unless the alleged invalidity is clear. This would seem to follow as a corollary of the long-established presumption in favor of the constitutionality of a statute.

Mr. Justice Iredell said, as early as 1798, in *Calder* v. *Bull* (3 Dall. 386, 399): "If any act of Congress, or of the legislature of a State, violates those constitutional provisions, it is unquestionably

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[25] E. g., *United States* v. *Delaware & Hudson Co.* (213 U. S. 366, 407–408); *United States* v. *Jin Fuey Moy* (241 U. S. 394, 401); *Baender* v. *Barnett* (255 U. S. 224); *Texas* v. *Eastern Texas R. R.* (258 U. S. 204, 217); *Panama R. R.* v. *Johnson* (264 U. S. 375, 390); *Linder* v. *United States* (268 U. S. 5, 17–18); *Missouri Pacific R. R.* v. *Boone* (270 U. S. 466, 471–472); *Richmond Screw Anchor Co.* v. *United States* (275 U. S. 331, 346); *Blodgett* v. *Holden* (275 U. S. 142, 148); *Lucas* v. *Alexander* (279 U. S. 573, 577); *Interstate Commerce Commission* v. *Oregon-Washington R. & N. Co.* (288 U. S. 14, 40).

[26] Others are *Memphis City* v. *Dean* (8 Wall. 64, 73); *Smyth* v. *Ames* (169 U. S. 466, 515–518); *Corbus* v. *Alaska Treadwell Gold Mining Co.* (187 U. S. 455); *Ex parte Young* (209 U. S. 123, 143); *Delaware & Hudson Co.* v. *Albany & Susquehanna R. R.* (213 U. S. 435); *Wathen* v. *Jackson Oil & Refining Co.* (235 U. S. 635).

[27] The resolution of the directors (p. 340) was this: "*Resolved*, That we fully concur in the views expressed in said letter as to the illegality of the tax therein named, and believe it to be in no way binding upon the bank, but in consideration of the many obstacles in the way of testing the law in the courts of the State we cannot consent to take the action which we are called upon to take, but must leave the said Kleman to pursue such measures as he may deem best in the premises." Referring to *Dodge* v. *Woolsey*, the Court pointed out in *Hawes* v. *Oakland* (104 U. S. 450, 459): "As the law then stood there was no means by which the bank, being a citizen of the same State with Dodge, the tax collector could bring into a court of the United States the right which it asserted under the Constitution to be relieved of the tax in question, except by writ of error to a State court from the Supreme Court of the United States."

[28] A notable recent example is *Humphrey's Executor* v. *United States* (295 U. S. 602), which limited (p. 626 et seq.) *Myers* v. *United States* (272 U. S. 52), disapproving important statements in the opinion. For lists of decisions of this Court later overruled, see *Burnet* v. *Coronado Oil & Gas Co.* (285 U. S. 393, 406–409); Malcolm Sharp, Movement in Supreme Court Adjudication—A Study of Modified and Overruled Decisions (46 Harv. L. Rev. 361, 593, 795).

void; though I admit that, as the authority to declare it void is of a delicate and awful nature, the Court will never resort to that authority, but in a clear and urgent case."

Mr. Chief Justice Marshall said, in *Dartmouth College* v. *Woodward* (4 Wheat. 518, 625): "On more than one occasion this Court has expressed the cautious circumspection with which it approaches the consideration of such questions; and has declared that, in no doubtful case, would it pronounce a legislative act to be contrary to the Constitution."[29]

Mr. Justice Washington said, in *Ogden* v. *Saunders* (12 Wheat. 213, 270): "But if I could rest my opinion in favor of the constitutionality of the law on which the question arises, on no other ground than this doubt so felt and acknowledged, that alone would, in my estimation, be a satisfactory vindication of it. It is but a decent respect due to the wisdom, the integrity, and the patriotism of the legislative body, by which any law is passed, to presume in favor of its validity, until its violation of the Constitution is proved beyond all reasonable doubt. This has always been the language of this Court, when that subject has called for its decision; and I know that it expresses the honest sentiments of each and every member of this bench."

Mr. Chief Justice Waite said in the *Sinking-Fund Cases* (99 U. S. 700, 718): "This declaration [that an act of Congress is unconstitutional] should never be made except in a clear case. Every possible presumption is in favor of the validity of a statute, and this continues until the contrary is shown beyond a rational doubt. One branch of the Government cannot encroach on the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule."

The challenge of the power of the Tennessee Valley Authority rests wholly upon the claim that the act of Congress which authorized the contract is unconstitutional. As the opinions of this Court and of the circuit court of appeals show, that claim was not a matter "beyond peradventure clear." The challenge of the validity of the act is made on an application for an injunction—a proceeding in which the Court is required to exercise its judicial discretion. In proceedings for a mandamus, where, also, the remedy is granted not as a matter of right but in the exercise of a sound judicial discretion, *Duncan Townsite Co.* v. *Lane* (245 U. S. 308, 311–312), courts decline to enter upon the inquiry when there is a serious doubt as to the existence of the right or duty sought to be enforced. As was said in *United States* v. *Interstate Commerce Commission* (294 U. S. 50, 63): "Where the matter is not beyond peradventure clear we have invariably refused the writ [of mandamus], even though the question were one of law as to the extent of the statutory power of an administrative officer or body." A fortiori this rule should have been applied here where the power challenged is that of Congress under the Constitution.

Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo join in this opinion.

Supreme Court of the United States. Nos. 403 and 404—October term, 1935. 403. *George Ashwander et al., petitioners,* v. *Tennessee Valley Authority et al.* 404. *George Ashwander et al., petitioners,* v. *Tennessee Valley Authority et al.* On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. [February 17, 1936.]

The separate opinion of Mr. Justice McReynolds.

Considering the consistent rulings of this Court through many years, it is not difficult for me to conclude that petitioners have presented a justiciable controversy which we must decide. In *Smith* v. *Kansas City Title Co.*, 255 U. S. 180, the grounds for jurisdiction were far less substantial than those here disclosed. We may not with propriety avoid disagreeable duties by lightly forsaking long-respected precedents and established practice.

Nor do I find serious difficulty with the notion that the United States, by proper means and for legitimate ends, may dispose of water power or electricity honestly developed in connection with permissible improvement of navigable waters. But the means employed to that end must be reasonably appropriate in the circumstances. Under pretense of exercising granted power, they may not in fact undertake something not entrusted to them. Their mere ownership, e. g., of an iron mine, would hardly permit the construction of smelting works followed by entry into the business of manufacturing and selling hardware, albeit the ore could thus be disposed of, private dealers discomfited and artificial prices publicized. Here, therefore, we should consider the truth of petitioners' charge that, while pretending to act within their powers to improve navigation, the United States, through corporate agencies, are really seeking to accomplish what they have no right to undertake—the business of developing, distributing, and selling electric power. If the record sustains this charge, we ought so to declare and decree accordingly.

The Circuit Court of Appeals took too narrow a view of the purpose and effect of the contract of January 4, 1934. That went far beyond the mere acquisition of transmission lines for proper use in disposing of power legitimately developed. Like all contracts, it must be considered as a whole, illumined by surrounding circumstances. Especial attention should be given to the deliberately announced purpose of directors, clothed with extraordinary discretion and supplied with enormous sums of money. With $50,000,000 at their command, they started out to gain control of the electrical business in large areas and to dictate sale prices. The power at Wilson Dam was the instrumentality seized upon for carrying the plan into effect.

While our primary concern is with this contract, it cannot be regarded as a mere isolated effort to dispose of property. And certainly to consider only those provisions which directly relate to Alabama Power Co. is not permissible. We must give attention to the whole transaction—its antecedents, purpose, and effect—as well as the terms employed.

No abstract question is before us; on the contrary, the matter is of enormous practical importance to petitioners—their whole investment is at stake. Properly understood, the pronouncements, policies, and program of the Authority illuminate the action taken. They help to reveal the serious interference with the petitioners' rights. Their property was in danger of complete destruction under a considered program commenced by an agency of the National Government with vast resources subject to its discretion and backed by other agencies likewise entrusted with discretionary use of huge sums. The threat of competition by such an opponent was appalling. The will to prevail was evident. No private concern could reasonably hope to withstand such force.

The Tennessee River, with headwaters in West Virginia and North Carolina, crosses Tennessee on a southwesterly course, enters Alabama near Chattanooga, and flows westerly across the northern part of that State to the northeast corner of Mississippi. There it turns northward, passes through Tennessee and Kentucky, and empties into the Ohio 40 miles above Cairo. The total length is 900 miles; the drainage basin approximates 40,000 square miles. The volume of water is extremely variable; commercial navigation is of moderate importance.

At Muscle Shoals, near Florence, Ala. (20 miles east of the Mississippi line and 15 south of Tennessee), a succession of falls constitutes serious interference with navigation; also presents possibilities for development of power on a large scale. During and immediately after the World War a great dam was constructed there by the United States, intended primarily for generation of power. Production of electricity soon commenced. Some of this was devoted to governmental purposes; much was sold, delivery being made at or near the dam.

During the last 30 years several corporations have been engaged in the growing business of developing electric energy and distributing this to customers over a network of interconnected lines extending throughout Tennessee, Georgia, Alabama, and Mississippi. At great expense they gradually built up extensive businesses and acquired properties of very large value. All operated under State supervision. Through stock ownership or otherwise they came under general control of the Commonwealth & Southern Corporation. Among the associates were the Alabama Power Co., which serviced Alabama; the Mississippi Co., which serviced Mississippi; and the Tennessee Co., which operated in eastern Tennessee. Huge sums were invested in these enterprises by thousands of persons in many States. Apparently the companies were diligently developing their several systems and responding to the demands of the territories which they covered.

In 1933, operations began under an imposing program for somewhat improving Tennessee River navigation and especially for developing the water power along its whole course at public expense. This plan involved conversion of water power into electricity for wide distribution throughout the valley and adjacent territory. Its development was entrusted to the Tennessee Valley Authority, a Federal corporation wholly controlled by the United States. This promptly took over the Wilson Dam and began work upon the Wheeler Dam, 20 miles up the river, and the Pickwick Dam, some 40 miles lower down. Also it commenced construction of Norris Dam across Clinch River, a branch of the Tennessee, 200 miles above the Wilson Dam. All these, with probable additions, were to be connected by transmission wires, and electric energy distributed from them to millions of people in many States. Public-service corporations were to be brought to terms or put out of business. At least $75,000,000 of public funds was early appropriated for expenditure by the directors; and other governmental agencies in control of vast sums were ready to lend aid.

Readily to understand the issues now before us, one must be mindful of these circumstances.

The trial court made findings of fact which fill more than 60 printed pages. They are not controverted and for present purposes are accepted; upon them the cause stands for decision. They are much quoted below. Plainly they indicate, and that court, in effect, declared, the contract of January 4 was a deliberate step into a forbidden field, taken with definite purpose to continue the trespass.

Nothing suggests either necessity or desirability of entering into this agreement solely to obtain solvent customers willing

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[29] In 1811, Chief Justice Tilghman of the Supreme Court of Pennsylvania, while asserting the power of the court to hold laws unconstitutional, but declining to exercise it in a particular case, stated the practice as follows: "For weighty reasons, it has been assumed as a principle in constitutional construction by the Supreme Court of the United States by this court, and every other court of reputation in the United States that an act of the legislature is not to be declared void unless the violation of the Constitution is so manifest as to leave no room for reasonable doubt." James B. Thayer, after quoting the passage in the Origin and Scope of the American Doctrine of Constitutional Law (7 Harv. Law Review 129, 140) called attention (p. 144) to "a remark of Judge Cooley, to the effect that one who is a member of a legislature may vote against a measure as being, in his judgment, unconstitutional; and, being subsequently placed on the bench, when this measure having been passed by the legislature in spite of his opposition, comes before him judicially, may there find it his duty, although he has in no degree changed his opinion, to declare it constitutional."

to pay full value for all surplus power generated at Wilson Dam. Apparently there was ample opportunity for such sales deliveries to be made at or near the dam. No attempt was made to show otherwise. The definite end in view was something other than orderly disposition.

The Authority's answer to the complaint is little more than a series of denials. It does not even allege that the contract of January 4 was necessary for ready disposal of power; or that thereby better prices could be obtained; or that no buyer was ready, able, and willing to take at the dam for full value; or that the Board expected to derive adequate return from the business to be acquired. No sort of explanation of the contract is presented—why it was entered into or whether profitable use probably could be made of the property. And I find in the Authority's brief no serious attempt to justify the purchases because necessary or in fact an advantageous method for disposing of property. Nothing in the findings lends support to any such view.

The record leaves no room for reasonable doubt that the primary purpose was to put the Federal Government into the business of distributing and selling electric power throughout certain large districts, to expel the power companies which had long serviced them, and to control the market therein. A Government instrumentality had entered upon a pretentious scheme to provide a "yardstick" of the fairness of rates charged by private owners, and to attain "no less a goal than the electrification of America." "When we carry this program into every town and city and village, and every farm throughout the country, we will have written the greatest chapter in the economic, industrial, and social development of America." Any reasonable doubt concerning the purpose and result of the contract of January 4 or of the design of the Authority should be dispelled by examination of its reports for 1934 and 1935.[30]

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[30] From the Annual Report, T. V. A. Board, for 1934, pp. 23, 24, 25, 26, 27, and 28.

To provide a workable and economic basis of operations, the Authority plans initially to serve certain definite regions and to develop its program in those areas before going outside.

The initial areas selected by the Authority may be roughly described as (a) the region immediately proximate to the route of the transmission line soon to be constructed by the Authority between Muscle Shoals and the site of Norris Dam; (b) the region in proximity to Muscle Shoals, including northern Alabama and northeastern Mississippi; and (c) the region in the proximity of Norris Dam (the new source of power to be constructed by the Authority on the Clinch River in northeast Tennessee).

At a later stage in the development it is contemplated to include, roughly, the drainage area of the Tennessee River in Kentucky, Alabama, Georgia, and North Carolina, and that part of Tennessee which lies east of the west margin of the Tennessee drainage area.

To make the area a workable one and a fair measure of public ownership, it should include several cities of substantial size (such as Chattanooga and Knoxville) and, ultimately, at least one city of more than a quarter million, within transmission distance, such as Birmingham, Memphis, Atlanta, or Louisville.

While it is the Authority's present intention to develop its power program in the above-described territory before considering going outside, the Authority may go outside the area if there are substantial changes in general conditions, facts, or governmental policy, which would necessarily require a change in this policy of regional development, or if the privately owned utilities in the area do not cooperate in the working out of the program.

The Authority entered into a 5-year contract on January 4, 1934, with the Commonwealth & Southern Corporation and its Alabama, Tennessee, Georgia, and Mississippi subsidiaries. The contract covered options to purchase electric properties in certain counties of Alabama, Mississippi, and Tennessee, the sale of distribution systems to municipalities in these counties, restrictions on territorial expansion by the contracting parties, the interchange of power, and other matters.

Alabama properties.—All of the low-tension (44,000 volts or lower) transmission lines, substations, rural lines, and rural distribution systems of the Alabama Power Co. in the counties of Lauderdale, Colbert, Lawrence, Limestone, and Morgan (except the Hulaco area), were included in the contract; also those in the north half of Franklin County, including the town of Red Bay, and the territory in the northern part of Cullman County served by a line of the Alabama Power Co. extending south from Decatur. The price of these properties was set at $1,101,256. The purchase had not been completed at the end of the fiscal year.

The power company agreed to attempt to sell the local distribution systems in the above counties to the respective municipalities, the Authority reserving the right to serve them if sales were not consummated within 3 months of bona fide negotiations and effort. Because of the failure of any [many] of the municipalities in northern Alabama to consummate negotiations for the purchase of the distribution systems serving them, the Authority entered into negotiations for the direct purchase of these distribution systems, but a purchase contract had not been completed on June 30.

Mississippi properties.—The contract covered all of the properties of the Mississippi Power Co. in the counties of Pontotoc, Lee, Itawamba, Union, Benton, Tippah, Prentiss, Tishomingo, and Alcorn, except a dam site on the Tennessee River in Tishomingo County. The purchase price was $850,000. The purchase was completed and delivery was accepted on June 1, 1934.

The transmission and generation facilities acquired in Mississippi and to be retained as part of the Authority's system include the following:

44,000-volt transmission lines	miles	63
44,000-volt substations		6
22,000-volt transmission lines	miles	45
22,000-volt substations		4
Tupelo steam stand-by generating plant	kilovolt-amperes	4,374
Corinth steam stand-by generating plant	do	2,225
Blue Mountain Diesel generating plant	do	150
Myrtle Diesel generating plant	do	75

Part of the local distribution facilities acquired in Mississippi were sold prior to the end of the fiscal year and it is expected that all will be sold eventually, as noted hereafter.

Tennessee properties.—The contract covered all of the properties of the Tennessee Electric Power Co. in the countries of Anderson, Campbell, Morgan (except the lines extending into Morgan County from Harriman), and Scott; also those in the west portion of Claiborne County, and the 66,000-volt transmission line from Anderson County to Knoxville. The price of these properties was set at $900,000. The purchase had not been completed at the end of the fiscal year.

Negotiations were carried on diligently for several months with the National Power & Light Co., an affiliate of the Electric Bond & Share Co., in an endeavor to acquire the eastern Tennessee electric properties of the Tennessee Public Service Co., a subsidiary of the National Power & Light Co. The electric distribution system in the city of Knoxville is included in these properties. The negotiations resulted in a contract after the end of the fiscal year.

Construction of rural electric lines in northern Alabama and northeastern Mississippi was commenced in the latter part of 1933 with relief labor, the Authority furnishing supervision and materials. Relief labor was withdrawn on February 15, 1934, after which date the work was continued by the Authority with its own forces. Approximately 93.5 miles of rural electric lines were under construction in Lauderdale and Colbert Counties, Ala., on June 30, and approximately 127 miles in Lee, Pontotoc, Alcorn, Itawamba, Prentiss, Monroe, and Tishomingo Counties, Miss.

A standard form of 20-year contract was devised to govern the sale of power at wholesale to municipal distribution systems, and was first used in a contract with the city of Tupelo, Miss. The Tupelo contract has been published by the Authority and is available for distribution.

Annual Report, T. V. A., 1935, pp. 29, 30—

"The Authority has devoted special attention during the year to the problems of rural electrification, as required by section 10 of the act. By the close of the fiscal year 200 miles of rural electric line had been built and 181 additional miles were in process of construction. These lines are divided among the various counties, as follows:

	Miles completed	Miles in progress
Alabama:		
Colbert	19	15
Lauderdale	72	
Mississippi:		
Alcorn	41	29
Lee and Itawamba	41	26
Pontotoc	27	
Prentiss		7
Tennessee: Lincoln		104
Total	200	181

"In addition to the above, a number of the rural lines purchased from the Mississippi Power Co. were rehabilitated in order to improve operating and safety conditions, and to provide for increases in load. Also, additional customers were connected to all existing rural lines."

"The conception was to establish an independent network comparable in all respects with the electric utility system serving the area, with which T. V. A. sought to establish interchange arrangements, both as outlets for its own power and to use existing systems as a stand-by or back-up service.

"The T. V. A. plan as conceived and in process of execution contemplates complete and exclusive control and jurisdiction over all power sites on the Tennessee River and tributaries. The T. V. A. policy contemplates full corporate discretion by T. V. A. in developing, executing, and extending its electric system and service within transmission limits. This policy contemplated service utility in type and covered not only generation but transmission and distribution (preferably through public or nonprofit agencies, if available), both wholesale and retail. That is, moreover, implicit in both the January 4 contract and the now terminated August 9 contract."

The challenged contract is defended upon the theory that the "Federal Government may dispose of the surplus water power necessarily created by Wilson Dam and may authorize generation of electric energy and acquisition of transmission lines as means of facilitating this disposal." But to facilitate disposal was not

the real purpose; obviously, the thing to be facilitated was carrying on business by use of the purchased property. Under the guise of disposition, something wholly different was to be accomplished—devotion of electric power to purposes beyond the sphere of proper Federal action, an unlawful goal. There is no plausible claim that such a contract was either necessary or desirable merely to bring about the sale of property. This Court has often affirmed that facts, not artifice, control its conclusions. The agency has stated quite clearly the end in view: "This public operation is to serve as a yardstick by which to measure the fairness of electric rates." "The T. V. A. power policy was not designed or limited with a view to the marketing of the power produced and available at Muscle Shoals." "In formulating and going forward with the power policy the Board was considering that policy as a permanent and independent commercial function."

For present purposes, a complete survey of relevant circumstances preceding the contract of January 4 and all its consequences is not essential. The pleadings and findings fairly outline the situation. What follows is mainly quoted or derived from them.

The act of May 18, 1933, created the Tennessee Valley Authority as a body corporate "for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of the national defense and for agricultural and industrial development, and to improve navigation in the Tennessee River and to control the destructive flood waters in the Tennessee River and Mississippi River Basins." It provided a board of three directors "shall direct the exercise of all the powers of the Corporation" and "is authorized to make alterations, modifications, or improvements in existing plants and facilities, and to construct new plants"; and to "produce, distribute, and sell electric power as herein particularly specified." The Corporation "shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation"; "to acquire real estate for the construction of dams, reservoirs, transmission lines, power-houses, and other structures, and navigation projects at any point along the Tennessee River or any of its tributaries."

Also, the Board is "hereby empowered and authorized to sell the surplus power not used in its operations, and for operation of locks and other works generated by it, to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies hereinafter set forth; and to carry out said authority the Board is authorized to enter into contracts for such sale for a term not exceeding 20 years." "In order to promote and encourage the fullest possible use of electric light and power on farms within reasonable distance of any of its transmission lines the Board in its discretion shall have power to construct transmission lines to farms and small villages that are not otherwise supplied with electricity at reasonable rates, and to make such rules and regulations governing such sale and distribution of such electric power as in its judgment may be just and equitable."

"One of the first corporate acts of T. V. A. after its organization was to formulate and announce a power policy to govern the commercial distribution of electric power by T. V. A. The evidence establishes the fact that the Board from the outset has considered that it has general corporate discretion as to the establishment and extension of its electric power policy. In establishing a power policy the Board was not primarily considering merely the question of disposal of power produced at Muscle Shoals no longer required for governmental purposes as a result of overbuilding, obsolescence of plants, or termination of war purposes. Nor was it considering disposal of prospective increases in electric power to be unavoidably created in excess of some governmental requirement. It was considering the matter from the standpoint of the successful establishment and permanent operation of an independent and well-rounded Government-owned electric distribution system, and the general civic, social, and industrial planning and development of the Tennessee Valley region as a whole.

"Under date of August 25, 1933, T. V. A. announced its power policy, indicating both the initial stage of its development and certain later steps originally determined upon. * * * This power policy had not been rescinded or abandoned or modified at the time of submission of this cause.

"In September 1933, the Authority announced its wholesale and retail rate schedules, which are shown by the evidence to be materially lower than corresponding schedules of the existing utilities in the area. Following this action numerous municipalities in the area began to make efforts to construct municipal systems with which to distribute T. V. A. current, and Public Works Administration (called P. W. A.) gave assurances of favorable consideration of applications for loans to that end."

Under such circumstances, Commonwealth & Southern Corporation negotiated the January 4 contract for its operating subsidiaries—Alabama Power Co., Georgia Power Co., Mississippi Power Co., and Tennessee Electric Power Co.

This recited that the Alabama Co., the Mississippi Co., and the Tennessee Co. desired to sell, and the Authority desired to purchase, certain land, buildings, and physical properties devoted to the generation, transmission, and distribution of electricity, together with certain franchises, contracts, and going business.

The Alabama Co. agreed to sell for $1,000,000 all of its low-tension (44 kilovolts or lower) transmission lines, substations (including the high-tension station at Decatur and the Sheffield steam-plant station) and all rural lines and rural distribution systems in five Alabama counties and parts of two others. (These counties are in northwestern Alabama and lie on both sides of the Tennessee River for 80 miles or more.)

The Mississippi Co., in consideration of $850,000, agreed to transfer all of its transmission and distribution lines, substations, generating plants, and other property in Pontotoc, Lee, Itawamba, Union, Benton, Tippah, Prentiss, Tishomingo, and Alcorn Counties (except one dam site in Tishomingo County), State of Mississippi, used in connection with the generation, transmission, distribution, or sale of electric energy. (These counties are the northeastern section of the State, a territory 60 miles square.)

For $900,000, the Tennessee Co. agreed to convey its transmission and distribution lines, substations, distribution systems, and other properties used in connection with the transmission, distribution, and sale of electrical energy in Anderson, Campbell, Morgan, and Scott Counties, east Tennessee, and "all of the 66-kilovolt transmission line from Cove Creek to Knoxville." [These counties are in the mountains northward from Knoxville, within a radius of about 60 miles. They lie northeast of Muscle Shoals and some points therein are much more than a hundred miles from Wilson Dam. They have a population of 86,000.]

The power companies agreed, that "any conveyance of property shall include not only the physical property, easements, and rights-of-way, but shall also include all machinery, equipment, tools, and working supplies set forth in the respective exhibits, and all franchises, contracts, and going business relating to the use of any of said properties." Also, "to transfer or secure the transfer of said franchises, contracts, and going business, and to transfer said properties with all present customers attached, so far as they are able." Also, "that during the period of this contract none of said companies will sell electric energy to any municipality, corporation, partnership, association or individual in any portion of the above-described counties or parts thereof in Alabama, Tennessee, and Mississippi, etc." The Authority agreed not to sell "electric energy outside of the specified counties to the customers of non-utilities supplied by the power companies."

Other covenants provided for interchange of electric energy between the contracting parties and for cooperation in the sale of electric appliances throughout the entire territory served by the power companies:

"Power companies covenant and agree that after the expiration of this agreement the interchange arrangement then in effect will be maintained by power companies for an additional period (not exceeding 18 months) sufficient to permit Authority to construct its own transmission facilities for serving all of the territory which it is then serving in whole or in part with power obtained at such interchange points.

"Power companies agree to have available at all times for exchange, at each point of exchange, energy and capacity to supply the entire demands of the customers served by Authority from such points of exchange, subject to the limitations as to transmission capacity set forth in section 10 (h) hereof; provided, that the maximum amount which Authority shall be entitled to demand at all points of exchange shall be 70,000 kilovolts."

Prior to the agreement for sale the Alabama Co. had derived $750,000 gross annual revenue from its properties located within the ceded area. This district had a population of 190,000; and the company had therein 10,000 individual customers—approximately one-tenth of all those directly served by it. The lines transferred by the Mississippi Power Co. served directly 4,000 customers in nine counties, having total population of 184,000. When this cause began, the Mississippi properties were being operated by T. V. A. and rural lines were in process of extension by it in both Mississippi and Alabama.

"All of the electric properties and facilities covered by the contract of January 4, 1934, * * * were contracted for by T. V. A. for the purpose of continuing and enlarging the utility service for which they were used by the respective power companies.

"The operation of a commercial utility service by T. V. A. and the wholesaling and retailing by T. V. A. of electricity in the area served by the Alabama Power Co. is not and will not be in aid of the regulation of navigation or national defense or other governmental function insofar as any plan, purpose, or activity of the T. V. A. or the United States disclosed on this record would indicate."

Answering the petitioners' complaint, Alabama Co. admitted "that the public statements of T. V. A. indicated the program therein alleged; and the directors of respondent company considered that to vest such an agency as therein alleged with unlimited power and access to public funds, in a program of business competition and public ownership promotion in the area served by respondent company would in effect destroy this respondent's property; and such conclusion on its part was the principal inducement for it to enter into the contracts of January 4 and August 9, 1934; and respondent company thereby was and will be enabled to salvage a larger amount of its property than it could have done by competition." Also, "that under the circumstances of threatened competition, directed or controlled by T. V. A. as averred therein, this respondent agreed to the sale of certain of its transmission lines and property, and entered into the contract dated January 4, 1934. * * * Respondent company admits that at and before the execution of the contract the threat was made to use Federal funds to duplicate the facilities of respondent which would result in competition with rates not attainable by or permissible to this respondent, and such rates would be stipulated, controlled, and regulated by T. V. A."

As matter of law the trial court found:

"The function intended by T. V. A. under the evidence in relation to service, utility in type, in the area ceded by the contract of January 4, 1934, transcends the function of conservation or disposition of Government property, involves continuing service

and commercial functions by the Government to fill contracts not governmental in origin or character.

"Performance of the contract of January 4, 1934, would involve substantial loss and injury to the Alabama Power Co., including, inter alia, the loss or abandonment of franchises, licenses, going business and service area supporting its general system and power facilities and unless resisted would tend to invite a progressive encroachment on its service area by the Tennessee Valley Authority.

"Congress has no constitutional authority to authorize Tennessee Valley Authority or any other Federal agency to undertake the operation, essentially permanent in character, of a utility system, for profit, involving the generation, transmission, and commercial distribution of electricity within State domain, having no reasonable relation to a lawful governmental use.

"The contract of January 4, 1934, expressly provided for the transfer of all or substantially all of the lines and properties of the Alabama Power Co. for the service of the ceded area, included transmission lines, rural distribution systems and certain urban distribution systems, and contemplated the eventual transfer of 14 urban distribution systems. This contract, expressly contemplating service of the ceded area by the Tennessee Valley Authority with electricity to be generated or purchased by the Tennessee Valley Authority for that purpose, was in furtherance of illegal proprietary operations by the Tennessee Valley Authority in violation of the Federal Constitution and void. The contract was accordingly ultra vires and void as to the Alabama Power Co."

Having made exhaustive findings of fact and law, the trial court entered a decree annulling the January 4 contract and enjoining the Alabama Power Co. from performing it. The circuit court of appeals reversed, upon the theory that the Authority was making proper arrangements for sale of surplus power from the Wilson Dam. The injunction was continued.

I think the trial court reached the correct conclusion and that its decree should be approved. If under the thin mask of disposing of property, the United States can enter the business of generating, transmitting, and selling power as, when, and wherever some board may specify, with the definite design to accomplish ends wholly beyond the sphere marked out for them by the Constitution, an easy way has been found for breaking down the limitations heretofore supposed to guarantee protection against aggression.

After the conclusion of the speech of Mr. THOMAS of Utah,

WORKS PROGRESS ADMINISTRATION IN WEST VIRGINIA

Mr. HOLT. Mr. President, I filed today with the Works Progress Administration a letter asking for an investigation of the Works Progress Administration in West Virginia. I filed that letter as a friend of the national administration, as a man who has consistently and always voted with the national administration. I did that as one who has spoken in 30 States in behalf of President Roosevelt, and one who was with President Roosevelt before he was nominated; but I feel that the conduct of the Works Progress Administration in the State of West Virginia is doing more harm to the reelection of President Roosevelt than any single thing or group of things that I can point out in the entire political set-up of our State.

As I say, I do this as a friend of the administration when I state to you that the Works Progress Administration under the leadership of Mr. F. W. McCullough, the present administrator, is a disgrace to the State of West Virginia and to the Works Progress Administration.

Mr. McCullough, the Works Progress Administrator, has been on the Federal pay roll since 1913, off and on, except at times when he was on the State board of control, when he was fired out of that job in 1932 as a candidate for Governor. He has held a particular political plum. He always held appointive not elective jobs. In 1932 he entered the race for Governor. I shall not tell the Senate about the charge made by Mr. Wilkinson, one of the outstanding citizens of our State, about why Mr. McCullough entered the race for Governor in 1932; but what did the people of West Virginia think about Mr. McCullough? Out of 250,000 votes cast in the State, Mr. McCullough received but 25,904, or 10 percent of the total number of votes, finishing fifth with six candidates; and today he is merely using the Works Progress Administration, with its great purpose, to try to make himself Governor of the State of West Virginia. He has used that machine, and is using the machine today, to build up a political carriage to try to carry himself to the nomination; and I say that whenever a person does that he destroys the value of the relief act itself; he destroys the purpose of the act.

The Works Progress Administration was designed to take care of cases of distress, cases of persons who needed food and needed employment, and certainly was not meant to be a means to enable a man to go into a political position or for the furtherance of his political ambitions.

Now let me give you a little more of the history of this man McCullough who is administering the Works Progress Administration fund in the State of West Virginia.

Mr. McCullough is president of a loan-shark company—one of these 42-percent loan-shark companies. I bring here a picture of the window on which his name appears as president and chief director of the Charleston Finance Co., which is a loan-shark company charging the poor people of the State of West Virginia 42 percent upon loans under $300. That is the man who is administering the Works Progress Administration fund. When the 42-percent-loan bill was before the Legislature of West Virginia, Mr. McCullough was a lobbyist for that particular measure in the most notorious bartering of votes that was ever known in the history of West Virginia. Not only did he do that, but in the same session of the legislature he was a lobbyist in connection with a silicosis bill that is being investigated in the House of Representatives. I have here a letter from Mr. McCullough which involves him in this transaction.

How can we expect the Works Progress Administration to get anywhere in the State of West Virginia under the administration of a man who is a loan-shark artist, who would deprive in every way he could the persons who need compensation when they are suffering from a dreadful disease as silicosis.

It has been stated in the State of West Virginia that W. P. A. does not stand for Works Progress Administration; that it stands for Witcher's Political Army, or has been referred to as Witcher's Politicking Again, using W. P. A. as the designation for that.

He has told me with his own mouth that the 55,000 people employed in the Works Progress Administration of West Virginia would make him Governor of the State of West Virginia. I took it as a joke. I could not believe that a man would so use the Work Relief Act, noble as it is, to try to force himself into a gubernatorial chair. I defy Mr. McCullough to say that he did not make that statement to me. If he denies it, I will tell him the exact spot and the exact date where and when he made the statement.

How does this man administer the W. P. A. in West Virginia? This is the way in which he administers it. If a man goes to get a job from any county, he must get a letter from the named political boss in that county. Right here on my desk I have his own letter showing the pay roll, noting the recommendations for the various workers in each and every county of the State of West Virginia. In other words, it is not to give a person relief, but to put a few politicians into the administration of an act that was not meant for politicians.

Not only did he do that in particular counties where county bosses were named but he has established political committees where there were a number of factions within a party, such as Kanawha County, such as Logan County. Where there were a number of different political factions he got a representative of the faction and put him on the committee to pass on whether a man could get relief, whether he could get work, whether he could have an opportunity to earn for his children the right to live or the right to have clothing to put upon their backs. If I could tell of the hundreds and hundreds, and, without making an overstatement, the thousands, of complaints which have come to me against the administration of the Works Progress Administration, it would astound Senators.

I have here a petition which came to me on Saturday containing something over 1,400 names, and not a single one of those men asked for employment. They are protesting against the way the Works Progress Administration is being conducted in the State of West Virginia.

If that continues along the present line, it will do much to destroy the program, and do much to destroy President Roosevelt, so that the Democrats cannot carry the State of West Virginia. When I say that I do not refer to the many conscientious workers who do want the W. P. A. to be a

success, and who are interested in giving employment to the people in the State of West Virginia. Many of them are conscientious and want to help in giving employment and carrying out the real purpose of the act.

What else did this man do? Let me show his conduct relative to his attempt to be Governor. I hold in my hand the first bulletin published by the Works Progress Administration, the Progressor. On the front page of it is Mr. McCullough's picture, and under that "F. W. McCullough, administrator." It should have said "Candidate for Governor." In other words, it asks for loyalty to him as administrator of the W. P. A., expecting to carry that loyalty through so that they would be loyal to him as a candidate for Governor of West Virginia.

I checked one article in this magazine which was written by the W. P. A., just one article, and I found that Mr. McCullough's name was mentioned 23 times, telling about the wonderful work Mr. McCullough was doing—written by his own force, and in some instances written by his own hand—telling about how great a man he was and how he should continue as administrator.

Not only has he done this to build up his organization, but he got a young fellow, a very fine fellow, I may say, who was earning around $30 a week on a newspaper, and put him on the pay roll at $3,400 a year, or $283 a month, and his business was to write publicity about the administrator himself. Think of that—from a $30-a-week job to a $3,400-a-year job, in order that Mr. McCullough's name might be kept before the people of the State of West Virginia!

Mr. McCullough has constantly used his office not to relieve unemployment but to make the 55,000 on the rolls work for him. I called him up one day and said, "Mr. McCullough, I wish this project could be completed." He said: "Those men in that section did not vote right, and I think they need to be told how to vote." In other words, it was not a question whether the project would be completed, but whether it would help his particular game of seeking the governorship of the State of West Virginia.

I know some of those listening to me wonder why this should be brought out in public. I am stating these things in order that the people of West Virginia may not blame the national administration for what is going on. I am very hopeful that the national administration will remove from its pay roll in the State of West Virginia a man who is doing much to destroy President Roosevelt, much to destroy the present administration, in order that he might continue along his present line as a political candidate. I do this because I believe in the principles of work relief. I think work relief is for the man who needs it, not for the politician to go into office on.

I made a statement last week, and I repeat it. Mr. McCullough either ought to get out of the race for Governor or he ought to get out of the W. P. A. There is no place for a candidate for a State-wide office running the W. P. A. and dictating orders to men who have to buy bread with what they received for the work they do under his dictation and orders.

In many instances projects have been stopped because politicians have asked him to stop them. I repudiate that, and I want to say that I am very hopeful that the national administration, through the Works Progress Administration, will investigate these charges, and if I cannot prove every single charge against Mr. McCullough I will apologize from the same spot where I am making the charges.

I charge Mr. McCullough with using the office he holds for nothing more than to try to carry himself to the office of Governor, not for the administration of the Work Relief Act itself.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting several nominations (and withdrawing a nomination), which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. Mr. President, I move that, in accordance with the order previously entered, the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 3 o'clock and 45 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Tuesday, February 18, 1936, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 17 (legislative day of Jan. 16), 1936

PUBLIC WORKS ADMINISTRATION

William J. Farley, of Connecticut, to be State director of the Public Works Administration in Connecticut.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

First Lt. Richard Byington Carhart, Infantry, with rank from August 1, 1935.

WITHDRAWAL

Executive nomination withdrawn from the Senate February 17 (legislative day of Jan. 16), 1936

POSTMASTER

KENTUCKY

Mary R. Meredith to be postmaster at Mammoth Cave, in the State of Kentucky.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 17, 1936

The House met at 12 o'clock noon.

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

Almighty God, the Father of our Lord and Savior, who touched the very depths of sacrificial love, be our portion now and forever. We thank Thee for the assurance that Thou wilt keep him in perfect peace whose mind is stayed on Thee because he trusteth in Thee. O God, enrich our souls, give us new conceptions of life, new meanings of the Holy Bible, and new outlooks on the eternal. All that we can claim of time is today; help us to live it well. We shall then be prepared for a better tomorrow. Grant that righteousness may prevail throughout our whole land. O purge the evil leaven that poisons its arteries and cleanse them of sin, shame, and falsehood; pour into its veins a new life, rich in power, health, and blessing. Let Thy gracious favor rest upon the Congress this day, and Thine shall be the praise forever. Through Christ. Amen.

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

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On February 11, 1936:

H. R. 3421. An act to authorize credit in disbursing officers' accounts covering shipment of privately owned automobiles from October 12, 1927, to October 10, 1929;

H. R. 3709. An act for the relief of the Norfolk Southern Railroad Co.;

H. R. 4805. An act authorizing adjustment of the claim of the Adelphia Bank & Trust Co. of Philadelphia;

H. R. 6402. An act for the relief of Julia M. Crowell;

H. R. 7814. An act to authorize the Secretary of Commerce to grant to the State of California an easement over certain land of the United States in Tehama County, Calif., for highway purposes;

H. R. 9871. An act to amend an act entitled "An act providing for the participation of the United States in the Cali-

fornia-Pacific International Exposition to be held at San Diego, Calif., in 1935 and 1936; authorizing an appropriation therefor, and for other purposes", approved March 7, 1935, to provide for participation in the California-Pacific International Exposition to be held at San Diego, Calif., in 1936, to authorize an appropriation therefor, and for other purposes;

H. R. 10464. An act making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes; and

H. J. Res. 459. Joint resolution to amend the joint resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes."

On February 12, 1936:

H. J. Res. 307. Joint resolution authorizing the erection of a memorial to the early settlers whose land grants embrace the site of the Federal City.

On February 13, 1936:

H. R. 10929. An act to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment.

PRIVILEGES OF THE HOUSE

Mr. TABER. Mr. Speaker, I rise to a question of the privilcges of the House.

Mr. Speaker, on Friday last, on page 2068 of the RECORD, I reserved the right to object to the extension of remarks which the gentleman from Washington [Mr. ZIONCHECK] requested at that time. As I understood, the gentleman stated it would not take over a half page for his extension of remarks in the RECORD. The RECORD shows he said a page and a half. There were inserted in the RECORD certain tables, which run from page 2069 to page 2081, a total of 13 pages, at a cost to the Government of $565.

Mr. Speaker, it seems to me that is an abuse of the privileges of the House in this manner and should not be tolerated. If a Member asks unanimous consent in connection with extension of remarks to cover a page and a half and inserts in the RECORD a total of 13 pages, it seems to me the extension should not be permitted by the RECORD clerk.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Washington.

Mr. ZIONCHECK. I admit that I said it would take a page and a half. I thought at the time that the statement was true. I admit that this extension cost $565, but I was trying to save the Government $23,000,000, and the gentleman from New York [Mr. TABER] was not here to help me. I was trying to keep the appropriation down.

Mr. TABER. I was here.

Mr. ZIONCHECK. The gentleman did not try to save any money that day.

Mr. TABER. Yes; I was.

Mr. ZIONCHECK. I was trying to save $23,000,000.

Mr. TABER. Mr. Speaker, it seems to me that when a Member causes an extension of that character to be inserted in the CONGRESSIONAL RECORD it should not go unnoticed. I do not think the extension should be permitted to stay in the RECORD under the circumstances.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Washington.

Mr. ZIONCHECK. I want to apologize for the length of the extension. I was in such a big hurry that day I did not have time to figure it out. I was moving too fast. I did not do it intentionally. Of course, I put it in intentionally, but I did not intend that it take over a page and a half. I am not a printer, and I did not know how much space these things would take.

Mr. RICH. Will the gentleman yield?

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

Mr. RICH. It seems to me that the gentleman from Washington [Mr. ZIONCHECK] ought to apologize to the gentleman from New York, because, if there is anyone in the House of Representatives trying to save money for this Government, it is the gentleman from New York [Mr. TABER].

The SPEAKER. The Chair will state that the question of the privileges of the House should properly be brought before the House by way of a resolution. That has not been done in this case, and the Chair, therefore, feels that the question of privilege has not been presented in proper form.

The Chair will say that there are three special orders today—one under which the gentleman from Georgia [Mr. COX] is permitted 30 minutes to address the House immediately after the reading of the Journal and disposition of business on the Speaker's desk. This is to be followed by the gentleman from Maine [Mr. HAMLIN], who will address the House for 15 minutes, to be followed by the gentleman from Minnesota [Mr. KNUTSON], for 10 minutes. Of course, any recognitions that are made now are made subject to the consent of these gentlemen, because under the special order of the House they have the right to the floor at this time.

Mr. WOODRUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WOODRUM. Mr. Speaker, in the interest of orderly procedure, I should like to propound a parliamentary inquiry to the Speaker.

If I understand the rules of the House, they provide that in debate should a Member desire to address the House or the Speaker he must first secure recognition of the Speaker. If a Member has the floor and is addressing the House or the Speaker and another Member desires to interrogate him, interrupt, or interject remarks, he must first secure the permission of the Member who has the floor.

Mr. Speaker, I observe a custom growing up here of Members getting up and a number of them talking at once, with the Speaker pounding for order. It seems to me that they must not understand the rules, or else I do not understand them. I do not understand that under the rules a Member has a right to cut into another Member's speech, or interrupt the Member when he is trying to speak, or while the Speaker is trying to make a ruling or is addressing the House. I think the Speaker should rule on this matter.

The SPEAKER. The gentleman is correct. The Chair has had occasion several times, according to his distinct recollection, to call this rule to the attention of the Members of the House. It is a violation of the rules of the House for a Member to interrupt another Member when he has the floor without first addressing the Chair and obtaining the consent of the Member having the floor before he interrupts.

In order that the matter may be entirely plain, the Chair is going to read the rule to the House for the third or fourth time. The rule provides:

> When any Member desires to speak or deliver any matter to the House he shall rise and respectfully address himself to Mr. Speaker, and on being recognized may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

The gentleman from Virginia [Mr. WOODRUM] is correct. Whenever a Member has the floor and is addressing himself to any subject before the House, under the rules, a Member who desires to interrupt him should first address the Chair. After addressing the Chair and obtaining the consent of the Member for the interruption, of course, he may then proceed subject to the wish of the Member who has the floor at the time.

As the Chair has stated, there are three special orders for today. The Chair will not recognize any Member who wishes to address the House for any length of time without the consent of these three gentlemen.

The Chair will recognize at this time requests for correction of the RECORD, the presentation of a rule, or any matter of that kind which does not involve debate.

PRICE LEVEL

Mr. GOLDSBOROUGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include

therein a resolution passed by the Maryland Farm Bureau Federation at its recent meeting on the question of price levels. It is a very short resolution.

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

There was no objection.

Mr. GOLDSBOROUGH. Mr. Speaker, under leave to extend my remarks in the RECORD I include a resolution passed by the Maryland Farm Bureau Federation at its recent meeting on the question of price levels, as follows:

The past 6 years has seen the general price level go from the high level of 1929 to the low of 1932.

The experiences of the past have proved that in an abrupt price-level change salaries always lag from 5 to 10 years behind prices. Farm prices today are still out of fair relation to taxes, freight rates, farm machinery, professional services, etc.

During a time that price disparity exists, interchange of goods between farm groups and other groups is greatly decreased. Farmers with low purchasing power meet only necessary obligations, their farm buildings and equipment suffer, education and health are neglected, and millions of idle men walk the street.

Prosperity cannot return when agriculture furnishes one-sixth the Nation's capital, represents one-fourth the gainfully employed labor, and receives only one-tenth the national income.

On May 8 last, Representative ALAN GOLDSBOROUGH, of our State, introduced an amendment to the banking bill which was lost by a vote of 122 to 128. Had this amendment passed, it would have made it mandatory that the price level be raised to the 1926 level. It would have created legislation to prevent violent price-level fluctuations; be it therefore

Resolved, That we reaffirm our position on backing the A. F. B. F. in their program for monetary reform.

We believe that the right time to enact legislation, to restore price levels and create a managed currency is now while the entire Nation knows that the need exists; be it further

Resolved, That we send a copy of this resolution to President O'Neal, of the American Farm Bureau Federation, and to the committee for the Nation.

EXTENSION OF REMARKS

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to extend my remarks by placing in the RECORD at this point a brief letter I have received from Lawrence Westbrook, Assistant Administrator of the Works Progress Administration, in explanation of a situation existing there concerning which I made a talk on the floor a few days ago.

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the majority leader if he is going to permit this matter to go into the RECORD at this point?

Mr. LANHAM. May I say to the gentleman the only reason I ask that is because it is in explanation of a situation about which I myself talked on the floor.

Mr. MARTIN of Massachusetts. This is merely an extension of the RECORD?

Mr. LANHAM. Yes.

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

There was no objection.

The matter referred to follows:

WORKS PROGRESS ADMINISTRATION,
Washington, D. C., February 15, 1936.

MY DEAR CONGRESSMAN LANHAM: In agreement with my conversation with you today I am giving you herewith the circumstances under which officers from the Corps of Engineers of the Army were assigned to duty with this Administration.

In September 1935 the Works Progress Administrator, who was faced with the problem of placing in operation a large works program under which nearly 3,000,000 people would be given employment, requested that the Chief of Engineers of the Army act as an engineering adviser to him and that the services of a limited number of officers of the Corps of Engineers be made available to the Works Progress Administration. Instructions to effect this were transmitted by the President to the Secretary of War. In accordance with these instructions certain officers of the Corps of Engineers have been on temporary duty with the Works Progress Administration since the end of September of last year. The maximum number so detailed at any one time was 43, and the present number is 37. Both of these totals include five officers who give a portion of the time to the Works Progress Administration while continuing to carry on their regular duties under the War Department.

In making these officers available the Chief of Engineers has cooperated splendidly with the Works Progress Administration in the face of the fact that the greatly increased volume of work for which he is responsible made it difficult to release his officers for this purpose. It has been understood and agreed between the Works Progress Administrator and the Chief of Engineers that the arrangement is of a temporary nature, and it is the present intention of the Works Progress Administration to release the majority of these officers within the next 2 months, so that they may return to their regular duties.

These officers were detailed to the Works Progress Administration during a period which involved extreme difficulties in organizing and putting in operation a gigantic employment program. They have given faithful and efficient service at much personal inconvenience and considerable uncompensated expense to themselves, and their contribution to the success in carrying out the President's purpose of providing employment by work on useful projects has been an outstanding one. Civilian engineers, capable of performing the very important specific duties assigned to these officers, could not have possibly been obtained for the short length of time that their services were required.

There are, however, approximately 4,000 civilian engineers employed to supervise the 75,000 separate W. P. A. projects now operating. It will thus be seen that the engineers detailed from the Corps of Engineers of the Army represent less than 1 percent of the total engineering personnel utilized by this Administration.

Thanking you for giving me the opportunity to clarify this misunderstanding, I am,

Very sincerely yours,

LAWRENCE WESTBROOK,
Assistant Administrator.

The Honorable FRITZ LANHAM,
House Office Building, Washington, D. C.

ORDER OF PROCEDURE

Mr. ZIONCHECK. Mr. Speaker, I rise now to ask unanimous consent to comment upon the Speaker's ruling; in other words, I want the RECORD to show that this breaking into the RECORD with remarks has been going on right along.

Mr. Speaker, I submit a point of order.

The SPEAKER. The gentleman will state it.

Mr. ZIONCHECK. The Chair made some remarks and read the rule. We all know the rule; but the custom has been otherwise, and one has to fight fire with fire here, and I want the RECORD to show that.

The SPEAKER. The gentleman will state his point of order.

Mr. ZIONCHECK. I will observe the rule if they will.

Mr. BOYLAN. Regular order, Mr. Speaker.

The SPEAKER. The Chair made reference to no particular individual in the House. The Chair was simply calling the attention of all the Members of the House to the rules under which it is intended the House shall proceed.

AGRICULTURE—A LOCAL ACTIVITY AND A NATIONAL PROBLEM

Mr. LARRABEE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address made by the Honorable Henry A. Wallace, Secretary of Agriculture, at Indianapolis, February 12.

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

There was no objection.

Mr. LARRABEE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement of Hon. Henry A. Wallace, Secretary of Agriculture, at a meeting of the Indiana Farm Bureau Federation at Indianapolis, Ind., February 12, 1936:

Recent decisions of the United States Supreme Court have compelled the American people to reexamine the responsibility of the Federal Government toward agriculture and the general welfare. The power of the Federal Government to "promote the general welfare" has been questioned, in fact if not in theory. A venerable doctrine—the doctrine of States' rights—has been injected into the farm problem.

Lincoln's Birthday is an appropriate time on which to discuss matters like these. Lincoln had to define for his generation the general welfare and Federal responsibility for it. He knew something about such diverse things as agriculture and States' rights.

But first, let us think of the man himself. It may be he was a genius; certainly he was a complex character and a lonely one. We do not always understand lonely men, but they may have qualities which draw us to them. We all like to remember Lincoln for his most obvious virtues, his passionate sense of justice and his scorn of injustice, his kindliness, his capacity for pity, his earthly humor, and a wisdom which seemed to come from a source deep within him.

A man with these qualities is likely to have enemies. Lincoln had many of them. They denounced him as a dangerous radical. From their point of view, the description was accurate. He challenged economic, social, and political institutions which they did not wish to see challenged. He was dissatisfied with things as they were, and insisted on talking about things as they ought to be. By the time he was 27 he had spoken out in favor of woman suffrage—at least two generations ahead of his time. When he was 33 he was on record on two other issues. Speaking on Washington's Birthday, 1842, he said: "And when the victory shall be complete, when there shall be neither a slave nor a

drunkard on the earth, how proud the title of that land which may truly claim to be the birthplace and the cradle of both those revolutions that shall have ended in that victory." And we must remember that in that day slave property was almost as sacred as corporate property is today.

Against a man with such views, and who insisted upon expressing them at the most inopportune times, such men as Douglas were logical opponents. Today we remember Douglas chiefly because he debated with Lincoln, but at that time he was popular in the best circles, possessed the most distinguished political and social connections, and therefore was known to hold only the "soundest" ideas—the ideas; that is, held by those who thought Lincoln uncouth and a dangerous radical.

Lincoln's ideas, however, are less important to us today than his attitude, his spirit. This occasion will be wasted unless we can use it to recapture, if possible, some of the spirit of Lincoln. Our problems are different, and our solutions certainly will not be the solutions forced on Lincoln; but we can profitably recall his attitude toward the problems and events of his day.

I suppose no American has ever studied the Constitution and the ideas of the founding fathers more earnestly and honestly than Lincoln. As a result, he felt he knew what the Constitution was for, and what it was not for. He wished to be guided by the intent and spirit of the Constitution as expressed in the preamble. He seemed to take the view taken by some of the greatest interpreters of the Constitution. Justice Story, for example, told the narrow constructionists of his day that all provisions of the Constitution are to be interpreted in harmony with the preamble.

From the bottom of his heart Lincoln believed slavery wrong, and said so. But until the tragedy of war overtook him he did not propose to molest slavery in the States where it was established. He hoped peaceful forces would in time provide the remedy there. But that slavery should be extended to the Territories, and perhaps even into the free States, was to him unthinkable. He was sure that the men who framed the Constitution neither expected nor desired to see slavery extended. Certainly many of them spoke with longing of the day when it might be abolished.

It was therefore a terrific shock to Lincoln to have the Supreme Court rule in the Dred Scott case that a slave owner could take his slaves into a Territory. In effect that made slavery legal in a Territory, even though the people of the Territory might wish otherwise.

In 1856, a year before the decision was handed down by a divided Court, Lincoln thought the issue might be settled by a decision of the Supreme Court. But when the decision came, when he grasped the full import of it, he knew he could not and the Nation ought not accept it as final.

Lincoln was reluctant, however, to join in the savage attacks of the extreme Abolitionists, such as the New York Tribune under Horace Greeley, for he cherished an abiding respect for the traditions of the Court and the ideals it was established to serve. But it seemed to him a choice between the Constitution and the Court, and he chose the Constitution.

He knew that the Court did not have to pass upon the constitutionality of the Missouri Compromise Act at all—an act in existence, incidentally, for 27 years at the time of the Dred Scott decision. In fact, the Court had first agreed to avoid deciding the case on the broad constitutional grounds, but for a variety of reasons changed its mind and finally handed down a decision in which a majority held the Compromise Act unconstitutional.

The extreme Abolitionists immediately launched a bitter attack on Chief Justice Taney and the majority. The New York Tribune, which had previously accused the justices of being "artful dodgers" for postponing a decision until after the election of Buchanan, now began a daily onslaught against the Court. The Tribune summed up its attitude when it said that the Dred Scott decision "is entitled to just so much moral weight as would be the judgment of a majority of those congregated in any Washington barroom."

Lincoln's language, by contrast, was temperate and statesmanlike. He took the view that the Dred Scott decision was a tragic abuse of judicial power. He knew that the majority on the Court had misread the trend and the temper of the times. He would have been amazed to learn, what we now know, that the judges did not realize in the slightest degree the effect the decision was to have, nor did they doubt that a decision by them would actually settle the issue.

In 1858, in his debates with Douglas, Lincoln stated that he declined to abide by the decision as rendered. Let me give you Lincoln's exact words:

"* * * we think the Dred Scott decision is erroneous. We know the Court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this. We offer no resistance to it."

And in his inaugural address in 1861, while still expressing his belief that constitutional questions could be decided by the Supreme Court, he added:

"At the same time the candid citizen must confess that if the policy of the Government, upon vital questions affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal."

These statements did not silence Lincoln's enemies. They continued to charge that he was violating his oath of office; that he was undermining faith in the Supreme Court; that he was a demagogue, a breeder of sectional hatred; and that he was out to wreck the Constitution. To these attacks Lincoln made effective reply in a letter to A. G. Hodges on April 4, 1864. He summed up his attitude in the following words:

"I took an oath that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States. * * * I understand, however, that my oath to preserve the Constitution * * * imposed upon me the duty of preserving, by every indispensable means, that Government, that Nation of which the Constitution was the organic law. Was it possible to lose the Nation and yet preserve the Constitution? By general law, life and limb must be protected; yet often a limb must be amputated to save a life, but a life is never wisely given to save a limb.

"I felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the Nation. Right or wrong, I assumed this ground and now avow it. I could not feel that, to the best of my ability, I had even tried to preserve the Constitution if to save slavery or any minor matter I should permit the wreck of the Government, country, and Constitution all together."

In the years since Lincoln fortunately no issue has become as acute as that which he faced. The issues before us today are difficult and full of grave meaning, but it is still possible, I hope, to discuss them calmly and reasonably.

By the time Lincoln had reached the Presidency the die was cast, the tragedy well toward conclusion.

The cynic says the only thing we learn from history is that we learn nothing from history. I do not believe that. As a people we have learned some things from the tragedy of the Civil War, and one of them is that to prevent fatal conflict we must deal courageously with conflicting forces and interests long before the conflict becomes acute. We shall be able to do that, it seems to me, if all of us—whether in the executive, the legislative, or the judicial branches of government, whether a private citizen or a Government officer—can in some degree recapture the spirit with which Abraham Lincoln approached the Court and the Constitution.

On occasions when it is apparent that the Supreme Court has reached decisions plainly wrong—wrong because they are in opposition to fundamental economic and social trends of the times, or wrong because they are unjust, however legal—on such occasions it is the duty of citizens and officers of the Government to point out the error of the Court. Unless we can do this, preferably in the calm, matured way in which Lincoln did it, then we have a judicial dictatorship. Whatever else the founding fathers may have intended, they did not intend a dictatorship by any one of the three branches of government, least of all by the branch most removed from contact with or restraint by the people.

As the three dissenting Justices in the Hoosac Mills case reminded the majority of the Court, "while unconstitutional exercise of power by the executive and legislative branches of the Government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint. For the removal of unwise laws from the statute books appeal lies not to the courts but to the ballot and to the processes of democratic government." In other words, when judges are lacking in self-restraint, we have the makings of a judicial dictatorship.

We once had a law making it an offense to criticize the President. That was in 1798. Public resentment at that law helped Thomas Jefferson organize the Democratic Party and sweep into power in 1801. Jefferson could think of nothing more abhorrent to our form of government than a law or a custom which in any way interfered with freedom of speech. He was shocked that freedom of speech, among other inalienable rights, had not been written into the Constitution by the Constitutional Convention, and he urged immediate passage of the first few amendments to guarantee such rights. In his Presidency he was as cruelly attacked as Lincoln was in his, but he stuck to his belief in freedom of speech. He also asserted his own right, both as President and as a private citizen, to say exactly what he thought. He was one of an impressive list of Presidents to disagree with decisions of the Supreme Court and to say that a wrong decision ought not to be allowed to stand.

It is therefore not only the constitutional right but the privilege and duty of the conscientious American citizen to speak his mind about any governmental act or policy which he believes to be wrong. Do you know of any reason why that privilege and duty should be applied to the executive and the legislative branches and not to the judiciary? Were Jefferson, Jackson, Lincoln, Grant, and Theodore Roosevelt un-American because they disagreed with judicial decisions?

Partisan considerations and financial considerations may cause some people to think so, but I cannot believe that the members of the Supreme Court think so. I know that William Howard Taft, when a circuit court judge, said that "the opportunity freely and publicly to criticize judicial action is of vastly more importance to the body politic than the immunity of courts and judges from unjust aspersions and attack." I know that Mr. Justice Brewer, long an honored member of the Supreme Court, wrote in 1898 as follows:

"It is a mistake to suppose that the Supreme Court is either honored or helped by being spoken of as beyond criticism. On the contrary, the life and character of its justices should be the objects of constant watchfulness by all, and its judgments subject to the freest criticism. The time is past in the history of the world when any living man or body of men can be set on a

pedestal and decorated with a halo. True, many criticisms may be, like their authors, devoid of good taste, but better all sorts of criticism than no criticism at all. The moving waters are full of life and health; only in the still waters is stagnation and death."

The wisest members of the Supreme Court during the past 150 years have repeatedly disclaimed infallibility. Men have emotions and prejudices, you know, however conscientiously they may try to stifle them. But, beyond and above all this, how in the world can our system of government possibly function unless the people are free to examine and criticize the actions of all three branches? Our system of government has endured as long as it has in large part because the American people have been free to demand of all three branches of government accountability to the sovereign will of the people.

I have suggested that the decision in the Hoosac Mills case, in which the Agricultural Adjustment Act was declared in violation of States' rights by a majority of the Supreme Court, compels us to reexamine the responsibility of the Federal Government toward agriculture. Until this decision the prevailing notion of Federal responsibility was based upon a long series of declarations and legislative acts, the declarations beginning with George Washington, the legislative acts beginning mainly in the administration of Abraham Lincoln.

There is no need to rehearse all of those today. You must be familiar with the interest of the founding fathers in agriculture and of the prevailing opinion, expressed by Washington in his Farewell Address. "It will not be doubted", he declared, "that with reference either to individual or national welfare agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse, and to what object can it be dedicated with greater propriety?"

It was in Lincoln's administration that the homestead bill became law, and the western plains were thrown open to our pioneer grandfathers. It was Abraham Lincoln who signed the act of Congress creating a Federal Department of Agriculture. Again it was Lincoln who signed the Morrill Act, granting large tracts of public lands to the States on condition that they would establish, with receipts from the sale of lands, colleges for the promotion of agriculture and the mechanic arts. Our whole system of agricultural research and education dates from Lincoln's time.

Apparently Lincoln and his contemporaries, like Washington and his, thought the Federal Government had wide and enduring responsibilities toward agriculture. By the legislation Lincoln signed, by the agricultural legislation enacted between his time and the period of the World War, a complex institution was created primarily with one purpose—to make the United States safe for an increasing population. The Homestead Acts served this purpose by enormously expanding the amount of land put under the plow; the other legislation served this purpose by helping farmers grow two blades of grass where only one grew before. Where this was not always the purpose it was at least the effect.

The full flowering of this legislation came in the World War period in the days of the Food Administration, of the Food-Production and the Food-Control Acts. The armies of our Allies needed food. To make up the European deficiency, wrote Food Administrator Herbert Hoover in 1917, "this country must export 220,000,000 bushels of wheat as against our normal export of 88,000,000 bushels. In addition, we must furnish them with 400,000,000 bushels of other cereals as against our normal prewar export of less than 50,000,000 bushels."

The campaign to produce more wheat, and still more wheat, began with a whoop. The Extension Service put on hundreds of emergency agents. Posters, "pep" talks, prayers, and the lure of higher prices pulled the Wheat Belt out of shape. In the South, farmers were urged to grow as much as possible of their food and feed at home in order to have plenty for export. Consumers went through meatless days, wheatless days, and so on, that the export flow might keep up. The Secretary of Agriculture urged farmers to adopt measures to secure maximum returns from their farms, and the colleges and extension agents were busy suggesting what those measures should be, and how to apply them. The Department of Agriculture, in cooperation with the Food Administration, went so far as to determine the food needs at home and abroad, and suggested the needed acreage of wheat for each State.

In response to all this stimulation, not forgetting, of course, the stimulus of price, the farmers by the end of 1918 had added an area about the size of Illinois to the farm plant of the United States. Comparing 1918 with 1914, the total acreage of tilled crops was increased about 11 percent. Wheat acreage harvested reached its peak in 1919—the lofty summit of 75,000,000 acres, as compared with a pre-war average of less than 50,000,000 acres.

I suppose agriculture in those days was as much "a purely local activity" as a majority of the Supreme Court now says that it is, but that did not prevent the Federal Government from bringing a direct influence to bear on the individual farming operations of some 6,000,000 farmers. The Government did not make contracts with the farmers; it used the more potent, if less controllable, device of high-pressure propaganda. Legally there was no compulsion; actually there was the most overwhelming compulsion of all—the compulsion of a Government-directed public opinion.

In the war period the Federal Government's long-time effort to stimulate agricultural production reached its climax. From 1862 through 1920 the Federal Government conceived its responsibility toward agriculture in terms of methods to increase production. Individual farm efficiency was, of course, emphasized, as was increased production per unit in order to lower costs; but the result—a result fervently desired during the war—was a bigger output of wheat and corn, cotton and tobacco, hogs, cattle, and everything else.

In all the years during which the Federal Government has used its power to increase production, not once has that power been questioned. In the use of those powers the courts have never interfered. Not once has anyone so much as suggested that the Federal Government was violating State rights.

Since January 6 I have wondered about this a great deal. It must be that the Federal Government has the power to stimulate production but not to help farmers obtain balanced production in the general interest, and that the States reserve the power to control production but not to stimulate it. If this is so there is more in the tenth amendment to the Constitution than meets the eye. At all events, it is a disturbing fact that the States have often succeeded in stimulating agricultural production but never in controlling it.

From 1862 through 1920 the effect of the Federal Government's interpretation of its duty toward agriculture was to increase production. So long as the market for that production kept increasing at the same rate everybody was happy.

But the market didn't keep on expanding at the same rate. It contracted in 1921, had a fake expansion until 1930, and then contracted with a force that still has us in its grip. Under these circumstances, what should be the responsibility of the Federal Government toward agriculture? Should it persuade farmers to produce wheat and cotton for a foreign market which doesn't exist? Or should it fool them into producing for that nonexistent market by means of Farm Board-ish subsidies?

Before answering these questions let's look further into the record of the Federal Government's activities in relation to agriculture. To increase production, it must be acknowledged, was the effect if not always the purpose of most farm legislation between 1862 and 1920. Now it might be supposed that the end of the war would have changed the emphasis. Europe soon needed less of our raw materials. Overnight we had become a creditor nation, and a creditor nation can only maintain its export trade by a liberal tariff policy.

But between 1920 and 1933 we refused to behave like a creditor nation. We boosted tariffs higher and higher; we put an artificial and temporary prop of foreign loans under exports; we pursued an agricultural policy which had the effect of increasing agricultural production at the very time our tariff policy was restricting the market for our exports. Then came the deluge, of unpleasant memory.

It would not be fair to say that the Federal Government was the only influence stimulating production during the post-war period. The development of the tractor, the growth of industry were, of course, large factors. But the Federal Government's policies contributed heavily. I used to say that a government which fails to face the consequences of its own stimulation of agriculture is criminally negligent. I still think so.

One more factor in this post-war period should be mentioned. The disparity between agricultural and industrial prices was an outstanding fact of the depression. There is a clear connection between inflexible industrial prices and the concentration of industrial power within a relatively few corporations. Presumably we have antitrust laws in this country, but they haven't stopped the trend from little business to big business, and they haven't seriously interfered with the power of huge corporate combines to dictate the economic terms for the rest of us. Do you recall any instance between 1920 and 1932 in which the Federal Government effectively checked the power of the large corporation to maintain inflexible prices and to reduce its production whenever it found it necessary? Yet the very people who defend the right of industry to reduce production and maintain price deny agriculture the same right—even when that right was only being exercised with respect to the foreign market.

To remove the disparity between farm and industrial prices was an objective of the Agricultural Adjustment Act. When a majority of the Supreme Court held on January 6 that the act violated States' rights, a variety of opinions about a substitute for the Adjustment Act blossomed forth.

There were some who asserted that agriculture had fully recovered and could get along without the use of any governmental powers. Coming from persons who had been extremely critical of the adjustment program, this was indeed a handsome tribute. This meant that in less than 3 years agriculture's desperate economic illness had been completely cured. Farmers know, if some other people don't, that this is too rosy a picture. Farmers know that present prices of farm products are not far from parity, thanks to the healthier supply-and-demand situation which has been brought about. But farmers also know that with foreign markets still largely closed, normal yields would again bring on a condition of unbalance similar to that which resulted in the low prices of 1931 and 1932. With some commodities this might come by 1937 but with others not until 1938 or 1939, depending on the weather.

Right here I would like to puncture a misstatement which has been given currency and emphasis by some speakers and newspapers. This is the statement that the President predicted last May that if the Nation abandoned crop control, wheat would "immediately" drop to 36 cents a bushel and cotton to 5 cents a pound. If the President had actually said this, he would not have been a good prophet, because these prices have not yet fallen to any such extent. I was curious to know if the President

were really as poor a prophet as he has been made out to be, and so I looked up the record of what he had actually said. I found that what he had actually said was that if all Federal relationship to a crop, whether it was the method of crop control or some other method, were abandoned, then 36-cent wheat and 5-cent cotton would follow. But he did not use the word "immediately" in this connection at all, nor did he base his remarks solely on the possible ending of crop control. So much for that story. It only goes to show that many words written or spoken in a campaign year are to be taken with a grain of salt.

And while you have your hand in the salt barrel, take out a handful for use on some of these stories which explain that the processors are really entitled to the $300,000,000 of impounded and other outstanding taxes recently ordered released to them by the Supreme Court. Mr. George Wharton Pepper, counsel for many of the processors and chief counsel against the Government in the Hoosac Mills case, again comes to bat for his clients, as a good lawyer should. After calling upon me to retract my statements, he gratefully acknowledges that the Supreme Court rescued a number of pork packers from financial embarrassment and, in some cases, from bankruptcy. Mr. Pepper might as well know now that I have nothing to retract.

But his gratitude that his clients have been saved from bankruptcy is more significant. I don't know which packers he has in mind, but I do know that 14 meat packers, including the largest ones, have had impounded hog-processing taxes amounting to $40,000,000, or about 80 percent of all impounded hog-processing taxes. If this $40,000,000 goes back to these 14 packers, and if they are allowed to keep it, they will have a gift probably four times as great as their 1934 profits on hogs. That should prevent almost any conceivable degree of financial embarrassment.

Fortunately, many processors—probably a large majority—do not look on these impounded processing taxes as Mr. Pepper and a few of the packers do. Most of the processors know and admit—as representatives of the largest packers did in 1933—that the tax was either passed on to the consumer or back to the farmer. Consequently they now look on the impounded funds as "hot" money, and they would welcome any fair method of dealing with it. It seems to me that the sense of fair play and justice of the American people will eventually take care of this situation.

Returning, now, to the problem of finding a substitute for the Adjustment Act:

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.

Among those favoring direct, tangible assistance some difference of opinion has arisen as to the form it should take and what kind of plan should accompany it. Some persons argue that the Federal Government should no longer be concerned with the farmers' production, that some form of subsidy, such as the so-called domestic allotment plan, would be sufficient. Now, without going into a long discussion of the details of various proposals, I just want to bring out one fact. That is that the amount of money paid out to farmers in benefit payments under the A. A. A. can account for only part of the gain in farm income since 1932, and the smaller part at that. An improved supply-and-demand situation has accounted for most of the gain. Let us ask those who favor a subsidy alone, therefore, how much subsidy would have been needed in 1933, 1934, and 1935 to give farmers the gain in income they actually got by a combination of benefit payments and adjustment programs.

Those of us in this administration who have seen the farm cash income go up from $4,400,000,000 in 1932 to $6,900,000,000 in 1935 did not wish to leave agriculture worse than we had found it. Hence we could not favor any plan which left out of account factors of supply and demand for farm products. After we had studied the two opinions of the Supreme Court in the Hoosac case, and the limitations laid down by the majority opinion, we concluded that the best approach to the problem was through the method of Government encouragement of soil conservation by farmers. Bills embodying this approach are now being considered by both Houses of Congress.

While it remains to be seen just what form the plan will take when and if it is finally enacted, I can explain here the essentials of the plan as embodied in the bills already approved by the Senate and House Agricultural Committees. Briefly, the plan provides for grants by the Federal Government to the States, which in turn may reward farmers who follow practices of soil conservation on their farms. Since some time will necessarily elapse before a sufficient number of States can enact laws to take advantage of the Federal aid, 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.

I don't see how anyone can successfully contend that this plan would not be for the general welfare. Not only would it help protect and conserve the land that is still productive, but it would go a long way toward maintaining a healthy supply-and-demand situation in the export commodities. The plan would assist farmers in practicing the kind of "good farming" that they have long wanted to follow, but were not able because of the necessity, from month to month and year to year, of making both ends meet. Farmers, if assisted in producing the soil-building crops which are needed, will be under less pressure to produce surpluses of other crops which are not needed. If fair prices for farm products are thus achieved and maintained, the present level of farm income will be maintained and, I hope, improved.

When the Agricultural Adjustment Act was passed in 1933 it represented, perhaps, the best bill that could be devised at the time and under the circumstances. It was closely in accord with the platforms of both the great political parties of 1932. A sincere attempt was made by farm leaders and Members of Congress to formulate a measure that would be in accord with the Constitution. However, under the procedure that the lawyers and judges of the country have built up over the years it was not possible to obtain an opinion from the Court in advance. The Nation could only work and wait. 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. When the law was passed most of us thought it was constitutional. Some of us, including three justices of the Supreme Court, think so still. But, not possessing powers of prevision or clairvoyance, we could not tell in advance what the majority of the Court would say.

This new plan is a sincere attempt to operate within the limitations laid down by the majority of the Court. I myself am convinced that it is constitutional in the sense of meeting those limitations as well as in the sense of coming within the actual meaning of the Constitution itself. I believe that some form of this plan will pass Congress with bipartisan support, will be signed by the President, and will meet with the approval of a majority of the people.

One question remains: Will it meet the approval of the Supreme Court? No one can really answer that question but the Court.

Precedents, so beloved of the legal mind, may give the final answer; and because there are so many precedents, and so many possibilities of choosing this precedent and ignoring that one, the final answer can never be forecast with any assurance. As students of Supreme Court decisions have pointed out, the Court now has in every case involving economic conflict two lines of precedents—one leading to one conclusion; the other to the contrary. A judge may therefore, in all sincerity, choose either line, depending upon his own economic views.

We believe the Supreme Court will approve the new legislation if it recognizes any one of the three following propositions:

1. The fact of the Nation-wide interdependence of all commerce, from the humblest farm to the largest corporation;

2. The extent to which the doctrine of State rights is being used as the final refuge for antisocial corporations; and

3. Federal responsibility for the post-war agricultural dilemma.

If it was the proper function of the Federal Government in wartime to encourage farmers to plow up land which should never have been plowed, in order to produce wheat for our Allies; if the Federal Government was justified in encouraging the mining of our soil to supply a European demand which has now disappeared, then it seems to me no less the Federal Government's proper function to encourage the return of that land to grass and trees, to make it worth the farmer's while to improve the soil's fertility by planting soil-building crops. For this generation owes a duty to generations yet unborn to hand on to them an agricultural heritage which will supply this country in the future and on which they, too, can make a living—and, let us hope, a better living than this generation has made. If in exercising our duty to the generations yet unborn we can also minister to the welfare of the people of today, it would seem that all understanding men could arrive at but one opinion. Could anything be more squarely in line with the words of the Constitution's preamble: To "promote the general welfare"?

Farmers ask no more and no less than the moral, economic, and political equivalent of the advantages enjoyed by industry through the corporate form of organization and the protective tariff. Farmers are willing to have their demands checked against any fair, living interpretation of the general welfare. They have not and will not deliberately reduce production below the needs of domestic consumers. They are prepared to do their full share toward a national economic goal of this sort: Increased, balanced production of the things we all really need and want, at prices low enough to keep the stuff moving into consumption, yet high enough to keep producers producing, and with income so distributed that none shall be denied participation in consumption except those who refuse to work, with scrupulous regard for our remaining natural resources and by means in harmony with our traditional democratic processes.

Surely this sort of goal is in the general welfare and in the spirit of the living Constitution. Farmers believe in a living Constitution, not a thing of rigid, mechanical design. Farmers believe, with Lincoln, that any interpretation of the Constitution which does not serve the people is out of harmony with the purposes of the Constitution and the founding fathers. Like Lincoln, we ask for national action wherever and whenever it is necessary to solve national problems. In the spirit of Lincoln, and against the background of the forces and events of our own day, let us here and now pledge ourselves to a new unity in the interests of the general welfare.

THE SUPREME COURT AND GOVERNMENT BY THE PEOPLE

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to include in the Appendix of the RECORD an address made by Senator WARREN R. AUSTIN, of Vermont.

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

There was no objection.

Mr. PLUMLEY. Mr. Speaker, under leave to extend my remarks in the RECORD, I desire to have printed in the RECORD the following radio address on the Supreme Court and Government by the People delivered by the able senior Senator from Vermont, Hon. WARREN R. AUSTIN, on February 6, 1936, over the Yankee network.

Fellow New Englanders, the invitation of the Yankee network to speak to the people of New England, in a 15-minute broadcast, regarding issues pending in this Seventy-fourth Congress, excites consideration of the pending proposals to amend the Constitution, and resolutions or bills, all tending to alter the American form of government by curbing the Supreme Court and increasing the power of Congress and the President.

They bring to instant prominence the questions: Shall the people continue to rule? or, Shall an uncurbed Congress and Executive monopolize sovereignty?

One proposal of amendment would prohibit any court of the United States or of any State passing on the constitutionality of Federal statutes.

One proposal would prohibit any Federal court from declaring a statute unconstitutional.

One joint resolution declares that the right to hold statutes unconstitutional does not exist, and that the courts have usurped this power, forbids its further exercise, and makes the act of passing on such question automatically vacate the office of the judge.

Four bills would take away the power of inferior Federal courts to pass on the question, thus stripping the Supreme Court of the largest part of its jurisdiction, viz, on appeals.

The first amendment above mentioned would also repeal the tenth amendment, which is that part of the Bill of Rights saving to the people of the several States all sovereignty not granted to the Federal Government.

Another class of amendments proposed would curtail the powers of the Court by granting to Congress power over local affairs: production, mining, manufacturing, agriculture, labor, etc.

One of this group grants enough power to Congress to create a completely socialized State. It enables Congress to tax instrumentalities of States. But the New Deal is most conspicuously delineated in the section reading:

"The Congress shall have power to delegate its legislative power to the President and/or to such agencies as he may select."

Another group of 14 proposals of amendment and bills would curtail the Supreme Court's power by various changes—in number of members, by requiring more than a majority rule, by providing for advisory opinions, and by limitations of time for testing the question.

One amendment would curb the Court as to production and sale of farm products and give Congress power to issue money based on farm commodities. One would give Congress control over farm production. One would increase the scope of the general-welfare clause so as to curb the Court.

Jointly and severally they present the issues of home rule and free government immediately before us.

We have enjoyed home rule and government by the people nationally because of two characteristics of our Federal system, viz:

(1) Reservation to the people of the several States of all sovereignty not expressly granted by them to the Federal Government; and

(2) Division of Federal functions—executive, legislative, and judicial—into three separate departments designed to check government against overreaching the will of the people, expressed in writing.

These two fortresses of liberty have been defended by decisions of the Supreme Court declaring void statutes which conflicted with the Constitution.

The Constitution is the people's law. It was made fixed by them because they had suffered tyranny under an unfixed constitution.

It protects the citizens from their Government. It cannot be changed by their Government. It can be changed only with their consent.

Meantime there must be some place to which citizens may go for protection against alteration by usurpation. They established the Supreme Court as that place. They did this by their Constitution. The Supreme Court derives its judicial power by a direct grant from the people. It cannot be taken away save by the people. In this it is unique. It does not receive its power from Congress, as other Federal courts do. The jurisdiction of the Supreme Court is divided by the Constitution into original and appellate jurisdiction, and the latter only is subject to exceptions and regulation by Congress.

Thus the United States, until afflicted with the New Deal, avoided centralization and decentralization, tyranny and anarchy, and maintained the highest degree of relative liberty and opportunity, among all governments, by the devices of independent sovereign States and limited and balanced Federal powers expressed in the written commission of the people.

New Deal acts, such as N. R. A. and A. A. A., were void because they struck down local self-government—without which the liberty reserved by the people did not and cannot exist. When required by specific cases brought by citizens to the Court, the Supreme Court functioned, as directed by the people, and declared the N. R. A. and A. A. A. inoperative.

The Court was the people's institution specially established for this purpose.

The denial of its right and power is not new. The Court has had to withstand such attacks many times. Jefferson bitterly expressed his reaction to the decision in *Gibbons* v. *Ogden*, which mapped out the course that Congress would follow for a century in regulating interstate commerce: "That body, like gravity, ever acting with noiseless foot and unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them." He was wrong, as proven by the decisions on N. R .A. and A. A. A., which saved those special governments.

This was the important period when the Court, under Marshall, was giving strength and vitality to nationalism. The critics then were the States' rights proponents.

Jackson was in collision with the National Bank case and Lincoln with the Dred Scott case, respectively. Lincoln's notes for debate with Douglas say. "I might as well preach Christianity to a grizzly bear as to preach Jefferson and Jackson to him." Douglas asserted: "He * * * keeps appealing each day from the Supreme Court of the United States to political meetings in the country. The Dred Scott decision was pronounced by the highest tribunal on earth. From that decision there is no appeal this side of Heaven."

Federalists condemned the Court one day and acclaimed it another. States righters complained one day and gave thanks another. New Dealers praised it for the gold-clause decision and criticized it for the N. R. A. decision.

But the Court is in possession of the right. It has exercised it for a century and a half as a logical development of the American system. Such judicial power was exercised in the several States.

The Constitutional Convention assumed it to exist. Twenty-three of the twenty-five men who dominated the Convention have been shown to recognize it. Every New England State acknowledged the right.

Connecticut adopted the Constitution on a representation by Oliver Ellsworth: "If the United States go beyond their powers, if they make a law which the Constitution does not authorize, it is void; and the judicial power, the national judges who, to secure their impartiality are to be made independent, will declare it to be void."

Massachusetts, New Hampshire, Rhode Island, and Vermont, in 1798, adopted resolutions counter to the famous Virginia and Kentucky resolutions touching the alien and sedition laws which expressly held that the authority of deciding on the constitutionality of any act or law of the Congress of the United States was vested exclusively in the judicial courts of the United States.

Though not expressly described in the Constitution, the right is clear, by necessary implication and inevitable practice. This right of the Court to declare statutes unconstitutional has been the rod by which the people have ruled their Government. The certainty of its use, notwithstanding the roaring of the transgressors, has punctuated the history of our remarkable progress, politically, socially, and economically. Its use has been the marvel and admiration of statesmen, jurists, and historians of other countries—Gladstone, Bryce, and DeToqueville, notably.

It has preserved our constitutional form of government. It has prevented a gap occurring between the limits and the powers of the several States and those of the Republic, and likewise, it has prevented the overlapping of those powers. It has made the frontiers and boundaries of jurisdiction clear.

When national sovereignty was at low ebb, the Court, under Marshall, turned the tide.

When the backwash of the War between the States threatened to engulf the South, the Court, under Salmon P. Chase, erected a dyke against the reaction.

Now, when the Federal Government attempts to destroy local self-government, the Court, under Hughes, throws up the barrier of judicial protection.

Recognizing that, by consent of the people, the form can be changed; i. e., through amendment; and assuming, but not admitting, that it can be changed without consent of the people; i. e., by statute; do we want it changed in this respect?

Do we want a parliamentary form of government?

Do we want to raise the power of statute law to the supremacy of a constitution?

Such is the tendency of the amendments, resolutions, and bills now pending.

Even the comparatively conservative amendments expressly enable Congress to legislate regarding production, manufacturing, and mining.

If the Federal Government occupies this field, local self-government will be driven out because a Federal statute and a State statute cannot occupy the same field. This field reaches the horizon of State life.

Assuming the need for bringing capitalistic civilization to a policy of social and economic justice, is the method advocated commendable, or is it too dangerous?

The Supreme Court does not determine or change policy. Its action is but a brake on speed.

Its power is simply the authority to dispose of a controversy before the Court in which one citizen who is a party to a case claims rights guaranteed to him by the Constitution. It is not the absolute negative or revision which was refused by the Constitutional Convention.

The Court applies it in the determination of the specific issue by measuring the statute with the fundamental law relied upon by the citizen.

If public opinion cherishes the centralization of power and the destruction of local self-government involved in the New Deal, the negation of the Court can be surmounted by these amendments.

The general consequence of centralization was expressed by a great New Englander, President Calvin Coolidge, in May 1926, thus:

"No method of procedure has ever been devised by which liberty could be divorced from local self-government. No plan of centralization has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction, and decline. * * *"

The scope and effect of the "must" legislation passed by Congress and found void by the independent, nonpolitical, unbiased, and courageous action of the Court, persuade those who are not New Dealers that we cannot afford to curb the Court and aggrandize Congress.

It is hoped that consideration of the other possibilities involved in the use of such power as the pending legislation would vest in Congress will persuade some New Dealers themselves.

An omnipotent Congress could muzzle the press and destroy free speech, enter our homes and search and seize without warrants, dragoon us with troops quartered in our houses, cut off communication between States and between persons within States, regiment every business and every farm, take over and communize the economic activity of the people, enslave us to a State religion; take away the right to trial by courts and juries, and subject us to penalties and punishments by acts of Congress, take our property without compensation, abolish process of law and create inquisitions, it could abolish States and set up soviets, and it could legislate the combination of President and Congress into permanent autocracy.

Granting that such a catalog of dire possibilities lacks the authenticity of even probability, yet we ought always to consider possible evils of a proposition to change the form of our Government. A probable evil from removing judicial power which should be a fiery cross rallying New Dealers as well as Republicans and Democrats against the propositions is the different and conflicting interpretations of the Constitution—as many as there are States—which could occur if we did not have the Supreme Court to unite us in one interpretation for all States and for all people.

In effect the proposals affirm that the States have finished their usefulness and ought to be extinguished, that the America of balanced powers has passed its zenith, and that we ought to have a President with powers comparable to those of Hitler or Mussolini, through a Congress authorized to delegate to him all legislative functions.

Is this the destiny of the America we are so proud of? No, not while Americans remain worthy of freedom. Yes, if Americans become incapable of self-discipline and self-government, not a written Constitution, not a Supreme Court, could then save this America.

The perpetuity of our free institutions will be secure so long as the people sanctify their Constitution and keep the power in their own hands to amend it. Indeed, I favor a more direct use of that power than is provided for now.

There is another group of resolutions proposing to amend the method of ratification of a constitutional amendment. All four of them would permit ratification by vote of the people in elections in three-fourths of the States. They differ from each other in the following respects:

One cuts out action by conventions and legislatures and substitutes an election to be held according to laws adopted in each State, or, in defect thereof, law enacted by Congress.

One adds to the present methods majority vote in the congressional election next held after submission or in a special election held on date and in manner designated by the President, not less than 4 nor more than 6 months after submission.

One cuts out the present methods and requires ratification by majority vote at any general election held within 7 years after submission.

One abolishes present methods and provides for ratification by a majority of electors in the next election for Federal Representatives held not less than 3 months after proposal. This amendment would also compel Congress to propose an amendment on the application of the legislatures of two-thirds of the several States, or of a majority of the electors of each thereof, voting at a regular election. This would abolish the convention for proposing amendments now available on application of the legislatures of two-thirds of the States.

Out of these latter proposals should develop a change in the fundamental law which will bring the people and the Constitution nearer together. The sanction of broad public interest, and the belief in the wisdom of what John Locke called "a standing law to live by" should give the Constitution additional vitality.

We New Englanders are bred, trained, and disciplined to preserve institutions like local self-government and balanced Federal power.

Instinctively we strengthen the citadel that guards them—the Supreme Court.

ORDER OF BUSINESS

Mr. MARTIN of Massachusetts. Mr. Speaker, I desire to submit a parliamentary inquiry as to the program for the day.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. Will the Speaker tell us what suspensions are in order for today?

The SPEAKER. Following the special orders, the House will proceed for some length of time—the Chair is unable to state how long—on the Consent Calendar. The Chair later on during the afternoon will recognize a motion to suspend the rules and pass House Joint Resolution 491.

Mr. MARTIN of Massachusetts. May I ask the Speaker if it would be possible to take that up first?

The SPEAKER. That would be contrary to the general custom. The House will first proceed with the consideration of bills on the Consent Calendar.

WORK-RELIEF PROJECT AT BROOKLYN NAVY YARD

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Works Progress Administration work in the Brooklyn Navy Yard.

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

There was no objection.

Mr. CELLER. Mr. Speaker, since the advent of the New Deal, men without number have been taken from the breadlines and placed on work relief jobs. Periodically, however, unthinking critics of the New Deal point to occasional instances in the work-relief picture where inefficiency, poor management, and haphazard planning chance to occur, and on these few-and-far-between cases, these critics take it upon themselves to lambast the entire New Deal set-up. Such critics fall well within the adage of the Bible, that "There are none so blind as those who will not see"; for examples are numerous and plentiful where the work-relief projects are being carried on efficiently, carefully, and systematically.

Proof of this fact can be had by a survey of the $3,000,000 labor-relief works program of construction and repair under way at the Brooklyn Navy Yard. Here—all the work-relief critics to the contrary notwithstanding—efficient production is being obtained from 2,300 relief workers, through sound management, careful planning and scheduling of operations, and constant check of performance and progress. The great success of the program now being carried on in the yard—a program involving 10 projects of improvements to the shops and industrial facilities of the yard, and a considerable volume of maintenance and badly needed repairs to utilities, railroads, and streets—is attributed to the attitude of the management that here is a works program and not merely a relief program. Except for the cooperation afforded by the navy-yard officials, Navy-construction engineers, and other regular purchasing and accounting departments, the program is being conducted by civilians recruited from relief and unemployed lists. A civilian most experienced in construction is projects manager. His name is A. J. Brehm, and the greatest amount of credit for the splendid fashion in which the programs of navy-yard projects are being worked out should be given to Mr. Brehm. It affords me real pleasure to give unstinted praise to this gentleman.

The various works were planned and developed with the cooperation and general supervision of Navy officials, by a design department staffed with competent and experienced engineers from the unemployed list. Field operations are under the direction of capable construction men, many of them formerly associated with some of the country's largest contractors.

SCOPE OF PROJECT

The 10 projects, for which $3,391,000 was allotted under the Emergency Relief Appropriation Act of 1935, are given in the following list. Subsequent to the original estimates, the working hours of skilled and semiskilled labor were greatly reduced without a cut in monthly pay, thereby increasing the cost of the work. Some curtailment of the original program has been necessary to meet the increased costs.

1. Repair and improvement of steam, compressed-air, water, and street-lighting systems	$414,000
2. Repair and improvement of buildings	1,780,000
3. Improvements to power, heating, and refrigerating plants	36,000
4. Repair and improvement of water-front structures	147,000
5. Revamping inside lighting and power circuits	149,000
6. Revamping the plumbing and ventilation systems	105,000
7. Rebuilding railroad tracks and yards	160,000
8. Rebuilding streets and walks	150,000
9. Foundation exploration and subsurface surveys	25,000
10. Completion of relief-work projects already under way (interior painting of shops, renovation of rolling stock, office furniture, minor building repairs, etc.)	425,000

The major item of work in the program is the rearrangement and improvement of shops and industrial facilities to increase the efficiency of the yard as a shipbuilding plant. For example, two shop buildings are being connected by an addition and are being altered and rearranged to permit the consolidation in the resulting large building of two shops now widely separated, which can be more efficiently operated as a single unit.

In addition, a considerable volume of deferred maintenance work is being undertaken. For years naval appropriations have been inadequate to maintain the shore establishments in the condition desired by the Navy Department. At Brooklyn, as well as at many other yards, funds have been insufficient to maintain the extensive navy yard facilities in full repair. Many of the buildings are very old, and some have deteriorated in spite of all repairs that could be made with funds available to such an extent that their usefulness has been impaired. Water, steam, electric, and compressed-air distribution systems were in need of extensive repairs. Many pavements, railroad tracks, and craneways were similarly in need of complete rehabilitation to make up for deferred maintenance.

The work involves many types of construction and repair, offering a great variety of employment. Included are streets, sidewalks, sewer and building construction; repairs to steam, water, air, and power systems; repair of railroad track and a complete rebuilding of railroad rolling stock; painting and skylight repairs, building alterations, and shipway repairs. One project is for a complete subsurface survey of foundations, utilities, pipe lines, and sewers.

Classes of work include brick and stone masonry, demolition of buildings, excavation, carpentry, pipe laying, painting, bituminous pavement construction, and brick and asphalt block laying.

ORIGIN OF PROJECTS

With the advent of the current national relief-work program, the commandant of the navy yard recommended the yard projects to the Bureau of Yards and Docks for relief labor work. The Bureau in turn recommended a long list of projects to W. P. A., which finally allotted funds for the definite projects listed above.

For some time a small program of relief work—under C. W. A. and E. R. B.—had been carried on at the yard. For this work a small designing organization had been created. This group worked up preliminary plans and cost estimates for the new program upon which allocations were made and served as the nucleus of a much larger design organization set up immediately to work out detail designs.

The funds allotted to each project were split into three main items, and the specific amount allocated to each item cannot be exceeded. First of all, a sum was set aside to cover what might be termed overhead. The allocation of a certain percentage of this overhead budget to each project constituted the first item of expense. The second item includes miscellaneous tools, consumable supplies, and rental of equipment, the last being furnished for the most part from regular navy yard sources. The third item is for direct labor and materials, comprising the balance of the project allotment.

The larger projects were divided into subprojects, where division was logical according to type of work or by other classifications. The amount of money allotted for each subproject cannot be exceeded unless there has been a saving in some other subdivision of the same project. Funds are not transferable between projects.

LABOR CONDITIONS

All of the labor required is requisitioned through the United States National Reemployment Office, the class or trade of labor desired being specified in the requisition. Labor is, in general, recruited from relief rolls; but exceptions have been made in certain supervisory, technical, and skilled classifications. Using December 19 as a typical example, total employment on that date was 2,304 divided as follows: Superintendents, engineers, clerical, and so forth, 348; skilled labor, 1,045; semiskilled, 288; and unskilled, 623.

Wages are all on a monthly basis, with no deduction for lost time not the fault of the worker. Monthly earnings vary from $60.50 for skilled labor to $93.50 for the highest skilled classification. The number of hours worked per month varies with the labor classification. The supervisory, technical, and clerical force works 39 hours per week; unskilled forces work 120 hours per month; certain semiskilled trades work 80 hours per month; and all skilled trades work 60 hours per month. The reduction in hours for certain trades resulted from the recent W. P. A. capitulation demands of organized labor in New York that prevailing hourly rates be maintained on relief work.

A systematic arrangement of working hours has been worked out to meet the various labor conditions. The regular working month has been divided into 4 weeks of five 6-hour days each. When Saturdays, Sundays, and holidays are insufficient to reduce the number of working days to 20 for any one month, additional nonwork days are arbitrarily designated. Unskilled labor works every working day, or 120 hours per month. The skilled and semiskilled classes have been divided into two shifts, working alternate weeks for a total of 10 days per month. The 80-hour-per-month classes work an extra 2 hours per day, or 8 hours 10 days per month. This system has eliminated most of the confusion resulting from variable shift changes, but it has not eliminated the loss of efficiency from long lay-offs between working periods.

JOB ORGANIZATION AND COST KEEPING

At first the design department was rushed, and as fast as dealled drawings were turned out for a project or subproject, men and materials were requisitioned. Workmen were organized into gangs of about 20, each crew supplied with a foreman. Within a surprisingly short time the force has been built up to more than 2,000 workers employed on a diversity of projects.

The work was laid out to provide continuous employment for a uniform size force in August 1935 to about March 1, 1936, and from then on for an augmented force to permit completion of work by July. Projects requiring little design and those left over from earlier relief work were started first. Other projects were delayed until complete designs could be prepared, and some were purposely held up to take up the slack later on as other projects were completed.

From the start those in charge were determined to make this work as efficient as possible from the labor. Consequently shirking and loafing were not tolerated. Skilled and semiskilled workers are requisitioned for definite tasks. If the individual supplied for a job is found to be incapable of filling it, he is sent back to the employment office, for misfits are regarded as a drag on the remainder of the crew.

As far as possible a tolerant attitude on output rate is maintained toward the common labor, especially the newcomers, for the supervisors realize many of those reporting for work are inexperienced in construction. Incoming laborers are carefully assigned to jobs to which they seem best suited. An inspection of the work reveals that the huskies are found in the concrete and excavation crews or on pile-driving gangs, while the lightweights and older men are assigned to cleaning brick and to other lighter tasks. In contrast to much relief work, individual workers are placed where they produce best and are not merely put to work. The physically unfit and those showing no disposition to work are returned to the reemployment office.

Timekeeping and cost-keeping procedure is similar to that on any well-managed construction job. Each workman is given a clock set-up for every subproject. The cards are signed by the foreman, who checks the labor-cost distribu-

tion with the timekeepers. Four field checks daily are made by the timekeepers. Daily cost records for both materials and labor are compiled, showing the total cost to date and the unexpended balance for every project and subproject.

SAFETY MEASURES

Safety in construction of the projects is regarded as an important feature, especially in view of the large percentage of inexperienced workers in the unskilled class. All safety work is under the direction of an experienced safety engineer, who is given authority to enforce safe practices and methods. Scaffolds, ladders, shoring, and pit and trench sheeting must be built to required standards. Goggles must be worn by operators of concrete breakers and chipping hammers.

A weekly inspection is made of all rope, cable, slings, chains, blocks, scaffolds, and ladders in use. All workers come under the regular Government employee compensation coverage. Remarkably low accident records are being maintained, as is exemplified by the experience for the month of October, when 2,074 employees, working 191,814 hours, had only 8 lost-time accidents, resulting in a total of 47 lost days. The safety record reflects the careful attention that has been given the work by the superintendents and general foremen at all times.

DIRECTING PERSONNEL

Admiral Sterling Yates, Jr., commandant of the Brooklyn Navy Yard, is W. P. A. State administrator of naval projects, assisted by Capt. C. A. Dunn, manager of the yard. Capt. A. L. Parsons, C. E. C., public works officer of the Brooklyn yard, is project manager of navy yard projects, assisted by Commander W. M. Angas, C. E. C., relief works superintendent, and Lt. A. D. Hunter, C. E. C. Capt. J. N. Jordan, S. C., is in charge of all accounting. A. J. Brehm is works manager, in charge of all the construction and civilian personnel, and, as I have already stated, he has been doing, and is still doing, a great and splendid piece of work. These naval officials are likewise entitled to genuine praise for their work.

This is but one instance of how, through the President's work-relief program, the people of this country are being lifted out of the doldrums of the depression.

Let those who, without knowing the true facts, hasten to criticize, examine closely the state of things as they really are and remain to praise.

THE FATE OF THE AMERICAN INVESTOR IN GERMANY

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of German bonds.

The SPEAKER. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I include a dialog between Dr. Max Winkler, professor of economics in the College of the City of New York, and myself, over radio station WOR, February 15, 1936, as follows:

Dr. WINKLER. Immediately after the war Germany was required to pay an enormous indemnity on the grounds of having been responsible for the conflict. She cunningly chose to enact such fiscal and currency measures as would enable her to secure funds for reparation payments from the very recipients thereof.

Mr. CELLER. How did she do this?

Dr. WINKLER. She started the printing presses of the Reich and turned out enormous quantities of paper which were sold wherever buyers could be found, as government, state, corporate bonds, and German currency. The Americans proved particularly easy victims.

Mr. CELLER. But banks and those engaged in the marketing of the various German securities, or shall we say insecurities, emphasized the possibilities of enormous profits in the event of a return of the mark to its pre-war value. The banks and investment houses—did they properly advise the American investing public?

Dr. WINKLER. No. The incessant output of German paper continued to affect most adversely the position of the German currency, and before very long the mark declined to an infinitesimal fraction of its original value. Whereas prior to the war one could purchase for $1 a little over 4 marks, it became possible in 1933 to purchase for $1 over 4 trillion paper marks. As soon as the cost of printing exceeded the amount which could be realized from the product of the printing presses Germany ceased these fiscal operations. It is estimated that Americans purchased various types of German paper to the extent of $2,500,000,000 of real money. It was these funds which Germany used to pay reparations, finance her foreign trade, and rehabilitate her internal economic structure.

Mr. CELLER. What about the Dawes plan?

Dr. WINKLER. Late in 1923 it was decided to effect a complete financial rehabilitation of the Reich, and the Americans were invited to participate in the scheme. A committee, headed by Gen. Charles G. Dawes, worked out a plan which would restore Germany to the position it held prior to the conflict. A loan of $200,000,000 was offered for public subscription, of which the Americans were privileged to take more than 50 percent.

Mr. CELLER. I understand that with the aid of this loan the rehabilitation of Germany commenced. Thanks to the propaganda spread on behalf of the Reich, the credit standing of our former enemy continued to improve in the eyes of the American bankers, who in turn succeeded in translating this improvement into enormous amounts of German bonds, which our public bought. Powerful sales organizations were created by the various banking institutions in the large cities and the desirability of Germany as a credit risk was constantly emphasized by the bankers. Since the yield on these bonds was somewhat higher than was obtainable on comparable securities in this market, the smaller financial institutions throughout the country proved a particularly fertile ground for the absorption of German issues. But, Dr. Winkler, what happended in 1929?

Dr. WINKLER. Well, Congressman, rumors, emanating from official or semiofficial quarters, were circulated throughout the country to the effect that Germany might be unable to meet the service on her dollar bonds. The market had already become very sensitive. Since the American investor apparently forgot his experiences in the early post-war years with German paper marks, he threw his German bonds overboard at great sacrifice. The German debtors in this way adroitly acquired large quantities of bonds, and as soon as they accumulated a substantial amount the earlier rumors about impending defaults were officially denied. The result of this denial was a fresh purchase of German issues on the part of Americans, and it appears again on careful analysis that these advances were utilized by the German Government to resell part of the bonds that it had bought earlier at very much lower figures. You'll agree that was rank business.

Mr. CELLER. Was it not also somewhat curious that Dr. Schacht, fiscal chief of Germany, attempted to allay the rumors about Germany's impending default before the Bond Club of New York at a meeting on October 9, 1930?

Dr. WINKLER. Yes, indeed. His reassurance was as follows: "I want to emphasize here in the full public that everyone who after the war has invested any money in Germany on long term or on short term, whether he has invested in industrial credits or commercial credits or in credits to the public authorities, will not be disappointed because Germany will pay those debts."

Mr. CELLER. That promise was like pie crust—easily broken. While Schacht was making that fake promise, his Machiavellian allies in deceit, Hitler, Goering, and Goebbels, were planning quite differently. Their plans were tragic to American bondholders; see what Schacht said, in an interview on August 25, 1934:

"I am now in charge of German banking, commerce, and industry, both at home and abroad * * *. Germany will not pay those coupons to America because we haven't got the money available."

Dr. WINKLER. The question is, Shall American bondholders take this licking lying down?

Mr. CELLER. Emphatically, no. Dr. Winkler, is Germany actually playing favorites?

Dr. WINKLER. Yes. Holders of German bonds in Holland, Switzerland, Sweden, and Great Britain have been receiving interest on their holdings. American investors are the only ones discriminated against. Americans bought more German bonds than other nationals. Their gullibility is now being rewarded by Germany, which withholds payments from them while making them to other nationals. What course would you suggest, Congressman, as a remedy?

Mr. CELLER. Our State Department lodged a rather eloquent protest against this discrimination, but words mean nothing to the present rulers of Germany. Persuasion by force is the only means by which payments might be secured. I do not mean physical force, of course. I mean force of an economic character, which, after all, was the method employed by European creditors of Germany, with very satisfactory results.

Dr. WINKLER. You mean economic reprisals?

Mr. CELLER. Economic reprisals is one potent suggestion. But the so-called clearing arrangements between Germany and European creditors is another potent remedy. In each case Germany had had a favorable balance of trade with the countries in question. It is thought by some that Germany could not be made to pay interest on American investments as a result of a clearing arrangement because she has an unfavorable balance of trade with this country.

Those who hold this view are, I am afraid, ignoring so-called invisible exports and imports, which doubtlessly offset Germany's so-called favorable balance.

It is for this reason that I believe that American holders of German bonds could collect what is rightfully due them if a clearing system were put into operation. This system would work about as follows:

All classes of payments that Americans are scheduled to make to or for the account of Germany, German corporations or nationals, will be turned over to the Federal Reserve Bank of New York.

Before releasing these funds, which will represent payment for German merchandise imported into the United States, interest and dividends on American securities owned by German nationals, corporations, and individuals, interest on German balances in the United States, remittances to Germany, payment for shipping, bequests, inheritances, gifts, and insurance—the Reserve bank would apply these remittances to pay:

1. American exporters for merchandise sold to Germany.
2. Interest on the Dawes and Young loans.
3. Interest on all other German dollar bonds.
4. Interest on all credits as defined under the various "standstill agreements."
5. Amortization of German dollar obligations.

Do you think, Dr. Winkler, some such plan would bring haughty Schacht to his knees begging forgiveness?

Dr. WINKLER. Such a method would force Germany to cease discriminating against American bondholders. Notes from our State Department, no matter how sharp or eloquent, produce no results. Something more forceful must be tried.

Another factor which militates against American holders of German bonds is the peculiar position occupied by our large banking institutions which are holders of so-called short-term credits and on which they have been receiving both interest and amortization, naturally at the expense of the holders of long-term bonds which were sold by those very institutions.

Mr. CELLER. You mean that these banks play a dual, inconsistent role—playing both ends against the middle?

Dr. WINKLER. Yes. It would seem that the difficulties incident on the dual position occupied by banking houses which are both holders of short-term credits and originators and distributors of long-term bonds could be eliminated only through the activities of a governmental agency provided for in title II of the Securities Act of 1933. It will be recalled that this title calls for the formation under governmental auspices of an absolutely independent instrumentality whose chief function it would be to accord genuine and disinterested protection to the countless American victims of the foreign-bond bubble.

Mr. CELLER. You know, of course, that the title II has been passed by both Houses and is still awaiting Presidential proclamation.

As a Member of Congress, I shall make it my studied purpose to induce the President to set up the machinery provided for in title II of the Securities Act and try to bring about the clearing system, and then endeavor to start an investigation so that all the facts in this miserable mess shall come to the surface. Americans should know how they have been defrauded by Germany.

LEAVE OF ABSENCE

Mr. SEGER. Mr. Speaker, my colleague, Representative POWERS, of New Jersey, desires 3 days' leave to attend the funeral services of a member of the New Jersey Legislature, Senator A. Crozer Reeves, a lifelong friend, who has just passed away.

The SPEAKER. Without objection, the leave is granted.

There was no objection.

THE POSTAL SERVICE

Mr. WITHROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address by the gentleman from South Dakota [Mr. HILDEBRANDT] over the radio on February 13, 1936.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WITHROW. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of Hon. FRED H. HILDEBRANDT, Representative from South Dakota and member of the Committee on the Post Office and Post Roads, on N. B. C. Farm and Home Hour, February 13, 1936:

Friends of the radio audience and to the home folk of South Dakota, no branch of our Government means more to the average citizen than the Post Office Department. Day after day, mail is delivered in millions of homes and the service rendered is uniformly efficient, faithful, and honest.

Messages of love, sympathy, encouragement, helpfulness, and hope are brought to our people daily by the carriers. Unfailingly and continuously this service is given.

Some 230,000 clerks, carriers, and other assistants work in one capacity or another in connection with the distribution of mail. In fair weather, in sunshine, and on cloudy days, they carry out their appointed tasks. The loyalty and reliability of postal employees is an inspiration.

The reduction of the postal work-week from 44 hours to 40 hours was a merited consideration to these earnest, hard-working men and women. Promotions have recently been made that were equally deserved. Eighteen thousand substitutes have been afforded relief. Many fair and equitable reforms have been put into effect under the able and wise administration of Postmaster General James A. Farley. Mr. Farley has established an exceptional record of integrity and capability.

Spanning of the Pacific Ocean by air mail is another notable achievement accomplished under the present administration. The first clipper ship sailed into San Francisco harbor 100 years ago. Now America and Asia are linked and 8,000 miles of ocean distance are covered in 5 days.

Contract air-mail service in Alaska has supplanted the dog-sled service of earlier times. Food and medical supplies are made available to the suffering of the far North through air mail—a service of tremendous value and human helpfulness.

From the days of the sagacious and philosophical Benjamin Franklin, our first Postmaster General, down to the present period, our Post Office Department has been a source of pride to every American, a means of conveying intelligence and knowledge, and an evidence of national progress.

Not so many years ago we were told that parcel post was impracticable, that rural free delivery was unworkable, and that it was out of the question for the Government to transport packages. Today we appreciate how absurd this contention was. The workability of these experiments has been clearly demonstrated. Their merit has been proven beyond the shadow of a doubt.

I take pleasure in paying sincere tribute to our Post Office Department and its manificent usefulness in the life of our country.

The other night I saw a fascinating film of the Postal Service in the caucus room of the old House Office Building entitled, "Here Comes the Mail." I wish every citizen might have seen it. The film was the production of a postal employee, Howard Hanson, of St. Paul, Minn., and was financed by voluntary contributions of postal workers, being shown under the auspices of the National Federation of Post Office Clerks, the Railway Mail Association, and the National Association of Letter Carriers. It consisted of "shots" of post-office clerks, railway-mail clerks, letter carriers, rural-delivery carriers, and vehicle employees actually on duty, with views of interiors of post offices and railway-mail cars. The intricate and technical operations by which the United States Postal Service collects and delivers your mail and mine were shown interestingly and accurately.

It is, indeed, a remarkable transition that the Postal Service has undergone since its establishment in this country. How surprised the old-time post rider would be if he returned today and witnessed the modern, efficient, and complicated institution of the twentieth century! How astonished would the founding fathers be to see what has evolved from the Post Office Department of Ben Franklin's time!

In the history of our country, and in the romance of inventive genius, there is no greater triumph of achievement than the perfected Postal Service.

LINCOLN DAY ADDRESS

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by me in Nashville, Tenn., on February 12 on the occasion of a banquet in commemoration of the birth of Abraham Lincoln.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, under leave granted me to extend my remarks in the RECORD, I include the following address delivered by me in Nashville, on February 12, on the occasion of a banquet in commemoration of the birth of Abraham Lincoln:

Mr. Chairman, fellow Tennessee Republicans, and friends, at the outset, by way of preface and preliminary, permit me to say that if anyone should find himself irked or uncomfortable during the course of my remarks this evening on the state of the Union and the delinquencies and iniquities of the present national administration, you have my permission to recline in your chair and park your brogans at any angle you may see fit.

My friends, it is indeed a privilege and an inspiration to be here tonight on another anniversary of the birth of the immortal Lincoln and to contemplate the certain political victory which lies out just immediately ahead of us.

Six times I have traveled 1,500 miles to attend one of these celebrations, and I have always felt that the expense and inconvenience thereof were amply justified and compensated, because after attending a Lincoln Day dinner I always feel like I am a better Republican and a much better citizen.

In the midst of the confusion of the hour, how we yearn for another Abraham Lincoln to give to the country a new birth of freedom—not freedom from the shackles of human slavery but freedom from a political witchcraft which, if not curbed, will inevitably destroy the principles for which our forefathers fought and for which the great emancipator died.

With the hallowed institutions of our country gravely threatened, with the sacred traditions and heritages of our fathers reduced to a shamble, with constitutional government in the greatest possible peril and jeopardy—yea, with liberty itself in a death struggle for survival, how we need another such patriot and statesman as Lincoln to lead us out of the Egyptian darkness of threatened socialism into the Canaan of Jeffersonian, Jacksonian, and Theodore Roosevelt democracy.

Oh, my friends, how hath the erstwhile great Democratic Party fallen. I refer to the Democratic Party of the illustrious Jefferson, the intrepid Jackson, and the courageous Grover Cleveland.

Everything for which this illustrious trio stood has been grossly repudiated by the administration in power at Washington masquerading as it does under the false colors of democracy.

States' rights, so dear to the hearts of the old-time Democrats, has been thrown into the scrap heap, and centralized government of the most vulgar and outlandish type has been substituted.

In the presence of what is transpiring in this country today, how ironical the words of Grover Cleveland when he thundered: "The Government is not supposed to support the people, but the people are supposed to support the Government."

But, my friends, I exonerate the Democratic Party as such of what is going on in Washington today. The administration at Washington is not Democratic—it is the rankest sort of socialism tinctured with communism.

Mr. Chairman, I charge that the present administration in Washington is guilty of a degree of embezzlement of public confidence never before witnessed in the history of this country. If ever a President treated with a disregard, which amounts to sheer contempt, the platform and campaign pledges upon which he was elected to office, he is the present occupant of the White House.

So eager was he to accept the Democratic nomination in 1932 that he flew to Chicago, and declaring that a platform was a "solemn and sacred covenant with the people", he subscribed to it in its entirety—100 percent. That platform declared for the preservation of a sound money policy, and within 60 days from his induction into office he deliberately devalued the dollar 41 percent and in the operation, without due process of law and in bold violation of the Constitution, he appropriated two billion eight hundred million of the people's money.

The Democratic platform adopted at Chicago in 1932 declared for economy in government, pledged the party to the elimination of bureaus and commissions, and in the most explicit and specific terms committed it to a 25-percent reduction in governmental expenses. The nominee of the Democratic Party not only subscribed to this pronouncement of the platform, but during his campaign on various occasions solemnly asseverated his determination to strictly observe and discharge this commission. What does the record show? During the 3 years of his administration he has created more than 100 bureaus and commissions, to obtain titles for which he has exhausted the English alphabet, adding to the Government pay roll more than 300,000 employees. In March 1933 Secretary Wallace began his administration of the Department of Agriculture with an organization of 26,132 employees. Up to the day that the Supreme Court laid to rest the A. A. A., Wallace has increased this number to 66,969 full-time employees. The Civil Service Commission estimates the average salary of these Government employees at $150 per month. This means that the New Deal pays out of the taxpayers' money to this one group an annual salary of $120,824,916. In addition to this army of full-time employees, Mr. Wallace has organized a field force of part-time employees of 115,366, drawing, according to the August report of the Civil Service Commission, an average of $28.32 per person per month. This makes a grand total in one department alone of 182,355 employees, or 40,000 more than the standing Army of the United States!

During his campaign the present occupant of the White House, in conformity with the Democratic platform, promised to balance the Budget, yet today the Federal Budget is two billions out of balance, and during 3 years of Franklin Delano Roosevelt our public debt has increased to approximately $33,000,000,000. The interest on our public debt today is one and one-half times what the total national debt was in 1913 when Woodrow Wilson became President of the United States.

I wish I had time to elaborate further on this subject, but I must hasten on.

During the past 3 years, under the "beneficent" auspices of the New Deal, there has been recruited in Washington the most gigantic aggregation of magicians that has ever been assembled under one "big top" since the morning stars first sang at creation's dawn. P. T. Barnum, that great wizard of the circus, in his palmiest days could not have boasted of such a collection of freaks and fakers. During this period dreamers, clairvoyants, crystal gazers, jugglers, and ledgerdemain performers of every conceivable variety gathered at the Nation's Capitol and proceeded to diagnose the Nation's ills and undertook to prescribe the necessary panaceas. Barnum, the great premier of the circus, once said: "A sucker is born every minute", but Drs. Rexford Tugwell, Felix Frankfurter, and Mordecai Ezekiel have declared that all Americans are suckers, and that all that is necessary to lead them up a "blind alley" and into the realm of make-believe is to give them a shot in the arm from the New Deal hop bottle, and personal initiative and personal responsibility instantly become passé.

These happy-go-lucky playboys and boondogglers in Washington have been willing to try any quack theory that might occur or be suggested to them regardless of its impracticality or absurdity.

They remind me of an incident that happened at Memphis during the American Legion convention there last year. One of the boys decided to "throw" a party, and he invited a number of his friends. Just before the event began one of his friends came to him and said, "Joe, Bill Jones can't attend your party tonight." "What's the matter with Bill," inquired Joe. "Well, Bill's got a case of laryngitis," his friend replied. "Well, that's all right; tell Bill to bring it along. These 'birds' will drink anything."

So these New Dealers, in typical bacchanalian fashion, cry, "On with the dance! Bring forth your patent-medicine schemes and wild-eyed nostrums imported from Russia. The American people are so dumb or indifferent that they will stand for anything."

To promote the "more abundant life" these eminent New Deal magicians prescribed the reduction of crops, the destruction of food products, and the birth control of pigs and calves. They prescribed the lowering of our tariff walls and the negotiation of reciprocal treaties. And behold, as a result of these nostrums alone, we have not only lost our foreign markets, but we have seen the cost of living skyrocketed from 50 to 100 percent. As a direct result of these two prescriptions, in the 11 months ending November 30, 1935, our imports of agricultural products increased $338,000,000 over the same period of the previous year. During the year 1929 we imported into the United States only 399,138 bushels of corn, whereas during the year 1935 we imported 43,242,296 bushels of corn. During the year 1934 we imported 13,771,622 bushels of wheat, whereas during 1935 we imported 38,871,598 bushels of wheat. Our importation of other agricultural commodities has been in direct proportion. And yet oblivious or in defiance of our vanishing foreign market, with importations of farm commodities increasing to staggering proportions, we went merrily along slaughtering pigs, destroying food products, reducing to ashes hay and grain while millions of our citizens suffer for want of food, clothing, and shelter.

In the face of this amazingly paradoxical situation, is it any wonder that we have a farm problem in the United States today?

As a crowning act of stupidity a supine and complacent Congress, at the behest of the "brain trusters", passed the celebrated potato control bill, better known as the "spud bill." Under the terms of this asinine legislation our time-honored friend, the lowly spud, took on a very dignified and aristocratic mien and importance. For commercial use each individual spud, under Government inspection, would have had to be wrapped in cellophane, stamped like a package of cigarettes, and meticulously crated according to specifications handed down by the bureaucrats in Washington. Any violation of bureaucratic regulation subjects the offender to a fine of $1,000 and 12 months of penal servitude, in the discretion of the Federal court. At a meeting of the bureaucratic Sanhedrin in the Agricultural Department in Washington a few days ago to consider control of potato production in the United States, Tennessee was "generously" given a quota of 500,000 bushels, notwithstanding the fact that Tennessee last year produced over 4,000,000 bushels of this staple commodity—eight times, if you please, the quota allowed her.

But, alas, my friends, the potato turned out to be entirely "too hot" for the administration, and the law to regulate its production and distribution is now no more. Under the withering ridicule and indignation of an outraged people, and especially under the threat of vengeance of the Supreme Court, at the earnest behest of the White House, a pliant and submissive Congress a few days ago ruthlessly cut down this youthful and promising New Deal agency along with its triple sisters, the cotton and tobacco enactments, and they now lie alongside the Three A's and the Blue Eagle on the pitiless "cooling board", and "none are so poor as will do them reverence." I noticed in the press since coming to Nashville, however, that on day before yesterday, after administering extreme unction, the President performed the last sad rites over the melancholy remains of these ill-starred triplets. May they rest in peace.

A deliberate and damnable attempt was made by the "brain trusters" to blueprint and straitjacket the American people in a program of rigid regimentation, and it might have succeeded but for the timely interference of the Supreme Court of the United States. Thank God for this great tribunal, which has earned deservedly the respect and gratitude of every American citizen. I reverently toast the Supreme Court—the bulwark and palladium of American liberty.

For daring to uphold the integrity of the Constitution, as was to be expected, the Supreme Court was denounced and satirized in the most scathing fashion by the "brain trusters" and their satellites. Even the Chief Executive, in commenting on the famous "sick-chicken case", declared that the decision of the highest court in the land harked back to the "horse and buggy" days. Well, my friends, there is one thing certain, and that is that we must get back to "horse and buggy" economy and "horse and buggy" honesty in this country if we ever hope to get out of this terrible dilemma. There is one thing that can be said of the "horse and buggy" days, and that is, the buggy was paid for, the horse had horse sense, and the driver knew where he was going and knew where he had been when he got back; and you can't say this for the New Deal.

While my faith in the sincerity of the Chief Executive had hitherto been more or less shaken, I did not lose full confidence, however, until he wrote a letter to Representative HILL, of the Ways and Means Committee of the House, urging the passage of certain legislation "notwithstanding its doubtful constitutionality." Think of a President of the United States sending such a message as this after taking the oath to support, uphold, and defend the Constitution of his country.

My friends in Tennessee, as in every State in the Union, there are literally thousands of people who heretofore have not affiliated with the Republican Party, who are absolutely surfeited—completely "fed up"—on this so-called New Deal heresy. They yearn to see a return to sanity in Government—a rebaptism of old-fashioned Americanism in the United States. The party of Lincoln invites everybody of whatever past political creed to join us in our battle for the restoration of constitutional government. In this patriotic objective I beseech Republicans of Tennessee to let factionalism be adjourned. Twice during the past 16 years Tennessee has cast her electoral vote for the Republican national

ticket. She will do it again if Republicans abstain from factional controversy and put their shoulders to the wheel.

And now, my friends, I approach the most pleasant part of my assignment tonight, and that is to introduce the real speaker of the evening.

We have had several distinguished men on our program on similar occasions in the past, but tonight we are particularly fortunate in our guest of honor. He is not only a figure of national importance, but his influence and activities have reverberated abroad. While still a young man he has had a most interesting, brilliant, and colorful career. Captain of the Harvard football team, as a tackle he distinguished himself to such a degree that he was rated by Walter Camp as all-American.

When the United States entered the World War he volunteered and was made a captain, and during that struggle was twice decorated for gallantry in action. He has the unique distinction of being the representative in Congress of the present occupant of the White House, but this fact has in no sense assuaged his opposition to the fallacies of the New Deal. No man in Congress has been more aggressive or more merciless in his opposition to the shams and sophistries of the present administration than our guest of honor tonight. He is an inveterate foe of communism and a few years ago headed a special congressional committee which revealed startling information of red activities in the United States. He has been prominently mentioned as the next standard-bearer of the Republican party for President, and I say with pleasure and without hesitation that the Republican Party could go further and do much worse.

Mr. Chairman, it is a great pleasure and a signal honor for me to present to you now an outstanding American and a Republican of the Lincoln type, my personal friend and colleague, Hon. HAMILTON FISH, of New York.

OLD-AGE PENSIONS

Mr. O'CONNOR, chairman of the Committee on Rules, by direction of that committee, presented a report (No. 2005) on House Resolution 418, which was referred to the House Calendar and ordered printed.

THE BEAUTIFUL OHIO RIVER

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein excerpts from figures, facts, and statements made by Colonel Hall.

The SPEAKER. Is there objection?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, ladies and gentlemen of the House, the Ohio River is the most beautiful river in the world. My district runs about 175 miles along the north bank of this beautiful river. The United States Government has spent many millions in the construction of dams and other aids to navigation. By reason of these improvements and the natural flow of the river, the Ohio River can carry more traffic than any other river in the world. The United States Army Engineers have supervised much of these improvements in the Ohio. This branch of the Army is proud of its achievements in the Ohio, and those who use the river extensively are also proud of the work the Government has done on the great waterway.

Col. C. L. Hall, of the United States Army Engineers, is the Chief Engineer of the Cincinnati Division. He has made a thorough study of the Ohio River and its improvements and has incorporated the result of these studies into an address which he delivered before the Ohio River Improvement Association at its recent meeting. This address is full of valuable information, and I am incorporating it into my speech. His address is as follows:

I am very much obliged to the Ohio Valley Improvement Association for the privilege granted me of making an address on a subject which, of course, is of as much interest to me as it is to you. I trust that you will pardon me for prefacing my remarks by a few words on rivers in general.

The dream river of the engineers is not the dream river of artists. Our dream river is one flowing unobstructed, with a uniform flow and a uniform slope, with a temperature approximately constant, in an atmosphere always fair. In the nature of things this kind of river does not exist. If Lake Superior were situated at the headwaters of the Chattahoochee, that river might possibly qualify for the position. Certainly, as all of us with any experience in navigation know, the Ohio River is not an image of this dream.

In its natural state, the Ohio River and its tributaries were the most beautiful streams which the French invaders had seen in America. But the river was obstructed. Its flow was far from uniform, having, indeed, a greater variation than that of any other river of its size in the Temperate Zone; its slope was not uniform; it was subject to ice hazard in cold weather; and it was liable to fog. But with all its disadvantages it formed a major channel of communication between the Appalachian Mountains and the Mississippi River, and thus it was the principal line between the western slopes of those mountains and tidewater. The people of the West—as soon as there were any people—decided that the way to overcome the natural handicaps of the Ohio River was to apply engineering to the problem. By this means the consequences of obstruction, variable flow, variable slope, variable temperature, and variable weather could be neutralized to a sufficient extent to enable the Ohio River to perform its functions as an artery of commerce. One hundred and ten years ago work was started on a very modest scale by removing obstructions—snags—in the lower Ohio River. It is a satisfaction to me to think that that very first work was undertaken by one of my predecessors stationed in Cincinnati.

But it is not this anniversary that we celebrate tonight. Fifty years ago the first navigable dam on the Ohio raised its wickets against the river and gave Pittsburgh Harbor its first deep-water pool. The half century that has passed has witnessed the so-called completion of the Ohio River project, a project of complete canalization of the river, a project of 9-foot water the year around from Pittsburgh to the Mississippi. This project was not completed without much travail and labor. There was the active opposition of vested interests to overcome. There was the inertia of the people, the conflicting interests of political groups. For decades after the completion of this first dam at Davis Island little was done. Then gradually, as the people of the Ohio Valley saw a vastly expanding railroad system render their unimproved river obsolete, and saw their great commerce threatened, they awoke to their danger. Under the splendid leadership of your organization, they were instrumental in the adoption by the Government of an Ohio River project which, when completed in 1929, connected the river at low stages with a series of 50 navigable pools.

Do not misunderstand when I speak of the completion of the Ohio River project. A project of this kind can no more be completed than can the national life of the country. It must keep abreast of the increasing demands made upon it. We must hold what we have gained; we must keep our project in a state of usefulness; and we must look ahead to anticipate the demands of tomorrow.

It appears fitting at this time to pause and review what has gone before, to take stock of our present situation, and to cast our eyes to the future. It was as long ago as 1793 that a seagoing schooner launched at Elizabeth, Pa., rode the spring freshets down the Ohio to the Mississippi and thence to the Gulf and the Atlantic. This feat, accomplished at a time when the flatboat ruled the Ohio, awoke the people of the Valley to the possibility of shipbuilding. Shipyards sprung up like mushrooms, and each spring saw more and more deep-sea tonnage depart for the seven seas. Spain, who then controlled New Orleans, undertook in 1798 to close the lower Mississippi to our commerce. They reckoned without the rivermen of the Ohio, who promptly threatened war against Spain. Congress—in those days always burdened by a chip on its shoulder—at once ordered the construction of two armed seagoing vessels at Pittsburgh—the *President Adams* and the *Senator Ross*—an addition to our infant Navy which convinced the Spaniards of the error of their ways.

These deep-water ships, carrying valuable cargoes to New Orleans and thence scattering over the oceans wherever trade beckoned, had trouble peculiar to themselves. There were the falls of the Ohio to hurdle. There were the notorious pirates, who, sallying out of their rendezvous at Cave-in-Rock, Ill., would murder the crew and confiscate the cargo of any boat luckless enough to ground nearby. And there were also troubles with foreign customs, who were certain there were no seaports in the western forest of the United States, and regarded with suspicion ships clearing from such hitherto unheard-of seaports as Marietta, Ohio.

It is not surprising, then, that as soon as Henry Shreve built steamboats to sail on the water, as distinguished from Fulton's boats which were very much in the water, the Ohio shipyards divorced themselves from the fickle ocean and settled down to the profitable business of turning the Ohio into the country's greatest artery of commerce. There is no need to remind you gentlemen of the glorious heyday of steamboats which preceded and—after a brief relapse—followed the Civil War. No vessel on the seven seas could then show such luxuriousness as could steamboats like the *Grand Republic*—the *Normandie* of her day. Few rivers the world over could show such a steady stream of freight borne on their waters. But since this heyday lapsed into a temporary twilight, and since these magnificent vessels vanished in large part from the river, it seems prudent for us to review the reasons for the eclipse so that we may guard ourselves against such danger in the future.

There were three principal causes for the decline—lack of terminal facilities, the encroachment of the railroads, and the hazards of low-water navigation, that is, the consequences of variable flow. In the final analysis these mean merely that the railroads could haul freight more rapidly than the steamboats. A rail shipper could depend on his timetable. A shipper by boat was at the mercy of terminal facilities—or more often lack of facilities—and of the vagaries of low-water depth. About this time also there occurred a series of years of very dry weather, similar to the past few years on the Ohio. With no dams to conserve the low-water flow, the river became a series of pools blocked by sand bars, and navigation ceased for months at a time. Thus nature played into the hands of the railroads, and a much harassed river commerce all but gave up the ghost.

It was at this juncture that the Government, spurred on by the river interests of the Ohio, first acted on the idea of canalization. The idea was fought bitterly by a school of thought which favored reservoir construction to supplement low-water depths. They thought it better to equalize the flow than to overcome the con-

sequences of low flow by engineering devices in the stream. The issue was fought up and down the river and on the floor of Congress. Strange though it seems, Pittsburgh itself was opposed to canalization. When the first dam was proposed at Davis Island, the coal interest fought it; and the Pittsburgh Representative in Congress called the proposed movable dam, with a pardonable play on words, "a most damnable move, most certainly movable by the floods of the Ohio."

But the dam was built, the Pittsburgh interests were mollified when they discovered that the wickets did in fact permit open-stream navigation, and the succeeding decades saw additional dams go up. But the process was slow. A few scattered dams on the Ohio were of little use to a tow which found itself stranded on one of the many bars between dams. Some great driving force was necessary if the complete canalization of the river was to be completed before the dying river commerce was laid away to rest. And this driving force was furnished by you gentlemen of the Ohio Valley Improvement Association. Organized in 1895, the association was instrumental, in 1910, in the passage of a bill providing for the complete canalization of the river. But authority is one thing and appropriation, as the association learned, is another. The work lagged for lack of funds. Again the association went to bat, and in 1922 the waterways group in Congress succeeded in eliminating the "pork barrel" paralysis by having the War Department allot river and harbor funds according to merit, and the canalization of the Ohio went forward in earnest.

That, gentlemen, gives you a very brief review of the river to date. We stand today with one major objective behind us. Ahead of us are further objectives. But in the meanwhile there is much to be done in improving our present system. The last dam of the Ohio River had not been completed before studies were begun to standardize and modernize all auxiliary aids to the basic navigation system.

As a result of these studies many improvements have been made which have contributed greatly to the free and easy navigation of the Ohio River and its principal tributaries. Standard electric signal lights have been established at all Ohio River locks to replace various obsolete types. All critical bars and dredged cuts are now marked with buoys, most of which are of the permanent type. At the most critical places buoys are equipped with automatic electric flashing beacons, which reduces the hazard of night navigation to a minimum. Recognizing the annoyances and dangers of draws through beartraps, signal boards and lights have been installed at all Ohio River movable dams. Navigation routine has been standardized from Pittsburgh to the Mississippi, thereby eliminating many headaches among masters and pilots.

These, of course, are mere details, but details which render much aid and comfort to navigation. There are other and more major problems which require solutions. The Ohio River is restless within its dams. Each cycle of high and low water brings with it sand bars and reefs, and it is just as important today as it was 50 years ago to direct the regimen of the river so as to use its mighty force of erosion to keep the channel clear. Toward this end extensive model studies have been made in our hydraulic laboratory at Vicksburg, and from the lessons learned in this miniature river, modified in the light of experience, we are discovering the most practical methods of controlling the river. Under the most favorable conditions, however, there is still a great amount of dredging to be done, and with this dredging come problems of disposal of spoil. Great care is exercised in the planning of proposed dredge cuts and of the disposition of dredged material to make the cuts as permanent as possible. Thus we try to offer the best obtainable condition for navigation.

Going back to the characteristics of my dream river, we can see that the work already accomplished on the Ohio overcomes the consequences of variable flow at low water, of variable slope at low water, and of obstructions. A good place has been reached in which to take stock of our achievements, and to value our assets in terms of similar improvements accomplished elsewhere. The Ohio River System, as it is right now, may properly be compared with the most successful systems in use at the present time in other rivers of the world. It has been my privilege to attend a recent International Congress of Navigation at Brussels. I there submitted a paper on the Ohio River, which had evidently been read by a number of the delegates before the meeting. It was interesting to see that the scale of the work accomplished in our country was so much greater than the scale of any similar work accomplished abroad that comparison between foreign and American work was difficult. The improved European river, except the Russian rivers, whose length and drainage area can best be compared with the Ohio—is the Danube, the beautiful blue Danube, which is neither beautiful nor blue. No attempt has been made to canalize the Danube River, and it flows through nations so jealous of each other that even free and unobstructed telephone conversation between river officials is not to be thought of. My statement that the lockmaster at lock 53 could get information by telephone from the lockmaster at Dashields if he needed it, without going through any higher official, almost paralyzed foreign engineers when they discovered that it is about as far between the two points as it is from Vienna to Bucharest. On a river of the same size, our improvement is thus more intensive.

On the Seine River there is an excellent system of movable dams which has some similarity to that on the Ohio, though the locks are much smaller and the width of the navigable passes very much less. The French have developed at one point on the Seine River a very interesting overhead bridge with a traveling crane, whereby their dams can be raised and lowered by one man, without a maneuver boat. The device was suggested by a European for American action. I asked my French colleague how it would work on a river demanding a 600-foot navigable pass, with a 72-foot difference in elevation between high and low water, and needing a 45-foot clearance for steamboats on top of that. After these dimensions were translated into meters, the subject was dropped. We might say that among rivers improved with the same intensity, the American rivers are much the longest and the most difficult.

As was said at the beginning of these remarks, no one should think that Ohio River improvement work is finished. Engineering works are all subject to decay, and all of them except tombstones are subject to obsolescence. With modern methods of construction, the engineer as a builder has gotten ahead of the engineer as a prophet. As a result, obsolescence is becoming more important as a reason for replacement than is decay. We sometimes think that no structure should be built to last more than 50 years, on the theory—correct 99 times out of 100—that in 50 years it will be better to build something modern than to try to get along with something which has served its time. Almost anyone whose office has been in an old Federal building will cordially endorse this dictum.

In planning new structures on the Ohio River, required for replacement purposes, the Department has recently tended to prefer one new high navigation dam to several rebuilt movable navigable dams covering the same section of river. There are several projects now under way which illustrate this tendency.

Since the completion of the 1910 project, three major works on the Ohio have been undertaken to carry us further toward the goal of an Ohio still better fitted for larger tows. First of these projects below Pittsburgh is Emsworth Dam, where the present structure is being elevated 7 feet. This will give Pittsburgh a pool of 16 feet at the point. A contract covering the first stages of construction on this project was let this past summer and work has already begun.

Next below Emsworth is the new Montgomery Dam at Montgomery Island, 18 miles below Dashields Dam. This is a high dam of the vertical lift type. In the near future will give a pool of 9 feet up to Dashields Dam, drowning out dams nos. 4, 5, and 6.

The third project on the Ohio is the Gallipolis Dam, 10 miles below Gallipolis, Ohio. The double locks of this dam are nearly completed, the machinery is being installed, and progress on the dam itself is well under way. This dam is of the roller type, developed in Germany and possessing certain advantages over other types. The rollers are readily and quickly lifted to control the flow of the river beneath them, and in times of floods the rollers are raised clear above flood stages, providing unobstructed passage for flood waters. Not the least of their advantages is their immunity to ice. The inability to handle present movable dams when the river is frozen over has in the past been the cause of some grief, especially with loss of pool. This trouble, at least at Gallipolis, will be a thing of the past. The rollers of this dam are the largest in the United States, perhaps the largest in the world. They are 29 feet in diameter and 125 feet long. When completed, Gallipolis Dam will provide a pool of 9 feet up to dam no. 23, replacing dams nos. 24, 25, and 26 on the Ohio, and nos. 9, 10, and 11 on the Kanawha.

This will give you an idea of what we are doing now to improve navigation on the Ohio. But we have not neglected the tributaries. The Allegheny is being improved with contracts let this past summer. The Kanawha, especially, has been the fair-haired child of the Government. Two roller-type dams at London and Marmet, above Charleston, have been completed. They provide a pool depth of 9 feet as far upstream as 32 miles above Charleston, besides eliminating four old-type dams. The locks for the large dam at Winfield have been completed and work on the dam itself is under way. On the Green and Barren Rivers in Kentucky two of the old-type locks and dams have been replaced with a new and larger type, and on the Cumberland River the existing dams A to F are being raised by a 3-foot crest. All the new structures are larger than any navigation structures now being built in foreign countries, except a few in Russia.

It is important for us to bear in mind that many of these extensive improvements are not the results of a normal process of government. They are dependent, rather, upon a state of economic emergency, in which the Government was forced to spend huge sums of money on public works. Unless we keep this in mind, we are apt to be lulled into inactivity by a false sense of security. When this state of emergency is over—and signs point to its approaching end—we shall find it more necessary than ever to exert every effort to the end that the Ohio River may keep abreast of the growing demands of commerce.

The recent construction of the Montgomery and Gallipolis dams has caused the engineer division to draw up a scheme so that similar replacements undertaken in the future, whether primarily for relief purposes or pursuant to definite requirements of decay and obsolescence, will fit in with an approved and considered general plan. He has accordingly appointed a board, of which I am senior member, which is now engaged in laying out a tentative project for work above Louisville, so that future dams will be built in the best place and in a manner to afford the maximum economies of operation. This work is proving highly interesting, and I am sure that when it is completed it will be satisfactory to the navigation interests whom it is the privilege of the Corps of Engineers to serve.

From the description which has been given, you can see that of the various items which distinguish the Ohio River from the ideal river, the Government has almost eliminated the consequences of obstructions, of differences of flow so far as low water is concerned,

and of differences in slope. Differences in temperature are serious only when the river freezes. In the nature of things, we cannot destroy this hazard entirely, but we have done a great deal to modify its evil effects. The days when the engineer offices were able to quit work and twiddle their thumbs at Christmas time are long since over. Every effort is made to keep down the effects of ice. Of recent years the combined effect of hard work by the lock crew, centralization of authority, and the natural breaking up of ice caused by continuous traffic has kept the river open during all but the coldest weather. As I have already indicated, the new high dams will lend themselves to manipulation by positive control in such a way that ice in moderately cold weather will never delay traffic more than a few hours. More than this cannot be promised.

There is another hazard which I mentioned at the beginning of my paper; namely, the weather on the Ohio is not uniformly calm and clear. Fog and wind will always remain with us, but the river is fortunate in that the effects of these two difficulties have always been of short duration.

There remains one more consequence of the physical characteristics of the river to be discussed. Variable flow means not only water which is sometimes inconveniently low, but also water which is sometimes inconveniently high. The adverse effects of high water can be reduced by a sound system of flood control. This is a subject which has been brought to all of our minds by the August floods on the Muskingum, described to you by another speaker. Flood control is necessarily an expensive proposition, and only a most light-headed optimist would dare hope that the Ohio Valley would get a couple of hundred million dollars in a lump sum to carry a project through to completion. However, miracles do happen, and the present-day tendency to construct public works has resulted in a substantial step being taken toward the goal of flood control on the Ohio. Let me give you a general picture of the War Department flood-control scheme, together with such steps as are being taken at present to realize the complete project.

The flood-control project for the Ohio River above Cincinnati originally involved a system of some 39 reservoirs, with a capacity for flood-control use of about 7,000,000 acre-feet. This system would control a drainage area of more than 31,000 square miles, or about 40 percent of the drainage area above Cincinnati. If we translate these figures into something which the man with a flooded cornfield can understand, we find that the heights of floods in the Ohio River above Cincinnati will be reduced from 7 to 10 feet. Since it is the top few feet of a flood which cause the major portion of the damages, the importance of the reduction can be appreciated. The record flood on the Ohio River has produced stages varying from 8 to 23 feet above flood stage at the larger cities. It is thus seen that the large flood-control project developed by this department would not eliminate all floods, but it would eliminate about two-thirds of the flood damage to the Ohio Valley.

The complete project involves reservoirs on all the important tributaries above Cincinnati, such as the Allegheny, the Monongahela (including the Tygart), Beaver River, the Kanawha and Little Kanawha, the Muskingum River, the Scioto, and the Licking. Since this project was evolved, however, the Muskingum Conservancy Association has had approved, and the War Department is executing, a flood-control project for the Muskingum Valley described by another speaker.

The largest single dam now under construction in this valley is the great Tygart Dam, near Grafton, W. Va. This dam will be the largest structure of its type east of the Mississippi. Constructed of great concrete monoliths, it will rise 250 feet above the bed of the stream, and will impound water for both flood control and low-water supply. Its capacity of nearly 300,000 acre-feet will be available for flood control, and during the summer and fall a portion of this capacity will be used to increase the lower water supply of the Monongahela River. The beginning of each calendar year will see it nearly empty, prepared to impound the spring run-offs. The beginning of each summer will see it partly full, prepared to supplement the usual low-water flow of the Monogahela in the summer and fall. This huge dam is now well under way. Together with the cost of the land which will be inundated it will cost about $16,000,000.

Admitting that the Tygart and the Muskingum Reservoirs will have beneficial results in their own valleys, let us see what effect they will have on the Ohio River as a whole. Together they drain about 9,000 square miles, or about 12 percent of the drainage area of the Ohio River above Cincinnati. They control less than one-third of the area included in the Ohio flood-control project, and provide about one-fifth the storage capacity of that plan. The Tygart Reservoir should reduce floods at Pittsburgh by about 1 foot—a very important foot. The Muskingum system will reduce Ohio River floods immediately below the mouth of the Muskingum by about 5 feet, under favorable conditions. This effect will naturally diminish in a downstream direction, and at Cincinnati reductions of from 1 to 2 feet may be expected, depending upon the distribution of rainfall.

So you will see that the reductions produced by the reservoirs now being built will be relatively small, and the important effects will be confined to regions just below the reservoir. Widespread benefits cannot be expected, although some measurable reductions will be felt throughout the Ohio Valley above Cincinnati. The important thing, however, is that a real and substantial start has been made toward controlling the floods of the Ohio River. These dams are not built for a day. They will be here in the future when other funds become available, and there is no reason to doubt that flood control on the Ohio, in some form, will some day become a reality. With the completion of the flood-control project—if it is ever completed—the improvement of the Ohio River will reach another point, not of completion, of course—for it will never be completed—but of pause. But even now we feel that in our service to navigation we have performed an engineering feat not paralleled elsewhere in the world. During the calendar year 1933, a channel of project depth, sufficiently wide for a standard tow, was available for vessels throughout the entire length of the Ohio River on 362 different days. The greatest delay to any vessel, at any place in the river, for any cause except errors in its own handling, fear of danger of extreme high-water navigation, or danger from ice, was 72 hours. Considering that before the improvement, the depth was only 1 foot, and that the normal duration of the low-water season was about 100 days, and allowing also for the difficulties naturally created by a ratio of high to low flow of 451 to 1, it would be hard to find an example of a more successful adaptation of the natural regimen of a river to the needs of man.

Mr. BANKHEAD. Mr. Speaker, I call for the regular order.

THE SUPREME COURT

The SPEAKER. Under the order of the House, the Chair recognizes the gentleman from Georgia [Mr. Cox] for 30 minutes.

Mr. COX. Mr. Speaker, the action of the Supreme Court in overthrowing, first, the National Industrial Recovery Act, and then the Agricultural Adjustment Act, has brought down upon the Court criticism which seems unduly severe and largely uninformed.

Complaint is not so much against the soundness of the rulings made as it is against the Court for having exercised the power to declare acts of Congress in violation of the Constitution. For this the Court is charged with the usurpation of power, of having set itself up as a kind of judicial oligarchy, and members of the Court are referred to as "gentlemen of the purple cloth."

Many bills have been introduced in both House and Senate dealing with the Federal judiciary. Some seek to limit the powers of the Court by legislation—which, of course, would be ineffectual except as to inferior Federal courts—while others propose the submission of amendments to the Constitution.

There is no intention of discussing the merits of these various proposals, or the decisions of the Court in the cases to which reference has been made. My purpose is to defend the Court against the charge of usurpation and abuse of power and to support as best I can the wisdom of the rule of judicial determination of the constitutionality of acts of Congress.

We must not lose sight of the fact that ours is a dual form of Government, that it is 48 sovereign States that form the Federal Union which is a Government of delegated powers. Bearing this in mind it should not be difficult to understand why the English system cannot be used to support the proposition that the framers of the Constitution did not intend to exempt acts of Congress from the constitutional test to be applied by the courts.

The principle of the division of the powers of Government into three parts first grew up in this country in the confederated States. It was out of experience with the abuse of a mixed power exercised by the legislative branches of State Governments that the demand for the division of power arose. The general assemblies of some States had practiced control of the judiciary—the setting aside of judgments of the courts, the interpretation of contracts, the administration of estates, the determination of rights as between individuals and otherwise exercising powers purely judicial in character.

In 1780 Massachusetts wrote into her constitution that—

> In the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and the judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them, to the end it may be a government of law and not of men.

Other States had already taken similar action, the highest court of Virginia having declared the rule of the controlling power of the court in 1772 and again in 1776.

So it seems fair to assume that when the delegates to Constitutional Convention entered upon the performance of their duties they did so, not only with the idea of preserving

the rights of the States being uppermost in their minds, but also with the idea of the division of the powers of Government to be formed into three parts, coordinated but not mixed.

It is not by me contended that a government which is absolute trinity in form was constructed or could have been constructed, or if constructed could be maintained. It is often impossible to draw a line of demarcation between legislative, executive, and judicial functions. A power may partake of the nature of each and not be susceptible of division. Growth and developments produce complications that demand flexibility at times. However, this ideal was so closely approached by the framers of the Constitution that it is substantially true to say that it was attained.

The language of the Constitution applicable to the point under consideration is found in section 1, article 3:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

And in section 2, article 3:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution and the laws of the United States * * *.

This language is not dependent upon the rule of loose construction for the meaning that acts of Congress are subject to judicial review. To say that the judicial power shall be vested in certain courts is to say that no judicial power is vested in Congress, except as may be specifically provided. While all three departments of the Government are independent within their own sphere, acts of both the executive and legislative branches, when performed, are subject to judicial review when the question of validity is raised in a case involving the rights of parties.

The Court holds no veto power over acts of Congress and will not pass upon the constitutional validity of an act unless the case presented requires it. An act may be contrary to common right and reason and impossible of performance, still, if it violates no provision of the Constitution, the Court has no discretion but to let it stand.

The question of the power of the Supreme Court to pass upon the validity of acts of Congress first arose in the celebrated case of *Marbury* v. *Madison* (1 Cr. 132). It is fortunate that it came early in the history of the new government and fell into the hands of so able a jurist as Chief Justice Marshall to decide. In the opinion the Chief Justice said:

> It is, emphatically, the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases must, of necessity, expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each. So, if a law be in opposition to the Constitution, if both the law and the Constitution apply to a particular case, so that the Court must either decide that case conformable to the law, disregarding the Constitution, or conformable to the Constitution, disregarding the law, the Court must determine which of these conflicting rules governs the case. This is the very essence of judicial duty. If, then, the courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the legislature, the Constitution, and not such ordinary act, must govern the case to which both apply.
>
> Those, then, who controvert the principle that the Constitution is to be considered in court as a paramount law are reduced to the necessity of maintaining that courts must close their eyes on the Constitution and see only the law.
>
> This doctrine would subvert the very foundation of all written constitutions. It would declare that an act, which, according to the principles and theory of our Government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure.

Of that decision, the brilliant Rufus Choate said:

> I do not know that I can point to one achievement in American statsmanship which can take rank for its consequence of good above that single decision of the Supreme Court, which adjudged an act of the legislature contrary to the Constitution to be void, and that the judicial department is clothed with the power to ascertain the repugnancy and pronounce the legal conclusion. That the framers of the Constitution intended this to be so is certain; but to have asserted it against Congress and the Executive, to have vindicated it by that easy, yet adamantine demonstration than which the reasoning of mathematics shows nothing surer, to have inscribed this vast truth of conservatism upon the public mind, so that no demagogue, not in the last state of intoxication, denies it—this is an achievement of statesmanship (of the judiciary) of which a thousand years may not exhaust or reveal all the good.

Those still contending that the Supreme Court has no such power under the Constitution derive great comfort out of the dissenting opinion of Chief Justice Gibson, of Pennsylvania, in the case of *Eakin* v. *Raub* (12 Seargent and Rawles Reports, 330), in which he attacked the reasoning of Chief Justice Marshall as weak and inconclusive, contending that if the Court had such power that it was a political and not a judicial body. They overlook the fact that this great judge, later, in the case of *Norris* v. *Clymer* (2 Pa. State Repts. 281) abandoned this position.

One of our great Senators in a recent speech attacking the Supreme Court, quoted the decision of Mr. Justice Chase in the case of *Hylton* v. *United States* (1 U. S. 174) as follows:

> If the courts have such power, I am free to declare that I will never exercise it, but in a very clear case.

And yet Justice Chase concurred in the decision of Marbury against Madison. Of the other authorities cited by the Senator in this very able speech not one supports the contention that the Supreme Court has not the power to hold acts of Congress unconstitutional, or that it should not have such power.

It is difficult to form a law in such language as to convey the same meaning to every mind. Nevertheless, the meaning must be derived from the language used, unless it so clearly appears that a contrary design was intended to be accomplished, in which case interpretation should be favorable to the spirit and against the letter of the law. However, caution must be exercised to keep interpretation from expanding into enlargement. It is the legislative branches of government that make laws and not the judges.

It is freely conceded that the vesting of power in the judicial branch of the Government to declare unconstitutional and void acts of the legislative branch was something new in jurisprudence. There is no definite precedent for it to be found in either the Roman or English systems, from which the framers of the Constitution drew. But neither of these systems were adjusted or susceptible of being fully adjusted to a government of limited powers. They were the development of governments absolute in form; governments enjoying absolute and complete sovereignty. Whereas with us the Federal Government is sovereign only to the extent of the use of power delegated to it.

The framers of the Constitution, acquainted with the lessons of history, sought to profit thereby. The protection of the States was their chief concern. They did not want a general government of unlimited powers but a government forming a more perfect union of sovereign States; one establishing justice and insuring domestic tranquillity; a government to promote the general welfare of the people of the several States.

To make clear public will on the question of the division of powers the First Congress proposed and the States adopted the tenth amendment to the Constitution, which says:

> The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people.

A storm of criticism was directed at the Supreme Court following its decision in the Dred Scott case. As great and profound as was the decision of Chief Justice Marshall in Marbury against Madison, it was neither greater nor more profound that was the decision of Chief Justice Taney in the case of *Dred Scott* v. *Sanford* (60 U. S. 393). While the decision of Chief Justice Marshall was the first pronouncement of the Court on the subject of the power of the Court to hold acts of Congress in violation of the supreme law and was made on a case that was a political issue at the time, the circumstances were not so trying as those confronting the Court in the Dred Scott case, for there the fate of the

Nation hung in balance. And yet the old judge was not cowered and met the issue as a brave and conscientious man and wrote an opinion that is a classic in our American jurisprudence. Some day a just people will see fit to do justice to the memory of this great man.

If the framers of the Constitution did not intend to subject acts of Congress to judicial review and still did not intend that Congress should have unlimited power, then what check upon Congress did they intend to impose? Congress holds a check upon the Executive and the judiciary through the power of impeachment, but who holds a check upon Congress?

In the development of our constitutional system it is impossible to imagine what might have happened if the courts had not had this power.

> The judicial power of the United States shall be vested in one Supreme Court * * * and * * * shall extend to all cases, in law and equity arising under this Constitution * * * and * * * the laws of the United States * * *.

Does this not make the Supreme Court the tribunal for the determination of all Federal questions arising in law and equity under the Constitution and the laws of the United States? Was it intended that the binding effect of a Federal law might be passed upon by a State court but not touched by the Federal judiciary?

What is an act of Congress but a law of the United States? To remove it beyond the field of attack is to give it the force and rank of the supreme law; indeed, it would supersede the supreme law. Are there those who believe that the founders of the Government ever intended to vest such power in Congress?

Why should an act of Congress be more sacred than State laws? Do not members of all legislative bodies take an oath or solemnly affirm to uphold and defend the Constitution as the supreme law of the land? Is this oath less binding upon Congress than State legislatures? I take it that no one would argue that the Supreme Court should not have the power to invalidate State laws on the ground of unconstitutionality, but why State laws and not Federal laws? There is no more delegation of power for the one purpose than for the other. If Congress may legislate without regard to the Constitution, then why not the States?

Be reminded again that it was the people of sovereign States that formed the Union, and that they made it a government of limited powers—all powers not delegated being reserved to the States or to the people. Congress cannot rightfully exercise greater power than was delegated; neither can the Executive or judiciary. But what is the position of those who attack the Court upon the basis of the assumption of power? It can be nothing less than that the will of Congress should be supreme. But who wants to live under a government of supreme legislative power? Under such conditions would life be tolerable to a people accustomed to freedom? And yet this is the power that Congress would have if the check imposed by the Constitution be removed, and if the Court be stripped of the power against which complaint is heard it will be removed.

If Congress may exercise an unrestrained power, then what powers are reserved to the States and to the people? Do the people want a Congress enjoying supreme powers? With such power it could adopt a law prohibiting the free exercise of religion, the freedom of speech, the freedom of the press, or the right of the people to peaceably assemble and to petition the Government for a redress of grievances. If its laws are not subject to attack, then what becomes of the powers reserved to the States or to the people? What sanctity has any part of the Constitution? Might it not as well be destroyed, for if not binding upon Congress then it is not binding upon anyone, and should not be.

To take from the Supreme Court the power to apply the constitutional test to acts of Congress would mean the changing of our whole form of government. It would mean the concentration of all powers in Washington and the complete destruction of the States. It would mean the abandonment of the Constitution, the loss of liberty, and the subjugation of the people to what may conceivably be a blind, irresponsible, tyrannous force.

Let those who, in their wrath or disappointment, demand curtailment of the powers of the courts take account of the possible consequences of such change.

It may be contended that Congress, having complete and unlimited legislative power, would not use it to the point of violating the liberties of the people. But why vest a power that should never be exercised? Why expose the people to so deadly a hazard?

If change is needed, then let it come in the manner provided by law. Let the people know what they are invited to do and be not misled into a position that is false to liberty and to life. I know that the Supreme Court is a human institution, just as are all others, and that it is subject to the same frailties of human nature, but to say that it has ever been the minion of wealth is to speak the language of blind and malicious ignorance. It is liberty's best friend—the people's guarantee of protection of their constitutional rights. Someone has said that it is "the living voice of the Constitution", in the formation of which "the lessons and experiences of 4 continents and 30 centuries lent their aid." Certainly it has a proud record for high public service, a fame for honor and impartiality that is not excelled by any similar body in all world history. No more imposing judicial power was ever constituted by any people. The Executive appeals to it in resisting the encroachment of the legislative powers; the legislative demands their protection from the designs of the Executive; it defends the Union from the disobedience of the States, the States against the encroachment of the Union, the public interest against the interest of private citizens, and the conservative spirit of order against the fleeting innovations of democracy.

I like to think of the Court as having the power in the name of the people to summons before its bar the great and the small to receive judgment in accordance with law. I like to think of it as the purest expression of the public conscience to which the humblest citizen as well as the sovereign powers may appeal for the righting of wrongs.

The nine men who constitute the Court are not infallible. I have thought that in their interpretation of the due-process and commerce clause of the Constitution they projected Federal power too far into matters of purely domestic concern, and encroached upon the jurisdiction and prerogative of States, but in this regard they have never gone half as far as legislative will is disposed to go and would go if permitted to act without restraint. Mention need not be made of what would happen to the governments of rural communities and small States, and the concentration of power in populous centers.

A court with power to pass upon the validity of acts of the Executive and legislatures could not exist in a government absolute in form, but in a government of confederated sovereignties, living under a written constitution, it is necessary to the preservation of the spirit of order and as protection against the tyranny of the majority, a danger to order always existing in a democratic form of government with sovereignty in the people whose wisdom and justice is not always equal to their power.

It is unfortunate that critics of the Court should fall into the grievous error of making its decision the subject matter of partisan political controversy, thereby undermining the institution in the confidence of the people, a thing so necessary to its power and influence.

No political significance is to attach to my remarks. I am only undertaking to paint the pictures in less high colorings and with a stricter regard to realities. The Court has done nothing other than say what the law is. If the acts of Congress referred to are unconstitutional, then the responsibility is that of Congress and not the Court.

As for myself, I never entertained the slightest doubt but that the National Industrial Recovery Act was unconstitutional, but as to the Agricultural Adjustment Act, while entertaining some serious doubt, I thought there was a chance of its holding against attack on the theory developed in the minority opinion of the Court. However, I have always believed that the right approach to the subject of agricultural relief was through grants to the States, and still

think we should proceed along that line under some general policy laid down by Congress. The people are the source of all public virtue, and their care in their own concern must not be destroyed through governmental monopolization of the energy of their existence, for when this is lost the Nation dies.

Following the decision invalidating the National Industrial Recovery Act, some criticism was made of the President for a remark he is alleged to have made upon being informed of the fate of the act, which was to the effect that the country was being turned back to "horse and buggy" days. Considering the important part that the law played and was intended to play in the recovery program, it is reasonable that he should have been disappointed and should have so expressed himself. He was entirely self-restrained and made no expression approaching in violence statements made by President Jefferson following the decision of the Supreme Court in the Marbury case, who said:

> The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric.

Neither was the statement severe and hostile in tone as those made by President Lincoln following the action of the Court in the Dred Scott case, who said:

> * * * If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court * * * the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

It was mild as compared with the angry utterances of President Theodore Roosevelt made in his advocacy of recall of judicial decisions.

There has been no demand on the part of the Executive that the Constitution be bent to meet the exigencies of the hour. This great charter of human liberty is as sacred to him as it should be to all others. His appeal has been that the Congress not stand still in the midst of the Nation's distress but move forward and lift from the lives of the people the pall of misery that rested upon them.

So, no matter how widely apart we may be on constitutional interpretation, how greatly our philosophies may differ or our opinions clash, let us preserve a tolerant attitude, keep an open mind, speak the language of moderation, and defend the Republic against the assaults of madness, misconception, and wicked design. Let the coordinated branches of government exercise their full constitutional powers in the public service, lest America be hurled from the proud pinnacle of glory where the sacrifices and exertions of the people have placed her. [Applause.]

Mr. MARTIN of Colorado. Mr. Speaker, I rise to ask the gentleman from Georgia a question.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired. Under the special order of the House, the Chair recognizes the gentleman from Maine [Mr. HAMLIN] for 15 minutes.

Mr. HAMLIN. Mr. Speaker, a recent decision of the United States Supreme Court has attracted attention to the age-old question of free speech and free press in America. I propose to discuss this today, but due to my limited time am forced to decline to yield to interruptions. I do this the more willingly since my distinguished colleague from Minnesota following me will, I am sure, patch up and add to my poor structure, so that at the close there will be little need for more light on this great subject.

Free speech and a free press dates from Lexington and Bunker Hill and the treaty of peace with England in 1783. It has had milestones all along the way—the Declaration of Independence, the Constitution of the United States and its amendments, right of petition, emancipation proclamation, eighteenth amendment and repeal, enfranchisement of women, and the humanitarian policy and achievements of this present administration.

These great movements of public opinion in free America sprang from and live today through the education of its masses, not in muzzling speech or the press, as in nations of the past and present, but in the freedom of its citizens under law, knowing that the freedom of its citizen ends where the freedom of the Republic begins.

These great advances, not retreats, for it is not our job to permanently retreat in America, have had leaders in speech, spoken and written, in peace and in war, with always the objective—freedom, and the truth has made us free.

Patrick Henry spoke it in the House of Burgesses, Sam Adams wrote it for the town meetings in New England, Tom Paine penned it on a drum head, and Washington fought for it and best of all lived it when he refused the kingship of America. The treaty of peace, an open covenant openly arrived at, was steered by the great printer of free speech, Benjamin Franklin—the Declaration of Independence; Jefferson, the founder we might say of schools and colleges in Virginia, its author; and along with this came the United States Constitution, two of the greatest state papers ever made by man. I say to you, the great framers of that chart and compass which we all believe in were inspired by Almighty God, and with sturdy hearts and enlightened minds accepted by three-fourths of the Colonies after debate in the press and on public platforms by Hamilton, Jefferson, Madison, the immortal Washington, and many others.

The right of petition, led by John Quincy Adams, in this House, and granted at last by the South, generous then as now, was a victory for free speech and a free press as was the Emancipation Proclamation, and the Eighteenth Amendment, especially its repeal.

The enfranchisement of women—and last Saturday was the one hundred and sixteenth birthday of Susan B. Anthony—was a logical prelude to you good ladies of this House. But I ask you, did not these great leaders in these great movements of the past, were they not closely touching and in most cases forced by public opinion emanating from free speech?

Oh, yes; time and public opinion puts men and measures in the right place. When we read of Washington we must remember Conway, Cabal, Gates, Lee, and those critics who made him say that he would have preferred death rather than the abuse to which he was subjected. We see today Mount Vernon, this Capitol, and our great Republic monuments to his true worth.

Did Jefferson have critics? Read his life and see. Yet the Louisiana Purchase, begun by him, opened the golden West until Texas, New Mexico, and California were ours. He always fostered free speech and press.

Did John Quincy Adams have opposition? Yes; while President, but more in forcing the organization of this very House and winning the support of his colleagues and public opinion.

Jackson? Why, he lived and thrived on opposition then; but now his monument is down there; I love to look at it. He always took it on the chin, met his opponents in the open at New Orleans and Washington; he never tried to overthrow speech or press, but believed in their freedom; he did overthrow entrenched greed, the United States Bank.

And now I must be careful, for I deal with men and measures of today. Yet I shall speak of these men and policies as I see them affected by free speech and free press—and I speak under the principle of free speech.

I believe Teddy Roosevelt's courage in great reforms was helped materially by public opinion; that Grover Cleveland was tried and proved by public opinion, accepted after death, not as a servant of Wall Street nor an English sympathizer but a man who stood for an honest dollar, arbitration with Great Britain, and a defender of law and order.

I believe that public opinion through freedom of press and speech has proven President McKinley not manipulated by his friend Mark Hanna; and President Coolidge, privately and publicly a typical New England product, constant and unswerving. It has shown that President Wilson was first of all a patriot and one of the greatest educators and world idealists this Nation ever saw. He had a vision. When there is no vision the people perish. I might speak of the strength of public opinion in Europe.

Sometimes we read and hear sensational stuff that is in the current papers and radio programs, and we are mad

and sick at heart, but there is so much good, too, in them; for much, thank God, found here is against communism and the reds, against high-toned education under the guise of liberty and freedom, against presuming to ask teachers to swear allegiance to that flag which cost us so much and stands for all we are or shall be. I say when we read and hear this it makes us happy; but when we hear and read politics, pro and con, Al Smith and BORAH, this good Democrat for this and that good Republican for that, each one knows he is right—ah, there is the rub!

And you say to me, "If you believe in public opinion and free debate, why did you vote for the gag rule and the death sentence and 'soak the rich', as proclaimed in the press?" My answer, allowed by free speech, is that the gag rule is a misnomer—it is a governmental rule enabling the majority of this House to act; that the death sentence of 7 years is a long death and longer than I wish it were; that "soak the rich", translated, is "give the poor an equal chance." But, as in the past, if an intelligent, fair, and well-diffused public speech and press—and they were never so universal—will precede our elections, our elections will bring good government, which will be supported and guarded by a healthy and courageous public opinion, and America will continue safe and happy.

Free speech and press plague us when we do not agree with them, but no matter if we are right, somebody else is printing it and at last in America truth will live. Judge Sutherland is right—

> A free press stands as one of the great interpreters between the Government and the people; to allow it to be fettered is to fetter ourselves.

And Franklin said:

> Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech.

The SPEAKER pro tempore (Mr. MCSWAIN). The time of the gentleman from Maine has expired.

Mr. ZIONCHECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ZIONCHECK. I wanted to ask the gentleman from Maine [Mr. HAMLIN], who was quoting Jefferson, whether Jefferson said if such things as he advocated were passed and such laws, that half the people would be hypocrites and the balance would be fools.

Mr. BLANTON. Mr. Speaker, that is not a parliamentary inquiry and it is against the rules of the House. There is a special order.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. ZIONCHECK. Then I withdraw it.

The SPEAKER pro tempore. Under the special order of the House the gentleman from Minnesota [Mr. KNUTSON] is recognized.

Mr. KNUTSON. Mr. Speaker, I was constrained to ask for this time because I realized that the rule to accompany the neutrality resolution would, of necessity, greatly limit the time for debate, and quite properly so.

I happen to be one of the few now here who were Members of the House during the war Congress back in 1917 and 1918, when my distinguished colleague, the gentleman from Alabama [Mr. BANKHEAD], the able majority leader, also became a Member of this body.

A very remarkable address was delivered in another body a week ago today that I feel should not go unanswered. In that address the speaker virtually served notice on Japan that if the Japanese do not live up to the obligations which she has assumed in certain treaties this country would go to considerable lengths to compel her to do so. In view of the fact that the speaker to whom I have reference occupies a position unusually close to the administration, I am wondering whether he spoke by the card.

Mr. BANKHEAD. Mr. Speaker, I feel constrained to make a point of order. The rules of the House, as I understand them, specifically provide that no reference shall be made by a Member of the House to a statement made by a Member of the United States Senate with reference to his action in such Senate. I think the character of speech which the gentleman from Minnesota is making transgresses the rules of the House.

Mr. KNUTSON. Mr. Speaker, I did not mention the Senate. I simply said "some remarks had been made in another body."

The SPEAKER pro tempore (Mr. MCSWAIN). The Chair sustains the point of order. The implication is plain that the reference is to the Senate of the United States. The point of order is sustained. The gentleman will please proceed in order.

Mr. KNUTSON. Of course, that throws my remarks completely around. [Laughter and applause.]

I will go at it in this way: Back in 1916 the Democratic Party went before the country on the slogan that Woodrow Wilson had kept us out of war, and, acting upon the assumption that he would continue to keep us out of war, the American people reelected him President by a close margin. In fact, it was so close that we did not know for several days who had been elected President. I am wondering, Mr. Speaker, if the policy will be reversed in the coming campaign, and that we are going to be plunged into war with Japan before election so that an appeal may be made to the American people to not change horses while we are in midst of an emergency.

There is no valid ground for our going to war with Japan either for the purpose of promoting our commerce or protecting the territorial integrity of another country, more especially when that country has demonstrated its incapacity for orderly self-government.

Our trade with the Orient is largely a thing of the past, because we cannot compete with Japan when it comes to cost of production. I will not go into that phase now, as I have done so on previous occasions. Mr. Speaker, our trade territory lies to the south, and I am glad that President Roosevelt has called a conference of the nations of this hemisphere, the object of which is to attain a better and more harmonious understanding among them. Let us cultivate the people of Latin America. They are our friends, and among them lies our richest market as does their best market lie with us.

All wars are commercial or political. We were dragged into the World War to protect the loans to the Allies made by the New York international banking crowd. We now know that at the very time we were being urged to stand by President Wilson in the 1916 campaign, because he had kept us out of war, it had been definitely decided we were to enter that war after election, providing Mr. Wilson was reelected.

I thank God that I am one of those who voted against going into that war. Had we stayed out of it, we would have been spared the misery and suffering that has been our lot the past few years.

Now, Mr. Speaker, I fear that the question of neutrality is one that very few of us understand sufficiently well to legislate upon. I do not believe we should adopt a policy of neutrality that will cause us to surrender those things which we acquired as a result of the War of 1812, the freedom of the seas; certain rights that no proud people would willingly give up. I believe we should keep free of foreign entanglements, as recommended by the immortal Washington. We should prohibit the sale of foreign securities in this country by any belligerent. We should prohibit foreign countries that are at war coming to this country and unloading a lot of "cats and dogs" upon us in return for good American dollars and merchandise. We should insist upon the right to sell to any belligerent who is willing to come here and pay cash for what he buys, and take it home with him. Is there anything wrong with a neutrality policy of that kind?

In the consideration of neutrality legislation, let us not forget that everything from bread for the women and children at home to cannon for the battlefield are held to be contraband of war. It follows that in the event of a general war we would thus be unable to sell abroad the products of our farms and factories if we were to adopt a neutrality law such as is asked for by the extremists. In every war, nonbelligerents have sold freely to such bellig-

erents as they could make deliveries to. I would sell only to such belligerents as were able to pay cash and carry away with them that which they buy. I believe that such a policy would reduce to a minimum any danger of our being drawn into wars with which we have no concern.

During the present Italo-Ethiopian war it has been suggested that we impose sanctions. No. Sanctions can only lead to war. We were asked to place an embargo on oil against Italy a short time ago. Mr. Speaker, to have done so would have been the height of asininity. Why should we continue, as we have for a hundred years, to fight Great Britain's battles in our foreign policies? Is it not about time that we adopted an American policy for the American people that will redound to the welfare and glory of this great country?

I yield back the balance of my time. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

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

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, I sought to interrupt the very able gentleman from Georgia, Mr. Cox, whom I greatly admire, with a question, while he was delivering his speech on the Supreme Court, but time did not permit.

My question would have embraced this proposition: The growing use of the judicial veto over acts of Congress since the beginning of the industrial era indicates a growing departure, a constantly widening breach between the organic law of the land and the economic systems and conditions of the country, which are apparently beyond the powers or capacity of the States to deal with, and resulting in these repeated frustrated efforts of Congress to deal with them. I wanted to ask the gentleman if he recognized this growing difference; and, if he did, what in his opinion ought to be done about it, or whether anything needs to be done.

[Here the gavel fell.]

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent——

Mr. ZIONCHECK. Mr. Speaker, I object.

The SPEAKER. To what?

Mr. ZIONCHECK. Whatever the gentleman wants, I object.

The SPEAKER. The gentleman from Texas has not stated his request.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. MAVERICK. Mr. Speaker, I understand that today will come up for consideration under suspension of the rules the matter of neutrality. I want to appeal to the common sense and intelligence of every Member of this body. We hear hour after hour taken up in personalities and home-consumption speeches, yet when the most important subject of this entire session comes before us, it comes under suspension of the rules, which is the worst form of "gag" rule it is possible to apply to a bill. It is intellectually dishonest, I say it is intellectually and spiritually cowardly of us to bring this up under a "gag" rule, under suspension of the rules.

I believe the only fair thing is for the Committee on Foreign Affairs to stand by its original report and its original bill, but if it does not report any bill whatever, with a rule which will give us an orderly and fair discussion of the measure. This "gag" procedure is not democratic and it is not fair.

What do you mean to do; do you mean to say that we have to listen hour after hour to speeches of no importance and give only 40 minutes to fundamental legislation such as the neutrality bill?

We have been here nearly 8 weeks; what have we done of a fundamental nature? Nothing! Should we spend the rest of our time shadow-boxing and rush home? Forty days and more on speeches, 40 minutes only on millions of human lives——

[Here the gavel fell.]

Mr. SISSON. Mr. Speaker, I ask unanimous consent that the gentleman from Texas may proceed for 2 additional minutes.

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

Mr. ZIONCHECK. Mr. Speaker, I shall object to 2 minutes. The gentleman should modify his request to make it 1 minute for the gentleman from Texas. One minute is enough.

Mr. SISSON. Mr. Speaker, I modify my request and ask unanimous consent that the gentleman from Texas may proceed for 1 additional minute.

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

There was no objection.

Mr. MAVERICK. We might as well agree that certain special groups have come into the picture. I refer to the letters of certain leaders of Italo-American groups. I am not referring to Italian-American people, because they are just as good Americans as I or anybody else; but certain persons out of organizations representing Italian-Americans have written letters saying they are entitled to special consideration for Italy.

I deny to any racial group in this country the right to special consideration. [Applause.]

As I said, the Italian-American groups may, through their leaders, demand special consideration, but Italian people as a whole have exactly the same reactions as anyone else. It seems to me that the pressure, the so-called Italo-American pressure, has not come from the mass of Americans who are of Italian extraction or descent, but from certain leaders. I make no statement concerning the Government of Italy. Their form of government is their business, and our form of government is our business, but I stand for strict neutrality and for staying out of the war, and the Italian-Americans no more want to get into a war than did the good and patriotic Americans of German extraction in the late war. Let us not look at this from a racial viewpoint whatever; let us look at it from a viewpoint of what is best for America.

Another thing, I have been trying to find certain testimony given by John Bassett Moore for several weeks. I should have been able to get it here, but I did not; I finally had to get it from the New York Chamber of Commerce. They oppose neutrality legislation. Is their interest unselfish? Have they given this thorough thought? A commonsense businessman ought to see that any temporary sacrifice that is made will certainly be cheaper, just from a money viewpoint, in the long run. This is wholly aside from the viewpoint of humanity, which is compelling enough.

Mr. Speaker. I urge that this "gag" rule be defeated, and that the Committee on Foreign Affairs then bring in a bill under a fair, democratic rule, so we can at least be heard on the subject. [Applause.]

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

Mr. ZIONCHECK. Mr. Speaker, I object. Make it 1 minute.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. SWEENEY. Mr. Speaker, in a radio address Sunday afternoon, February 16, 1936, the Reverend Charles E. Coughlin, founder of the National Union for Social Justice, and spokesman for millions of oppressed and inarticulate citizens of this Nation, dared to tell the American public the truth about legislation in Congress.

He condemned the tactics of the leaders of the majority side in obstructing the opportunity for free debate on the Frazier-Lemke bill, which petition to discharge the committee now lies on the Speaker's desk, containing the signature of 209 Members.

He also condemned the legislation sponsored by Representative JOHN J. O'CONNOR, a private bill known as H. R. 4178, designed for the relief of the International Manufacturers Sales Co. of America, Inc., A. S. Postnikoff, trustee, in the amount of $900,000. This bill was vetoed by the President of the United States on February 11, 1936, and sustained by a roll-call vote of 333 to 4.

The gentleman from New York [Mr. O'CONNOR] at the conclusion of Father Coughlin's radio address sent to him the following telegram:

REV. CHARLES E. COUGHLIN,
Royal Oak, Mich.:

Just heard your libelous radio ramblings. The truth is not in you. You are a disgrace to my church or any other church, and especially to the citizenship of America which you recently embraced. You do not dare to print what you said about me. If you will come to Washington I shall guarantee to kick you all the way from the Capitol to the White House, clerical garbs and all. Silver in your pockets you got by speculating in Wall Street while I was voting for all farm bills.

JOHN J. O'CONNOR.

With the threat of the honorable gentleman from New York [Mr. O'CONNOR] to kick a priest from the Capitol to the White House I am not interested; nor with the anger of the gentleman from New York. The thing that is important is whether the things the radio priest said are true. I am certain that Charles E. Coughlin, the American citizen, can take care of himself under any circumstances. And I am authorized to state he will exercise his constitutional right as a free American citizen and accept the challenge of Mr. O'CONNOR to come to the Capitol at his convenience and meet him face to face on the issue which was raised by the radio priest yesterday, February 16, 1936.

There are many Members of this Congress who were suspicious of the legislation known as H. R. 4178. This is confirmed by the tremendous vote to sustain the President's veto.

There are some things the Congress and the people of the Nation are entitled to have cleared. Pertinent to the inquiry one dares to ask why, after the United States Senate reduced the claim to $658,050, the conference committee inserted the amount $900,000, which was the sum included in the final passage of the bill.

It is pertinent to inquire why the State Department, despite the claim made by the proponents of this private bill that they were in sympathy and had recommended its passage, have no files or memoranda on the subject.

It is pertinent to inquire why the gentleman from New York [Mr. O'CONNOR], on August 20, 1935—page 13852, the CONGRESSIONAL RECORD—stated:

This bill was inherited by me from my predecessor. This company has been knocking at the gates of Congress for 17 or 18 years. I have never gone into the details of this bill, as had the gentleman from North Carolina [Mr. CLARK], the gentleman from Oklahoma [Mr. NICHOLS], and the gentleman from Alabama [Mr. BANKHEAD], but these gentlemen who have say it is absolutely justified on its merits.

The RECORD fails to disclose that the distinguished majority leader, Mr. BANKHEAD, ever made a statement, one way or the other, when this measure was under consideration.

May I be permitted to recite for the benefit of the RECORD the fact that the gentleman from New York [Mr. O'CONNOR'S] predecessor was the Honorable Bourke Cockran, since deceased, perhaps one of the most outstanding gentlemen of his generation. He served in the House from March 4, 1887, to 1889; elected to the Fifty-second and Fifty-third Congresses, respectively; served from November 3, 1891, to March 3, 1895; elected to Fifty-eighth, Fifty-ninth, and Sixtieth Congresses, respectively; having served from February 23, 1904, to March 3, 1909. Mr. Cockran did not return to Congress until he became a Member of the Sixty-seventh Congress and served from March 4, 1921, until his death March 1, 1923. Obviously, this claim is alleged to have arisen during the year 1918 to 1919 at a time when Mr. Cockran was not a Member of the House. If he at any time sponsored the legislation in question, as indicated by the remarks of the gentleman from New York [Mr. O'CONNOR], it could only have been during his services as a Member of the Sixty-seventh Congress, the period from March 4, 1921, to his death, March 1923. I have searched the RECORD, and I do not find where Mr. Cockran was identified in any way with this legislation.

I submit this as a statement of fact to remove whatever inference there may be that the gentleman from New York [Mr. O'CONNOR] inherited this bill from the distinguished gentleman, Congressman Bourke Cockran, whose lips are sealed in death, but whose reputation and memory is clarified by the RECORD.

It is pertinent to inquire whether or not the War Trade Board, referred to in the RECORD and the veto message, was in fact in existence at or about the time this obligation was contracted by the International Manufacturers Sales Co., Inc., A. S. Postnikoff, trustee. It is significant also to note that the Secretary of the Treasury, the Acting Director of the Bureau of the Budget, the Comptroller General, and the Attorney General united with the President in recommending that the bill be vetoed.

There seems to be one issue involved in this controversy, which has now been made a matter of public record and Nation-wide importance, and that is the truth or falsity of certain statements. The calling of names and the threat of physical violence will not clarify the issue. Commendation should be accorded the Chief Executive in acting in a courageous manner in exercising his right of veto to kill questionable legislation of this type that had no legal basis for recovery of damages against the Government. It is also pertinent to inquire who the lawyers, if any, were interested in the successful passage of this private bill.

PERMISSION TO ADDRESS THE HOUSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

Mr. MAVERICK. Mr. Speaker, reserving the right to object, that is a very long time.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, may I ask the majority leader when we are going to take up the regular business today?

Mr. BANKHEAD. Replying to the inquiry, I think it is proper for me to state at this time that we have been very liberal and generous in the disposition of time this morning. This is the day set aside for the consideration of bills on the Consent Calendar and there are many Members present who would like to have their bills brought up for consideration. I shall not object to the request of the gentleman from Oregon, but I trust that hereafter Members will not make similar requests.

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

There was no objection.

Mr. PIERCE. Mr. Speaker, I learn from the press this morning the chairman of the Rules Committee states that no Democratic member of the Committee on Agriculture of the House of Representatives has asked for a rule for the consideration of the Frazier-Lemke refinancing bill. It was on my motion that the bill was reported out of the Agricultural Committee. I thought I had spoken to the chairman of the Rules Committee about getting a rule. I am sorry if my memory is at fault. However, I now publicly ask as a Democratic member of the Committee on Agriculture that the Rules Committee report a rule upon this bill, so that it may be brought up on the floor for consideration.

Mr. ZIONCHECK. Are there not a lot of Democratic signatures on the petition to discharge the committee?

Mr. PIERCE. I signed the petition to discharge the committee.

[Here the gavel fell.]

Mr. CELLER. Mr. Speaker, I ask unanimous consent that on Wednesday next after the reading of the Journal and disposition of matters on the Speaker's desk I may address the House for 15 minutes.

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

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, it has been previously announced that we will take up on Wednesday next the farm bill, in which I imagine all Members of the House are tremendously interested. It is unpleasant to object to these unanimous-consent requests. I wonder, therefore, if the gentleman could not content himself with getting time in general debate on this bill. I think we can arrange it for him.

Mr. CELLER. The difficulty is I desire to speak out of order. I modify the request to 10 minutes.

The SPEAKER. What is the request of the gentleman from New York?

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House on Wednesday next after the reading of the Journal and disposition of matters on the Speaker's desk for 10 minutes.

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

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

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

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, my good friend, the gentleman from Texas, has referred to the so-called Italian-Americans requesting special consideration in the matter of neutrality legislation. I simply want to inform my colleagues of the House that these so-called Italian-Americans are Americans of Italian extraction and that the Americans of Italian extraction are not requesting special consideration. They are interested only in the welfare of the United States of America. They have demonstrated this by working for, fighting for, and dying for our Nation. They are willing to fight and make any contribution or sacrifice for the United States, but they expect justice. It is their desire to keep our Nation out of war. They want peace. They are opposed to any scheme which would make our Nation the tool of either the international racketeerism of the League of Nations or the imperialistic interests of any foreign nation. They also believe that neutrality policies should be fixed by Congress and not by the Executive. This is the cause they espouse. Who can say that it is not a just one? Who can say that it is not American? Who can say that it is not for the cause of peace? [Applause.]

PENNSYLVANIA HAS FAILED THE AGED

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

The SPEAKER. Is there objection?

There was no objection.

Mr. ELLENBOGEN. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

Seventeen State laws have been approved by the Federal Government for participation in Federal old-age-pension funds, but Pennsylvania's law has been rejected. Why?

The reasons for the rejection of Pennsylvania's inadequate and absurd old-age-assistance law will amaze and shock you.

But first let us discuss the history of old-age pension legislation in Pennsylvania, and then examine its present status.

FIRST STATE PENSION ACT

On May 10, 1923, the State legislature in Harrisburg passed an old-age pension act. This action was dishonest because insufficient funds were appropriated. Only $25,000 was appropriated for a 2-year period—a sum of money which could not even begin to pay for administering the law in the 67 counties of Pennsylvania. The appropriation of only $25,000—when thirty millions were required under that law—was a cruel joke at the expense of the needy aged of Pennsylvania.

It was a deliberate fraud on the aged of Pennsylvania. Instead of extending sympathy and help, the State legislature in Harrisburg in 1923 handed the aged a joker.

SUPREME COURT VOIDS ACT

The Supreme Court of Pennsylvania came to the aid of the State legislature, and on February 2, 1925, Justice Kephart of the State supreme court delivered the opinion of the court that the old-age pension act of Pennsylvania violated the constitution of Pennsylvania and was therefore invalid.

Another attempt to enact old-age-pension laws which would conform with the present constitution of Pennsylvania was made by the special session of the State legislature in 1933. The attempt was made on the theory that if old-age pensions were confined to indigent aged—that is to say, to aged who were in need of public support—such an act might be upheld by the Supreme Court of Pennsylvania.

AID TO INDIGENT INADEQUATE

In this manner the present Old Age Assistance Act was passed. This act, ladies and gentlemen, is so inadequate and so limited in its application, that it even fails to comply with the modest standards set forth in the Federal social-security bill, passed last year by the Congress of the United States.

The act of Congress of August 14, 1935, provided that the Federal Government would match, dollar for dollar, all old-age pensions paid by any State of the Union, provided the State law would live up to certain minimum standards in making provisions for the needy aged.

Pennsylvania's law is below these minimum standards.

This fact explains the stories carried last week by the newspapers that the Pennsylvania law was not approved for Federal aid.

STATE AGE LIMIT TOO HIGH

In order to comply with the Federal law, the State law must fix the age limit at 65 years, or lower, but it has until January 1, 1940, to do so. However, certain residents are included under the Federal law who are excluded by the Pennsylvania law, and unless the State of Pennsylvania takes care of that class the Federal Government will not aid Pennsylvania in its old-age-pension payments.

It does not appear likely that Governor Earle, of Pennsylvania, who is very anxious to improve this situation, will be able by executive action to correct the shortcomings of the law, and it is therefore likely that Pennsylvania will not receive any Federal funds for old-age pensions until it changes its law.

TO AMEND SOCIAL SECURITY ACT

However, I will introduce a bill in the Congress to have the Federal law changed for a limited period of time so that the Pennsylvania State Legislature in Harrisburg will have an opportunity to pass an adequate old-age pension law when it meets in special session, which is expected to be called within a few months.

Now, let me tell you something about the Pennsylvania old-age pension law as it is in operation today.

Mr. Speaker, I make the following indictments of the Pennsylvania old-age pension law:

NINE CHARGES AGAINST STATE ACT

First. The old-age assistance law is inadequate, because the corrupt and controlled Republican State senators slaughtered the constitutional amendment to permit the people to vote on real old-age pension legislation.

Second. It limits old-age pensions to paupers only. It provides that old people who possess more than $300 in personal property are not eligible for pensions, even if they have no income whatever and are without friends or relatives.

Third. It provides only for payments of less than $30 a month, which are indecently low and shamefully insufficient.

Fourth. It denies medical aid to the aged needy and provides for less than a mere bread-and-water diet for them.

Fifth. It provides that the applicant for a pension must have lived in Pennsylvania either continuously for 15 years immediately preceding the date of his application, or for a total of 40 years in the State, and thereby disqualifies thousands of needy and aged people.

Sixth. It provides for an age minimum of 70, when 60 years should be the age at which pension payments begin.

Seventh. Insufficient funds have been appropriated, thereby denying pensions to about two-thirds of those eligible under this very restricted and limited law.

Eighth. It fails in other respects to meet even the minimum standards required by the Federal Social Security Act.

Ninth. These extreme restrictions and inadequate provisions will deny Pennsylvania millions of dollars each year in Federal funds.

AGE LIMIT SHOULD BE 60 YEARS

The Pennsylvania State law requires that a person must be 70 years of age to be entitled to aid.

This is an age limit which is far too high. In our industrial age, when many of our mines and mills and factories throw a human being on the scrap heap when he is 45 years of age, it is a travesty upon justice to say that the aged cannot receive a pension until they become 70 years of age. We might as well say that the aged will not receive the aid of society until they are so near the grave that they can enjoy pension checks for but a few short years. The people of Pennsylvania want an old-age pension, not a graveyard pension! There may be honest differences of opinion as to the age at which pension payments should begin, but there can be no difference of opinion about the fact that 70 years is far, far too high.

In my opinion old-age pension payments should begin at the age of 60 so that the aged may have a considerable number of years which they can spend in peace and comfort.

Ever since I have been in public office I have actively advocated and vigorously fought for the payment of old-age pensions to all those who are 60 years of age or more. I shall continue the fight until the goal is achieved. I shall battle until every aged person in Pennsylvania 60 years or more will receive from the State of Pennsylvania, aided by the Federal Government, an adequate and fair old-age pension check.

PAYMENTS ARE TOO LOW

But the high age limit is not the only defect of the Pennsylvania law.

The second outstanding defect in the law of Pennsylvania is the provision which fixes $30 as the maximum pension allowance. It is clearly impossible for an aged person to live in decency and simple comfort on $30 a month.

As a matter of fact, those who are over 70 years of age and those who fulfill all the strict requirements of that harsh law do not even receive as much as $30 a month. Under a ruling by the attorney general, the pension may be awarded to cover only four needs of the aged—rent, food, clothing, and fuel. Nothing is provided for medical care. Medical attention for persons over 70 years of age is as necessary as food or shelter. It is inhuman and unjust—it is tragic—that the Pennsylvania law will not permit the allotment of one cent for medical care for the aged of this State.

Thirty dollars a month is too low, but the needy aged do not even get that sum. Under the present law the average allowance in Allegheny County at this time is $25.40, and at no time was it any higher than $25.52.

PENNSYLVANIA'S RESIDENCE REQUIREMENT TOO STRICT

Another outstanding defect in the Pennsylvania law is the residence requirement. The Federal law provides that a State should pay pensions to resident citizens of the State who have lived in that State continuously for 5 years out of the last 9 years. But the Pennsylvania law says that an applicant must be a citizen for 15 years and must have lived in Pennsylvania for 15 years immediately preceding his application, or must have lived in Pennsylvania for a total of 40 years. These idiotic residence requirements are a serious stumbling block and will prevent Pennsylvania from getting any Federal funds unless they are drastically amended.

But here is the most astounding defect: The Pennsylvania Legislature, which half-heartedly passed this weak and inadequate law, delayed the enforcement of its provisions for a year after its passage. Then it deliberately refused to appropriate sufficient funds for this inadequate assistance law.

Now, let me give you some facts and figures. When the law took effect on December 1, 1934, 10,563 applications were received in Allegheny County from persons 70 years of age or over. Of these, 3,737 were allowed pensions and 6,617 were put on the waiting list.

TWO-THIRDS OF AGED ON WAITING LIST

On May 31, 1935, there were 4,017 aged on the pension list of Allegheny County and 7,934—nearly 8,000—were on the waiting list. Two-thirds of the needy aged of Pennsylvania who were eligible under the law were on the waiting list because of insufficient funds. And this waiting list is being steadily increased.

Mr. Speaker, you can visualize just what these figures mean. Every week I receive dozens of letters from old people living in Allegheny County complaining that, although they are eligible under this severe law, although their applications have been on file for over a year, they are not receiving a pension.

In the State of Pennsylvania 39,574 people received pensions as of December 31, 1935; whereas over 100,000 were on the waiting list. These facts and figures mean that the Legislature of the State of Pennsylvania has been derelict in the most elementary duty of providing the necessary funds to pay pensions for the aged.

We have seen that the Pennsylvania law is utterly insufficient and inadequate and far too strict regarding residence and other requirements.

If the law were more liberal, thousands more aged of Pennsylvania would be eligible.

ONLY ONE-THIRD OF REQUIRED SUM APPROPRIATED

Only $10,000,000 were made available for these payments when $30,000,000 were the minimum required. What is the use of passing a law to pay pensions to people 70 years of age or over, and then fail to appropriate the money to pay these pensions? That is a fraud upon all the people of Pennsylvania and a heinous fraud upon those aged who are qualified under the strict terms of the law.

A special session of the State legislature must be called as speedily as possible in order to change the Pennsylvania old-age pension law so that it will meet the minimum standard required by the Federal law. If that is done, the Federal Government will immediately pay to Pennsylvania one-half the money which Pennsylvania pays out for old-age pensions. If Pennsylvania would pay out $30,000,000, the Federal Government would immediately pay back to Pennsylvania $15,000,000.

PROGRAM FOR SPECIAL SESSION

Mr. Speaker, I urge the calling of a special session of the Pennsylvania State Legislature as soon as possible, and I urge that at that special session the legislature make the following changes which I have suggested in regard to old-age pensions:

First. Change the law so that it will comply with the minimum requirements of the Federal Social Security Act, thus enabling Pennsylvania to receive her share of Federal money for old-age pensions.

Second. I think the time has come when the age limit should be reduced from 70 years to 60 years.

Third. The Pennsylvania Legislature must appropriate sufficient money to pay pensions to all who are eligible. The waiting list must be abolished.

We must have decent and humane laws for the security of the old people of Pennsylvania. Every person in Pennsylvania who is over 60 years of age, and who needs it, should receive a pension from the State, a pension which will permit him to spend the winter of his life in simple comfort and free of financial worries.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include

therein the headline taken from a newspaper containing just nine words, saying, "House gagged today to pass Neutrality Act." That is all there is.

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

There was no objection.

JURISDICTION OF SUPREME COURT ON T. V. A.

Mr. MONAGHAN. Mr. Speaker, I ask unanimous consent to withdraw H. R. 10764, which I have heretofore introduced, which bill would amend the T. V. A. Act, taking it from the jurisdiction of the Supreme Court. I find that this august body has reversed itself again by an 8 to 1 decision and affirmed the T. V. A., which now makes my bill totally unnecessary.

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

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, what is the resolution?

The SPEAKER. It is a resolution which the gentleman states relates to the T. V. A. Is there objection to the request of the gentleman from Montana?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3780. An act to promote the conservation and profitable use of agricultural land resources by temporary Federal aid to farmers and by providing for a permanent policy of Federal aid to States for such purposes; and

S. Con. Res. 27. Concurrent resolution providing for a compilation of Federal laws administered by the Veterans' Administration.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. NORBECK members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments", for the disposition of useless papers in the following departments, viz: Agricultural Adjustment Administration, Post Office Department, Treasury Department, and War Department.

THE CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the calendar.

IRRIGATION CHANNEL BETWEEN CLEAR LAKE AND LOST RIVER, CALIF.

The Clerk called the first bill on the Consent Calendar, H. R. 6773, to deepen the irrigation channel between Clear Lake and Lost River, in the State of California, and for other purposes.

Mr. JENKINS of Ohio and Mr. PIERCE rose.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. JENKINS of Ohio. I object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS of Ohio. Mr. Speaker, I reserve the right to object to make this comment in the interest of the consideration of the calendar and the interest of expense to the Government. There are seven or eight bills here in succession, all of which have been passed over without prejudice a number of times, some of them eight or nine times, and some of them five or six times. This bill has been passed over without prejudice, I think, on eight different occasions and I think something ought to be done to clear the calendar. I am not opposed to the measure, but I think some action ought to be taken on the bill. I think the gentleman from Oregon appreciates this.

Mr. PIERCE. I certainly do, but the people I am representing are ready to compromise with respect to the terms of the bill and the gentleman from California [Mr. ENGLEBRIGHT] is also interested and I think we can agree on the proposed terms of the bill before the next call of the calendar.

Mr. JENKINS of Ohio. The gentleman thinks he can make these arrangements by the time the calendar is next called, and with that understanding I withdraw my objection to the bill being passed over without prejudice.

The SPEAKER. Without objection, the bill will be passed over without prejudice.

There was no objection.

COLONIAL NATIONAL MONUMENT IN THE STATE OF VIRGINIA

The Clerk called the next bill, H. R. 5722, to provide for the addition or additions of certain lands to the Colonial National Monument in the State of Virginia.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. ZIONCHECK. I object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. I object, Mr. Speaker.

THE HOMESTEAD NATIONAL MONUMENT OF AMERICA IN GAGE COUNTY, NEBR.

The Clerk called the next bill, S. 1307, to establish the Homestead National Monument of America in Gage County, Nebr.

Mr. LUCKEY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ZIONCHECK. Mr. Speaker, I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. I object, Mr. Speaker.

ENFORCEMENT OF THE TWENTY-FIRST AMENDMENT

The Clerk called the next bill, H. R. 8368, to enforce the twenty-first amendment.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the "Liquor Enforcement Act of 1935."

SEC. 2. (a) Wherever used in this act the word "State" shall mean and include every State, Territory, and possession of the United States, unless otherwise specifically provided.

(b) As used in this act the word "vessel" includes every description of watercraft used, or capable of being used, as a means of transportation in water or in water and air; and the word "vehicle" includes animals and every description of carriage or other contrivance used, or capable of being used, as a means of transportation on land or through the air.

SEC. 3. (a) Whoever shall import, bring, or transport any intoxicating liquor into any State in which all sales (except for scientific, sacramental, medicinal, or mechanical purposes) of intoxicating liquor containing more than 4 percent of alcohol by volume are prohibited, otherwise than in the course of continuous interstate transportation through such State, or attempts so to do, or assist in so doing, shall: (1) If such liquor is not accompanied by such permit or permits, license or licenses therefor as are now or hereafter required by the laws of such State; or (2) if all importation, bringing, or transportation of intoxicating liquor into such State is prohibited by the laws thereof; be guilty of a misdemeanor and shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

(b) The definition of intoxicating liquor contained in the laws of any State shall be applied in order to determine whether anyone importing, bringing, or transporting intoxicating liquor into such State, or anyone attempting so to do, or assisting in so doing, is acting in violation of the provisions of this act.

SEC. 4. All intoxicating liquor involved in any violation of this act, the containers of such intoxicating liquor, and every vehicle or vessel used in the transportation thereof, shall be seized and forfeited. Such seizure and forfeiture, and the disposition of such property subsequent to seizure and forfeiture, or the disposition of the proceeds from the sale of such property, shall be in accordance with existing laws or those hereafter in existence relating to seizures, forfeitures, and dispositions of property or proceeds, for violation of the internal-revenue laws.

SEC. 5. No intoxicating liquor which, by the decree of any court of the United States, is ordered to be sold by the United States marshal, and no intoxicating liquor which has been summarily forfeited, shall be sold in any State, District, Territory, or possession of the United States, in violation of the laws of such State, District, Territory, or possession.

SEC. 6. The Secretary of the Treasury shall enforce the provisions of this act and of sections 238, 239, and 240 of the Criminal Code (18 U. S. C., secs. 388–390), as herein amended.

When engaged in enforcing or attempting to enforce the provisions of this act, or of sections 238, 239, and 240 of the Criminal Code, or of any law in regard to the manufacture, taxation, or

transportation of, or traffic in, intoxicating liquor, the Secretary of the Treasury, the Commissioner of Internal Revenue, and his subordinates and agents appointed for such purpose, and any other officer, employee, or agent of the United States, shall have the rights, privileges, powers, and protection now conferred or imposed upon the Secretary of the Treasury by the act approved March 3, 1927 (U. S. C., Supp. VII, title 5, secs. 281–281 (f)), or conferred or imposed on him or any other officer by any other law in respect of the taxation, importation, exportation, transportation, manufacture, possession, or use of, or traffic in, intoxicating liquor.

Regulations to carry out the provisions of this act shall be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

SEC. 7. Section 238 of the Criminal Code (18 U. S. C., sec. 388), is amended to read as follows:

"Any officer, agent, or employee of any railroad company, express company, or other common carrier, who shall knowingly deliver or cause to be delivered to any person other than the person to whom it has been consigned, unless upon the written order in each instance of the bona fide consignee, or to any fictitious person, or to any person under a fictitious name, any spirituous, vinous, malted, or other fermented liquor or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, which has been shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall be fined not more than $5,000 or imprisoned not more than 2 years, or both."

SEC. 8. Section 239 of the Criminal Code (18 U. S. C., sec. 389) is amended to read as follows:

"Any railroad company, express company, or other common carrier, or any other person who, in connection with the transportation of any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which prohibits the delivery or sale therein of such liquor, or from any foreign country into any such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall collect the purchase price or any part thereof, before, on, or after delivery, from the consignee, or from any other person, or shall in any manner act as the agent of the buyer or seller of any such liquor, for the purpose of buying or selling or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be fined not more than $5,000 or imprisoned not more than 1 year, or both."

SEC. 9. Section 240 of the Criminal Code (18 U. S. C., sec. 390) is amended to read as follows:

"Whoever shall knowingly ship or cause to be shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, any package of or package containing any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, the quantity contained therein, and the percentage of alcoholic content by volume of such liquor or compound, shall be fined not more than $5,000 or imprisoned not more than 1 year, or both; and such liquor shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contray to law."

SEC. 10. Section 5 of the act entitled "An act making appropriations for the Post Office Department for the year ending June 30, 1918" (39 Stat. 1069; 18 U. S. C., sec. 341), as amended, is hereby repealed.

SEC. 11. Nothing contained in this act shall repeal any other provisions of existing laws except such provisions of such laws as are directly in conflict with this act.

SEC. 12. If any provision of this act, or the application thereof to any person or circumstances, be held invalid, the remainder of the act, and the application of such provision to other persons or circumstance, shall not be affected thereby.

SEC. 13. This act shall be effective as of the thirtieth day following the date of its enactment.

With the following committee amendments:

On page 5, line 9, strike out "$5,000" and insert "$1,000"; and on page 5, line 10, strike out "2 years" and insert "1 year."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF BANKRUPTCY ACT

The Clerk called the next bill, S. 1425, to amend section 80 of chapter 9 of an act to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898.

Mr. TABER. Mr. Speaker, reserving the right to object, is not this the same bill that was passed by the House about a month ago?

The SPEAKER. The Chair is not informed about that. This is a Senate bill.

Mr. TABER. There was a similar bill considered at that time, to which I objected. Then my objection was withdrawn later on in the same afternoon and the bill considered and passed. Unless someone is informed otherwise, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

INSPECTION OF MOTOR VESSELS

The Clerk called the bill (S. 2001) to amend section 4426 of the Revised Statutes of the United States, as amended by the act of Congress, approved May 16, 1906.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. WOLCOTT. Reserving the right to object, I want to ask the gentleman if it is possible that the committee will agree upon a bill along this line?

Mr. BLAND. I am unable to answer that question.

The SPEAKER. Is there objection to the request of the gentleman from Virginia that the bill be passed over without prejudice?

There was no objection.

BOARD OF REGENTS SMITHSONIAN INSTITUTION

The Clerk called Senate Joint Resolution 118 providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Reserving the right to object, this is the first time this has been on the Consent Calendar. This is numbered 375. I would like to ask the Chair how it got on the calendar?

The SPEAKER. The Chair is informed that this joint resolution was indefinitely postponed and later the gentleman from Illinois [Mr. KELLER] asked unanimous consent that the proceedings be vacated and the joint resolution restored to the calendar. That request was granted and the joint resolution was restored to the calendar by the order of the House.

Is there objection to the consideration of the joint resolution?

There was no objection.

The Clerk began the reading of the joint resolution.

Mr. COSTELLO. I ask that the further reading of the joint resolution be dispensed with.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution is as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the expiration of the term of Irwin B. Laughlin, on January 21, 1935, be filled by the appointment of Roland S. Morris, a citizen of Pennsylvania, for the statutory term of 6 years.

Mr. COCHRAN. Mr. Speaker, I move to strike out the last word, and ask unanimous consent to revise and extend my remarks.

Mr. ZIONCHECK. I object. There is no last word. The joint resolution has not been read.

The SPEAKER. Further reading of the joint resolution was dispensed with.

Mr. ZIONCHECK. The regular order.

Mr. COCHRAN. I moved to strike out the last word, the amendment, and have been recognized by the Speaker. I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

Mr. COCHRAN. This should satisfy the gentleman from Washington, that I am now proceeding in order.

The SPEAKER. The gentleman from Missouri is recognized for 5 minutes.

Mr. COCHRAN. Mr. Speaker, tomorrow omnibus claims bills will be entitled to consideration under the Private Calendar rule.

An omnibus bill contains numerous individual bills. The bills can only be reported after two or more Members have objected to their consideration when originally placed on the Private Calendar and the bills have been recommitted to the committee.

The calendar shows we have seven omnibus bills ready for consideration. I have gone over the bills and reports and I find many meritorious bills included, but at the same time I likewise find many others which I do not feel Congress should pass.

The parliamentary situation Tuesday will be such I might not have an opportunity to present my views on some of the bills; therefore, I am placing this statement in the RECORD so that Members will have an opportunity to see just what they are requested to pass.

Three bills come from the War Claims Committee, two from the Claims Committee, one from the Committee on Foreign Affairs, and one from the Committee on the Public Lands.

The danger in providing for omnibus claims bills is that so many Members have individual bills included in the omnibus bills that in order to get their own bill enacted into law they might support other bills which, if considered individually, they would under no circumstances vote for.

As I say, there are many meritorious bills included in the omnibus bills; but are we to let measures that have been turned down time and again, not only by Congress but by Government agencies that were duly authorized to consider them, pass simply because we have a bill included in an omnibus bill? In one of the bills I have a claim that I think should be paid. It provides for the payment of $415 to a motor-car company in my city. This company sold a car on time and purchaser used it to carry liquor, was caught, and the Government sold the car and placed the money in the Treasury. The amount represented the sum that the purchaser had not paid the company. This company took the matter to court, but it was too late, the money was in the Treasury. I think that bill should be passed, but I am going to vote against the omnibus bill because there are other bills in that measure which I do not think should be passed.

There are bills to reimburse private citizens whose relatives were killed or injured accidentally by Government officials. Those bills should be passed. I have one myself before the committee where a Federal agent staged a raid on a home in St. Louis stating he had information that gangsters lived there. When not immediately admitted someone fired through the door and killed a woman sleeping in bed. The people were very poor. Had the Federal agent told our chief of police or chief of detectives why he wanted to raid this house they could have told them they received the same tip a year before, but when they investigated no gangsters were found in that home. It was a Federal raid in charge of a Federal agent, and, of course, that family should be reimbursed by the Government. My bill is still pending before the committee, as the Department has asked that it be held up until the Federal agent is tried in the Federal court. Regardless of the outcome of that case this family should be reimbursed, because the Federal agents staged the raid, and the woman was killed during the raid, regardless of who fired the shot.

Mr. Speaker, I submit, much as we would like to see private claims bills that we are interested in passed we should not cast a vote for an omnibus bill if that bill contains relief measures that under no circumstances should be passed.

We hear much about balancing the Budget. The executive branch can never balance the Budget if we continue to pass private claims bills which department heads say have no merit.

I propose to briefly refer to some of the claims that I object to and which I think should never be enacted into law.

Included in an omnibus bill—H. R. 8236—from the War Claims Committee is a resolution giving jurisdiction to the Court of Claims to consider the claim of A. J. Peters Co., Inc. This is an innocent-looking resolution, but investigation discloses this firm, both as a prime and a subcontractor, had trouble with the War Department during the World War because it was discovered it shipped hay of a most inferior quality and not in accordance with the terms of agreement. While criminal proceedings were not sustained, papers seized by Department of Justice agents showed the firm deliberately changed inspection reports showing a higher grade of forage than was actually shipped. While the amount involved cannot be ascertained, it is certainly above $31,000 and possibly will run much higher. Back in 1930 the Secretary of War notified Congress the Government would be at a great disadvantage were it required to defend itself in a suit at that time, which clearly indicates it could not defend itself now. The resolution should not be passed.

A second bill in this omnibus bill names $1,200,000 to be paid to various employees, their heirs or assigns, of a number of machinery, steel, and foundry corporations located in Minnesota. The employees were engaged in the manufacture of munitions and attorneys made claims for additional compensation. Secretary Weeks and Secretary Baker, both of the War Department, held that the War Trade Board should consider the claims, but nothing came of it. Now, 15 years later, Congress is asked to pass the bill. Secretary of War Hurley in 1930, in a long report, held there is no obligation on the part of the Government to pay the claims. This bill is not for the Court of Claims to consider the claim, but the Secretary is authorized and directed to pay.

A third claim several years ago passed the Congress and was vetoed by President Roosevelt. It provides for the payment of $3,000 to reimburse St. Ludgers Church, of Germantown, Mo., for occupation and damage caused by Government troops during the Civil War. I considered this bill a legitimate claim and voted for it, but in view of the fact that President Roosevelt once vetoed it why should it be sent back to him again.

The fourth claim is one of the Velie Motors Corporation for machine-gun carts furnished during the war. The contract was for $866,950, and this less a deduction of about $2,500 for penalties for delay in completing the contract was paid. Later the company made claim for $4 extra for each cart, or a total of $37,816. The War Department considered the claim, rejected it, and holds that the company had ample time to go to court if it desired but failed to do so. Now comes the attorney and wants the statute of limitations set aside. The Government would have trouble defending the case at this time on account of the elapsed time and would have difficulty in locating witnesses so the War Department recommends that the bill not pass. Nothing has ever been presented to show the Government did not treat this corporation fairly. In fact, the penalty was over $7,000 but $5,000 of that amount was refunded.

The last title of this bill provides for sending the claim of the A. C. Messler Co. to the Court of Claims. Repeatedly denied by the War Department Claims Board it was suggested back in 1920 the company could then file suit in the Court of Claims, but the company did not take advantage of its legal rights. The claim is for $16,378.68, which the company maintains should have been added to the amount it received on a contract for 15,000,000 cartridge clips. The claim was made that the Government should have delivered 29,000 pounds of metal more than it did to make up for scrap. The War Department holds it carried out its contract and it would now be unfair to the Government to require it at this late date to defend its contention.

The company had the right to go to court when the facts could have been properly presented but now with witnesses for the Government dead and addresses unknown the Government would be at a disadvantage if such a bill were passed.

In omnibus House bill 8524 from the Committee on War Claims: The report says four bills are to refer cases to the Court of Claims. There are four other old war claims which

total about $41,000. One for $9,000 grows out of a garbage contract which the War Department holds the Government fulfilled. The original claim was for $33,000. The contract contained a cancelation clause. The claimant holds large quantities of garbage that he should have had were stolen or diverted. His loss, he claims, was due to the fact that he did not get sufficient garbage to fatten the hogs that he had purchased. The War Department held the Government never guarantees to keep sufficient soldiers in a camp simply to provide garbage for a contractor to feed hogs. There is no merit to this claim.

A second case, that of the Southern Products Co., was decided unfavorably by the War Department and its contention sustained by the Court of Claims. The bill authorizes and directs the Treasurer to pay this company $13,000. It likewise is a war claim.

The claim of Fred G. Clark Co. for $13,000 likewise was rejected by the War Department, and the Court of Claims sustained the decision, but Congress is now asked to pay this war claim which was for furnishing supplies.

The fourth claim in this bill to pay direct from the Treasury is for the cancelation of a lease held by P. Shipley Saddlery & Mercantile Co., at Camp Funston. The original claim was for $17,000 and the bill authorizes payment of $11,902. The report shows the War Department considered this claim allowed and paid $3,579. The War Department strongly opposes payment of the claim.

The request to authorize suit against the Government by the United Shipping & Trading Co., against the Government, growing out of a collision at sea in 1918, involves $85,000. Each Secretary of War for the past 15 years has recommended against the passage of the bill.

The claim of David A. Wright is a war claim. He desires to be paid for rehabilitating a tool factory. The Court of Claims heard this case and denied the petition, but still this bill is to resubmit the case. The War Department and Department of Justice is opposed to the bill. The amount involved is not set forth in the report nor in the bill but it is undoubtedly very large.

The case of the Southern Overall Co. has been before Congress for at least 8 years. On every occasion the War Department recommends against favorable action. About six Government agencies, including the Comptroller, has considered the claim and held the Government not liable. The amount involved is $6,000, growing out of a contract for overalls.

H. R. 8664 is an omnibus bill from the Foreign Affairs Committee. Two bills seek to reimburse State Department officials for the loss of personal property due to an earthquake in Nicaragua in 1931. One is for $25,215.50, another for $1,006.82.

Are we not treading on dangerous ground when we pass such legislation? It is admitted the men were on duty there. Suppose there was an earthquake that destroyed all the personal property of several hundred Army officers and thousands of enlisted men on duty at a camp. If we pass those bills we would be justified in reimbursing the officers and enlisted men. Then, again, if one of our battleships was lost at sea and the personnel of, say, 1,500 officers and men were saved but lost their personal property, could we deny them relief if we pass this bill? Is the Treasury of the United States to be held responsible for an act of God? What are insurance companies for?

The bill to permit the Delaware Bay Ship Building Co. to enter suit against the Government is strongly opposed by the Treasury Department, which holds it was the duty of this company to properly protect its property. The damage was the result of a collision with a Coast Guard vessel. The Government department holds there is no reasonable ground for holding the Government responsible but, on the contrary, holds the corporation is responsible to the Government for the damage to the Government vessel.

In the claim of G. Elias & Bro., Inc., for $24,139.28, the War Department holds the specifications were not changed, and the claim of this corporation was denied by the Comptroller. That should end it.

The claim of Fred Herrick for $50,000 is one that I would support. I base this conclusion on the committee report.

The claim of the Wales Packing Co. for $100,000 results from a favorable decision of the Court of Claims. However, it originated before any Member of this House was ever elected to Congress.

The claim of George Lawley & Son Corporation for the construction of two torpedo boats was referred to the Court of Claims. The court said, under "Conclusion of law":

> Upon the foregoing special findings of fact, which are made part of the judgment herein, the court decides as a conclusion of law that the plaintiff is not entitled to recover, and its petition is dismissed. Judgment is rendered against the plaintiff for the cost of printing the record herein, the amount thereof to be ascertained by the clerk, and collected by him according to law.

Will the Congress ignore this finding? If it does, the court points out another case of a similar nature—the Union Iron Works case.

Let me point out the report says the loss was found by the Court of Claims, but while the court might have found there was a loss the conclusion of law referred to held the plaintiff was not entitled to recover from the Government. Do not be misled by that part of the report which states the court agreed there was a loss.

There are in this bill numerous cases where it is provided to pay certain claimants or to refer their cases to the Court of Claims growing out of payment of taxes, and so forth, which cannot now be paid due to the statute of limitations, and so forth.

It has long been the established policy of Congress by its action on similar bills to refuse to act favorably on such legislation, no matter how meritorious the claim might be. I have had several such claims where the Treasury admitted an overpayment, but the relief bills were never passed.

The Treasury repeatedly has held—

> The position which this Department has taken and which Congress has sanctioned is that it is a sound policy to have statutes of limitation and that the policy upon which statutes are based must be adhered to, notwithstanding hardship in particular cases.

Then, again, I quote from a Treasury report:

> The Treasury Department has consistently opposed the enactment of special legislation designed to remove the bar of limitations on refunds as unfair to other taxpayers with equally meritorious claims.

One dislikes to deny a taxpayer money illegally paid or money due as an overpayment of income and other taxes, but to open the door would mean claims involving hundreds of millions of dollars. Then again some attention must be paid to the position the Government finds itself in. In making audits the Government has found where money is due, but it cannot collect because of the statute of limitations. This likewise involves hundreds of millions of dollars. It is only in fraud cases where the Government can go beyond the statute of limitations.

In H. R. 9054 will be found the claim of John L. Alcock & Co., for damages growing out of the cancelation of a contract. The amount involved is $195,230.62. The committee has stricken out that part which included interest from April 6, 1918.

The report shows the contention of the War Department is assailed by the committee. The War Department says in part:

> If the relief be granted it is believed such action would constitute a precedent too dangerous to even contemplate, as it would open up untold tens of thousands of claims of a like nature, for the reason that during the war the Government not only requisitioned ships which were under contract and charter at the time of their requisition, but undertook the control of wheat, sugar, coal, and other commodities of almost every nature, thereby rendering impossible the execution of previous contracts respecting these commodities, and took over steel mills, railroads, shipyards, telephone and telegraph lines, the capacity output of factories and other producing activities. If this bill should be enacted into law it is the opinion of this Department that it will inevitably result in a stampede and gold rush in the nature of claims upon the Government in comparison with which the Klondike gold rush would appear as a solo affair. If this should be passed it is difficult to understand why, in principle, every soldier who was drafted into the military service would not have an equally meritorious claim against the Government for a special act of Con-

gress for relief to compensate him for the difference between his meager Army pay and the pay, salary, or earnings he was receiving in civil life.

It seems to me, in view of such a statement from the present Secretary of War, Congress should give more than ordinary consideration to this proposed legislation and defeat the bill.

The claim of Henry W. Bibus and others grows out of the purchase of land for use by the Government during the war, for which the claimants were paid $472,250.30. There are 11 claimants, and all but 2 received the option price. In one instance the compromise was $5,000 less, and in the other the same amount. In four cases the Government paid more than the option price. The report shows the Government spent millions for improvements. It converted the land into highly desirable industrial property by reason of the expenditure in excess of $6,000,000. Now the former owners want the Congress to pass a bill that might result in their securing the amount between the purchase price and the sale price—over a million dollars. The War Department is opposed to the bill, and the Congress should defeat it.

In direct contrast to this recommendation is the bill for the relief of the Western Electric Co., Inc., which originates with the War Department. This in itself is evidence that the Department is fair, because it admits the Government is obligated, prepares the bill, submits it to the Congress, and asks for its passage.

The bill for the relief of Teresa de Prevost has been pending for many years and grows out of the so-called Alsop award of July 4, 1911, made by the King of Great Britain as arbitrator.

Mrs. de Prevost maintains this money should be paid to her by the Government because of alleged irregularities in the distribution through the State Department to claimants under the Alsop award. The United States Government held the Government of Chile was liable to the United States, acting for certain named persons and their heirs. The King of Great Britain was named as arbitrator, and he decided in favor of the United States. The contentions of the claimant indicate a former Assistant Solicitor of the State Department resigned after the award had been made and within a few days entered the case as an attorney. If the allegations of Mrs. de Prevost are true, then the Assistant Solicitor of the State Department was guilty of unethical conduct, to say the least. This lady has spent many years around the Capitol in an effort to secure the passage of an act to reimburse her. The case is so involved I do not intend to even advance an opinion, but I do say the letter of the State Department which is referred to by the attorneys of Mrs. de Prevost should have been included in the report by the committee. The attorney's answer is printed but the Department's letter is missing. Further, if this bill is now passed, the money, as I understand it, will come out of the Treasury of the United States, as the money collected on the claim has long since been disbursed.

Omnibus House bill 9112 comes from the War Claims Committee. The first bill is to remove the statute of limitations so far as it applies to the linters claim of the Rowesville Oil Co. arising out of a contract it had with the Government in 1919. The Judge Advocate General of the War Department indicates that at this time, with incomplete records, the Government would be at a great disadvantage in defending this suit if the bill was passed. Further, while the plaintiff made a plea at the time of cancelation of contract that it feared bankruptcy, the Judge Advocate General says:

> As a matter of fact, the plaintiff did not fail. Like all industries connected with the manufacture of munitions, the plaintiff made great profits as a result of the war.

The company did not protest the cancelation clause at the time the contract was made. When the war ended there was no further use for buying linters used in the manufacture of explosives, and the cancelation clause was in all such contracts so the Government would be protected when it no longer needed the explosives. The amount involved is not indicated by the report or bill. It might be pertinent to say, however, there are now before the Court of Claims cotton linters claims amounting to over $6,000,000.

The second bill is for the Farmers Storage & Fertilizer Co., and is similar to the Rowesville Oil Co. bill.

In this omnibus bill is also a measure ordering the Secretary of the Treasury to pay Walter W. Johnston $5,495. This man never had a contract with the Government, but claimed he was promised $50,000 if appliances owned by him were successful in launching ships for the Emergency Fleet Corporation and Shipping Board. He claimed that W. C. McGowan, district supervisor in the Jacksonville district, made the agreement. After his claim was denied by the Corporation he filed suit in the Court of Claims. Mr. McGowan died in November 1918. The Court of Claims gave judgment in the sum of $20,000, less a credit of $5,495 representing salary the court found had been paid the plaintiff by a private ship corporation where a number of vessels were launched.

The net judgment was paid by the Government. It amounted to $14,505 and was paid September 6, 1930. This certainly should dispose of the claim. The bill seeking further reimbursement should be defeated.

The bill to pay Ella B. Kimball, daughter and heir of Jeremiah Simonson, is a Civil War claim. It provides for payment of $16,441.81 for furnishing supplies and labor in the construction of the U. S. S. *Chenango*. The findings of the court were submitted in 1907, but all efforts to collect the money by an act of Congress have failed, as have hundreds if not thousands of other Civil War claims.

The claim of Joseph G. Grissom of $1,153.43 is another Civil War claim. This was to cover a period between the time he was commissioned by a Governor and actual date of muster in. One hundred and sixty-three such claims passed the House but were rejected by the Senate. This is the first time since 1914 this claim has been reported by a House committee.

It might be proper to recall here that in 1914 the last omnibus claims bill, including Civil War claims, was passed. At that time the late Oscar Underwood submitted an amendment which was adopted and became law, which provided that thereafter the Court of Claims should have no further jurisdiction in claims growing out of the War of the Rebellion. I distinctly remember this amendment, as I was at that time a secretary to a Representative in Congress.

The claim of George B. Marx grows out of an informal contract to make 200 wire carts for the Signal Corps in 1918. The War Department canceled the order on November 9, 1918, later considered the claim, and paid Marx $139,876.86. Marx claims $76,574.12. The committee, despite the objections of the War Department in the Seventy-first Congress, recommended Marx be paid $58,259.02. The bill was defeated. Now it is proposed to refer the case to the Court of Claims. The Government should not be required to defend such a suit.

The claim of T. D. Randall grows out of a war contract. The contractor holds he had options for hay to fill a contract for 3,600 tons at $14 per ton. He contends that owing to a car shortage he could not close the options and was forced to pay from $20 to $25 a ton for the hay. It has been repeatedly held that once a contract has been made it cannot be changed to the disadvantage of the United States. Why should the Government be put to the expense of defending such a suit in the Court of Claims at this late date?

The two bills in the omnibus bill from the Public Lands Committee refer the claims to the Court of Claims. It is alleged the claimants were damaged by reason of the patenting of certain lands in the State of Washington to another person and by the cutting of timber from such lands. There is absolutely nothing in the report that gives any information that would enable Members to intelligently consider the bill.

The reason I find it necessary to make this reference to various bills is that under the rule only 5 minutes is allowed for and against each claim unless an amendment or amendments are offered. I hope Members will prepare amendments so we can thoroughly discuss the merits of this legislation.

No omnibus bill should be passed without a roll call. The legislation is too important.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIMS OF SUBCONTRACTORS AND MATERIALMEN FOR CONSTRUCTION OF POST OFFICE AND COURTHOUSE, RUTLAND, VT.

The Clerk called the next bill, S. 37, authorizing the Comptroller General of the United States to settle and adjust the claims of contractors and materialmen for material and labor furnished in the construction of a post-office and courthouse building at Rutland, Vt.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object.

FORT FREDERICA NATIONAL MONUMENT, GA.

The Clerk called the next bill, H. R. 8431, to provide for the establishment of the Fort Frederica National Monument at St. Simon Island, Ga., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. DEEN. Will the gentleman reserve his objection?

Mr. ZIONCHECK. I will reserve the objection for the gentleman from Georgia at any time.

Mr. DEEN. Mr. Speaker, I should like to call the attention of the gentleman from Washington to the report of the Secretary of the Interior on this bill. The Secretary approves the bill, and the report says the Director of the Budget approves the bill. It does not call for an additional appropriation. I should also like to say to the gentleman that the money necessary to put this bill into operation is in P. W. A. funds. It will not require more than $75,000 or $100,000. I hope the gentleman will withdraw his objection and let this bill pass.

Mr. COSTELLO. Will the gentleman yield?

Mr. DEEN. I yield.

Mr. COSTELLO. Can the gentleman tell us what the estimated annual maintenance of this park will be?

Mr. DEEN. Approximately $12,000, as indicated by the Department.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object. I want to say if anyone could get a bill like this passed, the gentleman from Georgia [Mr. DEEN] could.

INDIAN CLAIMS COMMISSION

The Clerk called the next bill, H. R. 7837, to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

Mr. O'MALLEY. Will the gentleman withhold his objection?

Mr. WOLCOTT. Mr. Speaker, I object.

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent that this bill be allowed to go over without prejudice for the reason that there is a similar Senate bill now before our committee, and our committee has not had a chance to hold hearings on the bill. The Senate bill is somewhat different. So, I ask that this bill go over without prejudice.

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

Mr. WOLCOTT. Reserving the right to object, I cannot see how the status of this bill would be changed by consideration by the committee of a similar Senate bill. I am opposed to the principle of this bill, and I probably will be opposed to the principle of the Senate bill. For that reason I object to the request, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I object.

Mr. TABER. Mr. Speaker, I object.

Mr. COCHRAN. Mr. Speaker, I object.

CLAIMS OF SUBCONTRACTORS AND MATERIALMEN FOR CONSTRUCTION OF POST-OFFICE BUILDING AT HEMPSTEAD, N. Y.

The Clerk called the next bill, S. 2647, authorizing the Comptroller General of the United States to settle and adjust the claims of subcontractors and materialmen and laborers for material and labor furnished in the construction of a post-office building at Hempstead, N. Y.

The SPEAKER. This bill requires three objections. Is there objection?

Mr. ZIONCHECK, Mr. CLAIBORNE, and Mr. YOUNG objected.

ADMISSION OF CERTAIN ALIEN WIVES OF AMERICAN CITIZENS

The Clerk called the next bill, H. R. 7975, to permit alien wives of American citizens who were married prior to the approval of the Immigration Act of 1924 to enter the United States.

The SPEAKER. This bill requires three objections. Is there objection to the present consideration of the bill?

Mr. JENKINS of Ohio. Reserving the right to object, and I do not intend to object, although I have objected heretofore, for the reason that I wanted to investigate this bill. I think the bill is of sufficient importance that I be permitted to make a statement for one-half minute, to this effect, that under the present law an American citizen may bring his Chinese wife into the United States, under circumstances provided in this bill, but an American citizen may not bring in his Japanese wife. All this bill does is simply put them on a parity. I think that should be done, and for that reason I withdrawn any objection that I have heretofore made.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That part (4) of subdivision c of section 13 of the Immigration Act of 1924, as amended by an act of June 13, 1930, shall be amended to read as follows: "or (4) is the alien wife of an American citizen who was married prior to the approval of the Immigration Act of 1924, approved May 26, 1924."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESIDENCE REQUIREMENTS, NATURALIZATION LAWS

The Clerk called the next bill, H. R. 4900, to amend the naturalization laws in respect of residence requirements, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS of Ohio. Reserving the right to object, just in order to make a statement. This is another immigration bill. Heretofore I have asked that it be passed over without prejudice, in order that we might familiarize ourselves with it, because of the complexity of the subject involved. I am glad to report that my investigations have convinced me that the bill does not materially change the immigration laws. Consequently I withdraw any objection I might heretofore have made.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the second paragraph of the fourth subdivision of section 4 of the Naturalization Act of June 29, 1906, as amended (U. S. C., Supp. III, title 8, sec. 382), is amended by striking out the period at the end thereof and inserting a comma and the following: "except that in the case of an alien declarant for citizenship employed by or under contract with the Government of the United States or an American institution of research recognized as such by the Secretary of Labor, or employed by an American firm or corporation engaged in whole or in part in the development of export trade from the United States or a subsidiary thereof, no period of residence outside the United States shall break the continuity of residence if (1) prior to the beginning of such period (whether such period begins before or after his departure from the United States) the alien has established to the satisfaction of the Secretary of Labor that his absence from the United States for such period is to be on behalf of such Government, or for the purpose of carrying on scientific research on behalf of such institution, or to be engaged in the development of such export trade or whose residence abroad is necessary to the protection of the property rights in such coun-

tries of such firm or corporation, and (2) such alien proves to the satisfaction of the court that his absence from the United States for such period has been for such purpose."

SEC. 2. No period of residence outside the United States during the 5 years immediately preceding the enactment of this act shall be held to have broken the continuity of residence required by the naturalization laws if the alien proves to the satisfaction of the Secretary of Labor and the court that during all such period of absence he has been under employment by, or contract with, the United States, or such American institution of research, or American firm or corporation, described in section 1 hereof, and has been carrying on the activities described in this act in their behalf.

Mr. BLOOM. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLOOM: On page 2, line 2, after the word "of", strike out the words "export trade from" and insert "foreign trade and commerce of"; page 2, line 11, after the word "such", strike out "export trade" and insert "foreign trade and commerce."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER AT DAYTON, TENN.

The Clerk called the next bill, H. R. 8586, granting the consent of Congress to the State of Tennessee and certain of its political subdivisions to construct, maintain, and operate a toll bridge across the Tennessee River at or near a point between Dayton and Decatur, Tenn.

Mr. HOLMES. Mr. Speaker, reserving the right to object, and I will not object, I want to call the attention of the House to the fact that this bill was incorporated in the omnibus bill which was passed in the last session of Congress and is now a law.

I ask unanimous consent, therefore, that this bill may be laid on the table.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill be laid on the table. Is there objection?

There was no objection.

FIVE CIVILIZED TRIBES

The Clerk called the next bill, H. R. 8787, to amend section 3 of the act approved May 10, 1928, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes", as amended February 14, 1931.

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 3227, be substituted for the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That section 3 of the act of May 10, 1928, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes", as amended February 14, 1931, be amended to read as follows:

"SEC. 3. That all materials, including oil and gas, produced on or after April 26, 1931, from restricted allotted lands of members of the Five Civilized Tribes in Oklahoma, or from inherited restricted lands of full-blood Indian heirs or devisees of such lands, shall be subject to all State and Federal taxes of every kind and character the same as those produced from lands owned by other citizens of the State of Oklahoma; and the Secretary of the Interior is hereby authorized and directed to cause to be paid, from the individual Indian funds held under his supervision and control and belonging to the Indian owners of the lands, the tax or taxes so assessed against the royalty interest of the respective Indian owners in such oil, gas, and other mineral production: *Provided*, That nothing in this act shall be construed to impose or provide for double taxation and, in those cases where the machinery or equipment used in producing oil or other minerals on restricted Indian lands are subject to the ad valorem tax of the State of Oklahoma for the fiscal year ending June 30, 1931, the gross production tax which is in lieu thereof shall not be imposed prior to July 1, 1931: *Provided further*, That in the discretion of the Secretary of the Interior, the tax or taxes due the State of Oklahoma may be paid in the manner provided by the statutes of the State of Oklahoma."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider and a similar House bill (H. R. 8787) were laid on the table.

EMPLOYMENT OF SKILLED SHORTHAND REPORTERS IN EXECUTIVE BRANCH OF THE GOVERNMENT

The Clerk called the next bill, H. R. 4886, providing for the employment of skilled shorthand reporters in the executive branch of the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object.

BOARD OF SHORTHAND REPORTING

The Clerk called the next bill, H. R. 4887, to create a board of shorthand reporting, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object.

CONSTRUCTION OF BUILDINGS FOR POST-OFFICE USE

The Clerk called the next bill, H. R. 4672, to provide for the purchase or construction of buildings for post-office stations, branches, and garages, and for other purposes.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that the bill H. R. 10772, which is No. 551 on the calendar, be considered in lieu of this measure. It relates to the same matter and is a subsequent bill introduced and reported to correct errors in the former bill, providing for a reduction of expense, and also conforming to the Ramseyer rule.

Mr. TABER. Mr. Speaker, reserving the right to object, will the gentleman explain what this last bill does?

Mr. LANHAM. Mr. Speaker, this bill was introduced by the gentleman from New York [Mr. MEAD], for the purpose of saving money for the Government in the operation of various branches and garages. The gentleman from Illinois [Mr. DOBBINS], a member of the Committee on the Post Office and Post Roads, can give the gentleman from New York more specific information as to the particular conditions this bill seeks to correct. I should like to yield to the gentleman from Illinois for the purpose of replying to the gentleman from New York.

Mr. DOBBINS. Mr. Speaker, the only purpose of this bill, I may say for the information of the gentleman from New York and of the Members of the House, is to amend the general law, making it possible for the Government to erect branch post offices, stations, and garages in the same way it now has power to erect the main post-office buildings. It does not authorize construction in any specific instance, and the authority of Congress will still have to be given before an appropriation may be made for the purpose of constructing buildings.

The situation at present is this: A great many of those who have available buildings for these facilities of the post offices, understanding that the Post Office Department has no authority upon general law itself to erect buildings for the purpose, have been holding us up for high rents. A number of instances of this kind were brought to the attention of the special committee headed by our late colleague the gentleman from Pennsylvania, Mr. Kelly, who conducted a general investigation several years ago and found the abuses that were existing in this respect.

It seemed to me, and I think it seemed to the committee presided over by the gentleman from Texas [Mr. LANHAM] which considered this bill, that the way will be open for a considerable saving of money to the Government if this general authority could be given.

Mr. LANHAM. Will the gentleman yield?

Mr. DOBBINS. I yield to the gentleman from Texas.

Mr. LANHAM. May I say in this connection that it may not even be necessary for the Government to resort to the authority given by this bill, but in those cases where exorbitant rates are asked, the Government would, at least, have the protection of this authority. I understand there are several instances in which the Government is paying entirely too much money for services of this character. One such situation was called to my attention in which the annual rental, I think, was 15 or 20 percent of the value of the property being leased.

Mr. WOLCOTT. Will the gentleman yield?

Mr. DOBBINS. I yield to the gentleman from Michigan.

Mr. WOLCOTT. In order to keep the record straight, may I ask the gentleman from Texas to amend his request to provide that the bill, No. 451 on the calendar, be stricken and that the bill, No. 551 on the calendar, be considered at this point in lieu thereof?

Mr. LANHAM. Mr. Speaker, I adopt the request of the gentleman from Michigan. I ask unanimous consent that the bill, No. 451 on the calendar, be stricken and that the bill, No. 551 on the calendar, be substituted in lieu thereof.

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

There was no objection.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, reserving the right to object, while we are on the question of garages, has the gentleman anything to do with the Senate garage here in Washington?

Mr. LANHAM. I have not.

Mr. ZIONCHECK. Well, there is an unwholesome condition existing down there. The Senators are using that garage for the storage of their clerks' cars, while a Member of Congress on this side cannot get in there at all. I think the situation ought to be looked into a little bit.

Mr. LANHAM. I will say to the gentleman that personally I have no jurisdiction over that matter.

Mr. ZIONCHECK. I do not care to go that far down, but once in a while when the weather gets bad a Member of Congress might want to shove his car in there for a while.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. THURSTON. Mr. Speaker, reserving the right to object, would it be the purpose under this bill to erect ornate garages in the large cities for the Post Office Department?

Mr. LANHAM. No. The only purpose is to protect the Government. Where a lease cannot be made at a reasonable price, the Government would have the authority, if it meant the considerable saving of money, to put up its own structure. There is no intention whatever to build ornate buildings. As a matter of fact, the whole purpose of the measure is economy.

Mr. THURSTON. I am sure the gentleman understands that in the smaller towns of the country they are erecting a type of architecture that might be compared with a cigar box, and I was wondering if it was the intention to do the same thing with these garages.

Mr. LUDLOW. May I ask the gentleman from Texas whether the Post Office Department is in favor of this bill?

Mr. LANHAM. Yes; the Post Office Department is in favor of the bill and the Treasury Department also, and they have requested such legislation for their own protection.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. There is another argument that may be made in favor of this proposition, and that is it might be used as a threat to bring about an economical rental for private property.

Mr. LANHAM. That is really the primary purpose. We want to protect the Government in case a reasonable rental may not be had from private sources.

Mr. TAYLOR of Tennessee. That was my understanding when I voted to report this bill out of the committee.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first sentence of section 1 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes", approved May 25, 1926, as amended (U. S. C., 1934 ed., title 40, sec. 341), is hereby amended by inserting after the words "post offices" the following: "(including buildings for post-office stations, branches, and garages)."

Mr. LANHAM. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LANHAM: On page 1, line 7, strike out the words "post offices" and insert in lieu thereof the word "postoffice."

Mr. LANHAM. Mr. Speaker, the purpose of this amendment is merely to make the bill conform to the law as written at the present time. The word "postoffice" in the law is written as one word, and this is offered to make the bill conform with the present law.

Mr. JENKINS of Ohio. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I am not opposed to the amendment, and I am not going to speak on it, but I am going to speak on another proposition which will come up with reference to bill numbered 479 on the calendar. When an immigration matter is being considered by the House under unanimous consent it is impossible to get sufficient time to discuss it intelligently. At the last call of the calendar I tried to discuss this bill and impress upon the Members in the few minutes I had at my disposal the importance and danger of the bill. My time was cut short because a demand for regular order was made at that time.

Mr. CHURCH. Mr. Speaker, I demand the regular order. The gentleman is not speaking on the amendment.

Mr. JENKINS of Ohio. Mr. Speaker, I prefaced my remarks with the statement that I was not going to speak on the amendment.

Mr. CHURCH. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman will continue and address himself to the amendment.

Mr. JENKINS of Ohio. Mr. Speaker, I prefaced my statement with the remark that I was not going to talk about the amendment. I think the gentleman should have objected at that time; but since he did not, and, as I understand it, he has the right to object at this time, I cannot continue.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS OHIO RIVER NEAR LOUISVILLE, KY.

The Clerk called the next bill, H. R. 8661, supplementing the act of Congress approved February 25, 1928, entitled "An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city."

Mr. HOLMES. Mr. Speaker, reserving the right to object, I find this bill was included in the omnibus bill which was passed at the last session of the Congress and is now law.

I therefore ask unanimous consent that the bill be stricken from the calendar and laid on the table.

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

There was no objection.

JURISDICTION OF BOUNDARY WATERS BETWEEN THE STATES OF WASHINGTON, OREGON, AND IDAHO

The Clerk called the joint resolution (S. J. Res. 23) giving consent of the Congress of the United States to the States of Washington, Oregon, and Idaho, or any two of said States, to agree upon the jurisdiction to be exercised by said States over boundary waters between any two or more of said States.

Mr. MOTT, Mr. WOLCOTT, Mr. McLEAN, and Mr. JENKINS of Ohio objected.

STATUTE OF LIMITATIONS ON FRAUDS AGAINST THE UNITED STATES

The Clerk called the next bill, H. R. 4451, to amend section 1044 of the Revised Statutes to provide a 10-year period of limitations on prosecutions for offenses involving frauds against the United States.

The SPEAKER. This bill requires three objections.

Mr. ZIONCHECK. I object, Mr. Speaker.

There being no further objections, the Clerk read the bill, as follows:

Be it enacted, etc., That section 1044 of the Revised Statutes, as amended (U. S. C., Supp. VII, title 18, sec. 582), is hereby amended to read as follows:

"SEC. 1044. No person shall be prosecuted, tried, or punished for any offense, not capital, except as provided in section 1046, unless the indictment is found, or the information is instituted,

within 3 years next after such offense shall have been committed, except that, for offenses involving the defrauding or attempts to defraud the United States or any agency thereof, whether by conspiracy or not, and in any manner, the period of limitation shall be 10 years."

SEC. 2. The amendment made by section 1 of this act shall apply to offenses whenever committed, except that it shall not apply to offenses the prosecution of which was barred before the date of enactment of this act.

With the following committee amendments:

Page 2, line 3, strike out the word "ten" and insert the word "six"; and amend the title.

The amendment was agreed to.

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

The title was amended and a motion to reconsider laid on the table.

NATURALIZATION AND CITIZENSHIP OF MARRIED WOMEN

The Clerk called the next bill, H. R. 7574, to amend an act entitled "An act relative to naturalization and citizenship of married women", approved September 22, 1922.

Mr. JENKINS of Ohio, Mr. WOLCOTT, Mr. McLEAN, and Mr. COSTELLO objected.

RESERVOIR SITES ON INDIAN IRRIGATION PROJECTS

The Clerk called the next bill, S. 2656, to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Indian irrigation projects and to lease the lands in such reserves for agricultural, grazing, or other purposes.

Mr. TABER, Mr. WOLCOTT, Mr. JENKINS of Ohio, and Mr. RICH objected.

OLD-AGE PENSIONS FOR INDIANS OF THE UNITED STATES

The Clerk called the next bill, H. R. 9018, providing old-age pensions for Indians of the United States.

Mr. WOLCOTT, Mr. JENKINS of Ohio, Mr. TABER, and Mr. RICH objected.

SAN CARLOS APACHE INDIANS

The Clerk called the next bill, S. 2523, authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. COCHRAN. I object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN. I object to the consideration of the bill, Mr. Speaker.

Mr. ZIONCHECK. Mr. Speaker, will the gentleman withhold his objection? The gentlewoman from Arizona [Mrs. GREENWAY] is preparing some amendments and requests that this bill be passed over without prejudice out of special consideration for her, because of the exceptional circumstances involved in this particular bill.

Mr. COCHRAN. In view of the report I put in the RECORD 2 weeks ago, I cannot see how the House can pass this bill.

Mr. ZIONCHECK. I do not think it can either, but I think we ought to allow her this privilege.

Mr. COCHRAN. I will agree to withdraw my objection and let the bill go over without prejudice.

The SPEAKER. Is there objection to the bill being passed over without prejudice?

There was no objection.

SWAMP LANDS IN WISCONSIN

The Clerk called the bill (S. 3045) providing for the payment to the State of Wisconsin for its swamp lands within all Indian reservations in that State.

The SPEAKER. Is there objection?

Mr. TABER, Mr. BACON, and Mr. JENKINS of Ohio objected.

RELIEF OF GOVERNMENT CONTRACTORS

The Clerk called the bill (H. R. 7293) to amend the act approved June 16, 1934, entitled "An act to provide relief to Government contractors whose cost of performance were increased as a result of compliance with the act approved June 16, 1933, and for other purposes.

The SPEAKER. Is there objestion?

Mr. ZIONCHECK, Mr. WOLCOTT, and Mr. TABER objected.

NAVAL AIR STATION IN THE VICINITY OF MIAMI, FLA.

The Clerk called the bill (H. R. 8372) to authorize the acquisition of lands in the vicinity of Miami, Fla., as a site for a naval air station and to authorize the construction and installation of a naval air station thereon.

The SPEAKER. Is there objection?

Mr. RICH. Reserving the right to object, I want to ask the gentleman whether this bill was recommended by the Navy Department and whether they are interested in having it there?

Mr. WILCOX. Yes.

Mr. RICH. Have they made a recommendation, and for what purpose?

Mr. WILCOX. It is for training Reserves for aviation and other purposes.

Mr. RICH. What is it going to cost the Government?

Mr. WILCOX. Nothing; the city of Miami is giving it to the Government.

Mr. RICH. Why do they give it to the Government if it is not going to cost the Government anything?

Mr. WILCOX. The city is trying to comply with the desires of the Navy Department in order that they may have a proper base for training naval aviators.

I will say that some years ago Miami gave the Navy Department a similar tract, but that tract does not lie near the water. The Navy desires an additional tract on the water, and the city has an option on this land and expects to give it to the Federal Government without cost.

Mr. RICH. Every time you give the Government some land it is expected that the Government is going to keep it up. We passed a bill for the Everglades Park and said it would cost the Government nothing. Now they are asking to eliminate that feature of it and get money for maintenance.

Mr. WILCOX. I will be glad to explain that when that bill comes up.

Mr. RICH. Has the Naval Affairs Committee passed on this?

Mr. WILCOX. Yes; and the committee favors it unanimously.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to accept on behalf of the United States, free from encumbrances and without cost to the United States, the title in fee simple to such lands as he may deem necessary or desirable in the vicinity of Miami, Fla., approximately 650 acres, as a site for a naval air station to be returned to the grantor if not used by the United States for such purpose within 5 years; or, with the written approval of the President, to exchange for such lands existing naval reservations; or, if it be found impractical to secure the necessary lands by either of the aforesaid methods, to purchase the same by agreement or through condemnation proceedings.

SEC. 2. The Secretary of the Navy is further authorized to construct, install, and equip at said station such buildings and utilities, technical buildings and utilities, landing fields and mats, and all utilities and appurtenances thereto, ammunition storage, fuel and oil storage and distribution systems therefor, roads, walks, aprons, docks, runways, sewer, water, power, station and aerodrome lighting, telephone and signal communications, and other essentials, including the necessary grading and filling and the removal of existing structures and installations. He is authorized also to direct the necessary transportation of personnel, and purchase, renovation, and transportation of materials, as may be required to carry out the purposes of this act.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums of money as may be necessary to be expended under the direction of the Secretary of the Navy for the purposes of this act, including the expenses incident to necessary surveys, which appropriation shall continue available until expended: *Provided*, That the provisions of section 1136, Revised Statutes (U. S. C., title 10, par. 1339), shall not apply to the construction of the aforesaid stations and depots.

With the following committee amendments:

Page 1, line 7, after the word "desirable", insert the words "on North Biscayne Bay."

Page 2, strike out lines 2, 3, 4, 5, and 6 and insert the words "10 years."

Page 3, line 1, after the word "necessary", insert the word "development."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

The Clerk called the bill (H. R. 8293) to amend the Longshoremen's and Harbor Workers' Compensation Act.

The SPEAKER. Is there objection?

Mr. LAMNECK objected.

MONUMENT COMMEMORATING ENTRANCE OF FIRST STEAM RAILROAD INTO WASHINGTON, D. C.

The Clerk called the next business, House Joint Resolution 362, to authorize the selection of a site and the erection thereon of a suitable monument indicating the historical significance of the first entrance into the city of Washington of a steam railroad, and for other purposes.

The SPEAKER. Is there objection?

Mr. TABER, Mr. BACON, and Mr. WOLCOTT objected.

AMENDING EXECUTIVE ORDER NO. 6166

The Clerk called the next bill, H. R. 8316, to exempt the Indian Service within the State of Oklahoma from the requirements of section 4 of Executive Order No. 6166, dated June 10, 1933.

The SPEAKER. This bill requires three objections. Is there objection?

Mr. WOLCOTT. Reserving the right to object, I do not know as I have any particular objection to the merits of this bill, but I think it is rather presumptive of this Congress to amend an Executive order by the President. I am afraid we are establishing a rather dangerous(?) precedent to legislate contrary to the wishes of the President. In this particular case the President provided certain things by an Executive order which is numbered 6166. In other words, 6,166 Executive orders, at least, have been promulgated by the Executive, which do not appear as part of the statutory law of the land. I think I have no particular objection to this bill, but I merely want to call attention to the fact, especially to the Members on the Democratic side of the aisle, that we are now repealing Executive orders and not statutes passed by the Congress of the United States.

Mr. RICH. Will the gentleman yield?

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

Mr. RICH. It may be a very fine thing for the Congress to assume its prerogative and knock out some of these Executive orders. I think that would be our duty.

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

Mr. WOLCOTT. I yield.

Mr. ZIONCHECK. The gentleman mentions that it would be a little presumptuous on the part of Congress to amend an Executive order. I may say that I even presumed to prepare an amendment to this Executive order. I want it to apply every place and not just to the State of Oklahoma.

Mr. WOLCOTT. The gentleman must answer for his own presumption or recklessness—I do not know which.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the disbursing functions of the Indian Service within the State of Oklahoma shall be exempted from the requirements of section 4 of Executive Order No. 6166, dated June 10, 1933, and shall continue to operate under the direction of the Commissioner of Indian Affairs.

With the following committee amendment:

Line 3, page 1, after the word "service", strike out "within the State of Oklahoma."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill to exempt the Indian Service from the requirements of section 4 of the Executive Order No. 6166, dated June 10, 1933."

A motion to reconsider was laid on the table.

REPLY TO SECRETARY WALLACE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a radio address I delivered recently.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TREADWAY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address which I delivered recently over the radio:

I am indebted to the National Broadcasting Co. for this opportunity to reply to certain statements made by Secretary of Agriculture Wallace during the Farm and Home Hour on January 28. I refer particularly to his unwarranted and subversive charge that the Supreme Court's decision in the so-called Rice Millers case—by which it returned to processors the taxes impounded pending its determination of the constitutionality of the A. A. A.—was, to quote his exact words: "probably the greatest legalized steal in American history."

I am sure that every right-thinking American has a feeling of indignation at this slur on the Supreme Court. I unhesitatingly say that the charge is unjustified, and displays a gross lack on the part of the Secretary of the proprieties of an administrative official. Such a statement from one in high office can have no other purpose or effect than to reflect upon the integrity of the Court and its individual members, and encourage a disrespect for law and our American institutions. It was undoubtedly made with a view to arousing public opinion against a coordinate branch of the Government.

The Secretary's gratuitous insult to the Court was not uttered in a moment of pique (which might have been excusable) but was deliberate and considered. It was made 2 weeks after the Court's decision and was reiterated at a press conference following my statement on the floor of the House of Representatives that in my opinion he ought to be impeached or cited for contempt.

Secretary Wallace has never apologized for his intemperate allegation, nor has the President ever publicly reproved him for it. In his Lincoln Day address at Indianapolis the Secretary said he had nothing to retract. It is astonishing to me how the President can remain silent. We are left to conclude that the Secretary expressed the official viewpoint of the administration and spoke as well for the President as for himself. In this connection we may recall the President's own criticism of the Supreme Court's decision in the N. R. A. case, which he referred to as taking the country back to the horse-and-buggy days.

As if to justify his own remarks about the Supreme Court, Secretary Wallace, in his Indianapolis address of February 12, pointed out that Abraham Lincoln had once criticized the Court for its decision in the Dred Scott case. Of course, that is true, but as the Secretary himself stated in his address (I quote):

"Lincoln was reluctant, however, to join in the savage attacks of the extreme abolitionists, * * * for he cherished an abiding respect for the traditions of the Court and the ideals it was established to serve. * * * Lincoln's language, by contrast, was temperate and statesmanlike."

While it was perfectly proper for the Secretary to disagree with the Court's decision, if he saw fit, he might at least have followed Lincoln's example and used more temporate and statesmanlike language.

Let us analyze the situation that has brought about such an indiscreet and incorrect remark by Secretary Wallace. The basic and original trouble comes from a hasty and ill-considered policy of the administration, for which the Secretary was more responsible than any other man.

When the original Agricultural Adjustment Act was under consideration in Congress, grave doubts were expressed as to its constitutionality, both as regards Federal control over agriculture and the delegation to the Secretary of Agriculture of the power to impose processing taxes. Therefore, the administration was forewarned that the precise situation which now exists might come about. It knew that the constitutionality of the act was certain to be challenged, and that in the event of an unfavorable decision the processing taxes which had been illegally collected would have to be returned.

Cases involving the constitutionality of the A. A. A. have been pending in the courts for more than 2 years, and the administration has done nothing to expedite their consideration. Therefore, if a large accumulation of impounded processing taxes has resulted, it has only itself to blame.

The first case involving the validity of the A. A. A. to be decided by the Supreme Court was the so-called Hoosac Mills case, in which the Court denied the right of the Government to impose the tax on the ground that it was but part of an unconstitutional scheme to regulate agriculture. No question of a refund was involved in this case.

In the Rice Millers case, the processors applied to the Supreme Court for a temporary injunction to restrain the collection of the processing tax. The Court granted the injunction upon condition that the processors pay the amount of taxes in question to a depositary, to be impounded pending final determination of their legality. Subsequently, having held in the Hoosac Mills

case that the processing tax was an illegal exaction, the Court ordered the funds returned to the processors.

Let me quote the concluding words of the Court's opinion, as delivered by Mr. Justice Roberts, and concurred in by all nine of the justices. I quote:

"The exaction still lacks the quality of a true tax. It remains a means for effectuating the regulation of agricultural production, a matter not within the powers of Congress. * * * The decree of the district court will be vacated, an appropriate order entered directing the repayment to the petitioner of the funds impounded * * *", and so forth.

Certainly this language offers no basis for an accusation of stealing. Yet this is the decision which Secretary Wallace flippantly characterized as a "legalized steal." Such loose language is hardly to be expected from one occupying such a high position as the Secretary of Agriculture, who should carefully measure the accuracy of his words.

To steal means to take the property of another. If the Secretary means to convey the impression that the processing taxes ordered returned by the Court were stolen from the Government, he is in error, because they never were in the possession of the Treasury, nor did the Government at any time have a right to them. While the amount of the taxes was paid out by the processors, the payment, as I have pointed out, was only made to the Court pending its determination as to whether the Government or the processors were entitled to the money. Having held that the levy was not a true tax, but an unconstitutional exaction under the guise of taxation, the Court had no alternative but to return the money to the processors. Even the Justices who dissented in the Hoosac case agreed to that. Certainly the Secretary does not mean to charge them with being a party to a legalized steal.

Had the Court allowed the Government to retain the illegal taxes, it would be identical to permitting a wrongdoer to retain his loot. When the Government can levy all sorts of unconstitutional taxes, delay the litigation brought to test their legality, and then keep the money collected, even though the taxes are invalid, constitutional rights become absolutely meaningless.

If there was any "steal" involved in connection with the Rice Millers decision, it was perpetrated by Secretary Wallace himself when he first imposed the iniquitous and illegal processing taxes. He has been "robbing Peter to pay Paul"—"Peter", of course, being another name for the millions of consumers throughout the country who have been forced to shoulder a tremendously increased cost of living as a result of the billion or more dollars of processing taxes levied by him on bread, meat, cotton goods, and other necessities of life. Secretary Wallace himself, in his annual report for 1934, admitted that these taxes bore most heavily on the poorer people. That is where the "steal" comes in, and the Secretary is primarily responsible for it. His false accusation against the Supreme Court is but a smoke screen to divert attention from his own unconstitutional acts.

Let me now refer to the alleged unjust enrichment of the processors by reason of the decision to which Secretary Wallace takes exception. The Secretary baldly assumes that the processing tax, though levied on the processor, was in every case either passed on to the consumer or back to the producer. This, however, is not the truth. For example, in the textile industry, with which I am familiar, the processor in many instances was forced to absorb the tax himself, although it was just as much a part of the cost of production as raw materials, wages, and rent. The result has been that many textile mills have been unable to continue in business, and have closed their doors, throwing many men and women out of employment.

In contesting the processing taxes, the processors had no purpose to enrich themselves at the expense of the consumers. They merely sought to prevent the levying of an unconstitutional tax, which, like any other business expense, was passed on to the consumer where possible to do so.

By successfully contesting the validity of the processing taxes, the processors have not only performed a distinct benefit to themselves, but they have also saved the consumers and producers hundreds of millions of dollars which otherwise would have to be paid in the future.

As evidence of the disposition of processors not to take any undue advantage by reason of the return of the impounded processing taxes to them, I wish to quote the following telegram which I have received from the National Association of Cotton Manufacturers:

"During the past year it was impossible to pass the tax on in many instances. Several mill financial statements show where losses for 1935 are greater than the processing tax. Despite this, mills are passing on tax refunds due under agreement with customers made last August."

Doubtless other processors are taking similar steps. However, the administration's legal experts are now attempting to devise some means of recovering these refunds from the processors, so it may be that after all, the consumers will not get any benefit.

In his remarks of January 28, Secretary Wallace made reference to numerous letters he had received in connection with the Supreme Court's decision in the A. A. A. cases, and quoted from several. Since my denunciation of his charges on the floor of the House of Representatives recently I have received scores of letters supporting my stand. These letters, which are on file in my office, come from every section of the country—North, East, South, and West; from Republicans and Democrats; from New Dealers and anti-New Dealers. Many of them contain remarks very uncomplimentary to the Secretary. There are also many from which I wish I had time to quote, since they give a rather complete cross-section of the feeling of resentment on the part of the American people at the Secretary's charges.

The following brief editorial from the Charlotte (N. C.) Observer pretty well crystallizes newspaper sentiment throughout the country with reference to this matter. It reads:

"Secretary Wallace was, of course, frustrated by the blow given his A. A. A. by the Supreme Court, but he should learn to take his medicine more gracefully instead of uttering such irritable cries as his recent comment to the effect that permitting the processors to take back their taxes 'is the greatest legalized steal in history.'"

Even the chairman of the House Agricultural Committee, who rose in the House of Representatives to defend the Secretary following my denunciation of him, variously referred to his remarks as being "pretty strong", "extravagant", and "injudicious." Likewise Senator NORRIS, who is seeking to limit the power of the Supreme Court to declare acts of Congress unconstitutional, agreed that the charge was "too severe."

There is no doubt in my mind but that Secretary Wallace's derogatory charge is deplored and resented by the great body of our citizens throughout the country, including many of those who may have been adversely affected by the Court's decision. If Secretary Wallace does not have the decency to apologize, he ought to be made to retire from public office, and the sooner the better.

CONSENT CALENDAR

PRELIMINARY EXAMINATION OF NEHALEM RIVER, OREG.

The Clerk called the next bill, S. 3277, authorizing a preliminary examination of the Nehalem River and tributaries, in Clatsop, Columbia, and Washington Counties, Oreg., with a view to the controlling of floods.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Nehalem River and its tributaries, in Clatsop, Columbia, and Washington Counties, Oreg., with a view to the control of floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL MONUMENT AT CAMP MERRITT, N. J.

The Clerk called the next bill, H. R. 27, to provide for the establishment of a national monument on the site of Camp Merritt, N. J.

The SPEAKER. Is there objection?

Mr. ZIONCHECK, Mr. TABER, Mr. BACON, and Mr. RICH objected.

Mr. KENNEY. Will the gentlemen withhold their objections?

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. TABER. Mr. Speaker, I object.

Mr. ANDREWS of New York. Mr. Speaker, the regular order.

Mr. BACON. Mr. Speaker, I object.

The SPEAKER. Three objections are heard. The Clerk will call the next bill.

WAR MINERALS RELIEF ACT

The Clerk called the next bill, S. 1567, to amend section 5 of the act of March 2, 1919, generally known as the War Minerals Relief Act.

The SPEAKER. Is there objection?

Mr. JENKINS of Ohio, Mr. TABER, and Mr. WOLCOTT objected.

PAN AMERICAN EXPOSITION, TAMPA, FLA.

The Clerk called House Joint Resolution 365, providing for participation by the United States in the Pan American Exposition to be held in Tampa, Fla., in the year 1939 in commemoration of the four hundredth anniversary of the landing of Hernando De Soto in Tampa Bay, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. ZIONCHECK, Mr. WOLCOTT, and Mr. MARTIN of Massachusetts objected.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent that this joint resolution go over without prejudice.

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

Mr. ZIONCHECK. Mr. Speaker, I object.

ANNIVERSARY OF FOUNDING OF PRATTVILLE, ALA.

The Clerk called the next business, House Joint Resolution 241, to provide for the observance and celebration of the one hundredth anniversary of the founding of Prattville, Ala.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. ZIONCHECK, Mr. TABER, Mr. JENKINS of Ohio, and Mr. BACON objected.

ECONOMIC STUDIES OF THE FISHERY INDUSTRY

The Clerk called the next bill, H. R. 8055, to provide for economic studies of the fishery industry, market news service, and orderly marketing of fishery products, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I find that this bill sets up a large personnel which are not taken from the civil-service register. I think we should start somewhere to protect the civil-service register. This bill gives the Secretary of Commerce power to appoint these individuals and remove them and fix their compensation at will. Unless the bill is corrected to require that these individuals be taken from the civil service I shall be inclined to object.

Mr. BLAND. Has the gentleman an amendment to that effect?

Mr. WOLCOTT. No. I will make the request that the bill go over without prejudice.

Mr. BLAND. That is all right.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

EQUESTRIAN STATUE OF GEN. ROBERT E. LEE

The Clerk called House Joint Resolution 232, authorizing the erection of an equestrian statue of Gen. Robert E. Lee in the Arlington National Cemetery.

Mr. HOLLISTER and Mr. DIRKSEN objected.

TO PROHIBIT STATEMENTS AND PUBLICATIONS ADVOCATING OVERTHROW OF THE GOVERNMENT BY VIOLENCE

The Clerk called the next bill, H. R. 6427, a bill to prohibit statements and publications advocating overthrow of the Government by violence, and for other purposes.

Mr. YOUNG. Mr. Speaker, I object.

Mr. ZIONCHECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ZIONCHECK. Mr. Speaker, I was wondering if the gentleman on the other side objected because this $5,000 was for Prattsville, Ala.

Mr. MAVERICK, Mr. YOUNG, and Mr. ZIONCHECK objected.

PURCHASE OF GROUP OF STATUARY KNOWN AS THE INDIAN BUFFALO HUNT

The Clerk called the next bill, H. R. 5263, to purchase and erect in the city of Washington the group of statuary known as the Indian Buffalo Hunt.

Mr. BACON, Mr. WOLCOTT, and Mr. RICH objected.

Mr. KELLER. Mr. Speaker, will the gentleman withhold his objection?

Mr. BACON. No; I object.

FILING AND INDEXING SERVICE FOR USEFUL GOVERNMENT PUBLICATIONS

The Clerk called the next bill, H. R. 4015, authorizing the establishment of a filing and indexing service for useful Government publications.

Mr. TABER. I object.

Mr. WOLCOTT. I object.

Mr. COCHRAN. Mr. Speaker, I object. This establishes another new governmental agency.

MEMORIAL TO THOSE SERVING IN ARMED FORCES OF UNITED STATES DURING WORLD WAR

The Clerk called the next bill, H. R. 1401, to authorize the erection of a tablet in the Washington Monument in honor of those who served in the armed forces of the United States during the World War.

Mr. DIRKSEN, Mr. BACON, and Mr. YOUNG objected.

COMMEMORATION OF THE BATTLE OF BLACKSTOCK

The Clerk called the next bill, H. R. 4332, to provide for the commemoration of the Battle of Blackstock.

Mr. ZIONCHECK, Mr. RICH, Mr. TABER, Mr. BACON, and Mr. WOLCOTT objected.

COMMEMORATION OF THE BATTLE OF MUSGROVE'S MILL

The Clerk called the next bill, H. R. 4331, to provide for the commemoration of the Battle of Musgrove's Mill.

Mr. ZIONCHECK, Mr. RICH, Mr. JENKINS of Ohio, Mr. TABER, and Mr. BACON objected.

DONATION OF LAND AT VALPARAISO, FLA., FOR AVIATION FIELD

The Clerk called the next bill, S. 3018, to authorize the Secretary of War to acquire by donation land at Valparaiso, in Okaloosa County, Fla., for aviation field, military, or other public purposes.

Mr. RICH. Mr. Speaker, reserving the right to object, will the sponsor of the bill explain its purpose? What department of the Government has passed upon it?

Mr. ZIONCHECK. The Government will spend no money on this particular project.

Mr. RICH. But the Government will spend money maintaining it after it is acquired.

Mr. ZIONCHECK. No; that is specifically provided against.

Mr. RICH. Mr. Speaker, I object.

The SPEAKER. This bill requires three objections. Are there further objections?

Mr. DIRKSEN, Mr. RICH, and Mr. WOLFENDEN objected.

Mr. WILCOX. Mr. Speaker, will the gentlemen withhold their objections? I think I can explain the bill to their satisfaction.

Mr. WOLFENDEN. No.

TO REGULATE DETAILING OF ARMY OFFICERS TO DUTY IN THE DISTRICT OF COLUMBIA

The Clerk called the next bill, H. R. 4452, to regulate the detailing of Army officers to duty in the District of Columbia, and for other purposes.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That section 4c, as amended, 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, is hereby amended by striking out, beginning with the fifth sentence of the section, all that follows to the end of the section (U. S. C., title 10, secs. 27 to 29 and 532 to 534) requiring periodical duty with troops of combatant arms and making certain exceptions to the requirement), and inserting in lieu thereof the following paragraphs:

"No officer of the United States Army, except officers of the Medical Department, shall be ordered to duty of any kind within the District of Columbia unless such officer shall have served outside of the District of Columbia during the entire 4 consecutive years immediately preceding the commencement of such duty, and no such officer so ordered to duty in the District of Columbia shall be permitted to remain on duty in any capacity whatsoever within the District of Columbia for a longer period than 4 years.

"The Secretary of War shall annually report to Congress the numbers, grades, and assignments of the officers and enlisted men of the Army, and the number, kinds, and strength of organization pertaining to each branch of the service."

SEC. 2. The following provisions of law are hereby repealed:

(a) The last paragraph (U. S. C., title 38, sec. 681) (authorizing the exemption of not more than seven officers of the Army from the requirement of duty with troops to aid in the administration of the World War Adjusted Compensation Act) of section 701 of the World War Adjusted Compensation Act, as amended.

(b) That part of the second sentence of section 4 (c), as amended (U. S. C., Supp. VII, title 49, sec. 154) of the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes", approved June 3, 1924, reading as follows: ", and shall be exempt from the operation of any provision of law, or any rules or regulations issued thereunder, which limits the length of such detail or compels him to perform duty with troops."

(c) Section 2 (U. S. C., title 10, sec. 534) (amending section 4c of the National Defense Act of June 3, 1916, authorizing the exemption of officers of certain departments from the requirement of duty with troops) of the act entitled "An act to amend in certain particulars the National Defense Act of June 3, 1916, as amended, and for other purposes", approved June 6, 1924.

SEC. 3. In the application of section 315 (47 Stat. 411; 48 Stat. 13; 48 Stat. 522; U. S. C., Supp. VII, title 5, sec. 673, note) (providing for restrictions on transfer of noncivilian personnel), of part II of the act entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932, with respect to the remainder of the fiscal year ending June 30, 1935, or to any period during which such section 315 may hereafter be continued in force, no restriction on the transfer of officers shall be effective in any way contrary to the provisions of section 4c, as amended (relating to the detailing of Army officers to duty in the District of Columbia) of the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes", approved June 3, 1916.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOANS TO FARMERS FOR CROP PRODUCTION

The Clerk called the next bill, H. R. 10213, to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, is this not a bill that was passed last week under suspension of the rules?

The SPEAKER. The Chair is informed that there is a Senate bill, which was passed in lieu of this bill, now pending in conference.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent to lay this bill on the table.

The SPEAKER. Without objection, the bill will be laid on the table.

There was no objection.

MILITARY AND NAVAL FORCES OF THE UNITED STATES

The Clerk called the next bill, S. 2253, to make better provision for the government of the military and naval forces of the United States by the suppression of attempts to incite the members thereof to disobedience.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK, Mr. YOUNG, Mr. SCOTT, Mr. MAVERICK, and Mr. MARCANTONIO objected.

PROHIBITING ARMY OFFICERS FROM RENDERING OUTSIDE SERVICES FOR PAY

The Clerk called the next bill, H. R. 4453, to prohibit Army officers from rendering outside services for pay or reward in connection with Government contracts, property, or business relations, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McFARLANE. Mr. Speaker, reserving the right to object, I would like to have the author of this bill explain it a little bit.

Mr. MARTIN of Massachusetts demanded the regular order.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That chapter 5 (offenses relating to official duties) of the Criminal Code is hereby amended by inserting between sections 109 and 110 thereof (U. S. C., title 18, secs. 198 and 199), a new section to read as follows:

"SEC. 109A. No officer of the United States Army with an active-duty status shall render, or agree to render, services or assistance of any kind or in any way to an individual partnership, association, or corporation for pay, compensation, thing of value, gratuity, fee, or reward, of any kind or in any form, or for the promise thereof, in connection with any claim against the United States, any contract or negotiation relating to a contract with the United States, or any obligation, transaction, or business relation to which the United States is a party, directly or indirectly, in respect of any property, real or personal, any material, or any services. The term 'United States' in this section, except the first time it occurs, includes the District of Columbia, or any Territory or possession of the United States. Any such officer who violates this section shall be fined not more than $5,000 or be imprisoned not more than 1 year, or both."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

COURT MARTIAL FOR OFFENSES INVOLVING FRAUDS AGAINST THE UNITED STATES

The Clerk called the next bill, H. R. 4454, to amend the Articles of War to provide a 10-year period of limitations on proceedings by court martial for offenses involving frauds against the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object.

EVERGLADES NATIONAL PARK, FLA.

The Clerk called the next bill, H. R. 8741, to amend an act entitled "An act to provide for the establishment of the Everglades National Park in the State of Florida, and for other purposes", approved May 30, 1934.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts, Mr. TABER, Mr. JENKINS of Ohio, Mr. WOLCOTT, and Mr. DIRKSEN objected.

ERECTION OF MEMORIAL IN DEPARTMENT OF LABOR BUILDING

The Clerk called House Joint Resolution 439, authorizing the erection in the Department of Labor Building of a memorial to the officers of the Immigration and Naturalization Service and Immigration Border Patrol who, while on active duty, lost their lives under heroic or tragic circumstances.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. DIRKSEN. Mr. Speaker, reserving the right to object, may we have a statement with reference to this matter?

Mr. LANHAM. Mr. Speaker, I introduced this joint resolution at the request of the Secretary of Labor. Those who are employed in that Department wish at their own expense to put up a plaque in honor of those formerly in that service who have died under heroic or tragic circumstances in the performance of their duty. They have already raised the money for this purpose. This is following a precedent that has existed in other departments and involves not one penny of expense to the Government.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. Is it not true that this whole movement started from what was almost a wholesale massacre of border-patrol men down in the gentleman's own State?

Mr. LANHAM. No. There are many other States involved, and in the hearings a list of these officers is set out, and also the sections of the United States in which the tragedies occurred. They all died under heroic circumstances.

Mr. JENKINS of Ohio. I think the joint resolution is very meritorious.

Mr. McFARLANE. When the gentleman extends his remarks, will he set out therein a list of those who have died?

Mr. LANHAM. Their names already appear in the hearings.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the bill, as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and is hereby, authorized to grant permission for the erection of a memorial to the officers of the Immigration and Naturalization Service and Immigration Border Patrol who while on active duty lost their lives under heroic or tragic circumstances. The design of the memorial shall be approved and the site in the Department of Labor Building shall be chosen by the Commission of Fine Arts, and the United States shall be put to no expense in or by the erection of the said memorial.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SURVEY OF SAN GABRIEL AND LOS ANGELES RIVERS

The Clerk called the next bill, H. R. 7147, authorizing a preliminary examination and survey of the San Gabriel and Los Angeles Rivers and their tributaries; to include both

drainage basins and their outlets, in Los Angeles County, Los Angeles, Calif., with a view to the controlling of floods.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Los Angeles and San Gabriel Rivers and their tributaries; to include both drainage basins and their outlets, in Los Angeles County, Los Angeles, Calif., with a view to the control of floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill authorizing a preliminary examination of the San Gabriel and Los Angeles Rivers and their tributaries; to include both drainage basins and their outlets, in Los Angeles County, Los Angeles, Calif., with a view to the controlling of floods."

PERMISSION TO ADDRESS THE HOUSE

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent that on tomorrow, after the reading of the Journal and disposition of business on the Speaker's table and special orders now pending I may be permitted to address the House for 30 minutes.

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

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask the gentleman if he is going to have that parade from the Capitol to the White House tomorrow?

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

There was no objection.

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes tomorrow after the reading of the Journal and disposition of business on the Speaker's desk and special orders now pending.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House tomorrow after disposition of business on the Speaker's desk——

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object——

The SPEAKER. I think it is a discourtesy to the Chair for Members to interpose when the Chair is undertaking to state a unanimous-consent request to the House. [Applause.]

The gentleman from Texas asks unanimous consent that on tomorrow after the reading of the Journal and disposition of business on the Speaker's table and other special orders he may be permitted to address the House for 15 minutes. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, may I ask the gentleman what subject he is going to talk about?

Mr. McFARLANE. The subject will be the 10-percent amendment that was placed on the War Department appropriation bill last Friday and the aspersions that have been cast on the amendment by the press yesterday and day before.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair wishes to make this explanation of the remark the Chair made awhile ago. Every Member of the House may rest assured that he will have an opportunity to interpose his objections. The Chair is not anxious, of course, to cut off any gentleman from objecting whenever he may desire to do so, but the Chair does think that orderly procedure in the House demands that the request be first submitted and then that the Member reserve an objection or object, as he may desire.

OPERATION OF STANDS IN FEDERAL BUILDINGS BY THE BLIND

The Clerk called the next bill, H. R. 4688, to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes.

Mr. COSTELLO and Mr. RICH rose.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice, as I understand the author of the measure is contemplating some amendments which will be offered to the bill.

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

There was no objection.

SAN JUAN NATIONAL MONUMENT, P. R.

The Clerk called the next bill, H. R. 7931, to establish the San Juan National Monument, P. R., and for other purposes.

Mr. ZIONCHECK and Mr. RICH objected.

INTERNATIONAL EXPOSITION OF PARIS

The Clerk called the next resolution, House Joint Resolution 305, accepting the invitation of the Government of France to the United States to participate in the International Exposition of Paris—Art and Technique in Modern Life—to be held at Paris, France, in 1937.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I notice that the committee raised the amount of money to be authorized for this purpose from $20,000 to $50,000.

Inasmuch as these exhibits will be by private enterprises in the United States who will contribute at their own expense, and inasmuch as $20,000 seems to me an ample amount for the purpose of supervision of these exhibits at Paris, I am constrained to object if the amount is left at $50,000. I think we should participate in this exposition and I shall have no objection to a reasonable authorization. Apparently the sponsor of the bill felt, when he introduced the measure, that $20,000 would be ample to allow us to participate. Now, the committee has increased the amount to $50,000, without very much reason so far as the report shows. With the assurance of the gentleman or the committee that there will be no objection to eliminating the $50,000, which will leave it at $20,000, I shall have no objection.

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

Mr. WOLCOTT. I yield.

Mr. YOUNG. Mr. Speaker, I object.

REPUBLICAN RIVER, SMOKY HILL RIVER, AND MINOR TRIBUTARIES OF THE KANSAS RIVER

The Clerk called the next bill, H. R. 8030, to authorize a preliminary examination of Republican River, Smoky Hill River, and minor tributaries of Kansas River, in the State of Kansas, with a view to the control of their floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of Republican River, Smoky Hill River, and minor tributaries of Kansas River, in the State of Kansas, with a view to the control of their floods in accordance with the provisions of section 3 of an act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXCHANGE OF LAND BETWEEN THE WAIANAE CO. AND THE NAVY DEPARTMENT

The Clerk called the next bill, H. R. 9999, to authorize an exchange of land between the Waianae Co. and the Navy Department.

Mr. MAIN. Mr. Speaker, at the request of the Delegate from Hawaii [Mr. KING], I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

WATCHMEN AND MESSENGERS IN THE POSTAL SERVICE

The Clerk called the next bill, H. R. 10850, to extend the provisions of the 40-hour law for postal employees to watchmen and messengers in the Postal Service.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first section of the act entitled "An act to fix the hours of duty of postal employees, and for other purposes", approved August 14, 1935, is amended by striking out the words "and laborers" and inserting in lieu thereof the following: "laborers, watchmen, and messengers."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXAMINATION AND SURVEY OF ESOPUS CREEK AND ITS TRIBUTARIES

The Clerk called the bill (H. R. 9062) authorizing a preliminary examination and survey of the Esopus Creek and its tributaries of Birch, Bushnelville, Woodland, Warner Bushkill, and Beaverkill Creeks; Sawkill, Rondout, and Neversink Creeks, Ulster County; Schoharie and Catskill Creeks, Greene County; Neversink, Beaverkill, East Branch of Delaware, Willowemoc, and Lackawack Rivers, Sullivan County; Schoharie Creek and its tributaries, Schoharie County, all located in the State of New York, with a view to the controlling of floods.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to cause a preliminary examination and survey to be made of Esopus Creek and its tributaries, of Birch, Bushnelville, Woodland, Warner Bushkill, and Beaverkill Creeks, Sawkill, Rondout, and Neversink Creeks, Ulster County; Schoharie and Catskill Creeks, Greene County; Neversink, Beaverkill, East Branch of Delaware, Willowemoc, and Lackawack Rivers, Sullivan County; Schoharie Creek and its tributaries, Schoharie County, all located in the State of New York, with a view to the control of floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of floods of the Mississippi River, and the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 4, after the word "examination" strike out the word "examination" and insert the words "and survey."

Amend the title so as to read "A bill authorizing a preliminary examination of the Esopus Creek and its tributaries of Birch, Bushnelville, Woodland, Warner Bushkill, and Beaverkill Creeks; Sawkill, Rondout, and Neversink Creeks, Ulster County; Schoharie and Catskill Creeks, Greene County; Neversink, Beaverkill, East Branch of Delaware, Willowemoc, and Lackawack Rivers, Sullivan County; Schoharie Creek and its tributaries, Schoharie County, all located in the State of New York, with a view to the controlling of floods."

The committee amendment was agreed to.

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

The title was amended.

A motion to reconsider was laid on the table.

SHORTER WORKWEEK FOR EMPLOYEES OF THE MAIL EQUIPMENT SHOP

The Clerk called the bill (H. R. 10193) to amend the act to fix the hours of duty of postal employees.

The SPEAKER. Is there objection?

Mr. RICH. Reserving the right to object, I would like to have the bill explained.

Mr. DOBBINS. Owing to the construction of the act of August 14, 1935, by the Comptroller General, the pay of these employees has been reduced. The Comptroller General held that that act, commonly known as the postal employees' 40-hour-week law, does not apply to men who are working on a per-diem basis, as these employees are in the mail bag repair shop. The result is that these employees have actually suffered a loss in pay due to the passage of a bill that was intended to benefit them along with all other postal employees. Now, this bill will give effect to the congressional intent that the per-diem postal employees working 40 hours a week will receive just as much pay for a week's work as they received before for the 44 hours' work required of them before the 40-hour bill was passed.

Mr. RICH. What rate of pay are they receiving?

Mr. DOBBINS. There is a table of that appended to the report. The usual rate is $4.40 to $7.60; but there are a few assistant foremen, machinists, and electricians and other skilled tradesmen who receive from $8 to $11.40.

Mr. RICH. You have the Government in business. Does the gentleman think it is right that the Government should be in business in competition with people doing the same kind of work in the same private industry?

Mr. DOBBINS. The mail bag repair shop is an old institution. When I was in the Postal Service 35 years ago it was an old institution then. I think there is no good reason why we should penalize these mail bag repair shop employees, who have lost a total of $14,588. Then there is an additional reason. These employees of this shop frequently find letters or other mail, sometimes containing money and other valuables, which has inadvertently been left in these old bags which are turned in for repairs. It seems to me the public is justified in expecting this mail to be kept in charge of sworn Government employees until it reaches its intended destination.

Mr. RICH. But if we continue to make laws in Congress to add to each one of these appropriation bills, we then increase the amount of money that we are to raise. When people in that department are making $4.50 to $11 a day, then you have to go back to the taxpayers and ask them to pay the bill. Now, is it right for you to go back to your district and for me to go back to my district and ask the taxpayers to increase the salaries of men who are getting $11 a day?

Mr. DOBBINS. I believe this shop was established before I was born; so I can hardly assume any responsibility for initiating the practice, so far as its propriety is concerned. But it is unquestionably right that the men should be equitably paid for the work that they do.

Mr. RICH. I agree with that.

Mr. DOBBINS. And they will continue to be paid whether we pass this bill or not.

Mr. RICH. I agree with that, but I question whether we should enact laws now and then go back and expect to have an appropriation to pay for it. How are you going to do it? Where are you going to get the money?

Mr. DOBBINS. The appropriation has already been made, for all of us assumed these employees were included in the scope of the bill, and the estimate of additional funds needed was made accordingly. Another consideration is this: These postal employees were expressly excluded from the benefits of the pending annual leave bill, on the theory that they were getting a compensating weekly vacation, without loss of pay, through our 40-hour bill. The leave bill has passed the House, and now appears to have an excellent chance of becoming a law. The result is that this small group of employees is unintentionally deprived of any benefit of either law.

Mr. ANDREWS of New York. Regular order, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICH. Mr. Speaker, I object.

PREMIUM ON BONDS OF OFFICERS AND EMPLOYEES IN POST OFFICE DEPARTMENT

The Clerk called the next bill, H. R. 6014, to regulate the rate of premium on bonds of officers and employees in the motor-vehicle service of the Post Office Department.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That, effective —— days after the date of enactment of this act, no bond shall be accepted from any surety or bonding company for any officer or employee in the motor-vehicle service of the Post Office Department which shall cost more than the rate of premium which may lawfully be charged

clerks and letter carriers in the Post Office Department for like bonds under the provisions of the Deficiency Appropriation Act for the fiscal year 1909, approved August 5, 1909 (U. S. C., title 6, sec. 14).

With the following committee amendment:

Page 1, line 3, after the word "effective", insert the word "thirty."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF OFFICERS AND SOLDIERS IN SERVICE IN THE PHILIPPINE ISLANDS

The Clerk called the next bill, H. R. 9472, for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899.

The SPEAKER. Is there objection?

Mr. COSTELLO and Mr. YOUNG objected.

OBSOLETE COAST GUARD MATERIAL TO SEA-SCOUT DEPARTMENT OF THE BOY SCOUTS OF AMERICA

The Clerk called the next bill, H. R. 9671, to authorize the Secretary of the Treasury to dispose of material to the sea-scout department of the Boy Scouts of America.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice. I also make the same request as to the next bill, Calendar No. 558.

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

Mr. JENKINS of Ohio. Reserving the right to object, Mr. Speaker, these bills are entirely different. I object to that procedure.

Mr. ZIONCHECK. I have not had a chance to look at these particular bills, and I ask that they go over.

The SPEAKER. Is there objection?

Mr. JENKINS of Ohio. I object to the gentleman's request. If the gentleman will divide it, I have no objection.

The SPEAKER. Is there objection to the request that H. R. 9671 go over without prejudice?

There was no objection.

BRIDGE ACROSS MISSOURI RIVER AT RANDOLPH, MO.

The Clerk called the next bill, H. R. 10187, to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.

The SPEAKER. Is there objection.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

BRIDGE ACROSS THE MONONGAHELA, ALLEGHENY, AND YOUGHIOGHENY RIVERS, ALLEGHENY COUNTY, PA.

The Clerk called the next bill, H. R. 10262, to extend the times for commencing and completing the construction of certain bridges across the Monongahela, Allegheny, and Youghiogheny Rivers in the county of Allegheny, Pa.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Reserving the right to object——

Mr. HOLMES. Reserving the right to object, and I am not going to object, I want to call the attention of the House to the fact that this bill was passed and became a law during the first session of the Seventy-fourth Congress.

Mr. ZIONCHECK. And Mr. Truax had a similar objection to this bill, did he not?

Mr. HOLMES. This bill comes in with certain amendments, and they are very minor clarifying amendments. In other words, if you will look at the report on this bill you will find in connection with all these bridge bills that they are striking "bridge." and inserting "bridge,". That is all the amendment there has been to the present law, which was passed at the last session of Congress by almost a unanimous vote. I sincerely hope that in connection with the consideration of these bridge bills the House will support the Committee on Bridges of the Interstate and Foreign Commerce Committee, which has diligently considered all these applications for extensions. We are recommending to the Congress a number of them in regular order. Most of them are granting extensions to either communities, State commissions, or States the right to build these bridges. I hope we can pass these bridge bills and amend these acts so that the State and municipalities can proceed.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. HOLMES. I am very glad to yield.

Mr. ZIONCHECK. The only thing I resent about this bill is that our former colleague from Ohio, Mr. Truax, who is now dead, entered into an agreement with some of the gentlemen from Pennsylvania that if he let the bill go through last time they would amend it and make these free bridges or limit the amount they should charge. I do not know what gentlemen from Pennsylvania agreed to that, but when it came to the amendment they talked against it and voted it down. That was the greatest breach of faith that I have ever seen demonstrated on the floor of this House.

Mr. HOLMES. Mr. Speaker, may I say to my colleague from Washington that there is nothing in the bill which compels the authorities to charge any tolls whatsoever. That is purely a matter of local regulation and control in conformity with what the W. P. A. may require in helping finance these projects. One of the requirements may be that there be tolls to retire part of the cost of the construction work. I sincerely hope the gentleman will not oppose this legislation.

The regular order was demanded.

The SPEAKER. The regular order is, Is there objection to the bill?

Mr. ZIONCHECK. Mr. Speaker, the gentleman from Pennsylvania [Mr. BROOKS] wants to state that these are free bridges now.

The SPEAKER. Does the gentleman from Washington object?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of certain bridges, to wit:

(a) Across the Monongahela River, at a point suitable to the interests of navigation, from Pittsburgh to Homestead, Pa., near to, and to replace, existing Brown's Bridge.

(b) Across the Allegheny River, at a point suitable to the interests of navigation, from Pittsburgh to O'Hara Township, Pa., near Dam No. 2, to replace the existing Highland Park Bridge.

(c) Across the Monongahela River, at a point suitable to the interests of navigation, in the city of Pittsburgh, Pa., between the Smithfield Street and Point Bridges.

(d) Across the Monongahela River, at a point suitable to the interests of navigation, from the Glenwood to the Hays section of the city of Pittsburgh, Pa., to replace existing Glenwood Bridge.

(e) Across the Monongahela River, at a point suitable to the interests of navigation, from Dravosburg to McKeesport, Pa., to replace existing Dravosburg Bridge.

(f) Across the Youghiogheny River, at a point suitable to the interests of navigation, in the city of McKeesport, to replace existing Fifth Avenue Bridge.

(g) Across the Monongahela River, at a point suitable to the interests of navigation, from the borough of Rankin to the borough of Whittaker, Pa., to replace existing Rankin Bridge,

authorized to be built by Allegheny County Authority and the county of Allegheny, Pa., or either of them, by an act of Congress approved June 4, 1934, amended and supplemented by an act of Congress approved August 21, 1935, are hereby extended 1 and 3 years, respectively, from June 4, 1936.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

One page 1, in line 8, and on page 2, in lines 4, 8, 12, 16, and 19, change the period in each instance to a comma, and in line 23, on page 2, after the word "Bridge", insert a comma.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOURS OF DUTY OF POSTAL EMPLOYEES

Mr. DOBBINS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 554, and ask that the bill may be passed over without prejudice.

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

There was no objection.

BRIDGE ACROSS POQUETANUCK COVE, LEDYARD, CONN.

The Clerk called the next bill, H. R. 10316, to legalize a bridge across Poquetanuck Cove at or near Ledyard, Conn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Connecticut to maintain and operate a bridge and approaches thereto already constructed across Poquetanuck Cove at or near Ledyard, Conn., as a lawful structure and subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS SECOND CREEK, LAUDERDALE COUNTY, ALA.

The Clerk called the next bill, H. R. 10465, to legalize a bridge across Second Creek, Lauderdale County, Ala.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Alabama to maintain and operate a bridge and approaches thereto already constructed across Second Creek, Lauderdale County, Ala., on the Florence to Athens highway in such State, as a lawful structure and subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS OHIO RIVER, ROCKPORT, IND.

The Clerk called the next bill, H. R. 11045, to extend the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky., authorized to be built by the Spencer County Bridge Commission, by an act of Congress approved June 18, 1934, are hereby extended 1 and 3 years, respectively, from June 18, 1936.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS LAKE SABINE, PORT ARTHUR, TEX.

The Clerk called the next bill, H. R. 10185, to amend the act approved June 18, 1934, authorizing the city of Port Arthur, Tex., or the Commission thereby created and its successors, to construct, maintain, and operate a bridge over Lake Sabine, at or near Port Arthur, Tex., and to extend the times for commencing and completing the said bridge.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the act entitled "An act authorizing the city of Port Arthur, Tex., or the Commission hereby created and its successors, to construct, maintain, and operate a bridge over Lake Sabine, at or near Port Arthur, Tex.", approved June 18, 1934, is amended by striking out the words "20 years" and inserting in lieu thereof the words "30 years."

SEC. 2. That the times for commencing and completing the construction of the aforesaid bridge are hereby extended 1 and 3 years, respectively, from June 18, 1936.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LIMITING OPERATION OF CRIMINAL CODE WITH RESPECT TO CERTAIN COUNSEL

The Clerk called the next bill, S. 3453, limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to certain counsel.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. ZIONCHECK and Mr. MARTIN of Massachusetts objected.

NATIONAL BOY SCOUT JAMBOREE, 1937

The Clerk called House Joint Resolution 443, to amend Public Resolution No. 31 of the Seventy-fourth Congress, first session, approved June 17, 1935, so as to extend its provisions to cover the National Boy Scout Jamboree now scheduled to be held in 1937.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That Public Resolution No. 31 of the first session, Seventy-fourth Congress, approved June 17, 1935, is hereby amended as follows: In section 1 of the public resolution, after the words "to be held in the United States in", the figures "1935" are amended to read "1937."

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COAST GUARD STATION, CRESCENT CITY, CALIF.

The Clerk called the next bill, H. R. 1398, to provide for the establishment of a Coast Guard station at or near Crescent City, Calif.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

COAST GUARD STATION, PORT WASHINGTON, WIS.

The Clerk called the next bill, H. R. 8370, to provide for the establishment of a Coast Guard station at Port Washington, Wis.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAMNECK. Mr. Speaker, I object.

COAST GUARD STATION AT APOSTLE ISLANDS, WIS.

The Clerk called the next bill, H. R. 8901, to provide for the establishment of a Coast Guard station at or near Apostle Islands, Wis.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a Coast Guard station at or near Apostle Islands, Wis., at such point as the Commandant of the Coast Guard may recommend.

With the following committee amendment:

On page 1, line 4, strike out "and directed."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This completes the call of the Consent Calendar.

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

The SPEAKER. The Chair will count.

Mr. DIRKSEN. Mr. Speaker, I withdraw the point of order.

NEUTRALITY

Mr. McREYNOLDS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. J. Res. 491) extending and amending the joint resolution (Public Res. No. 67, 74th Cong.), approved August 31, 1935.

The Clerk read the joint resolution, as follows:

Resolved, etc., That section 1 of the joint resolution (Public Res. No. 67, 74th Cong.), approved August 31, 1935, be, and the same hereby is, amended by striking out in the first section, on the second line, after the word "assembled" the following words: "That upon the outbreak or during the progress of war between" and inserting therefor the words: "Whenever the President shall find that there exists a state of war between"; and by striking out the word "may" after the word "President" and before the word "from" in the twelfth line and inserting in lieu thereof the word "shall";

and by substituting for the last paragraph of said section the following paragraph: "except with respect to offenses committed or forfeitures incurred prior to May 1, 1937, this section and all proclamations issued thereunder shall not be effective after May 1, 1937."

SEC. 2. There are hereby added to said joint resolution two new sections, to be known as sections 1a and 1b, reading as follows:

"SEC. 1a. Whenever the President shall have issued his proclamation as provided for in section 1 of this act, it shall thereafter during the period of the war be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent country, or of any political subdivision thereof, or of any person acting for or on behalf of such government, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or person: *Provided*, That if the President shall find that such action will serve to protect the commercial or other interests of the United States or its nationals, he may, in his discretion, and to such extent and under such regulation as he may prescribe, except from the operation of this section ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transactions.

"The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

"Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than $50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

"When the President shall have revoked his proclamation as provided for in section 1 of this act, the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply.

"SEC. 1b. This act shall not apply to an American republic or republics engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war."

SEC. 3. Section 9 of said joint resolution is amended to read as follows:

"There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this act."

The SPEAKER. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

Mr. MAVERICK. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. MAVERICK. Mr. Speaker, I am informed that no specific authority to request a suspension of the rules has been given by the committee. May I ask the chairman if specific authority has been granted by his committee on this particular bill? In other words, has specific authority been given the gentleman by the committee to ask for a suspension of the rules?

Mr. McREYNOLDS. Yes; twice.

Mr. MAVERICK. On this particular bill?

Mr. McREYNOLDS. Yes.

The SPEAKER. The Chair may say to the gentleman that it is within the discretion of the Chair to recognize the gentleman's move to suspend the rules.

Mr. MAVERICK. Specific authority has to be given by the committee, as I understand the rules of the House.

Mr. McREYNOLDS. The motion is to suspend all rules, anyway.

The SPEAKER. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FISH. I am opposed to the way it is being brought up here.

Mr. MAVERICK. Mr. Speaker, I shall object and then demand tellers, and I demand a second.

The SPEAKER. Is a second demanded?

Mr. MAVERICK. Mr. Speaker, I demand a second. I am opposed to the bill.

Mr. FISH. Mr. Speaker, I am opposed to the way the bill is being brought up.

The SPEAKER. Is any other Member opposed to the bill on its merits?

Mr. MAVERICK. Mr. Speaker, I am opposed to the bill on its merits and demerits.

The SPEAKER. Is any Member on the minority side opposed to the bill on its merits? If so, the Chair will recognize him to demand a second.

Mr. ROBSION of Kentucky. Mr. Speaker, I am opposed to the bill on its merits, and I demand a second.

The SPEAKER. The gentleman is recognized to demand a second.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

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

Mr. MAVERICK. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects. The gentleman from Tennessee [Mr. McREYNOLDS] and the gentleman from Kentucky [Mr. ROBSION] will take their places and act as tellers.

Mr. MAVERICK. Mr. Speaker, I withdraw my objection.

The SPEAKER. The gentleman withdraws his objection. Without objection, a second is considered as ordered.

There was no objection.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that the time be extended to 40 minutes on the side, instead of the usual 20 minutes.

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

Mr. ANDREWS of New York. Mr. Speaker, reserving the right to object, inasmuch as the joint resolution has been brought up in this form, there will be no opportunity for amendment. I see no reason to continue the debate any longer than the usual time, and therefore I object.

The SPEAKER. The gentleman from Tennessee [Mr. McREYNOLDS] is recognized for 20 minutes and the gentleman from Kentucky [Mr. ROBSION] is recognized for 20 minutes.

Mr. SISSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SISSON. As I understand the rules of the House, one-half of the time should be allotted to those who are opposed to this bill on its merits. I do not think that situation obtains. This bill is being considered under the most vicious type of gag rule, and I think in the interest of fairness, the Members who are opposed to this bill on its merits should have 20 minutes of the time.

The SPEAKER. That was the object of the Chair in requesting those who demanded a second to state whether or not they are opposed to the bill on its merits. The gentleman from Kentucky qualified. The Chair assumes that the gentleman from Kentucky [Mr. ROBSION] will, in the spirit of his demand, yield to those who are opposed to the bill.

Mr. ROBSION of Kentucky. The gentleman will yield to those who are opposed to the resolution.

Mr. O'MALLEY. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and forty-five Members are present, a quorum.

The gentleman from Tennessee is recognized for 20 minutes and the gentleman from Kentucky is recognized for 20 minutes.

Mr. McREYNOLDS. Mr. Speaker, I yield myself 5 minutes.

I ask only a few minutes to undertake to explain this bill, which is very short. It merely amends the neutrality law that we passed at the last session and adds a very important section on credits, which, to a great extent, will control materials of war.

It was absolutely necessary to resort to these means in order to save the present neutrality bill, which expires on the 29th day of this month. The same bill has been agreed upon by the Senate, and it is their intention to do the same thing that we are doing in passing the bill in this way.

Naturally I would prefer to come before the House in favor of the bill that was reported by your committee prior to this bill, which was more complete, and I take no backwater on that; but, not desiring to lose the neutrality legislation we have, we had to form a compromise in order to save it.

Now, what does this bill do? First, there are some merely clarifying amendments to the bill of last year, and, second, there is the credit section, which we consider very important.

You will recall that 2 years ago the Johnson bill was passed, which prohibited the sale of bonds, and so forth, of foreign nations in this country where they were in default. This

carries that provision further and makes it unlawful to sell Government bonds, and so forth, or to transfer or to exchange them if they are belligerent nations, in order to prevent such belligerent countries from being able to finance their wars in this country. This will be of great service.

The bill also provides that this shall not apply to American republics when engaged in war with a foreign state.

This is what is in the bill, and if the measure is passed, then what legislation do we have on neutrality? We will have the following:

First. Embargo against the sale, exportation, and transportation of arms, ammunition, or implements of war to any and all belligerents except to American republics, as expressly provided.

Second. Prohibition against the sale of bonds, notes, and other securities of belligerent countries in the United States, or the purchase of such securities in the United States; the prohibition of loans or extension of credits of foreign governments or persons representing them, except ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in current commercial business.

Third. Prohibition against American vessels carrying arms, ammunition, and implements of war to belligerents or for transshipment for use by belligerents.

Fourth. Prohibition of the use of the United States as a base for supplying belligerent ships with arms, ammunition, or implements of war.

Fifth. Special regulations relative to the use of our ports by submarines of belligerent countries.

Sixth. Restraint upon our citizens when traveling upon belligerent vessels.

With the adoption of the amendments we have proposed, you will have the matters I have enumerated as a step forward in reference to neutrality.

Mr. DUNN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. I have not the time right now.

This will be our position; but if it is not passed or if it does not become the law before the 29th of this month, you will have nothing. So it is up to us to pass this bill in this form in order to put it up to the Senate, because they have agreed to pass it in the same form, if possible, and then we will have an extension of our neutrality laws.

This is not all your committee wanted; this is not all I wanted; and I regret very much to have to come before the House and even ask for a suspension of the rules, but I want to say to you that the time is here, and it is time we should act, and after much consideration I thought this was the proper way to pass this bill, under the circumstances existing, and also inasmuch as it has been reported out unanimously by your committee. [Applause.]

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. MAVERICK].

WEEKS ON SPEECHES—40 MINUTES ON MILLIONS OF LIVES

Mr. MAVERICK. Mr. Speaker, I would like to know why the Foreign Affairs Committee and why the chairman of that committee did not stick by their original bill, which was a good bill. They should have stuck by their original bill, and what they thought was right. After working for about a year, since last year's bill was enacted, they report out a bill and recommend it highly. Suddenly, the committee deserts it. Why?

We all have our views, but I feel certain many of us are against the bill now being presented, if for no other reason, because it comes up here with only 40 minutes of discussion, no chance for amendment—just a cruel, undemocratic gag rule. We meet here and discuss everything imaginable, and it seems the only thing we want to do is to shadow box around and get away and adjourn by May 1. Of course, we ought to get out of here, but this is the most important thing that has come before the Congress in 10 years, and it is announced in the paper this morning that we will be gagged this afternoon and here we are in the afternoon, taking the gag as the paper said we would. Is there no limit to this? We have used 10 hours on an appropriation bill, hours on bitter personalities, and hours on home consumption speeches. But when it comes to the lives of millions of our sons, the most important bill before Congress, it takes 40 minutes to finish such a question.

RETREAT AND SURRENDER BY COMMITTEE—NO REAL NEUTRALITY

The chairman of the Foreign Affairs Committee said that the substitute bill now being presented is very short. Yes, it is very short, and it is an abandonment of everything that committee stood for. They went back on themselves, and back on the administration, and back on the Democratic Party, and back on the Republican Party. They have disappointed the American people and the American people, 90 percent of them, will be ashamed of our action in this matter.

The gentleman said "we" had to compromise, that it is the best "we" could get. Well, who are "we" and who compromised? This House is supposed to pass its own legislation. This body is not supposed to go before the Senate with some of its alleged leaders and have secret compromises! We are supposed to legislate! We are supposed to pass on these things ourselves. Moreover, I am getting tired of "steps in the right direction", halfway measures accomplishing nothing and only trying to please everybody politically. I am getting tired of being rushed at the very last few days of some law expiring and being told that if we do not take the gag like good little boys that we will not have any legislation at all. The truth is, this committee has had a full year in which to study—they reported a bill, then abandoned it—and now ask us to support this bill, which is worse than nothing.

LEGISLATION ALL VAGUE AND DISCRETIONARY

Now, the gentleman from Tennessee speaks of all the things this new makeshift bill is going to stop, but I want to tell you this is the very worst type of discretionary legislation. It is nothing but discretionary legislation; it is vague, loosely drawn, indefinite, and does not meet the situation. The submarine part is merely a discretionary authority for the President; so are all the rest of the provisions in effect, except the arms embargo.

Let us take the part in reference to finance and business. The President can make exceptions in what is termed as ordinary peacetime credit; the bill is so drawn as to make possible such exceptions as will lead to the same kind of wartime boom that got us into the last war. In other words, this is no bill at all. We ought not to go before the country with such a bill. The people are not so dumb as not to know they are getting double-crossed.

The committee reported a bill originally, and why do they not stand by it? It was itself not perfect, but it had some strong provisions—at least, it was intended to meet the situation. But the bill which is now being choked down our throats is, as the chairman of the Foreign Affairs Committee says, a compromise—and a dubious one—a makeshift, a jumble of *"provideds"*, words, loose sentences meaning practically nothing. This bill does not eliminate the causes that led us into the World War, or may lead us into the present war, or some other. The heart of the original bill, all its strong provisions, are taken out and eliminated. This is a hodgepodge, and you do not know whether you have international law or whether you have national law.

NINETY PERCENT OF AMERICAN PEOPLE DISAPPOINTED

As I have said, 90 percent of the American people are going to be disappointed and discouraged. They are going to be discouraged by the administration laying down on this bill. And the people are going to be disappointed not only with the administration but all of Congress and all parties. This is no effective legislation. I appeal to you that we pass some legislation before we leave that will keep us out of war.

The attitude in Washington now seems to be not now—maybe later. No; do not let us pass legislation of an effective nature now, but wait until later. Pass up old-age pensions, social security, unemployment, all real questions

involving fundamental economic problems, until after the election! And pass up neutrality until after a war!

Mr. Speaker, this bill passes over the fundamental factors of staying out of war, and is nothing but a makeshift, and for which the chairman of the Foreign Affairs Committee and several of its members have apologized. This bill, in my opinion, should be voted down by us, so the Foreign Affairs Committee will bring out a bill of some kind on an ordinary rule on the floor. Then the whole question can be thoroughly explained, and the bill can be debated, discussed, and amended. Then, whatever the outcome, we can be satisfied. But a gag such as this, especially since it is also quack medicine, must surely leave a bitter taste. [Applause.]

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SISSON].

NEUTRALITY

Mr. SISSON. Mr. Speaker and Members of the House, the legislation commonly known as neutrality legislation, but mainly designed for the purpose of keeping this country out of war, is legislation on the most important subject which has come before this Congress at this session, and perhaps the most important that will come before the Congress at this session.

An emergency measure, hurried because of the threatened imminence of a general European conflict, was passed in the closing days of the last session. It was well understood and conceded at that time by the Members in both branches of Congress that the law passed last session was hastily prepared, that for lack of time not sufficient study had been given to it, and that it was not adequate for and not intended to be a permanent formulation of our policy either designed to keep us out of another European conflict or to save us from the enormous loss and entire dislocation of our productive agencies which we suffered through our trade policy in the World War.

Since the close of last session, during the months of the recess members of the Committee on Foreign Affairs and Foreign Relations in both bodies of Congress, and other Members of Congress, other experts and authorities, the State Department—notably two of our most sound and able statesmen, Secretary Hull and Under Secretary Moore—have been studying this subject. The House Committee on Foreign Affairs held open hearings for weeks and gave most intelligent and careful consideration to this subject. They prepared a bill in which they avoided the questions which could not yet be finally passed upon. The result of their work was to reconcile varying and extreme views and the two somewhat opposite policies or schemes of neutrality legislation. That bill—the original bill, the administration bill—the bill recommended and endorsed by the State Department—in other words, the McReynolds bill, as reported first to this House was a good bill, and under the circumstances a most admirable piece of work. I want again to congratulate Chairman MCREYNOLDS for the ability and statesmanship which he and several of the members of the House Committee on Foreign Affairs evidenced in the result that they accomplished under trying circumstances.

The heart of that bill was section 4, which was intended to keep wartime trade down to peacetime or normal volume. During the World War we exported a vast quantity of our wealth; so much that it exceeded by over $28,000,000,000 the goods which we took in return. In addition to that tangible wealth, we exported about $25,000,000,000 worth of our capital. It was not a healthy trade. Its result was to make a few rich and millions poor, because we received in return for it, not goods, but mainly the I O U's of the other countries which have not and will not be paid. In addition to that we greatly speeded up our manufacturing production, bringing about, after the war ended, great unemployment, and we called into cultivation many millions of acres of land and put them under the plow, which should have been left in grass, and thereby to a great extent brought about the plight of our farmers, to remedy which the A. A. A. was passed.

The President uttered some strong words about this policy in his annual message to the Congress in January, and stated, among other things:

> * * * we seek to discourage the use by belligerent nations of any and all American products calculated to facilitate the prosecution of a war in quantities over and above our normal exports to them in time of peace.

This was the heart of the legislation.

It is now proposed to scrap this legislation and to pass in place of it a bill extending the present so-called neutrality law until the 1st of May 1937, with the comparatively unimportant addition of the prohibition of loans and credits, which at the present time and for some years to come most of the nations could not obtain anyway. The real heart of the legislation has been taken out of this makeshift bill. Its extension again for a period of another year and two months is a confession on our part of weakness and of the inability of Congress to legislate for the interest of all the people when subjected to pressure, and to the influence of selfish interests. The overwhelming majority of the American people, though somewhat inarticulate, though incapable of expressing in definite language their wishes to be put into words that will accomplish their wishes in this legislation, still want legislation that will keep us out of war, legislation that will help to avoid the necessity of again sending our boys, our weath, our dollars abroad for the purposes of a European conflict. In my judgment, this makeshift bill wretchedly fails in all of those purposes.

But this is not the worst of it!

We are asked today to pass this bill under suspension of the rules, with only a few minutes of debate, with no opportunity to offer amendments, without a single word of debate upon the legislation—the most important of this session. I believe that if the Members on both sides of this House had an opportunity to understand this situation they would vote against this extreme gag. I have voted for so-called gag rules before, but they were really not gag rules as this is. They were made necessary to prevent an unlimited number of amendments and unlimited waste of time in debate. That situation does not exist here today. This is a short bill. Only a few amendments at the most could be offered. No Member need be subjected to any embarrassment by the offering of amendments to be voted upon only in the Committee. It may be that this bill which we are asked to pass today under suspension is the best we can get under all the circumstances. Until this gag was proposed I was willing to accept the judgment of the leadership that it was perhaps the best that we could do, and I did not intend to oppose the bill. I do feel that it is my duty to oppose passing the most important legislation of this session so far under the most extreme drastic type of gag known to the rules of this House; and I call upon all my colleagues who believe that we should legislate in the open, who believe that we do not want to present the spectacle to the American people that the Congress has something here to conceal which cannot be brought out in the light of day, to vote with me and defeat this gag rule.

It may be that a majority of the House will decide; it may be that a majority of the other body will decide that this bill—the Kloeb bill—is all that we can accomplish at the present session; but if so let us let the facts be known so that every Member who wishes to do so may go on record and those who do not wish to go on record need not be subjected to any embarrassment. Let us not let it appear to the people of the United States that we are attempting to conceal something here.

If you believe that the Kloeb bill is the best bill that we can pass at this session under the circumstances, you can vote for it without subjecting yourself to embarrassment; but how are you going to answer the American people if you prevent consideration of the question as to whether amendments may be offered to the bill as you will do if you vote for this resolution to suspend the rules and pass the bill without debate and without amendment?

Mr. MCREYNOLDS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. KLOEB].

Mr. KLOEB. Mr. Speaker, I desire, first, to commend the chairman of the Foreign Affairs Committee of the House and the members of that committee, my colleagues, for their fine work during the past 6 weeks in the consideration of neutrality legislation. Personally, I come here not to defend, but I come here to maintain. This bill that we are considering needs no defense. We have not forgotten the heart of the McReynolds bill. We have taken the heart from that bill, the section prohibiting loans and credits, and inserted it in this measure.

A year ago I introduced the first neutrality bill in either House of the Congress. It provided for what? Only the prohibition of the making of loans and the extension of credit to warring nations. It was my theory then, and it is now, that this whole neutrality problem has so many diverse angles as that it becomes absolutely impossible to encompass them all in one bill and to have it pass this legislative body. Therefore, I felt that if it is taken up one step at a time—and I considered the loans-and-credit section the spearhead, if you please, of the whole neutrality problem—eventually we would encompass a measure that would cover those points necessary and adequate to plug the holes that contributed toward our entry into the last war.

When the *Lusitania* went to the bottom of the sea she carried on her decks and in her hold, three glaring errors that contributed toward our entry into that war. First, she carried 4,200 cases of ammunition. Second, she carried that ammunition sold on credit. Third, she carried on her decks 159 American citizens going for a joy ride on a belligerent vessel, bound for belligerent shores, and 124 of them went to the bottom of the sea. Hence, a law designed to plug those holes, that would prohibit the sale and exportation of munitions of war, that would forbid the making of loans and the extension of credit wherewith to purchase commodities to conduct war, and that would forbid American citizens to travel on belligerent vessels, would give us a comprehensive neutrality law that certainly, at this time, would accomplish everything that, with safety, we could hope to accomplish in this body. The bill before us meets these very requirements.

A year ago I suggested before the Foreign Affairs Committee in its hearings a so-called cash-and-carry plan. The bill before us brings into effect the cash plan. We have but to bring about, at some future date, perhaps 14 months hence, when this measure shall have expired by limitation, the insertion of section 7-b of the McReynolds bill, which would give to the President authority to invoke the carry plan, if we felt it was necessary and proper so to do.

But to make that sort of plan mandatory and automatic upon the outbreak of a war certainly would be a mistake, because in the event of any little conflict on any part of the globe, it would make us the laughing stock of the world to take our ships from the sea merely because we felt they might become endangered. Because we felt it would have been necessary to make this provision discretionary with the Executive instead of mandatory, and because Members of this body, as well as those of another body, stressed and overestimated the importance of the so-called freedom of the seas, a term that is merely a myth and a meaningless expression at this time—because of those two obstacles I refrained from inserting in this bill the second plan of the cash-and-carry theory, namely, the carry plan. I am satisfied with this measure as it comes before us today. It safeguards us against a repetition of the three errors that the sinking of the *Lusitania* brought so forcibly to the attention of the American people. It affords us a safe and comprehensive neutrality law. [Applause.]

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. LUDLOW].

Mr. LUDLOW. Mr. Speaker, my emotion as I contemplate the wreck of our Nation's hopes in respect to neutrality is best described by a beautifully solemn couplet in Whittier's charming poem, Maud Muller:

> Of all sad words of tongue or pen
> The saddest are these: It might have been.

The truth of this couplet sinks deeply into my consciousness when I think of what we might be doing here today, by the passage of the right kind of a neutrality bill, to protect and save America from being dragged into other peoples' wars and what we are really about to do to expose America to war by passing the pending abortive neutrality resolution.

In anguish the American people are pleading with us to protect the young men of our country from being dragged into the shambles of another foreign war. In reply, we are apologetically telling them that nothing must be done that will disturb our trade with belligerents, which is almost certain to drag them in. The people are crying for bread and we are giving them the hardest kind of a granite stone.

Within a few minutes the gag will be applied and we will have a fateful roll call in this Chamber, and the result of that roll call will be that we will herald to the American people and to the world that the House of Representatives is sacrificing the peace of America on the altar of expediency, because, forsooth, we do not want to go against powerful groups that are opposed to a real neutrality law.

We are fixing things here today so that if another World War should break out during the next year it will be virtually certain that America will be sucked into it, just as it was sucked into the last World War. It seems that we have learned nothing by experience or, at least, that if we have learned we are content to plead that we are supine and powerless to resist the influences that are leading us on.

I make the further assertion that the alleged neutrality resolution which we are passing is not neutral. I make the assertion that in the manner of its operation it is pro-British. I make the assertion that when we pass it we will be playing Great Britain's international game to the *n*th degree.

The title of this resolution should be changed. It should be entitled "A joint resolution to make the United States of America an ally of Great Britain in any war in which Great Britain may be engaged."

This resolution provides that American foreign trade in war materials and supplies shall go on in spite of all wars and in this connection it is important to note that our foreign trade with British countries has grown until it is 43 percent of our entire foreign trade. In 1934, the last year for which complete export statistics are available, our trade with Britain amounted to $842,150,000. In the same year our trade with Italy amounted to only $64,091,000 and our trade with Germany to only $106,649,000, and to other nations we sent goods in proportion, amounting in no instance to more than a mere fraction of our exports to British countries. Would a continuation of that status quo in war time, with Britain as one of the belligerents, be fair to Italy? Manifestly not. Would it be fair to Germany? Manifestly not. Would it be fair to any country in the world that might be fighting Great Britain? Absolutely not. We have built up with increasing rapidity in recent years a vast trade with Britain which, if we continue it as the pending resolution proposes to do after Britain goes to war, will be the lodestone that is almost certain to drag America into war on the side of the British.

Under this resolution it will be impossible for America to remain neutral after Britain goes to war. We will be on her side from the very beginning to protect our profits in the vast quantities of war materials which comprise the normal volume of our shipments, without reckoning the additional pulling power in the increase of orders and profits that may be expected from an empire with such financial resources and shipping facilities as Britain possesses.

If this resolution is to be passed at all it should in all conscience be amended so as to allow only one quota to the British Empire instead of a separate quota to every country included in that Empire. Only in that way could the British quota be held down to a reasonable and fair parity compared with the trade favors that would flow from the United States to other countries in the family of nations in wars in which the British will participate. I do not know at this time exactly the language that might be employed to effectuate this purpose, but it would read somewhat as follows:

"When two or more countries are connected in one governmental system, the entire system shall be treated as one unit in the determination of the amount of exports it shall receive from the United States, and its quota shall be obtained by adding together the normal quotas comprised in the system and dividing the total by the number of countries included in the system."

Unfortunately, under the cloture employed to force this resolution through the House no amendments are allowed.

The passage of this resolution, in my opinion, makes us a British ally and underwrites the success of any war in which Britain may engage with any foreign power. It ought to be enough to cause the British to change their favorite slogan, "Britain rules the waves", so that it will read "Britain rules both the land and the waves."

We may beat about the bush all we want to, but there is only one way to be neutral, and that is to be neutral. We cannot be both neutral and accessory to war. We cannot be neutral and at the same time be a trade ally of a great military and naval power, furnishing to that nation the supplies it needs to carry on its war. In time of foreign convulsions we cannot have our entire foreign trade and national security at the same time. We must give up temporarily our trade with belligerents, and surely that is a small price to pay, compared with the inestimable blessings of peace.

Our trade with all the world amounts to only 7.5 percent of the estimated total value of all movable goods produced in this country, according to the Department of Commerce, which gathers foreign-trade statistics. It is impossible to imagine a situation where a complete embargo on goods to all of the foreign nations that conceivably might be at war at one time would amount to more than an infinitesimal fraction of the cost in dollars and cents of the World War or to more than a mere bagatelle compared with the astounding cost and the inevitable loss of life that would result if we should allow cupidity for profits to snare us into another such war.

The actual direct cost of the World War up to date, as shown by Treasury Department records, is $41,765,000,000, or the equivalent of $60,000 for every day since Christ was born, and that does not take into consideration future pension lists, veterans' hospitalization, and other left-over expenses. President Coolidge probably was not far wrong when he said that the World War will ultimately cost America $100,000,000,000. The total foreign trade of the United States in 1934, the last year for which statistics are available, was $2,100,000,000. Thus it will be seen that if the entire foreign trade of the United States, including all exports of every kind and description, were entirely cut off for 47 years, the loss to the United States would still be less than our part of the financial cost of the World War, based on Mr. Coolidge's forecast, to say nothing of the heart-sickening toll of lives and the terrible burden of grief and misery caused by that war. Therefore, from every standpoint, economic no less than humanitarian, there is a genuine obligation resting upon us to write into the statutes a real neutrality law with teeth in it.

Let us not deceive ourselves. Every dollar's worth of trade with belligerent nations is bought—and dearly bought—at the expense of the peace of America. This resolution now before us turns a deaf ear to humanity and casts the die in favor of the fleshpots and profits of those who make war's merchandise out of our fine young men. In this tragic hour, remembering the millions upon millions of fathers and mothers who are looking to us to keep their sons out of slaughter pens in foreign countries, let us try, with God's help, to realize our responsibility to them. Let us vote down this resolution, and then, in a spirit of consecrated service to humanity, let us take up the subject again and try to enact a real neutrality law.

I cannot conscientiously vote for this resolution, because I believe that it wrecks the hopes and aspirations of the American people, and that in it are the seeds of national danger and disaster. [Applause.]

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. ROBSION of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF].

Mr. SAUTHOFF. Mr. Speaker, I want to register a protest against the method of procedure employed in considering this bill. Last week we spent 5 days considering the appropriation for the Army. One whole hour was consumed on one amendment alone. Next week we will consider the naval appropriations bill. If we take 5 days for that, it will make 10 days for considering the appropriations for the Army and Navy. Together those appropriations will amount to $1,100,000,000. We are allowing for this bill, a more important bill, we believe, to the welfare of the people of this Nation than both these appropriation bills together, 20 minutes to the side, and we are not permitted to offer any amendment to this bill or even discuss an amendment to the bill. Those of us who believe that certain amendments are necessary wish to raise our voice in protest against this gag rule, this stifling of debate, this prohibition against amendments. We believe in offering an amendment calling for a referendum on war in case there is not a foreign invasion. We are prohibited from doing that under this rule. We are told, forsooth that there ought not be any further discussion of the bill. Pass it as it is, because if we do not we do not have anything. Who says so? Who cracks the whip over us and tells us what we must do and must not do? Is there any overlord that gives us orders? [Applause.]

We are charged with the duty of making the laws for our people. We cannot discharge that obligation by sitting in our seats, deaf and dumb with no volition of action save a feeble "yes" when the order is given.

We progressives of Wisconsin respectfully petitioned our Speaker to permit us to consider this measure in a regular, orderly manner, with free and unlimited debate and an opportunity to offer our amendments. This petition I offer herewith so that our position as Progressives may be made perfectly.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 17, 1936.

To the Honorable JOSEPH BYRNES,
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: We the undersigned, constituting the membership of the Progressive Party in the House of Representatives, respectfully petition you and your associate leaders in the House to reconsider the announced intention of bringing before the House the neutrality bill of 1936 under suspension of the rules.

Such a procedure would shut out any and all amendments, stifle discussion and shut off full and complete debate. We, as liberals, deplore such gag-rule procedure on a measure of such vital importance. Wisconsin venerates her great leader, the late Robert M. La Follette, who threw everything into the balance, to challenge a declaration of war. As his followers we are dedicated to the same cause and request that the entire subject of neutrality may be opened to full and complete discussion, with ample opportunity for amendments.

Respectfully submitted.

HARRY SAUTHOFF.
B. J. GEHRMANN.
GEORGE J. SCHNEIDER.
GERALD J. BOILEAU.
GARDNER R. WITHROW.
MERLIN HULL
THOMAS R. AMLIE.

Mr. McREYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Speaker, in the ancient city of Venice on the walls of its armony is this inscription, "Happy is that city which in time of peace thinks of war."

Unfortunately, the nations of the earth in times of peace have too often prepared for war and too seldom sought to create conditions and pass laws to avert it.

Be it said to the credit of the United States of America that it has been conspicuous among the nations of the earth in seeking to promote peace.

The proposed legislation on neutrality is another evidence of our desire to prevent war, and is designed to eliminate or minimize the hazard of our country becoming involved in a war between other countries.

The neutrality bill, which we passed at the last session of Congress, will expire on the 29th of this month, and this

legislation amends that act and will be effective until May 1, 1937.

There were several minor defects in the existing law which are corrected by this bill, but all of the provisions of that act will, under this amendment, remain in effect if this bill is passed until May 1, 1937.

In addition to the provisions of existing law there is added section 1a, which will make it unlawful—

For any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent country, or of any political subdivision thereof, or of any person acting for or on behalf of such government, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or person.

The Foreign Affairs Committee of the House have had exhaustive hearings upon the subject of neutrality almost continuously since the present session of Congress convened, and also at the last session, and this bill was reported to the House by unanimous report of the committee.

Personally, I prefer House Joint Resolution 422, known as the McReynolds bill, which was reported by our committee to the House on February 14, but it is impossible to secure passage of the McReynolds bill, due to the fact that the existing law will automatically expire within 12 days, and it is necessary to pass some legislation before that time, and a compromise has been effected between the House and Senate whereby the bill under consideration will be passed, and I am therefore supporting the committee in urging that it be adopted.

Those who have spoken against the bill based their reasons principally upon the method by which the bill is being considered. I regret that the early expiration of the present law makes it necessary to resort to this method, known as suspension of the rules, and wish that we might have time to fully debate this important legislation, but objections to the method under which the bill is being considered do not go to its merits. This is either a good bill or a bad bill. No one can justify opposition to legislation merely because he dislikes the method under which it is being considered. The fact that this bill has the unanimous support of the House Committee on Foreign Affairs, which committee has given long and intensive study to this subject, is of itself evidence that the bill possesses merit.

The subject of neutrality is a complex and complicated subject, and the views of those who have given it serious and conscientious consideration are entitled to some weight by the membership of the House.

Someone in the debate has charged that this is a makeshift bill. It is not entitled to be so branded. It has in it seven distinct and specific provisions which are designed to remove some of the causes that might involve us in a foreign war:

First. It prohibits the export of arms, ammunition, and implements of war to belligerent nations, or to neutral nations for reshipment to belligerent nations.

Second. It prohibits the sale of bonds, securities, or other government obligations of a belligerent nation, and also prohibits the making of loans to belligerent nations.

Third. It creates a National Munitions Control Board which regulates and controls those engaged in the business of manufacturing, exporting, or importing arms, ammunition, and implements of war, and requires the exporter, importer, manufacturer, or dealer in such commodities to register with the Secretary of State, so that the Government may have registered all such firms so engaged, and furthermore makes it unlawful for them to export or attempt to export arms, ammunition, or implements of war to any other country without first having obtained a Government license therefor.

Fourth. It prohibits American vessels to carry any arms, ammunition, or implements of war to any port of a belligerent country, or to any neutral port for transshipment to or for the use of a belligerent country.

Fifth. It prohibits the departure from an American port of any vessel, domestic or foreign, that is about to carry out of the port of the United States men or fuel, arms, ammunition, implements of war, or other supplies to any warship, tender, or supply ship of a foreign belligerent nation.

Sixth. It provides that during any war in which the United States is neutral, if the President shall find that special restrictions placed on the use of ports of the United States by submarines of foreign nations will serve to maintain peace between the United States and foreign nations, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine to enter a port or the territorial waters of the United States or any of its possessions, or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe.

Seventh. It provides that during any war in which the United States is neutral, if the President shall find that the maintenance of peace between the United States and foreign nations, or the protection of the lives of the citizens of the United States, or the protection of the commercial interests of the United States and its citizens, or the security of the United States requires that American citizens should refrain from traveling as passengers on the vessels of any belligerent nation, he shall so proclaim, and thereafter no citizen of the United States shall travel on any vessel of any belligerent nation except at his own risk, unless in accordance with such rules and regulations as the President shall prescribe.

Someone expressed opposition to the bill because it was not mandatory and delegated authority to the President. Five of its prohibitions are mandatory and the President has no discretion whatever, and only the two relating to the use of American ports by submarines and the travel of Americans on belligerent vessels are left to the President's discretion, and even in these the delegation of discretion is so circumscribed that it is practically mandatory, since he is required to act if either of a number of contingencies therein mentioned should arise.

Under the existing Neutrality Act, which this bill extends, President Roosevelt has already issued a proclamation prohibiting Americans from traveling, except at their own risk, upon belligerent vessels in the present war between Italy and Ethiopia.

The value of this legislation is fourfold:

First. It proclaims to the world that the United States stands for peace and will not become involved in the wars between foreign countries.

Second. It sets an example in pioneering in the passage of neutrality legislation which it is hoped that other governments may emulate.

Third. It discourages war between other countries by our Government refusing to furnish arms, ammunition, or implements of war and also credit. No war can be successfully carried on without these, and a bill that prohibits our country or its citizens from contributing these essentials of war is a substantial discouragement to the conduct of war by other countries.

Fourth. It removes some of the irritating causes which might lead our country into war by restricting our citizens in their dealings with belligerent nations. We cannot pass any legislation here that will prevent war, for war is produced by a state of mind, and when the passions of a people become inflamed, war is inevitable. But we can remove some of those irritating causes when other nations are engaged in war which will make it less likely that we shall become involved therein.

We are still paying the penalties of the last great war, and our children and the generations yet to come will continue to do so. The signing of the armistice and the subsequent treaty of peace ended hostilities, but it did not end the suffering and sacrifices of our people nor of the other peoples of the world.

I am glad, therefore, to vote for this resolution, which is designed to and I think will materially reduce the danger of our country's becoming involved in war if other nations should decide to fight.

The prevention of war is one of the highest duties that government owes society, and any nation that will not take

every precaution and use every legitimate means to avert the holocaust of war is unworthy to stand among civilized nations of the world.

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Speaker, this is a dangerous bill. I want to warn you that the consequences of this policy are going to be more far-reaching than any of us apparently see here. I want to warn you that this is a change in fundamental policy and one that we should consider very, very carefully.

If this policy had been general throughout the world a hundred and sixty years ago, there would be no United States today; and should any nation in the future, particularly an oriental nation, engage this Nation in war, and if Europe should have this policy, the United States would be defeated and conquered.

What we are saying to the world is that now that we are a strong, powerful Nation, we do not care to become involved in wars with anybody, that we do not care about the quarrels of the rest of the world, that we do not care if a strong, avaricious country invades a weak, peace-loving country, and regardless of the merits of such conflicts, we are going to keep out of them so that we do not have to become involved. [Applause.]

This is the most cruel, most un-American thing I have ever seen or heard in this House. We are saying to the world that strong nations that are greedy can gobble up the rest of the world because we will not even let invaded peoples get supplies with which to defend themselves. The result will be either that within a few years two or three nations will control the world, or else we shall see the greatest race of armament building and storage of war supplies the world has ever seen; and if the storage of war supplies is an incentive that leads to war, then we shall have nothing but wars from now on.

This is not neutrality at all. This is enforcing League sanctions in disguise. This policy, no matter what you label it, is taking sides with the strong, well-prepared militaristic nations against the small, peaceful nations. It is a cowardly surrender on the part of a strong Nation to the bullying of the League of Nations. It is a dangerous surrender of American ideals to timid political expediency. In the blind hope that it may keep us out of becoming involved in a war, we are sacrificing our independence and our traditional policy of giving moral support to weak, oppressed peoples. As a matter of fact we are in reality launching a boomerang that one day will return to strike us a terriffic blow. The day will come when we ourselves will need assistance to defend our very national existence. The nations who are being discriminated against now by us will not forget. We will pay for our selfish surrender of our traditional neutrality.

It may sound very neutral to say that we will sell to neither party engaged in war. But back of the sound we will find just the opposite result.

In most cases it is only one nation which desires or needs to obtain supplies from us. Therefore a flat embargo effects only one side in such a war, and our so-called neutral policy makes us, in effect, a participant. This will eventually much more endanger our peace than preserve it.

While for a time we may escape involvement in foreign wars, the ultimate outcome will be that a few powerful, militaristic nations, unchecked by anything, will gradually create a situation of world-wide conquest, and the time will come when we alone will be left in the way of their complete world dominance. As surely as we take this attitude of smug indifference now, we ourselves will then become the object of attack and invasion. We are not self-sufficient in all materials necessary to conduct a long war of defense. We absolutely depend upon importation of many things to carry on even self-defense of the United States.

If we are to close the door to other nations of necessary supplies to enable them to defend themselves against invasion, then they will do likewise to us.

If this is to be the situation, it will be necessary for us to immediately provide for enormous stores of certain supplies that we do not produce in this country but without which we cannot defend ourselves against invasion. This will require hundreds of millions of dollars a year. Yet, if we value our independence, its continuance makes such expenditures absolutely mandatory.

There is a way to avoid all this, to avoid becoming embroiled in the quarrels of the world and yet retaining the typical friendly neutrality that has always been our American policy.

Our position should be that we are friendly with all of the peoples of the world and perfectly willing to sell them anything they need if we have it. However, since we do not propose to again be drawn into outside wars to protect war loans nor shipments in time of war, we should prohibit loans for war purposes to anyone. We should permit unlimited purchasing in this country on condition that such supplies are sold for cash only and carried on ships provided by the purchaser and not flying the American flag. This treats all nations alike and shuts the door to none. This is real neutrality and has the following advantages.

First. It would not entangle us in a war through foreign credits.

Second. It would not embroil us through a "freedom of the seas" issue.

Third. It would free us from the embarrassing decision as to what are and what are not war supplies.

Fourth. It would free us from the odium of declaring what country was the aggressor.

Fifth. It would not only treat all combatants alike but would not work a hardship on the weaker countries that have been unable to amass war supplies in advance.

Sixth. It would maintain our foreign trade with all the risks of warfare assumed by the countries so foolish or so unfortunate as to be involved in war.

Seventh. And, finally, it would be so simple to interpret and to enforce, and so fair and free from offense to all nations, and withall so efficient, that it ought to be adopted as our national policy. [Applause.]

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. HEALEY] such time as he desires.

NEUTRALITY

Mr. HEALEY. Mr. Speaker, the action of the Committee on Foreign Affairs in deciding not to pursue its earlier course of attempting the passage of House Joint Resolution 422 as reported by it, and in urging instead the passage of the present resolution under consideration, is certainly wise and sound. I know its decision is the result of thorough and conscientious study which the members of this committee have given to this problem over a long period, and it is indicative of the sound and unbiased realism with which they have dealt with this complicated problem.

To have persisted in its efforts to pass a bill embargoing such commodities as oil and cotton would certainly have placed the safety of this Nation in grave danger, and our international relations would have indeed become precarious if such legislation had been enacted. [Applause.]

I understand that there is some opposition to the course of the committee on the part of well-meaning members. This group desired to amplify our present neutrality legislation so as to include commodities and materials which may be used in the conduct of war, at least to limit their exportation from this country to belligerents to the normal peacetime shipments. Now, I know that these gentlemen are animated by the same desire as those of us who have opposed any change in our present neutrality policy. They are inspired by the highest patriotic motives, and they sincerely believe that such a policy is the best means of insuring the future peace of our country. However, I feel that these gentlemen, although well-meaning, are absolutely erroneous in their conclusions that such restrictions of shipments of commodities would insure our future peace. On the contrary, it is my sincere belief that such a policy would have

the tendency under present conditions and circumstances to draw us into war. The precedents of international law are contrary to the principle of a neutral nation changing its policy during the progress of a war. At such a time the embargoing of any commodity may have the effect of unequally affecting one belligerent more than another, in which event, according to the tenets of international law, such an act may be considered by such belligerent as unfriendly, unneutral, and hostile.

This position was clearly and expressly declared in the well-known note to Germany in 1915 in the course of which President Wilson stated:

> This Government holds and is constrained to hold, in view of the present indisputable doctrines of accepted international law, that any change in its own laws of neutrality during the progress of a war, which would unequally affect the relations of the United States with the nations at war, would be an unjustifiable departure from the principle of strict neutrality.

The eyes of the world are upon the action of this Congress today. This legislation is of tremendous importance and it is fraught with many possibilities so vital to our own future happiness and security. Thousands of our own citizens of Italian extraction, who are naturally interested in the fate of the mother country, are looking anxiously toward us. They have been fine, industrious, patriotic citizens, men and women who have hallowed our shores with their homes, have raised their families here and given willingly of their children to the service of their adopted country in the World War. Surely, the American people recognize too great a debt of gratitude to Italy for its contributions to this Nation in the development of our common country and our civilization in the realm of exploration, arts, sciences and other fields of human endeavor to pass legislation, which by all accepted principles of international law, would amount to an unfriendly and hostile act toward a traditionally friendly nation.

To have passed section 4 of the McReynolds bill, in my judgment, would have been to circumvent the overwhelming sentiment of the American people for that bill with that section embodied in it would have committed us to the policy of the League of Nations' sanctions.

The American people have shown on more than one occasion their whole-hearted opposition to the League of Nations, the World Court, or any of its offshoots. Yet for many months now those nations comprising the League of Nations through the use of subtle propaganda have attempted to commit this country to a policy which would have meant the carrying out of their own ends. The League of Nations has not yet taken action to put in effect its sanctions on oil and cotton, but has obviously been waiting for the United States to lead the way and to take upon its shoulders the responsibility and onus for carrying the League of Nations' own policy.

Now, Mr. Speaker, the American people do not desire to be projected into the whirlpool of dubious diplomacy and intrigue of Europe, but want only to safeguard their own future peace and security.

Mr. Speaker, it is with a sense of gratification that I will cast my vote for this bill because I believe it will best serve the interests of our common country and because I believe that such legislation is the only sane measure to pass under present circumstances.

Mr. McREYNOLDS. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. McCLELLAN] such time as he may desire.

Mr. McCLELLAN. Mr. Speaker, nothing is or can be more important to this Nation than establishing our neutrality and the preservation of peace. We are a neutral Nation. The American people are neutral. We hope to remain so. For that reason, with that purpose in mind, and prompted by no other motive, we deem it appropriate that we, through legislative enactment, should give expression to the sentiments of the American people in the hope that such affirmative action will hinder and obstruct evils that have a tendency to lead us into war.

We all agree that we are neutral, and maintenance of peace is our highest aim. In this problem we have a common goal, and our only differences are in the means to be adopted and pursued in achieving this paramount objective.

Various proposals for keeping us out of war have been offered and advocated, many of which would, I believe, incite war rather than render it less probable. In being neutral we must respect the rights of other people and pursue a course that we would be willing to accord other neutral nations if we ourselves were at war.

It therefore behooves each of us as Members of Congress to give this legislation our best thought and study, and I submit for your consideration six major principles that should be embodied and observed in the formation of our national policy of neutrality.

First. Proclaim by appropriate enactment of law a policy of strict neutrality which can only be interpreted as meaning that we shall abstain from any participation in the conflict that would contribute to the assistance of one of the contesting powers involved, to the hurt and injury of the other, and that we are and shall remain the common friend of all the belligerents so long as our rights as a neutral are not trampled on or violated.

Second. Be adequately prepared to successfully defend against attack by any foreign foe and to enforce by force, if necessary, our purpose to maintain our declared policy of neutrality.

If we are to make certain our ability and power to meet such contingencies or emergencies if and when they arise, in view of the armament race now being conducted by foreign nations, it is imperative that our military facilities, arms, and equipment be increased and kept to a strength that will impress and deter those who would disregard or attempt to challenge and obstruct our efforts to preserve peace, and likewise to insure success of our military operations should war be waged against us. In this connection I would emphasize the importance of building an air fleet that will establish our supremacy in this branch of military preparedness. If this arm of the Service is not already so recognized, it is rapidly becoming our first line of defense, and to neglect it, in my judgment, may be a costly blunder. We should announce to the world that we are building and it shall be our national policy to maintain to the limit of our skill and resources the greatest air force of any nation in the world; that we intend to ever be supreme in the air, not for the purpose of aiding one belligerent against another in broils across the sea, but solely to safeguard our own peace and neutrality.

Mr. Speaker, I know it is regrettable that such a policy and course as this must be undertaken. We do not want war, we have never wanted it, and desire it less today than ever, but we cannot escape it if we neglect to prepare to enforce peace. The dictators of Europe, when it suits their convienience, regard treaties with other nations as mere scraps of paper and formulate their policies and actions accordingly. They apparently do not understand nor respect the language of peace predicated on the principles of liberty, freedom, and justice. But there is a language they fully understand and respect—the language spoken in the thunderous tones of the "heaviest artillery." We must be able to speak this language if necessary to insure our safety. Had we been thus prepared our neutrality would not have been violated during the World War, a war that has cost us to date $50,000,000,000 in addition to the sacrifices of many human lives and untold misery and suffering. Five billions of dollars expended between 1914 and 1917 for adequate preparedness would have safeguarded our neutrality and permitted us to escape the awful penalties that war has exacted. We cannot underwrite the peace of the world; it would be suicidal folly for us to ever undertake it. We can act wisely, guided in the light of past experience, in making secure the peace of this Nation. That is our task, and a great responsibility it is, and in the performance of it we must ever be alert and sensitive to trends and conditions that exist on other shores.

Third. There should be no abandonment, either expressed or implied, of the Monroe Doctrine. It should be reasserted lest it be overlooked by those nations that seek territorial expansion.

Fourth. In the event of war we should place an embargo on arms, ammunition, and implements of war to the bel-

ligerents, prohibit loans to foreign powers for their use in financing military operations, and provide that American citizens traveling on belligerent ships do so at their own peril. To restrict the sale, for cash, of commodities, goods, and merchandise, which we produce in normal peacetimes would be an unnecessary and unjustified surrender of our rights and would be a self-imposition of sacrifices beyond the limits that neutrality implies or demands.

Fifth. We must refrain from delegating to the President of the United States or to any other authority or agency powers that are reserved to Congress. The authority and responsibility for policies, acts, or procedure calculated to lead to or have a tendency toward the severance of diplomatic relations, and ultimately to war, should be retained, insofar as it is legislatively possible, in those whose duty it shall become to bear arms and make the supreme sacrifices on the altar of war. The responsibility for determining who is the aggressor in any war should be in Congress, who alone can declare war, and not in the Chief Executive. While at peace and with no acute emergency existing the delegation of such powers and the clothing of the Chief Executive with such authority could not possibly promote the preservation of peace, whereas if they should be granted and unwisely exercised they might easily and quickly plunge us into a war that may have otherwise been avoided.

Sixth. Congress should enact a law, as sponsored by the American Legion, that will, insofar as it is possible, eliminate excess profits in time of war and that provides for the conscription of industrial and material resources as well as the manpower of our country. More war millionaires should be made impossible. The American people will demand that in the event the manpower is ever drafted again. It is a most righteous demand, and one that Congress will find a way to grant.

Mr. Speaker, if these six fundamental principles which I have briefly outlined are observed and followed in our efforts to enact neutrality legislation and provide for our national defense, it is my humble judgment, sir, that we will thus form a policy that will make secure our national safety and existence, and one that will pay generous dividends of peace throughout the years to come.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that all Members speaking on this bill may have the right to revise and extend their remarks.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will not the gentleman include all the Members in his request?

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the bill.

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

There was no objection.

Mr. McREYNOLDS. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. JOHNSON] such time as he may desire.

Mr. JOHNSON of Oklahoma. Mr. Speaker, the pending measure proposing to extend the Neutrality Act passed at the last session of Congress, and which expires on the 29th day of this month, will receive my support on the theory that it is considerably better than no bill at all.

I do not agree with the statement made a few minutes ago by the gentleman from Texas [Mr. MAVERICK] that the pending neutrality resolution is worse than nothing. If I remember correctly, the gentleman from Texas supported the original resolution last year, and it is generally conceeded that this measure goes considerably further in an effort to preserve American neutrality with the nations of the earth than does the present law, which is about to expire. Surely the gentleman from Texas is not very consistent when, in his enthusiasm to create sentiment against the pending resolution he states that it is worse than nothing.

As pointed out by the gentleman from Ohio [Mr. KLOEB], who has made an extensive study of the subject of neutrality, in which the American people are so vitally interested, this measure at least will plug three holes that all of us agree must be plugged before we can even approach the possibility of maintaining absolute neutrality in case of war: First, this resolution prohibits the selling of munitions to nations at war; second, it prevents credit being extended to a belligerent nation for the purpose of waging a war; third, it prohibits American citizens from traveling on a vessel of a belligerent nation.

To say that such a law is worse than nothing is, of course, absurd. Had such a law been in effect at the beginning of the World War there would have been no occasion for the sinking of the *Lusitania*. It is a matter of record that the *Lusitania*, that was sent to the bottom of the sea by a German submarine, was loaded with munitions of war that had been sold to Great Britain on credit. That old ship was loaded down with 4,200 cases of ammunition. There were also more than 200 pleasure-seeking Americans aboard the ship, although they had been warned not to travel on the high seas on ships bearing munitions of war. So it is certainly a farfetched statement to say that the pending law is worse than nothing.

On the other hand, Mr. Speaker, it had been my sincere hope that the committee would present a more comprehensive and a more drastic measure than the pending resolution that we are called upon to pass today, without the opportunity of offering an amendment, if we are to have any neutrality legislation.

It is significant that most of the argument made thus far by the opposition to the pending resolution is not against the resolution itself but against the so-called gag rule under which the House is operating at this time. I do not like gag rules. I have voted against gag rules and talked against them many times in the past, but the mere fact that I am personally opposed to a gag rule certainly will not prevent my supporting any measure that has much merit as has the pending neutrality resolution. [Applause.]

Mr. Speaker, it is my understanding that if and when this resolution is passed it will expire within about 14 months. In the meantime the American people will at least have a breathing spell from the probability of America's being dragged into any foreign war. Do not tell me that is worse than nothing. Do not tell me that is not worth the effort put forth by the committee. We heard our distinguished chairman say this is the best compromise measure possible to secure at this time, and we know that he is an honorable, truthful gentleman who has the confidence and respect of every Member of this House, irrespective of political affiliations.

Let us support the pending resolution today—a resolution that is at least a great forward step toward maintaining the peace of the world. Then let us come back here next year and pass a more far-reaching bill with real teeth in it. [Applause.]

Mr. ROBSION of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, in substance, the Committee on Foreign Affairs comes before the House today and states that 12 days from now, on the 29th of February, the present neutrality legislation expires. They tell us that certain obstacles have risen in connection with the McReynolds bill; therefore, they must resort to this kind of legislation in order to save the gains that have been made for neutrality.

Mr. Chairman, that is a very weak and ineffectual case. They are asking for an extension of 1 year. May I remind the chairman of the Foreign Affairs Committee that when the banking bill of 1935 was impounded in committee and it became necessary to resort to interim legislation to prevent a lapse in some of the provisions in order to keep alive the temporary Deposit Insurance Corporation fund there was brought before this House a resolution, effective for a short period, until the Senate and the House could finally act upon the banking bill of 1935. Instead of begging the question, I say to the chairman of the Foreign Affairs Committee, why does not the gentleman bring in a resolution that operates for only 60 days? In that 60-day period his committee, which is not overburdened with work any more than other committees, will have ample time to give consideration to the original bill. This, of course, would allow 60 days; and

certainly every Member of the House is sufficiently interested in the fundamental policy of neutrality to give generously of his time in order to consider the original bill fully and carefully.

I know of nothing pending before the Foreign Affairs Committee that is especially weighty or pressing, and in that 60 days the committee could give uninterrupted attention to fashioning a bill that is something more than a makeshift.

If at the end of that time the committee could come to no resolution on a bill, there will still be time to resort to a suspension of the rules and pass a joint resolution providing for an extension of the old bill with such amendments as could be agreed upon by members of the committee. But for some unaccountable reason this makeshift is being rushed through today and the committee has made out no case for such action.

If the pending motion to suspend the rules is adopted today and is followed by favorable action on the alleged neutrality bill, it will mean that after only 40 minutes of debate this House will have disposed of one of the most important matters of national policy that was presented to any Congress. It will mean also that once more the profound hopes of the American people will have been frustrated.

Our people knew precisely what they wanted in the late summer of last year when the stopgap-neutrality measure was adopted. They wanted to keep out of and keep away from war. Because of the long duration of the first session of this Congress they were satisfied with that measure as a temporary expedient, and looked forward to the present session for a real rather than a makeshift law. Now after extended hearings before the House Committee on Foreign Affairs on various neutrality measures, the result is that no agreement has been reached and no new action is contemplated on a real neutrality measure. Apparently the whole thing was a mere gesture only to end in the sharp disappointment of the hopes of the people.

If this motion prevails today it will constitute complete surrender to confusion. It will bear grim testimony to the complete indifference of this Congress to what is happening in foreign nations today. There will be slender smiles in Geneva. League observers and spokesmen contemplating the friction on the border between Mongolia and Manchukuo, the conflict in Ethiopia, the growing friction between Russia and Japan, the disquet in Germany, and the temper of France are already prophesying that war in Europe is inevitable within the next few months or a year. And today they will smile because the United States will once more provide the raw materials with which to prosecute such a war.

Meanwhile the Congress has developed a stalemate on the question of eating our cake and having it too, and rather than take the time to go into the matter thoroughly it prefers the ostrich-like policy of sticking its head in the sand. If it approves this motion and then supports the bill, it means that it prefers to take 40 minutes to wash its hands of this momentous matter without regard for what effect this unsettled state of affairs in Europe may have upon the lives of millions of our young men.

It has been said that this is about all we can safely do at this session. No less an authority than Walter Millis, whose book Road To War fired the imagination of the people, now comes forth to say that "the present compromise is all that is practical now." Even so profound a student as Walter Lippmann poses the question, "Why, then, must this momentous question be dealt with in such a hurry?" The answer is that a prudent man does not wait to insure his house when there is fire in the vicinity. How strange that this Congress will enact a $2,000,000,000 bonus measure which is the direct inheritance of the war and vote three hundred and seventy-six millions for national defense in anticipation of conflict and then exhibit a certain kind of mental indolence toward a policy which is hoped to make a recurrence of the former impossible and gradually reduce the latter. Does such a problem not merit more than 40 minutes of this Congress' time? Cannot we afford to take some of the many Saturdays during which the House has been in adjournment for a proper discussion of this problem?

For many weeks the press was filled with accounts of the investigations on the other end of the Capitol, the findings of which we felt were to be the background against which a new and genuine neutrality measure was to be pitched. The public mind was being prepared for a neutrality policy. We have gone back into history to indicate that Secretary Lansing took sides and shaped our national policy in the direction of the Allies. We went back to show that Secretary Stimson sought to use the Kellogg pact for inciting League action against Japan in the Manchurian controversy, and very currently attempts have been made to show that Secretary Hull was trying to aline this Nation with Great Britain in an effort to smash Italy. In addition, such questions as the freedom of the seas, the right to trade with belligerents, and the effect of various kinds of neutrality on our internal economy have all been examined and reexamined at great length by experts and students of foreign affairs. It appeared that every conceivable angle of the neutrality problem had been examined and that ample data had been acquired on which to predicate a sound policy. With all this preparation, the people have been led to the mountain of hope to regard the kingdoms of peace below, only to find that it was a mirage of 40 minutes' duration. Is that to be the answer of this Congress to the American people on this momentous question? What a sad accounting of our stewardship we must give when this body adjourns to return home unless this question of neutrality receives the thorough and forthright attention which it deserves.

Insofar as I can determine, we have been genuinely unwilling to meet the question of what commercial and economic sacrifices we are willing to make to achieve neutrality. Apparently we are willing to have absolute neutrality if it costs us nothing. We are willing to have neutrality if we can preserve such traditions as freedom of the seas and the unrestricted right to trade. We insist on placing profits first and neutrality second. We refuse to determine the most important question of all in the neutrality discussion, and that is how much we are willing to pay to prevent a recurrence of those hectic days of 1917 and 1918 and those shadowy years from 1933, in which economic dislocation, resulting directly from the distortions of war, have filled the land with suffering and distress. And, rather than perturb ourselves to find a satisfactory answer to the problem, we are willing to devote 40 minutes to its discussion in order to remove it from the field of immediate controversy.

I do not essay the role of a prophet, but who knows but what these might become the most momentous 40 minutes in American history.

Mr. ROBSION of Kentucky. Mr. Speaker, I yield one-half minute to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS of Maryland. Mr. Speaker, a half minute is ample for my purpose. I merely wish to say that I feel it to be my duty to vote against the motion of our much honored chairman of the Committee on Foreign Affairs.

[Here the gavel fell.]

Mr. LEWIS of Maryland. Mr. Speaker, I ask unanimous consent to continue my remarks by inserting an editorial of the Baltimore Sun on this subject, dated February 15.

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

There was no objection.

Mr. LEWIS of Maryland. Mr. Speaker, the editorial to which I refer reads as follows:

PROFITEERS WIN

We shall be left for another year, at least, with a law that forbids the shipment of ammunition and guns to countries at war, but that does nothing to prevent the shipment of munitions in the broader sense; that is, essential raw materials and the like. That this will play largely into the hands of Italy, an aggressor nation, is evident. Italy has gun factories and other plants in which it can make its own ammunition and weapons, but it needs raw materials, which, under the present policy, American companies are legally permitted to supply. Ethiopia has no factories to speak of. It must buy its munitions ready-made, but under the American policy, which is now to be continued for 15 months, it cannot buy them here.

Moreover, it has by now become quite apparent that although the League sanctions adopted to date have hampered Italy, they have not yet brought the aggressor to the pass where it would be compelled to suspend hostilities. It is generally agreed that only by broadening sanctions to include such essential materials as oil might this be done. There was, of course, a question as to whether the League powers would be willing to go that far in any case, but now it seems certain that they will not, for it cannot be expected that they will forbid their own oil companies to sell to Italy while American policy permits American companies to sell without restraint and to reap the huge profits arising from such commerce.

Abandonment by the Administration of its neutrality bill represents a victory for those shipping, industrial, and other interests that have been quietly lobbying against the bill in the last 4 or 5 weeks. These interests have no qualms about making "blood money" out of war trade, even though that trade might involve the United States in war. The administration's change of front also constitutes a victory for * * * "isolationists" who on the one hand demand that the country keep scrupulously aloof from all collective efforts to promote international amity and peace, and on the other hand insist that we must be ever ready to defend our "rights", including our "right" to carry on our trade at any time, in any place, under any circumstances and at any cost, even at the cost of war.

At the same time, this action must be put down as a defeat for those who felt that through neutrality legislation, vesting certain discretion in the President, the country could assist in collective efforts to preserve peace by taking concerted action against an aggressor. It is also a defeat for the other neutrality school which, having little faith in League sanctions, favors automatic and mandatory embargoes in the belief that the best way of keeping the country out of war is by temporarily withdrawing from all economic contacts with belligerent powers that might give rise to actual conflict.

War profiteers will naturally benefit by the present policy, but the Government and Nation may suffer, for it means that we shall have to continue to drift for another year without any substantial control whatever over any of the more likely economic causes of war, and without any authority to participate in any kind of collective movement for the preservation of peace.

Mr. McREYNOLDS. Mr. Speaker, I yield such time as he desires to the gentleman from Minnesota [Mr. CHRISTIANSON].

Mr. CHRISTIANSON. Mr. Speaker, I want to say at the outset that personally I feel that this bill does not go as far as it should; I should rather vote for legislation following the lines of the so-called Maverick-Nye bill, which is much broader in its provisions than the present measure. Like others, I do not like to see legislation as important as this come up with so limited opportunity for discussion.

Nevertheless, I shall vote for suspension of the rules for the reason that if we do not extend the operation of the law we passed last August, it will expire by its own limitation on February 29. If we fail to act we shall leave the country without any neutrality law.

I for one do not want to assume the responsibility of the consequence which might flow from delay. If the present law should be permitted to lapse it would become lawful on and after March 1 for American ammunition manufacturers to ship their products to Italy or Ethiopia or any other nation that might become involved in war. Belligerents would in fact become vested with a right to buy implements of war in the United States. We should then find it embarrassing to enact even legislation merely restoring the provisions of the present law, for by doing so we should deprive belligerents of an existing privilege and thereby make ourselves unneutral. [Applause.]

If we should permit the existing law to lapse we should be in a different situation from that in which we were last August. Then the whole world was at peace. Now two nations are at war, and if we should, after even a brief intermission, enact legislation depriving them of any right they had during that intermission, and if the deprivation should result in greater disadvantage to one belligerent than to the other, we should become unneutral, even although the sole purpose of the legislation was to safeguard our neutrality.

It is not the purpose that motivates our policy, but the consequences which flow from it that will determine whether our action is neutral or unneutral. It is because of that consideration that I deem it wise to part company for the time being with those of my colleagues who, like myself, favor a measure with more teeth in it, but who, unlike myself, seem willing to jeopardize what we have gained heretofore in a futile protest against a parliamentary situation that prevents us from getting more.

I cannot agree with those who contend that the bill we are now passing is a poorer bill than the one which the Committee on Foreign Affairs first recommended. To me it is infinitely better. It is better, for one thing, because it is in all of its provisions mandatory. It does not leave dangerous discretionary power—the most dangerous of all discretionary powers, that of involving the Nation in war—to the President.

Mr. Speaker, there are some significant coincidences—I hope they are coincidences—to which I wish to call attention.

First, for 3 years the present administration has sought to secure legislation giving the President power to impose discretionary embargoes.

In 1934 it was proposed that in the event of war in any part of the world, the President should have power to designate and to impose embargoes against the aggressor. That proposal was rejected by the other body.

In 1935 it was proposed that the President should have the power, not to designate and to impose embargoes against the aggressor, but to impose embargoes applying impartially to both or all belligerents, whenever he saw fit to do so. This might seem to insure neutrality, but in fact it would not, because an embargo might operate with greater disadvantage to one belligerent than to the other. Accordingly, we refused to entrust the President with that power, as a discretionary power, believing that its exercise would be likely to involve us in war instead of keeping us out.

We forced the Chief Executive to accept a mandatory measure which requires him, as a matter of duty and not of discretion, to place an embargo on arms, munitions, and implements of war whenever two or more nations become involved in hostilities.

Second, the League of Nations, in an effort to stop Italian operations in Ethiopia, concluded to shut off Italy's supply of petroleum. The effectiveness of this measure depended upon cooperation by the United States. Despite the fact that the United States had refused to join the League of Nations, or to assume any responsibility in relation to any sanctions the League might impose, the President tried, without lawful authority, to stop the exportation of petroleum to Italy. In effect, he tried to involve the United States in responsibility for the enforcement of policies in the formulation of which the United States had had no voice. He tried to make the United States, which is not a member of the League of Nations, an auxiliary to the League.

Third, finding that he could not stop the exportation of petroleum under the act of August 31, 1935, the President asked for the enactment of the McReynolds bill and particularly section 4 thereof, which proposed to give him power to embargo the raw materials used in war, one of which is petroleum. But note that section 4 was not, like the present neutrality law, mandatory. It was discretionary. It was so worded that if it suited the purpose of the League of Nations to have an embargo imposed, the President might impose it; but if it suited the purpose of the League not to have an embargo imposed, the President in the exercise of his discretion might refrain from imposing one. It is conceivable that if England and France should become involved in the present war, they would be best served, in the event that they succeeded in bottling up the Italian fleet in the Mediterranean, if American petroleum remained freely available. The President, under the McReynolds bill, would have had the discretion in that event not to impose an embargo. The administration bill was designed to give the President a blank power of attorney empowering him to take sides in any war in which he might wish to participate. It was not a neutrality bill. It was a bill to aid unneutrality. The present measure is infinitely preferable.

Third, is it or is it not significant that at the very time these efforts to aid England and France were being made Congress was asked to appropriate the unprecedented sum of eleven thousand million dollars for the Army and the Navy? Does it portend that in 1936 or 1937, as in 1917, we

shall be called upon to pull more European chestnuts out of the fire? Is it necessary for us again "to make the world safe for democracy" or to fight a "war to end war"?

I shall not attempt to answer my own questions, but shall content myself with making the observation that the sequence of events indicates that it is highly desirable that those Americans who still believe that the best way to preserve peace is to avoid foreign entanglements stand vigilantly on guard.

Mr. ROBSION of Kentucky. Mr. Speaker, ladies and gentlemen of the House, no person in this broad land of ours is or could be more sincerely opposed to our country entering into entangling alliances with foreign nations, or more sincerely and earnestly in favor of world peace than I am.

This measure affects every man, woman, and child in this country, as well as our relations with all of the other countries of the earth. To me it is unthinkable for the Democratic majority to crowd such an important measure through under this "gag" rule. We are allowed only 20 minutes' debate on each side. Honestly favoring neutrality and world peace, I am opposed to the form of this so-called neutrality resolution and this "gag" rule. Think of it. Last week we spent 5 days considering the Army appropriation bill. Two or three days of this time were spent largely in the making of political speeches for home consumption. Nearly all of the matters contained in the Army appropriation bill were merely routine matters, and had been approved by the various Congresses over a period of many years.

The proposed neutrality legislation embarks upon a new field, and it is of vital importance to the people of our country, yet we are limited to 20 minutes' debate on each side. There must be an Ethiopian in the woodpile somewhere. The administration is unwilling to have this measure and policy fully and thoroughly aired on the floor of Congress. The administration leaders urge that the makeshift measure passed last year, expires the last of this month, and there only remain about 12 days for us to act. That certainly is no excuse for limiting debate to 20 minutes on a side. The makeshift so-called neutrality bill was pushed through under the similar circumstances last year. Large sums of money have been expended by various committees investigating this subject. The mountain has labored and brought forth this mouse. It looks as if the administration has delayed purposely the bringing up of this important question until now so that it could be crowded through without investigation or debate on the floor of the House.

The Democratic leaders say that the munition makers have obstructed real neutrality legislation. Yes; I have been informed that the munition makers have put their O. K. on this gesture toward maintaining the peace of our country. Is that any reason why the representatives of the American people in Congress should not pass a measure that will secure the peace of our country?

I do not like this measure because it gives to President Roosevelt the discretionary power of declaring when a state of war exists between any two nations. It clothes him with the power to project us into a war with foreign countries. The Constitution provides that Congress shall have the power to decide war. I want that power to remain with the chosen representatives of the people, the Congress of the United States, and I am unwilling to delegate any such power to the President. If the American people are to go into any war, let Congress, as provided in the Constitution, be the judge as to when and how we shall enter any such war. President Roosevelt has been a strong advocate of entangling alliances with foreign countries. In 1920, when he was a candidate for Vice President, he traveled from one end of this Nation to the other making speeches in which he strongly endorsed the League of Nations, and urged the people of this country to elect Governor Cox and himself, and thereby insure our entrance into the League of Nations. The American people rejected that proposal. They have done likewise ever since when they have had an opportunity to vote on that question. Less than 1 year ago President Roosevelt urged the United States Senate to ratify the World Court proposal, which we all know provides entrance to the League of Nations through the back door. President Wilson and his party could not get us into the League of Nations by the front door, and since Roosevelt has become President he insists that we go into the League by way of the back door, but the United States Senate turned down his proposal.

The munitions investigation discloses that President Wilson and his associates were not neutral, and by their meddling with the affairs of foreign countries we found ourselves involved in the World War. President Roosevelt was Assistant Secretary of the Navy under President Wilson. In 1916 President Wilson and Mr. Roosevelt and others urged the reelection of President Wilson because "Wilson kept us out of war." The American people accepted these statements, voted the Democratic ticket, believing that President Wilson would continue to keep us out of war, but at the very time those statements were being made they had involved us so that our entrance into the World War was inevitable. They were then planning for this country to enter into the World War.

With that background I am unwilling to vote for this resolution giving to President Roosevelt the power to decide when a state of war exists between two foreign countries, and for him then to proceed to act upon his own findings and then carry forward a course of action that, more than likely, would involve us in war, and to give him the power over the credits of this Nation and its commerce on the high seas. If Mr. Roosevelt has shown a tendency to any course, it is a desire for autocratic and dictatorial powers. He already has too much of these for the good of our country.

I note that the Members of this House who are sincerely and strongly in favor of world peace and opposed to entangling alliances of this country are against this resolution. I refer to my distinguished colleagues, LUDLOW, of Indiana; MAVERICK, of Texas; SAUTHOFF, of Wisconsin; LEWIS of Maryland; and others who have made eloquent speeches against this resolution. Only one of these is a Republican.

By the time we pay all the compensations, pensions, and other expenses of the World War it will have cost this country $100,000,000,000, hundreds of thousands of lives, and countless numbers of cripples, widows, and orphans. The people must bear the burden of these wars. If we enter another war, we certainly want Congress and the people to determine that course for themselves.

Those who have made a careful study of this legislation, and have had wide experience in world affairs, have come to the conclusion that this measure is not in the interest of neutrality or world peace, and I share in the same belief. In a few days we are to celebrate the birth of George Washington, the Father of our Country. He laid down for us the safest and best rule to govern us in our foreign policies—"Friendship for all and entangling alliances with none."

Fearing that this measure may violate that great American policy and that we are taking away the right of Congress and the people to say when we shall go to war, I feel constrained to cast my vote against this measure. [Applause.]

Mr. McREYNOLDS. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina [Mr. LAMBETH].

Mr. LAMBETH. Mr. Speaker, I ask unanimous consent to insert at the conclusion of my remarks a brief table of statistics which I have compiled showing certain exports from the United States.

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

There was no objection.

Mr. LAMBETH. Mr. Speaker, we come now to a final decision as to neutrality legislation for this session. Along with every Member of the committee, I shall cast my vote in favor of the motion of the able chairman, the gentleman from Tennessee [Mr. McREYNOLDS]. In doing so I am not surrendering my views, which are well known to those who have taken the time to read the hearings and my previous

remarks on the floor of the House January 13, 17, and February 10.

I was one of those who labored incessantly in the committee to secure a favorable report for the McReynolds bill, House Joint Resolution 422. A combination of political obstructionists, isolationists, extremists, and selfish interests—backed by powerful and insidious propaganda—has now made it impossible for that bill to be enacted at this session; but, like truth crushed to earth, it will rise again.

The heart of that bill was section 4. For myself I am unalterably opposed to mandatory, inflexible, rigid neutrality legislation, for this problem can be handled best with a minimum of legislation and a maximum of executive authority and discretion, wisely and prudently exercised as necessity develops. Even though, apparently, the sentiment of this country is not now in favor of cooperating with other nations in order to prevent the outbreak of war—which, in my opinion, is the only truly effective way of keeping ourselves from becoming involved in the next war—at the same time I would oppose any act which would tie our hands to the point where we could not only be unable to cooperate with other nations, but we might thereby defeat efforts of other nations sincerely desiring peace and striving through economic sanctions to strike down aggressors before the world is caught in another great conflagation.

I do not wish the United States to remain for belligerents, as it was during the last war, a base of supply of essential war materials in abnormal quantities, and this was the purpose and philosophy of section 4 of the McReynolds bill.

The bill now under consideration represents a forward step, and an important step, in that it restricts loans and credits to belligerents. We should make haste slowly in this extremely difficult and complicated area of neutrality legislation.

[Here the gavel fell.]

TABLE 1.—*United States exports of gas oil and fuel oil*

[In thousands of barrels]

Country	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935
Italy	279	182	403	311	106	354	500	393	422	949
Japan	2,149	4,419	5,114	5,172	5,694	5,437	4,986	5,182	7,817	9,292
Germany	843	1,258	1,793	1,351	2,006	1,686	917	630	882	747
France	680	93	578	249	334	371	142	399	335	66
United Kingdom	5,709	5,507	4,403	3,593	3,010	1,397	1,195	1,581	2,057	1,411
China	664	683	910	588	621	531	253	147	189	239
Total	10,326	12,142	13,201	11,164	11,771	9,776	7,993	8,332	11,702	12,704
Total world	34,516	42,963	41,573	35,715	32,378	26,588	17,831	18,455	25,977	25,685
Total value (world) [1]	$45,354	$49,802	$45,812	$37,200	$33,220	$23,966	$16,172	$18,310	$28,342	$27,017

[1] In thousands of dollars.

TABLE No. 2.—*United States exports of raw cotton*

[In bales]

Country	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935
Italy	814,023	666,308	737,505	770,125	530,687	521,846	697,074	803,700	492,583	452,000
Japan	1,250,528	1,437,453	1,225,473	1,100,837	888,646	1,743,653	2,248,997	1,813,845	1,737,101	1,515,000
Germany	2,020,686	2,452,472	2,037,872	1,652,220	1,637,213	1,356,941	1,741,599	1,653,098	739,773	591,000
France	990,197	918,098	819,137	810,237	915,122	435,418	811,295	851,501	424,144	591,000
United Kingdom	2,288,653	1,648,175	1,997,395	1,533,929	1,199,192	898,776	1,486,938	1,489,259	897,296	1,189,000
China	172,026	240,355	167,632	229,566	319,217	879,695	585,671	311,275	286,550	86,000
Total	7,536,113	7,362,861	6,985,014	6,096,914	5,490,077	5,836,329	7,571,574	6,922,678	4,577,447	4,424,000
Total world	8,916,000	9,199,000	8,546,000	7,418,000	6,480,000	6,851,000	8,916,000	8,353,000	5,753,000	5,858,000
Total value (world) [1]	$810,365	$818,318	$912,849	$764,760	$493,632	$323,794	$343,182	$395,168	$367,165	$383,165

[1] In thousands of dollars.

Mr. MONAGHAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONAGHAN. The question of the gag has been raised. Personally, I always have been opposed to "gag" legislation and have voted against it. If this bill came in under a rule, we would be right in assuming that a vote against that rule would be a vote against gagging the House. However, the motion in this instance is to suspend the rules and pass the bill. If we could vote specifically for bringing this bill up under an open rule or a closed rule, it would be different. But am I not right in assuming that a vote against this motion is, in effect, a vote against the neutrality bill that is now pending and might result in no neutrality legislation at all? A defeat for this bill at this time by merely a third of the Members voting against the motion to suspend would result in the defeat of neutrality legislation today, and through lapse or through neglect or through maneuvering or trickery no legislation preventing war might be enacted. I agree with the sentiment expressed by Senator NYE that we should extend this bill to meet the emergency arising upon the lapse of the old measure and then pass a strong measure to cover the situation. Am I right in assuming that a vote against the motion to suspend the rules would be, in effect, a vote against the neutrality bill which is now pending?

The SPEAKER. It is not within the province of the Chair to determine the effect of the gentleman's vote on the motion.

Mr. McREYNOLDS. Mr. Speaker, I believe I have 1 minute remaining.

I wish to say to the Members of the House that a vote against this resolution is a vote against this neutrality bill and against an extension of what we already have. This bill extends the neutrality law to May 1, 1937. This date was fixed in order for Congress to have sufficient time during the next Congress to iron out their differences on the controversial questions and pass the bill as a permanent law. I am very sorry that this could not have been done during this session of Congress, since your committee in the House has devoted much time and attention to the consideration and formation of the bill that we heretofore reported (H. J. Res. 422) and for which I appeared before the Rules Committee of the House and asked for a rule. A proper neutrality bill is considered to be one of the most difficult to draft, as it has so many different angles to be considered. As before stated, this bill is a compromise in order to save the present neutrality law we now have on the statute books and adding thereto a most important amendment relative to credits.

[Here the gavel fell.]

The SPEAKER. All time has expired. The question is on the motion of the gentleman from Tennessee to suspend the rules and pass the joint resolution.

Mr. DUNN of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNN of Pennsylvania. Mr. Speaker, would it be in order for me to ask unanimous consent to address the House for 1 minute to ask the chairman a very important question?

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for 1 minute. Is there objection?

There was no objection.

Mr. DUNN of Pennsylvania. Mr. Speaker, I wish to ask the chairman of the committee a question. Is there any part of this bill which will permit the United States to send munitions to a neutral nation?

Mr. McREYNOLDS. This measure prohibits the shipment of arms to foreign nations that are belligerents.

Mr. DUNN of Pennsylvania. I refer to a nation that is not a belligerent.

Mr. McREYNOLDS. Not to a neutral nation, unless it is going through such country to a belligerent nation.

Mr. DUNN of Pennsylvania. How can we prevent a neutral nation from shipping munitions to a belligerent nation?

Mr. McREYNOLDS. Such a transshipment is prohibited, and, if we can get the fact that that is being done, the shipment is stopped. Such character of shipments are prohibited under the statute.

Mr. DUNN of Pennsylvania. I thank the gentleman for his courteous response.

The SPEAKER. The question is on the motion to suspend the rules and pass the joint resolution.

Mr. McREYNOLDS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 353, nays 27, not voting 50, as follows:

[Roll No. 19]

YEAS—353

Adair	Crowe	Greever	McGrath
Allen	Crowther	Gregory	McKeough
Andresen	Culkin	Griswold	McLaughlin
Andrew, Mass.	Cullen	Guyer	McLean
Arends	Cummings	Haines	McLeod
Ashbrook	Curley	Halleck	McMillan
Bacharach	Daly	Hamlin	McReynolds
Bacon	Darden	Hancock, N. Y.	McSwain
Bankhead	Darrow	Hancock, N. C.	Mahon
Barden	Dear	Hart	Maloney
Barry	Deen	Harter	Mansfield
Beam	Delaney	Hartley	Mapes
Beiter	Dempsey	Healey	Marcantonio
Bell	DeRouen	Hennings	Martin, Colo.
Berlin	Dickstein	Hess	Martin, Mass.
Blackney	Dies	Higgins, Conn.	Massingale
Bland	Dietrich	Higgins, Mass.	May
Blanton	Dingell	Hildebrandt	Meeks
Bloom	Disney	Hill, Knute	Merritt, N. Y.
Boehne	Dobbins	Hill, Samuel B.	Michener
Boland	Dockweiler	Hobbs	Millard
Boykin	Dondero	Hoffman	Miller
Boylan	Dorsey	Hollister	Mitchell, Ill.
Brewster	Doughton	Holmes	Mitchell, Tenn.
Brooks	Doxey	Hook	Monaghan
Brown, Ga.	Drewry	Hope	Moran
Brown, Mich.	Driscoll	Houston	Mott
Buck	Driver	Huddleston	Murdock
Buckler, Minn.	Duffey, Ohio	Imhoff	Nelson
Buckley, N. Y.	Duffy, N. Y.	Jacobsen	Nichols
Burch	Duncan	Jenckes, Ind.	O'Brien
Burnham	Eagle	Jenkins, Ohio	O'Connell
Caldwell	Eaton	Johnson, Okla.	O'Connor
Cannon, Mo.	Eckert	Johnson, Tex.	O'Leary
Cannon, Wis.	Edmiston	Johnson, W. Va.	O'Neal
Carlson	Ellenbogen	Jones	Owen
Carmichael	Engel	Kahn	Palmisano
Carpenter	Englebright	Keller	Parks
Carter	Evans	Kennedy, Md.	Parsons
Cartwright	Faddis	Kennedy, N. Y.	Patman
Cary	Farley	Kenney	Patterson
Casey	Fenerty	Kerr	Patton
Castellow	Ferguson	Kinzer	Pearson
Cavicchia	Fernandez	Kleberg	Peterson, Fla.
Celler	Fiesinger	Kloeb	Peterson, Ga.
Chandler	Fish	Kniffin	Pettengill
Chapman	Fitzpatrick	Knutson	Peyser
Christianson	Flannagan	Kocialkowski	Pfeifer
Church	Fletcher	Kopplemann	Pierce
Citron	Focht	Kramer	Pittenger
Claiborne	Ford, Calif.	Lambertson	Plumley
Clark, N. C.	Ford, Miss.	Lambeth	Polk
Cochran	Frey	Lamneck	Rabaut
Coffee	Fuller	Lanham	Ramsay
Colden	Fulmer	Larrabee	Ramspeck
Cole, Md.	Gambrill	Lea, Calif.	Randolph
Collins	Gasque	Lee, Okla.	Rankin
Colmer	Gavagan	Lehlbach	Ransley
Connery	Gifford	Lesinski	Rayburn
Cooley	Gilchrist	Lewis, Colo.	Reece
Cooper, Ohio	Gildea	Lord	Reed, Ill.
Cooper, Tenn.	Gillette	Lucas	Reed, N. Y.
Corning	Gingery	Luckey	Reilly
Costello	Goldsborough	Lundeen	Rich
Cravens	Goodwin	McAndrews	Richards
Creal	Granfield	McClellan	Richardson
Crosby	Gray, Pa.	McCormack	Robertson
Cross, Tex.	Green	McFarlane	Robinson, Utah
Crosser, Ohio	Greenway	McGehee	Rogers, Mass.
Rogers, N. H.	Smith, Wash.	Thom	Weaver
Rogers, Okla.	Smith, W. Va.	Thomason	Welch
Rudd	Snyder, Pa.	Thompson	Werner
Ryan	Somers, N. Y.	Thurston	West
Sadowski	South	Tinkham	Whelchel
Sanders, Tex.	Spence	Tobey	Whittington
Sandlin	Stack	Tolan	Wigglesworth
Schaefer	Starnes	Tonry	Wilcox
Schuetz	Stefan	Treadway	Williams
Schulte	Stubbs	Turner	Wilson, Pa.
Scott	Sullivan	Turpin	Wolcott
Scrugham	Sumners, Tex.	Umstead	Wolfenden
Sears	Sutphin	Underwood	Wolverton
Secrest	Sweeney	Utterback	Woodruff
Seger	Taber	Vinson, Ga.	Woodrum
Shanley	Tarver	Vinson, Ky.	Young
Shannon	Taylor, Colo.	Wallgren	Zioncheck
Sirovich	Taylor, S. C.	Walter	
Smith, Conn.	Taylor, Tenn.	Warren	
Smith, Va.	Terry	Wearin	

NAYS—27

Amlie	Dunn, Pa.	Ludlow	Risk
Biermann	Eicher	McGroarty	Robsion, Ky.
Binderup	Gehrmann	Main	Sauthoff
Bolleau	Gwynne	Maverick	Schneider, Wis.
Burdick	Hull	Moritz	Stewart
Cole, N. Y.	Lemke	O'Day	Withrow
Dirksen	Lewis, Md.	O'Malley	

NOT VOTING—50

Andrews, N. Y.	Ekwall	Mason	Sanders, La.
Ayers	Gassaway	Mead	Short
Bolton	Gearhart	Merritt, Conn.	Sisson
Brennan	Gray, Ind.	Montague	Snell
Buchanan	Greenwood	Montet	Steagall
Buckbee	Harlan	Norton	Thomas
Bulwinkle	Hill, Ala.	Oliver	Wadsworth
Clark, Idaho	Hoeppel	Perkins	White
Cox	Kee	Powers	Wilson, La.
Crawford	Kelly	Quinn	Wood
Ditter	Kvale	Romjue	Zimmerman
Doutrich	Maas	Russell	
Dunn, Miss.	Marshall	Sabath	

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was passed.

The following pairs were announced:

On the vote:

Mr. Wadsworth and Mr. Ditter (for) with Mr. Kvale (against).

Mr. Perkins and Mr. Andrews of New York (for) with Mr. Maas (against).

General pairs:

Mr. Cox with Mr. Snell.
Mr. Steagall with Mr. Bolton.
Mr. Buchanan with Mr. Marshall.
Mr. Oliver with Mr. Powers.
Mr. Montague with Mr. Ekwall.
Mr. Montet with Mr. Crawford.
Mr. Hill of Alabama with Mr. Thomas.
Mr. Bulwinkle with Mr. Short.
Mr. Greenwood with Mr. Buckbee.
Mr. Sabath with Mr. Gearhart.
Mr. Gray of Indiana with Mr. Merritt of Connecticut.
Mr. Harlan with Mr. Doutrich.
Mr. Zimmerman with Mr. Brennan.
Mr. Kee with Mr. Dunn of Mississippi.
Mr. White with Mr. Mason.
Mr. Romjue with Mr. Quinn.
Mr. Russell with Mr. Wood.
Mr. Ayers with Mr. Wilson of Louisiana.
Mr. Clark of Idaho with Mr. Sanders of Louisiana.

Mr. KNUTE HILL changed his vote from "no" to "aye."

Mr. EDMISTON. Mr. Speaker, my colleague, Mr. KEE, is absent on account of illness; if present, he would have voted "aye."

Mr. CONNERY. Mr. Speaker, my colleague, Mr. RUSSELL, is unavoidably absent; if present, he would have voted "aye."

Mr. BEITER. Mr. Speaker, the gentleman from New York, Mr. MEAD, is unavoidably detained; if here, he would have voted "aye."

Mr. BEAM. Mr. Speaker, my colleague, Mr. KELLY, is unavoidably absent; if present, he would have voted "aye."

Mr. HART. Mr. Speaker, the lady from New Jersey, Mrs. NORTON, is unavoidably detained; if present, she would have voted "aye."

Mr. McGEHEE. Mr. Speaker, the gentleman from Mississippi, Mr. DUNN, is in the hospital on account of illness; if present, he would have voted "aye."

Mr. GOODWIN. Mr. Speaker, the gentleman from New York, my colleague, Mr. THOMAS, is unavoidably absent; if present, he would have voted "aye."

Mr. MARTIN of Massachusetts. Mr. Speaker, the gentleman from New York, Mr. SNELL, and the gentleman from

New York, Mr. ANDREWS, are unavoidably absent; if present, they would have voted "aye."

Mr. TREADWAY. Mr. Speaker, the gentleman from Connecticut, Mr. MERRITT, is unavoidably absent, and if present, he would have voted "aye."

Mr. NICHOLS. Mr. Speaker, my colleague, Mr. GASSAWAY, is unavoidably absent; if present, he would have voted "aye."

Mr. BANKHEAD. Mr. Speaker, my colleagues, Mr. STEAGALL and Mr. OLIVER, are both detained on account of illness; if present, they would have voted "aye."

Mr. STARNES. Mr. Speaker, the gentleman from Alabama, Mr. HILL, is unavoidably absent; if present, he would have voted "aye."

Mr. COX. Mr. Speaker, I was unavoidably absent and cannot qualify, but if present I would have voted "aye."

The result of the vote was announced as above recorded.

On motion of Mr. MCREYNOLDS, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

EXTENSION OF REMARKS—NEUTRALITY LEGISLATION

Mr. MICHENER. Mr. Speaker, this Congress is today running true to form so far as procedure is concerned. We have before us one of the most important pieces of legislation that can possibly come before this legislative body. It deals with peace, and one of the best ways to maintain peace, so far as this Nation is concerned, is to have upon our statute books proper neutrality laws.

Since the first of this session, the Congress has been recessing from Friday night to Monday morning. We have devoted hours and days to political speechmaking. We have just passed the Army appropriation bill after several days of discussion. Next week we will take up the Navy appropriation bill, and everybody will be given all the time they want to debate. I am not discussing the merits or demerits of that legislation. Suffice it to say, that with all other right-thinking citizens, I am opposed to war. Being opposed to war, I am for a proper national defense to prevent war.

It is preposterous, however, that time can be frittered away in these halls and then all of a sudden a bill like this neutrality legislation is brought upon the floor of the House, as is the case today. We are told that the existing neutrality law expires on February 29, and that if we do not pass this resolution, then we will have no neutrality law. Under the suspension of the rules, there is but 20 minutes on a side, or 40 minutes in all, to debate this important question. That is not the worst of it, because the resolution is not subject to amendment. In short, this body is permitted by this rule to talk for 40 minutes and then to vote "yes" or "no" without any opportunity of amendment.

In these circumstances, the Member of Congress' vote is very readily misunderstood, and in voting for this measure I do not want to be interpreted as feeling that this law goes far enough. It does not. It is this or nothing, however.

Personally, I should like to see a provision that trade with belligerents must be made at the trader's own risk; also that shipment of war materials be limited to peacetime quotas. In fact, there are many amendments that should be made to existing law. However, the plan of the administration seems to be to force this bill, in its present form, through the House and through the Senate.

Be it understood, however, that the sentiment of the country will in time require more comprehensive neutrality legislation, and when the people thoroughly understand this matter, I am confident that a "gag" rule situation of this character will not be tolerated.

I can see little justification for those who believe in peace—who want to prevent war, who feel that the United States should stay at home and take care of its own business—voting against this legislation. This resolution reenacts and amends existing law, and if adopted, the law will then provide:

First. Embargo against the sale, exportation, and transportation of arms, ammunition, or implements of war to any and all belligerents except to American Republics, as expressly provided.

Second. Prohibition against the sale of bonds, notes, and other securities of belligerent countries in the United States, or the purchase of such securities in the United States; the prohibition of loans or extension of credits of foreign governments or persons representing them, except ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in current, commercial business.

Third. Prohibition against American vessels carrying arms, ammunition, and implements of war to belligerents or for transshipment for use by belligerents.

Fourth. Prohibition of the use of the United States as a base for supplying belligerent ships with arms, ammunition, or implements of war.

Fifth. Special regulations relative to the use of our ports by submarines of belligerent countries.

Sixth. Restraint upon our citizens when traveling upon belligerent vessels.

I heartily endorse and advocate every one of these provisions and look forward to the time when this Congress will again return to deliberate, careful, and statesmanlike consideration of such important matters. A vote for this resolution is not a vote for the rule under which we are considering the measure. If we believe in neutrality legislation, there is but one course to pursue. It is idle to vote against that which is good simply because we are opposed to the method of consideration.

Mr. McSWAIN. Mr. Speaker, under general permission granted those who spoke upon the Army appropriation bill to extend their remarks thereon, I am submitting herewith some very brief but direct considerations concerning the benefits to accrue to the Army and to the country by the appropriation of approximately $1,900,000 to make the Thomason Act effective. We are all interested in national defense, and as prudent legislators it is our duty to get the most defense possible for the least money possible. To get the picture properly fixed in our minds, we must realize the overwhelmingly preponderant importance of the Organized Reserves in our land forces. With only 12,000 Regular Army officers and about 14,000 National Guard officers, our initial need at mobilization is for 120,000 Reserve officers.

Since Reserve officers will be in command of battalions, companies, and platoons, as will National Guard officers, the losses in action among these two classes will undoubtedly be very great, and the only source from which to replenish the losses in either the National Guard or the Regular Army will be from the Organized Reserves. Hence we must contemplate a great reservoir of Reserve officers; and the more efficient are these officers, the quicker will be our readiness for action after mobilization. The ratio in numbers of Reserve officers as against both Regular Army officers and National Guard officers is, therefore, at least 5 to 1 at the very beginning, and ultimately, if a war should continue 2 or 3 years, would be at least 10 to 1.

Now, Mr. Speaker, we must remember that almost all the Reserve officers commissioned in recent years and to be commissioned in the future must come from the R. O. T. C. units in our universities, colleges, and military schools.

Therefore, whatever strengthens our R. O. T. C. units will greatly strengthen the cause of national defense. By strengthening I do not mean mere increasing numbers, but I mean increasing efficiency, increasing interest in military students, increasing zeal for military advancement, increasing willingness to submit to military discipline. With this in mind, let us recur to the facts found recorded on page 1830 of the CONGRESSIONAL RECORD of February 11, 1936. There it will appear that since 1920, 429,670 college students have been enrolled in our R. O. T. C. units, both basic course and advanced course. This includes the 115 universities and colleges having senior units. During that time $54,882,871.10 have been expended on these units. Ninety-eight thousand four hundred and seventy students have taken the advanced course, and of them 76,201 have graduated and received commissions as second lieutenants.

At present the annual number of graduates is about 7,000. I have gone over the figures found in the hearings before the

Committee on Appropriations and conclude that the Federal Government spends on each of these students who receives a a commission as second lieutenant at graduation in one of these R. O. T. C. units only $387.50. When one of these R. O. T. C. graduates is called to duty with the Regular Army for training and instruction for 1 year, then his pay and allowances for that year will be slightly less than $1,800. Add to this the cost of his previous instruction, to wit, $387.50, and you find that at the end of such year's duty each of these young men has cost the Federal Government less than $2,200. But what does it cost to send a graduate for 4 years through the Military Academy at West Point? The War Department has had various studies made of this question. One of them made in 1929 found the cost of such 4 years' course for a cadet to be around $19,000. A subsequent study made in 1932 by order of Gen. William R. Smith, then Superintendent of the Military Academy, made the cost slightly less than $10,000, but this latter computation failed to take into account such overhead items as fair interest on plant value, cost of land, and expense of maintaining troops at the acedemy for instructional purposes. I have recently had made, by an officer in the Army, from official data, an estimate of the cost of graduating young men at the Military Academy, counting 4 percent interest on a total plant capitalization of about $32,000,000. I conclude from the figures furnished me that a fair and reasonable estimate is approximately $16,000, or about $4,000 a year.

Now, Mr. Speaker, let us make a comparison, and I believe it is a fair comparison. Take the 50 best men graduating in any class of about 300 at the Military Academy and compare them with the 50 men that it is proposed to commission in the Regular Army after 1 year's active duty with the Regular Army. Both groups would be second lieutenants. I contend that the 50 selected by the War Department from the 1,000 Reserve officers on duty with the Regular Army for 1 year will be equal as officer material to any 50 recent graduates of the Military Academy. The Reserve officer will have cost the Federal Government less than $2,200. The graduate of the Military Academy will have cost the Government about $16,000. Therefore the graduate of the Military Academy will have cost the Government nearly eight times as much as the graduate from the R. O. T. C. unit. Can it be said that the graduate of the Military Academy is eight times more valuable to the Army and the country than the graduate from the R. O. T. C. unit? I contend that it is the other way around and they are of equal value, and therefore the more economical method of producing officers is by the R. O. T. C. route.

Now, Mr. Speaker, why do I contend this? I must continually remind the Congress and the country that I have no prejudice against the Military Academy at West Point, but also I confess that I have no illusions about its vaunted superiority. It is just a good school where the discipline is properly severe and where high and wonderful ideals are inculcated and generally practiced. But on the authority of Gen. Malin Craig, in his testimony before the Appropriations Committee, the ratio between graduates of the Military Academy and nongraduates among the 100 best officers in the Army is about equal, or 50–50. Why is this bound to continue to be true under the plan proposed by the Thomason bill? Because all the R. O. T. C. units have a total enrollment of about 112,000 at this time, with the number gradually increasing from year to year.

There is a pronounced elimination due to many causes, so that at the end of 4 years, in all these R. O. T. C. units, only about 7,000 graduate. It is fair to assume that the 7,000 who graduate are at least a high average from among the 112,000 students. Now, Mr. Speaker, under the Thomason bill plan, the 7,000 annually graduating will be invited to make application to the Secretary of War for 1 year's duty with the Regular Army. Assume that only 3,000 apply. It is fair to assume that the 3,000 taking most interest in military matters, and therefore, best prepared for duty as junior officers, will apply. From the 3,000 who apply on blanks to be furnished by the Secretary of War containing a very detailed questionnaire, and from the records of the young men in college with all the background and surrounding information possible for the Secretary of War to obtain from all sources, he will select the 1,000 of the 3,000 showing the most promise of ability for leadership as Army officers. After 1 year of duty under the critical and scrutinizing observation of Regular Army officers, who will report in detail their observations, findings, and conclusions, the Secretary of War will offer commissions to the 50 young men found by this process of observation and study to be best qualified for Army officers. The average annual freshman enrollment in R. O. T. C. units is about 40,000. Therefore we find that 40,000 young men commence their basic training and at the end of 4 years only 7,000 are graduated, and of the 7,000 only 1,000 are selected for active duty with the Regular Army, and of the 1,000 only 50 are selected for permanent commissions in the Regular Army. By this process of selection and elimination, and attrition, I believe that the 50 young men thus chosen by the Secretary of War for commissions will equal in ability, in character, and in efficiency any 50 graduating in any class at the Military Academy. The Military Academy started with a class of about 350 and graduated about 250. In such case the elimination, therefore, is only about 28 percent. Contrast that with the 50 finally chosen from an original 40,000.

According to the mathematical doctrine of chances, and according to the better doctrine of common sense, the 50 officers coming from the R. O. T. C. units will certainly equal any 50 graduating at the Military Academy. Bear in mind the difference in cost, to wit, about $2,200 for each of the 50 young officers as against about $16,000 for each of the graduates of the Military Academy.

But, Mr. Speaker, this is not the sole and exclusive benefit to the Army from the Thomason Act. It will stimulate interest in every one of the 112,000 students in all the R. O. T. C. units. It will do this because it will give every one of them hope by holding out a prospect of help. At present there is nothing for the R. O. T. C. student to look forward to except to receive the little $387.50 to help him through college and the honor of having a commission in the Reserve Corps, with the prospect of receiving active duty for 14 days once in about 5 years. Under the Thomason Act every one of the 112,000 will be a better student, will take more interest in his military duties, because he will hope that by doing so he may be one of the 1,000 young officers to be selected for 1 year of active duty with the Regular Army, and then he would have a chance to be one of the 50 to be selected for a commission in the Regular Army. Contrast this hope and chance for help with conditions as they now are. At present there is absolutely no chance for the best second lieutenant graduate of an R. O. T. C. unit in all the land to get a commission in the Regular Army.

Yet the corps area commanders select the outstanding R. O. T. C. students in their respective corps area, and they are brought to Washington at the expense of the R. O. T. C. Association, and each year for several years I have seen these groups of fine young men, and I have been impressed by their splendid bearing, their manifest intelligence, and their fitness for leadership. Yet not a one of these outstanding young men could get a commission in the Regular Army. For the last 7 or 8 years practically all of the vacancies in the Regular Army were filled by West Point graduates. Due to enforced attrition last year, there were about 52 nongraduates of the Military Academy to receive commissions, but for the current year there will be no vacancies, and unless the Thomason Act is made effective there will never be any vacancies. While it is true, therefore, the 50 possible commissions is a very narrow door whereby each of the 112,000 R. O. T. C. students has a hope of entering the Regular Army, yet it is a door, as against the total absence of any door now. While it is a slim chance, it is a chance, as contrasted with the present total lack of chance.

Now, Mr. Speaker, we cannot measure the value of the R. O. T. C. merely by the 7,000 who graduate. The other 105,000 such students have gotten a valuable training and are valuable upon mobilization to be used as noncommissioned officers in organizing, training, and leading the untrained civilian recruits who must be called into the Service. Remember that during the last 15 years the training

of these 429,670 R. O. T. C. students has cost slightly less than $55,000,000. On the other hand, remember that during the same last 15 years the Military Academy has admitted 6,143 cadets and has graduated 3,640 cadets at a total cost of $38,801,449. If you add interest on plant investment as above, and also pay of officers and enlisted men on duty there, including subsistence, forage repairs, and so forth, all estimated at approximately $3,000,000 per year, then for 15 years you have a total of $45,000,000, and if you add $38,801,449 you have a total cost for 15 years of $83,801,449. Divide by 3,640, the total number of graduates, and you have a total cost per graduate of $23,297.

But the 2,503 cadets who failed to graduate received valuable training of use to the cause of national defense. This should be deducted from the estimated cost per graduate. It is difficult to determine just what proportion of the total cost should be charged to these nongraduates. However, I believe the figures heretofore given of about $16,000 per graduate are fair, reasonable, and, in fact, conservative.

Mrs. O'DAY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement: Those of us who had hoped for a strong neutrality bill this session have been willing to accept the measure submitted on the grounds that half a loaf is better than none. We have even been willing to concede that the present bill is a shade better than the last. But when we are asked to accept this bill with less than an hour of argument and without the opportunity to at least present our ideas in the shape of amendments we rebel.

The question of neutrality is too important to be passed over so lightly. Too important to us who appreciate that it is possible to repeat the mistake of 1917–18. I intend to vote against this measure as a gesture of protest against this limitation of debate and refusal to accept amendments. As a sincere believer in neutrality, the strongest kind of neutrality, I protest the methods by which this highly important measure is being rushed through. My vote is a protest only. If I thought for a moment that it might jeopardize the success of the bill, I should vote otherwise. We advocates of a stronger bill have been forced to concede this is the best we can do. But I know the House is overwhelmingly in favor of the measure, so I can afford to voice my protest against the methods of procedure by a negative vote against the bill.

Mr. WHELCHEL. Mr. Speaker, it was my privilege on yesterday to support a measure having for its purpose keeping the United States neutral in all foreign entanglements.

While the measure that we passed was a step in the right direction, I do not feel that it is perfect by any means, and, of course, I realize we could not perfect legislation at this time to cover every phase of this most important undertaking. To my mind, this is the most important legislation that will be passed by this Congress at this session, and I believe when we prepare proper legislation in regard to neutrality it will be the greatest move this Nation has ever made in steering clear of foreign wars. I am against foreign wars and our participation therein. I think this Government should be convinced there is no other alternative. In fact, I can see no justification for this Nation being entangled in the ever-existing strifes and wars that are now existing in European nations; and I believe, certainly as long as I can remember, since the beginning of the world they have been fighting; and the blood of America's young manhood is too precious to be spilled on some foreign soil, participating in this ever-raging conflict between the foreign nations. I believe in protecting our citizenry and Nation against invasion at all costs, and I do not think any American, be he young or old, would shirk his duty in defense of his Nation should an attack be made thereon; but I do not think it fair, neither do I believe it right, for a Christian nation, as America is, to permit the spilling of American blood on foreign soil in furtherance of these conflicts that have raged since the beginning of the world, and, in my opinion, will continue to do so until the end of time.

So far as I am concerned, and so long as I am a representative of the American people in the Halls of Congress, it is not my purpose to cast a vote that will send one dollar to a foreign nation in furtherance of war, or to send one soul to a foreign "slaughter", so long as I retain the mind that I possess now.

Not only do I feel that we should be neutral in the respect that this measure proposes, but I feel we should in no uncertain terms let those nations, who were so generous in accepting the money of this Nation to further the World War conflict, know that we do not appreciate the fact they have repudiated their obligation and failed and refused to pay an honest debt. I am in favor of using every means and method of collecting this money to the exclusion of war, but never will I acquiesce therein, or be a party thereto of sending our soldiers to pay with their lives in attempting to collect this indebtedness, which has been so unwisely—and I might say foolishly—placed beyond the reach of this country.

Mr. Speaker, in conclusion, in summing up my remarks, I stand for neutrality, and I think our legislation from time to time should be strengthened in furtherance of this important matter.

Mr. LEE of Oklahoma. Mr. Speaker, it was 2 o'clock in the morning. The rain was running off my steel helmet in sheets. I had my rifle under my armpit to keep it dry. I was on guard around a German stockade. We had 437 German prisoners.

The armistice had been signed about a week, but we were required to guard our prisoners just the same.

I was cold, I was tired, I was homesick and hungry. I saw a light over in the German stockade, inside of the barracks which they used for a kitchen, and I knew that Frank, the German Polack cook, was doing his cooking for the next day. I threw a gravel over against the barracks, and soon a flood of light shot out from the door as Frank poked out his square German head. I said to him in the best German I could command, which was not very good, "Frank, giben mer das brote und das coffee." Frank said, "Yah."

Pretty soon he returned with a canteen cup full of steaming hot coffee and a piece of German coffee cake. The coffee had cream and sugar in it, two delicacies we did not often have, but he had taken some from the amount allotted to him for cooking, and put it in my coffee.

The lightning flashed as he handed the coffee and coffee cake through the fence; and I saw his face; and there was no cynical grin of hatred there, but, rather, a smile of friendliness; and if he saw my face I know he saw friendliness there.

Frank did not hate me. He loved me. I did not hate him. I loved him; and yet if I had met him on the battlefield at that hour of the night one week before I would have killed him or he would have killed me.

That is what war means. It means bringing men together, who otherwise would love each other, to kill each other.

War never proves which is wrong. It only proves which is strong.

If it is a question of medicine, ask a doctor. If it is a question of law, ask a lawyer. Then, if it is a question of war, ask the warrior. The ex-service men oppose war because they know the futility of it, but that does not mean that we would not serve our country again if our services were needed. We would.

It simply means that we are speaking now, while our country is at peace, protesting against conditions that lead to war and attempting to remove every war incentive.

PEACE PLANS THAT DO NOT GO FAR ENOUGH

Allow me to name some of the means of securing peace that have been relied upon in the past and then suggest that these do not go far enough.

First, there are treaties, pacts, and agreements between nations. These are good as friendly gestures and are to be encouraged, but war will never be abolished by proclamation.

Then, again, there is the plan of educating for peace. This is a good idea and is to be continued by all means, but it is too slow. It takes generations before advancement can be made by the slow process of education. In the meantime, we might have another world war that would annihilate civilization.

Further, there is the plan of disarmament. This, too, should be encouraged; but if one nation should get too far out in front on a disarmament program, that nation's weakness might invite attack. There is no use to deceive ourselves—the world has not yet come to the philosophy of peace on earth for the sake of brotherly love.

WEAKNESS INVITES ATTACK

Manchuria was helpless, and Japan marched in. Ethiopia was defenseless, and Mussolini is marching in. Therefore, we cannot depend upon disarmament.

I therefore wish to propose some definite steps which, if taken, would greatly further the cause of world peace.

First, the United States should control the preparation for war by requiring munition makers to operate under a Federal license system.

Second, the United States should make permanent its present non-intervention policy that refuses to send a military force into a foreign country to protect private investments.

Third, the United States should equalize, as far as possible, the burdens of war by a universal draft law that will conscript money and materials as well as men.

Fourth, the United States should enact tax laws that will recover for the Government 100 percent of all war profits.

EMBARGO OF ARMS

By licensing the munition makers the Government could make effective an embargo on arms. The United States is not in a consistent position when we tell the rest of the world that we are a peace-loving nation at the same time that we are furnishing cannons, hand grenades, and machine guns for warring nations.

If I walk down the street and see two little boys quarreling and give one of them a club and the other a pair of knucks and stand back and watch them destroy each other, I can say to the crowd that gathers around that I am a peace-loving man until I am black in the face, but if they know that I furnished the instruments of destruction, they know that I am a liar and a hypocrite.

For years the manufacturers of munitions in the United States have furnished engines of death to warring nations all over the globe, and yet we have proclaimed to the world that we are a peace-loving nation. Our words whisper peace and our actions thunder war.

What was the final straw that broke the camel's back and plunged America into the last war? It was the sinking of the *Lusitania*, was it not? Mrs. William Jennings Bryan, wife of the Secretary of State, wrote in her diary that they were dining out on the evening that the news came of the sinking of the *Lusitania*.

Mr. Bryan was very much disturbed at the news. He said on the way home, speaking of the *Lusitania:* "I wonder if she had munitions on board? If she did," he said, "that puts a different phase on the whole matter. I will have Lansing investigate that."

The next day Mr. Lansing examined the clearance papers and reported that the *Lusitania* did have munitions on board.

The manufacturers were so eager for the profits on one more cargo of death that they endangered the lives of citizens who took passage on that passenger ship and plunged America into the World War.

This unbridled campaign for profits at the cost of American lives and world peace can be controlled by the Government through a licensing system.

COMPETITIVE ARMAMENT CAMPAIGNS

Then, again, the Government can prevent competitive armament campaigns which are carried on by the makers of munitions. These manufacturers employ the highest powered salesmen in the world. They sell one nation a battleship. Then they go to the nation's neighbor and play it up in the papers that this nation has bought a battleship, and as a result of that propaganda they sell that nation's neighbor two battleships. They return to the first nation and attempt to sell that nation three battleships. The result is a vicious spiral of competitive armament that makes war between nations and profits for the manufacturers of death.

This pernicious practice of promoting war can be controlled through a licensing system that should be in effect now, today, as a means of preventing war.

CONTROL WAR PROPAGANDA

The manufacturers of munitions have the incentive of profits that leads to campaigns of propaganda in order to bring about war. Do you remember before America entered the last war the floods of propaganda that were poured out in this country, telling us of the atrocities of the Germans?

But such propaganda is hatched up in the minds of the makers of death, and is intended to inflame the passions of people and result in war, for profits cannot flow in the munitions business unless blood flows on the battlefield.

MUNITIONS MAKERS ARM OUR ENEMIES

Furthermore, by the Government controlling the manufacture of munitions, we could prevent American manufacturers from arming our potential enemies. The munition maker is not a patriot of any nation. He is an internationalist. Patriotism to him is only a sentiment on which he can play to engender war and increase his profits.

It has been brought out before the Senate investigation committee that the munition makers peddle their wares in every nation on the globe. Today, at this hour, in the laboratories scientists are pouring over death-dealing devices and new war inventions. What for? For the exclusive benefit of America? To protect America from a foreign enemy? To destroy the foes of America? No; they will no sooner be perfected than they are peddled to every nation on the face of the earth by the highest-powered salesmanship known, and yet the Du Ponts said before the investigation committee that if it had not been for the Du Ponts America would today be a German colony.

They sell America steel plates for her battleships. What for? To protect them from torpedoes they have already sold to our potential enemies. They sell America gas masks. What for? To protect our soldiers from gas bombs they have already sold to our potential enemies. They sell America antiaircraft guns. What for? To bring down war planes they have already sold to our potential enemies.

In the World War a contingent of English troops was trying to take a certain objective. There was one gun that was particularly deadly. It mowed down the Tommies. Many fell trying to capture it. Finally, after a great loss, the gallant Tommies captured it. They thought it a fitting tribute to take it back to England and mount it in a public park as a memorial to those who fell while capturing it. There in Bedford, England, it stands today in one of the parks. On one side of its deadly barrel are engraved the names of the men who fell while capturing it, and on the other side engraved in the steel is the name of the makers—a British company.

It takes the patriotism out of a soldier to be shot by a gun that is manufactured in his own country.

When the Allies tried to capture the Dardanelles they were fired upon by guns manufactured in England and financed by a French bank.

The Senate investigating committee has exposed the deeds of the international munitions ring. It has flung open the closet door of this Bluebeard of war.

They are not patriots; they are internationalists.

All they know of patriotism is that it is a fine sentiment on which they can play to generate the war spirit and increase their profits.

Therefore, our Government should at the earliest possible hour set up a licensing system under which they require the manufacturers of munitions to operate in order that our Government might control their policies and activities.

SECOND STEP, NONINTERVENTION POLICY

The second step that will go a long way toward preventing war is to continue President Roosevelt's non-intervention policy, refusing to send a military arm of the Government to protect private investments in foreign countries. When a person invests in a foreign country that is a commercial venture. It is a business gamble. If he makes a profit, he takes it all, and if he has a loss, he should stand that, because when he invested he knew that it was a chance, and he took that chance because of the profit incentive.

In other words, it is a cold-blooded business venture and the only motive is profit.

When a man invests in a business proposition within the Nation he does not expect the Government to guarantee him against loss. Why, then, should foreign investments be given this protection?

Of course, if an American citizen in a foreign nation is discriminated against merely because he is a citizen of the United States, then it becomes an affair of the National Government; but as long as a citizen of this Nation is accorded the same treatment that citizens of other nations are in a foreign country there is no just cause for complaint, and certainly not for intervention.

INTERVENTION IN NICARAGUA

How many of you know why the marines were sent to Nicaragua? We were given several different answers.

Why? I will tell you the facts and let you answer for yourself.

Capitalists in the United States had loans and investments in Nicaragua to the amount of over $18,000,000. If the Nicaraguan Government were overturned by revolution, those loans and investments would be no good; but if that government were held in power at the point of American bayonets, the loans and titles to oil properties and gold mines would be protected.

Thus all of the people of the United States were asked to support a military movement to protect the investments of a very small group who had invested in Nicaragua for the purpose of making a profit. It cost the Government of the United States over $6,000,000 to protect the $18,000,000 of private investment. It cost the lives of 150 American soldiers and approximately 450 Nicaraguans. The life of one good American boy should be held to be of more value than the total investments in Nicaragua.

If we want peace we should follow a foreign policy that holds blood to be more precious than gold and peace more precious than profit.

We lost not only the lives of 150 Americans and 450 Nicaraguans but the goodwill of many of the Latin Americans, for at the same time that President Coolidge was in Habana speaking before the World Peace Conference, telling the world that we are a peace-loving nation, at that same time the newsboys on the street were shouting, "Forty Nicaraguans killed in American air raid!"

Again our actions thunder war and our words whisper peace.

But we may take heart, because since the election of President Roosevelt the United States has launched a non-intervention policy, and the last marine has been called out of Nicaragua.

NO INTERVENTION IN CUBA

Then, again, there was the Cuban situation. Only a few months ago there was a revolution in Cuba. For years United States investors in the sugar business have taken millions of dollars profit from Cuba.

It is entirely legitimate for people to invest in foreign enterprises. It is entirely all right for citizens of the United States to invest their money in the sugar business in Cuba, and if they make a profit, so far as I am concerned, they are welcome to it; but if they have a loss, they can have that, too. I do not wish to be cut in on the loss and left out on the profit.

In the last disturbance in Cuba you remember there was great agitation in this country for the Government to "Send a battleship to Cuba", "Send the marines to Cuba", "Put down the revolution in Cuba", but our Government has launched a new foreign policy. Our President has shattered precedent, has taken a new step in world diplomacy and statecraft. He courageously came out with a proclamation stating that there would be no intervention in Cuba. There was no intervention in Cuba, and she settled her own domestic trouble.

I, therefore, urge that we make permanent as a means of promoting peace this non-intervention policy launched by President Roosevelt.

THIRD STEP, UNIVERSAL DRAFT

The third step that will go a long way toward promoting peace is a universal draft of money and materials as well as men. This has the unqualified support of all veterans' organizations. Such a universal mobilization of the financial and material resources of the Nation, as well as the manpower, would make us more effective in war. In my opinion, if our Nation is plunged into war, every man jack of us and every dime of resources should be at the disposal of the Government for the successful prosecution of that war. But there are those who say, "That is a fine theory, but it cannot be put into practice."

Indeed it can be put into practice. The manufacturers have always uncorked that old bottle of chloroform and put Congress to sleep with the argument that such a law is unworkable. They say, "It is impractical; it will not work; it cannot be done; it is unconstitutional."

When they cannot think of anything else against a law, they say it is unconstitutional, but I cannot believe that we live under a Constitution that places a greater value on one man's property than it does on another man's life. I think it is an insult to the framers of the Constitution to say that one man's gold is more sacred than another man's blood. Yet that is the argument that is advanced against the conscription of wealth.

During the Civil War Abe Lincoln went to New York to see the bankers to get more money in order that he might carry on the war to save the Union. He saw that the bankers were holding out for better terms. Finally he stood up, his eyes flashing fire. He said, "I can conscript a widow's only son. I can take him from between the plow handles and put him in the battle's front where his life will not be good for 6 minutes, but I cannot lay hands on enough money to pay for the food he eats."

It was true in the Civil War. It was true in the World War, and unless we act now during peacetime it will be true in the next war.

Furthermore, the Government should conscript the managers of industry, transportation, and communications, in order to make it possible to quickly and effectively mobilize these three necessary activities for the successful prosecution of the war.

The Senate investigation committee brought out the fact that in the last war, at one of the most crucial times of the war, the Du Pont Manufacturing Co. bickered with the Government for three months over the profits that they were to receive for manufacturing powder. The Government requested them to build the Old Hickory powder plant and manufacture powder, and for three months they refused the demands of their Government, because the profits were not sufficient to satisfy them. What would happen if the soldier in line of battle refused to obey commands, because his pay was not enough? He would be court martialed and shot, and yet the Du Ponts, who were so patriotic that they kept us from being a German colony, refused to manufacture powder because their profits were not enough. But if these manufacturers had been conscripted there would have been no equivocation.

FOURTH STEP, PROFITS TAXES

Now the fourth and final step that would promote peace by removing the profits from war is the passage of tax laws that would take 100 percent of all war profits. War should be a burden to everyone. Then everyone will oppose war.

In the feverish days of the war Americans bent every energy to win that war. It rather shocked our patriotism when we returned from France, where we had served for a dollar a day and a chance to die, and found that 22,000 millionaires had been made off of that war that cost us in blood and money.

It further shocked our patriotism when we found that the war cost our Government $29,000,000,000. In round numbers, the war cost the United States $29,000,000,000. Nobody knows how much a billion dollars is, it is so much, but that is what economists say the war cost our Government. Do you know how much of that went to pay the soldiers, the men who faced death? Only 5 percent.

Do you know what it cost the average soldier in dollars and cents to go to war? Figure it out for yourself. If a boy had stayed out of service, he could have earned $7 a day for

unskilled labor. That was the lowest. Anybody could get $7 a day. But the soldier received 75 cents a day. You thought we got a dollar. We did, but we had to pay $6 to $8 a month back into the Government on our life insurance. The privates paid back into the Government something like $408,000,000 out of our slim pay of $30 a month, to pay the death claims of our buddies. But the difference between what a boy received who was in the service and one who was not, at the lowest estimate, over a period of 16 months is $2,800. That is what it cost a boy to be patriotic. But you say you cannot pay for patriotism. No; you cannot; but there is no reason to penalize it. It is bad enough for the soldier to suffer the physical dangers of war without requiring him to bear the economic loss as well. While we were serving for 75 cents a day and a chance to die, there were 22,000 millionaires made in the United States. Du Pont Manufacturing Co. made 100-percent profit during each of the 4 years of the war. The steel companies made from 27 to 65 percent during each year of the war.

AIRPLANE PROFITS

A Government audit of the Standard Aircraft Corporation and the Standard Aero Co. showed that these two concerns were overpaid $6,500,000. The affairs of the company were immediately put into liquidation. The Government had a fat chance to get that back. And, to add insult to injury, these two companies were owned by the great Japanese house of Mitsui & Co. And Mitsui & Co. were paymasters of the Mikado of Japan, and at one time were paymasters of the great international-spy system of the German Government. Oh, for the eloquence of a top sergeant to express my feelings.

PROFITEERING IN RAINCOATS

Then, again, think of those manufacturers who made raincoats of "mosquito netting" and sold them to the Government for the best india rubber. I am confident that the death of some of the boys in my own company was caused by the rain soaking through those raincoats and chilling their backs and shoulders while they drilled to protect those profiteers who betrayed them.

I was in the Sandstorm Division, the Thirty-fourth. We trained at Camp Cody, N. Mex., then stopped at Camp Dix, N. J., for final training before we went over. The rainy season hit us there. It rained every day and we drilled every day. I came in many nights soaked through to the skin across the shoulders because of those flimsy raincoats. We drilled rain or shine. The soldier cannot select his weather.

Then the "flu" hit us. The boys died like flies. We stacked them up in the morgue like cordwood. I was on the firing squad. Every morning we marched down to the station to fire a salute over a flag-wrapped body. Then we loaded it onto a train and shipped it back to some station where a little woman in black was waiting to receive it.

Then one day I sat by the bunk of one of my buddies, a lad from Colorado, and heard the death rattle in his throat caused by the "flu" which he had caught while drilling in the rain with one of those flimsy raincoats. The next day they took him to the hospital and a few days later to the morgue. As I stood with the firing squad and we fired the salute over his flag-wrapped body, I thought of some fat-handed, slick-haired, well-groomed millionaire sitting behind his mahogany desk figuring his profits, calculating his bloodstained gold, and I vowed then, if the chance ever came, I would make my war on the profiteer. This is my chance.

SPEAKING FOR THOSE WHO CANNOT SPEAK

My friends, I am speaking for those who cannot speak. Tonight when the sun went down 15 more of my buddies "went west" out of our hospitals. That is the average. They have been dying a slow and tortuous death for 17 years. I am speaking for the men in our TB hospitals, the living dead. Gassed lungs, the white plague, then wait for the end. I am speaking for the orphan children whose daddies fell when it might have been me. Some of them never saw their daddies. I am speaking for the shell-shocked boys whose bodies came back but their minds did not. I am speaking for the soft-cheeked babies and the millions of school children who will be sacrificed in the next war. I am speaking for the Gold Star Mothers, who paid the greatest sacrifice of all. Year before last the Government gave 3,000 of them a trip to France to see the last resting places of their sons.

Do you see the mother as she stands by the grave where they tell her her son sleeps? Stands? What mother would stand? She gets down on the earth as close to him as she can. I am speaking for her. For is not 6 feet of earth and a white cross rather poor compensation to a mother for her years of training and hopes and prayers?

Then I am speaking for those lips that are silent in death.

A million wooden crosses are
Calling out to you,
We died that war may be no more.
What are you going to do?
Our wooden crosses they are dumb,
But the message you can bring,
Tell the world, the careless world,
War is a cursed thing.

—Selected.

Mr. SCHNEIDER of Wisconsin. Mr. Speaker, the neutrality resolution and regulations now in force expire on February 29, and I believe that a stronger and more permanent neutrality policy should be fully considered and enacted into law at this session of Congress.

In order to make clear the position taken by the Progressive Party Members of the House, I ask that there be inserted at this point a petition which was addressed to the Speaker.

To the Honorable JOSEPH BYRNS,
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: We, the undersigned, constituting the membership of the Progressive Party in the House of Representatives, respectfully petition you and your associate leaders in the House to reconsider the announced intention of bringing before the House the neutrality bill of 1936 under suspension of the rules.

Such a procedure would shut out any and all amendments, stifle discussion, and shut off full and complete debate. We, as liberals, deplore such gag-rule procedure on a measure of such vital importance. Wisconsin venerates her great leader, the late Robert M. La Follette, who threw everything into the balance, to challenge a declaration of war. As his followers, we are dedicated to the same cause and request that the entire subject of neutrality may be opened to full and complete discussion, with ample opportunity for amendments.

Respectfully submitted.

HARRY SAUTHOFF.
B. J. GEHRMANN.
GEORGE J. SCHNEIDER.
GERALD J. BOILEAU.
GARDNER R. WITHROW.
MERLIN HULL.
THOMAS R. AMLIE.

War clouds continue to hang over Europe, and recalling our bitter experiences in the last European war, our people are determined that we should leave no stone unturned to prevent any possibility of again becoming involved in oversea controversies.

Our experiences of the horrors in the so-called war to end wars, less than 20 years ago, are so easily recalled that our people are almost unanimously in favor of avoiding any possibility of a recurrence of that catastrophe. Not only do we recall the tremendous loss of life and property, but we have before us daily reminders of the tremendous toll. Daily I hear the pleas of the veterans who write me of the living horrors their tormented bodies are still enduring.

Since the armistice was signed in 1918, however, science has been designing more terrible instruments of war, so that the next outbreak will not be confined to the field of battle, but the war god Mars will reach out and strike the women and helpless aged in our homes as well as children on their playgrounds and in their schools. Poison gases used in the last war were mild as compared to the instruments certain to be used in the next war.

The Senate munitions committee has clearly pointed out the influences which brought us into the last war, immediately after our people, by solemn referendum, had voted support of a policy of keeping our Nation out of war. Despite abuse and calumny hurled at its members, this group

has clearly pointed out the small, selfish groups which plunged our entire Nation into that bloody conflict to satiate the appetites of these greedy groups for profit and glory.

The extent to which great financial and business interests, with a vital stake in the profits of war, conniving with Government officials acting as their tools, forced us into the last war, is best illustrated by a cablegram, sent by the American Ambassador to Great Britain, to his superiors in the State Department, just a month before we declared war on Germany. The Ambassador's message said, in part:

> The financial inquiries made here in London reveal international conditions most alarming to the American financial and industrial outlook. Perhaps our going to war is the only way in which our present preeminent trade position can be maintained and a panic avoided.

Within the past few months, the financial speculators and international bankers have been revealed as sinister influences, exerting powerful pressure on our Government officials, to get a war declaration against Germany so that their dollars invested in foreign countries might be saved.

The late Senator Robert M. La Follette, one of the few who had the courage to oppose the entrance of this country into the World War, charged at the time of the sinking of the *Lusitania* that it carried ammunition. Senator La Follette was condemned and vilified for making his charge, but history has proven that his assertions were correct. Only yesterday on the floor of this House a Representative belonging to the party in power at the time we entered the war, admitted openly what is now an established fact, when he stated that the *Lusitania* carried 4,200 cases of ammunition.

As a result of the careful investigation of war causes and selfish greed of those who find war profitable, there has been prepared by the Senate Munitions Committee a well-rounded neutrality program providing:

First. Strict prohibition of trade with warring nations in munitions of war and war materials as well as warning to our citizens to refrain from risking their lives and property in war zones or on ships of warring countries.

Second. Strict regulation of the exportation of contraband from our country to nations engaged in war.

Third. Forbidding the issuance of any credit or the making of any loan by any American individual or corporations to any belligerent or the nationals of any belligerent in time of war.

The sentiment of the rank and file of our people is nearly unanimous for a strict neutrality program with mandatory provisions. Despite this fact, Congress compromised in adopting a weak stopgap neutrality resolution at the close of the last session, and today as a result of the sinister pressure being brought to bear by the selfish interests which profit from war, enactment of a strong and permanent neutrality law is further delayed.

Special interests have been working in a quiet and subtle manner, but they are coming out in the open more and more and their influence is being brought to bear upon Congress in many ways. As the possibility of war becomes more certain, and these interests see a similar opportunity to that which they used to advantage before the World War, the same powerful propaganda will be unloosed through the press, radio, newsreels, and many other avenues to public opinion which they control.

It will cost us money to stay neutral, but the cost will be very small compared with the tremendous amounts which war costs. In 1929–30 we spent 55.7 cents out of every dollar expended by the Federal Government on past and future wars. During the fiscal year 1936–37 this cost will rise to almost 60 cents out of every dollar, when a total of $4,600,000,000 will be spent.

As ably expressed by the official publication of the Veterans of Foreign Wars:

> As long as the people of the United States are able to resist their own individual greed for a temporary period of prosperity, so long will America be able to preserve its position of neutrality. But when the people themselves fall victim to the siren song of silk shirts and soaring salaries then all will be lost, and history will repeat itself with America again paying the price of war with bloodshed, broken homes, and battered souls.

Mr. Speaker, the resolution before the House today, extending the neutrality legislation for a little over a year, is an improvement over the makeshift resolution passed last year. It provides for a ban on credit to warring nations, as advocated by the Progressive group since neutrality legislation was first proposed last year. There are still too many loopholes, however, and greedy commercial groups, willing to profit from human destruction, will still find it profitable to encourage war. These loopholes should be plugged and stricter enforcement provisions written into the neutrality legislation, as proposed in the Nye-Clark bill. Penalties of $10,000 in this legislation mean nothing to the war makers who get millions in profits. The stricter jail penalties and fines up to $100,000 in the Nye-Clark bill are necessary to stop agitation for participation in foreign wars.

Congress should also enact legislation providing for a popular referendum before our country could enter any war except to repel invasion. The Progressives have long been on record in favor of such action, and it is inconceivable that a liberal would vote in favor of a foreign war without approval on the part of the people of the country.

I believe that we should also pass strict laws to entirely take the profits out of war, so that none may gain from human slaughter and international misunderstandings. Our policy of increasing the staggering amounts spent in preparation for war should be reversed. The enormous sums spent for the Army and Navy are sufficient to satisfy the greedy war lords and war makers. In all history armament races between nations have encouraged and led to wars instead of promoting peace. We have only to look to Europe for examples of this kind, and our country should profit by these examples instead of joining the mad race.

We are being told today that this is the best neutrality resolution that we can get passed at the present time. In their public utterances most Members of Congress are definitely committed to a policy of avoiding war. I believe it is only fair to ask our leadership to reveal who is opposed to stronger neutrality legislation. The temper of Congress, as indicated by public sentiment, shows strong sentiment for effective neutrality legislation, and there seems to be no necessity, so far as I can see, for this "gag" rule, under which a neutrality program is being forced through with only 40 minutes of discussion under suspension of the rules without an opportunity to offer amendments to the resolution.

As soon as a foreign war is declared there are those in this country who immediately start taking sides. Old prejudices are revived. Our peace should be guaranteed so far as it is possible to do so by legislation, and neutrality regulations should be so strict that no one, either in public office or otherwise, will be in a position to make mistakes which will involve us in war.

There is nothing in even the most strict neutrality proposals which has been advanced here in Congress which will tie the hands of this country in the event of invasion of American shores. Many of the residents of my district have written me supporting mandatory legislation, and there is no question that the sentiment of our people is overwhelmingly opposed to our becoming involved in any war which will make it necessary to again send the best of our young manhood and our wealth away from this country.

Daily the menace to world peace continues to grow. Our experiences prior to the great destructive World War point out the dangers as selfish financiers, like the Morgans and Du Ponts, see the possibility of material gain. Congress should today erect the safeguards. We can now see clearly the pathway over which we were unwittingly led into the World War. Based on the sordid revelations, a permanent neutrality act, with teeth inserted to enforce its provisions, has been introduced. Delay with halfway measures will only make it more difficult to enact effective legislation later.

I believe we should not pussyfoot on this issue but should pass definite, comprehensive, and permanent neutrality legislation now.

Mr. LUCKEY. Mr. Speaker, on Monday, February 17, 1936, House Joint Resolution 491 was passed by this House under circumstances which I feel duty bound to bring to

the attention of the American people. The object of that resolution was to extend and amend the so-called Neutrality Act—Public Resolution Numbered 67, Seventy-fourth Congress—approved August 31, 1935.

Ever since that memorial Armistice Day of November 11, 1918, the American people have asked and prayed for some measure or some law by which we might be kept out of future wars. But the years slipped by, and nothing was done until the closing days of the first session of the Seventy-fourth Congress, when war clouds hovering over Europe aroused us from our mental lethargy. A makeshift neutrality measure was then jammed through Congress which was to extend to February 29, 1936. Many of us felt that that measure was only a compromise and not what a real neutrality law should be.

On Monday, February 17, when this measure came up for consideration, we were confronted with the worst form of gag rule imaginable. Under the rule only 40 minutes were allowed for debate—20 on each side—and no amendments could be offered. As matters stood, a vote for or against the resolution was a vote for or against the neutrality measure. This was the most damnable trickery perpetrated to prevent what should have been a free and open discussion of this all-important measure. Probably no piece of legislation having such far-reaching effect as this has come before Congress since the armistice—and only 40 minutes for debate! Yesterday hours were spent in debating personalities. Often days are spent in useless political haranguing and in delivering speeches for home consumption. Yet, when an important measure such as this neutrality bill comes up there is no time for debate. We are gagged. We have to vote for this makeshift bill or go without anything at all. As for the Congress representing the people, that seems to be a myth. Various occasions have demonstrated to my mind that we are apparently governed by the Rules Committee.

What is the force behind the scene that brought about this situation? Let us examine. The Foreign Affairs Committee had studied the problem of a neutrality measure. They had held hearings. They had formulated a bill which was a great improvement over the makeshift measure adopted last August. This new bill had a proviso which was intended to keep wartime trade down to peacetime or normal volume; this was the heart of the bill as proposed.

But it seems that some invisible force has put in its sinister work to emasculate that bill. Can it be possible that the oil interests, that the "merchants of death" had dictated what kind of a neutrality measure we should have? Or is it possible that foreign interests are working behind the scene? These things have happened before—and I am asking the question now.

The facts are that a weak bill, House Joint Resolution 491, was substituted for a stronger bill. In other words, the American people were cheated. Who will profit by this substitution? The commercial and industrial interests will profit. Another victory for the "merchants of death." Another case where property interests are placed above human interests. Another case where the love of money is the root of all evil. As I have stated on the floor of the House before, wars are based on greed. Their causes are commercial and the motive for war is gain and loot. Take the profit out of war and you remove the incentive for war. The tragedy is that the bill enacted does not remove the incentive.

I listened to the wonderful speech of my esteemed colleague, Mr. LUDLOW, and again read it as recorded on page 2244 of the CONGRESSIONAL RECORD of February 17. I wish every American citizen would read that speech. I felt just as he did when he said:

> I cannot conscientiously vote for this resolution, because I believe that it wrecks the hopes and aspirations of the American people. * * *

And yet, on the other hand, could we afford to abandon the little that we do have in the present measure? I was opposed to the resolution, but in order to save what neutrality legislation we did have I was compelled to vote for it.

Mr. CROWE. Mr. Speaker, as a peaceful citizen of a peaceful nation, I am in favor of House Joint Resolution 491 as the best neutrality legislation to be had at this time. Any move, any program, or any legislation which will aid our country to keep out of war is to be desired. The legislation before us today contains much that will serve this Nation to that end.

Forbidding and making it unlawful to "purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent country or of any political subdivision thereof or of any person acting for or on behalf of such government", will go a long way in the right direction. When you take the profits out of war, there will be few wars.

Making it unlawful to export arms, ammunition, or implements of war to either a belligerent or neutral port for use by a belligerent country is another great wedge to obtain neutrality and keep this Nation out of war. This provision again takes the profits out of war, because no sales, no profits.

It is to be expected that the powerful Du Pont family and their associates will try to make pacifists believe that these provisions will not be of any effect or force. If they did not have strength, the Du Ponts and other munition makers would not use their subversive, undermining influences, as they do. It is extremely unfortunate for the citizens of this country that these "influences" prevailed with such telling effect that more drastic neutrality legislation was not realized. I consider this bill sound and beneficial and the best obtainable at this time.

Making it unlawful to handle the securities of belligerent nations is certainly wise and timely. Not only will it aid in keeping us out of war but it will effect a great economic saving for this country. It would seem that our losses in loans made to the Allies during the World War and their subsequent repudiation would be sufficient to convince any sound-thinking American that loans should never be granted again to European nations. They have shown by their actions that they are a dishonorable group of nations. They promise everything when in distress and disavow all when the evil day passes.

SUMMARY

The United States should attend strictly to her own affairs. Eliminate the exorbitant profits of the munitions makers to the greatest possible degree. Let us build up a strong and adequate merchant marine and abundantly let us build up our national defense in fleet, troops, and air. Fortify our coasts so they may be made impregnable. Fortify our outlying possessions, particularly the Panama Canal Zone, and make the Territory of Hawaii a veritable Gibraltar.

In peace or in war Uncle Sam must have the utmost freedom of the seas to transact business with the friendly, peaceful nations of the world. Let those at war, who desire our merchandise for their civilian population, and goods not for war purposes, come to our ports with the money in their hand and carry the goods away in their own ships.

Let us not again, as in the last war, be dragged into the conflict because of our unpreparedness and the greed of the Du Ponts and others of their coterie.

Mr. GEHRMANN. Mr. Speaker, under leave to extend my remarks in the RECORD, regarding the neutrality resolution, which is House Joint Resolution 491, I would be willing to vote for the extension of last year's neutrality resolution for 60 days, which was only a temporary stopgap, but passage for the continuation of the present makeshift neutrality act, to continue until May 1, 1937, seems unfair and unnecessary at this time.

To enact this resolution, continuing the present weak and inadequate law, is only to dodge the vital issues involved, and perhaps defeat, for a long time to come, the enactment of measures to prevent our being drawn into another war.

The question of neutrality is too important to be passed over so lightly, too important to us when we know that it is possible to repeat the mistakes of 1917. As a sincere believer in neutrality, and I am for the strongest kind of neutrality legislation, I am forced to protest not only against the extension of this makeshift resolution for so long a time, but I am forced to vote against this measure as a protest against

this limitation of debate and the refusal to allow amendments. I protest against the methods by which this measure is being forced down our throats. We could devote a solid week to debate on appropriation bills, and we were allowed to offer amendments to any of them, but when it comes to the most important legislation to be considered, by this or any other Congress, we are limited to 40 minutes of debate, and the gag rule allows no amendments.

Aside from the temporary arms-embargo feature and the provision for the registration of all munitions makers and exporters with the State Department, the present Neutrality Act is not mandatory but only permissive in character. It does not direct; it merely authorizes the President to prohibit Americans from traveling on ships of belligerent nations except at their own risk, to restrict or prohibit the entry of belligerent submarines into American waters or American ports, and to prohibit the delivery of men or munitions from American ports to belligerent ships at sea.

My conscience, therefore, will not allow me to vote for this type of makeshift legislation under the circumstances stated.

Mr. SMITH of Washington. Mr. Speaker, I give my hand and heart to this vote because I favor House Joint Resolution 491, extending and amending the joint resolution (Public Resolution No. 67, 74th Cong.) approved August 31, 1935, dealing with the all-important subject of neutrality. I feel certain that there is an overwhelming public sentiment throughout the land in favor of this legislation. Our people are almost unanimously opposed to war and are determined upon a national policy of absolute neutrality so far as the other nations of the world are concerned. There are few, if any, homes or firesides in America in which there does not abide today a hatred of war and a love of peace in the breasts of the men, women, and children in those homes.

If this resolution is adopted, the law will then provide:

First. Embargo against the sale, exportation, and transportation of arms, ammunition, or implements of war to any and all belligerents, except to American republics, as expressly provided.

Second. Prohibition against the sale of bonds, notes, and other securities of belligerent countries in the United States or the purchase of such securities in the United States; the prohibition of loans or extension of credits of foreign governments or persons representing them, except ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in current, commercial business.

Third. Prohibition against American vessels carrying arms, ammunition, and implements of war to belligerents or for transshipment for use by belligerents.

Fourth. Prohibition of the use of the United States as a base for supplying belligerent ships with arms, ammunition, or implements of war.

Fifth. Special regulations relative to the use of our ports by submarines of belligerent countries.

Sixth. Restraint upon our citizens when traveling upon belligerent vessels.

Mr. Speaker, on April 9, 1935, when this body had under consideration H. R. 5529, to prevent profiteering in time of war and to equalize the burden of war and thus provide for the national defense and promote peace, I said:

Mr. Speaker, I have recently obtained from the library of the House of Representatives one of the few copies which are still extant of Senate Document No. 259, Sixty-fifth Congress, second session, corporate earnings and Government revenues, which shows the earnings of some 31,500 corporations which earned in excess of 15 percent on their capital stock during the war period, many of them as high as several hundred and thousand percent. This report proved so astonishing in its revelations and disclosures that Congress feared to make it public, and it was immediately suppressed and withdrawn from circulation. It is without doubt the most damnable and damning indictment of profiteering in wartime to be found anywhere in the history of the world, and very few persons know of its existence. I had the document called to my attention recently by a friend who held a high position in the service of our Government during the war, and who is of the opinion that its resurrection and republication as a public document would do more to educate the public and the Members of Congress to the evils of war profiteering than any single thing that could be done, and I agree with him. This document presents in its many thousands of columns of cold figures a lurid tale of perfidy, avarice, greed, high crime, and treason which cannot fail to arouse the indignation, anger, and hatred of every normal human being.

It presents, indeed, a diabolical and hellish contrast to the casualty lists, lists of the names of the wounded and killed who sacrificed life, limb, and health, and the myriads who sustained financial and material losses as a result of the war, which President Woodrow Wilson, after his sad experience with the diplomats and statesmen of Europe, declared in his disillusionment was nothing but a commercial war after all.

Mr. Speaker, the present law expires February 29; and, therefore, this resolution extending and amending it is timely and necessary, and is at least a forward stride in the right direction, and I hope it will be followed by others until we have trod the full distance to our ultimate destination and demonetized war and rendered it forever impossible for a few human monsters and ghouls to profiteer and coin millions of dollars out of the tears, blood, and sacrifices of multitudes of their fellow men.

Mr. PFEIFER. Mr. Speaker, in my remarks of February 11 I advocated the reenactment of the Neutrality Act of 1935. I also stated that I would offer an amendment. This modified neutrality act was brought to the House today under suspension of the rules. With debate limited to 40 minutes, and all amendments barred, my request for time on the floor was refused.

The amendment, referred to above, is as follows: "Implements of war shall not include raw material."

Let us go back a few years to the Convention for the Supervision of the International Trade in Arms and Ammunition and Implements of War, signed at Geneva, Switzerland, June 17, 1925. In the report that came out of this conference there was no mention of raw material in the specifications of arms, ammunition, and implements of war.

Time marches on. The Neutrality Act of 1935 brought forth a proclamation by the President of the United States on September 25, 1935, as follows:

THE PRESIDENT'S PROCLAMATION OF SEPTEMBER 25, 1935

The President's proclamation of September 25, 1935, made pursuant to the final paragraph of section 2 of the joint resolution of August 31, 1935, reads as follows:

"By the President of the United States of America

"A PROCLAMATION

"Whereas section 2 of a joint resolution of Congress, entitled 'Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent States; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war', approved August 31, 1935, provides in part as follows:

"'The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section',

"Now, therefore, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, declare and proclaim that the articles listed below shall be considered arms, ammunition, and implements of war for the purposes of section 2 of the said joint resolution of Congress:

"Category I:

"(1) Rifles and carbines using ammunition in excess of cal. 26.5, and their barrels.

"(2) Machine guns, automatic rifles, and machine pistols of all calibers, and their barrels.

"(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels.

"(4) Ammunition for the arms enumerated under (1) and (2) above, i. e., high-power steel-jacketed ammunition in excess of caliber 26.5; filled and unfilled projectiles and propellants with a web thickness of .015 inch or greater for the projectiles of the arms enumerated under (3) above.

"(5) Grenades, bombs, torpedoes, and mines, filled or unfilled, and apparatus for their use or discharge.

"(6) Tanks, military armored vehicles, and armored trains.

"Category II:

"Vessels of war of all kinds, including aircraft carriers and submarines.

"Category III:

"(1) Aircraft, assembled or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying

and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below.

"(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

"Category IV:

"Revolvers and automatic pistols of a weight in excess of 1 pound 6 ounces (630 grams), using ammunition in excess of caliber .265, and ammunition therefor.

"Category V:

"(1) Aircraft, assembled or dismantled, both heavier and lighter than air, other than those included in category III.

"(2) Propellers or air screws, fuselages, hulls, tail units, and undercarriage units.

"(3) Aircraft engines.

"Category VI:

"(1) Livens projectors and flame throwers.

"(2) Mustard gas, lewisite, ethyldichlorarsine, and methyldichlorarsine.

"In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

"Done at the city of Washington this 25th day of September, in the year of our Lord nineteen hundred and thirty-five and of the independence of the United States of American the one hundred and sixtieth.

"FRANKLIN D. ROOSEVELT.

"By the President:

[SEAL] "CORDELL HULL,
"Secretary of State."

NOTE.—Not one word has been said about raw material. In this respect the President's proclamation is identical with the report of the International Conference of Geneva, in that neither one even mentioned raw material.

Meanwhile, a definite state of war had developed between Italy and Ethiopia. Another proclamation by the President on October 5, 1935, regarding special provisions for Italy and Ethiopia. Again there was no mention of raw material. Now, if the concensus of opinion of the leaders of the countries of the world is that raw material is not an implement of war, then why is it not stated in the Neutrality Act?

If this were so incorporated in the act there would be no excuse for the United States to participate in any international scheme or alliance either with or against any belligerent country.

Mr. BINDERUP. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

I will freely admit that to guard against being involved in war by an act of Congress, as explained by the chairman of the Committee on International Relations, who had this bill in charge, is very difficult. Therefore, plenty of time for consideration of so important a measure is most essential, and even if this Congress would sit 1 or 2 months on nothing but this one bill it would indeed have been time well spent. But regardless of the importance of this bill, it was brought out on the floor of the House by the committee with a provision suspending the rules and the House was given only 20 minutes on a side to speak on the bill, with a time limit of from 1 to 4 minutes for each speaker, and all amendments to the bill prohibited.

How inconsistent to speak on the bill, criticize the bill, discuss plans and amendments, if it was a closed rule and no amendments or suggestions could be considered in the bill. So this so-called neutrality bill was steam-rollered through the House. There is not one single Member in Congress who is satisfied with this bill, this most important measure that was designed to keep us out of war. In fact, the chairman of the committee spent his 4 minutes on the floor apologizing for the bill, and adding that he would have liked to have brought out a good bill but the committee was very much rushed for time, so he said this bill the committee now introduced was the very best they could do under the circumstances. The committee did not write a new bill—they substituted the old bill from last year. In August 1935, just before Congress adjourned, a neutrality bill was rushed through Congress, prompted by the Italian-Ethiopian trouble; everybody was anxious to go home, so we rushed through the bill, consisting of no more than two pages, in an effort to keep us out of war, although everyone knew it was practically worthless. But it was a gesture at least in the right direction, so I, together with others, although we were not satisfied with the bill, voted for this preliminary measure, a bill that would live for just 6 months, or until this present session of Congress, when we promised our people we would pass a real neutrality bill. We in Congress had expected the Committee on Foreign Relations to bring us out a good bill, and to have been given an opportunity to express ourselves on the floor of the House, and by amendment and in other ways make this bill, that is so very important, a neutrality bill in the full meaning of the word.

My first reason for voting against this bill was as a protest against the unreasonable tyranny of a rule that prevents and prohibits duly elected Representatives from being heard on the floor of the people's Congress. My friends, it is just acts like this that breed war, for wars are bred by tyranny, and autocracy and bureaucracy, just as was exercised on the floor of the House of Representatives when this bill was finally passed. The only things that foster peace are liberty, justice, and true democracy. It is only in a world where the people are free and in which the power of government is exercised by the people—people who eventually pay the price of war—that we can look for real cooperation, real neutrality, and a real preventive of war. You cannot buy peace with tyranny, nor can you preserve peace by throttling free speech on the floor of Congress. And so, confronted with a bill that everyone knew was incompetent, I had the choice—I could either vote against the bill (as I did), and explain to my constituents why I voted with a minority against the so-called neutrality bill, when I had always proclaimed my most ardent desire to vote for a bill that would prevent war, or I could vote for the bill and apologize to my constituents for voting for a neutrality bill that was a miserable, spineless camouflage that would only deceive my people into believing we had passed a neutrality bill when in reality I knew that was not the case. I have never believed justice and righteousness have a substitute, nor do I believe duty has an alibi. Congress could have voted as I voted, if necessary staying in session all summer or until we had passed a neutrality bill and kept faith with our people whom we had promised, and who looked to us for just such a bill, as they had a right to do. We should have extended the old makeshift bill passed last session for 2 months, or until our new bill had been passed, and we should never have gone home until the job was finished.

Practically every speaker on the floor apologized for this bill. The chairman of the Committee on Foreign Affairs, in whose committee the responsibility rests, said it was a compromise bill. A compromise with whom? I should like to ask. There is only one answer. With the private interests, those who make their millions out of war, and so by passing this bill we as Representatives in Congress compromised with the Steel Trusts, the Copper Trusts, the Munitions Trusts, the Shipping Trusts, and big business, that make money out of war, that capitalize on the lifeblood of our young men as the World War proved, when they rung up $25,000 in their cash registers every time their shot and shell passed through the body of one of our young boys and sent him into eternity. They did not want a real neutrality bill, these private interests. It would interfere with trade and commerce. And so we compromised, and got a neutrality bill that every Congressman is apologizing for to his constituents. I wanted a neutrality bill that would, first, take the profits out of war, by Government ownership of all munitions factories, but the objectors shouted back, "You cannot do that; the Government must stay out of business." That would destroy the business of Du Pont, Remington Arms, Colt Manufacturing Co., and others; Uncle Sam must not destroy these great business concerns. This class believes property rights are more to be considered than human rights.

Second. I wanted a neutrality bill that would say to the House of Morgan, the symbol of human greed, "If you want to invest the profits you have made in this country in foreign lands, look to that nation for the protection of your property, and if in trouble do not call upon Uncle Sam to send his ships and soldiers over to help protect your foreign investments", for nevermore shall Uncle Sam allow his flag, the emblem of liberty, to float over another Nicaragua as a symbol of tyranny, or over another Philippine Islands as a protection of American plundering wealth.

Third. I want a neutrality bill that will say to the globe-trotters and other citizens of the United States sojourning in other countries where war is threatened or is actually taking place, "Come home; Uncle Sam wants to protect you, but we cannot afford to protect you at the risk of sacrificing the lives of millions of our young men and involving the expenditure of billions of dollars, together with all of the terrible sacrifice that these entail." Uncle Sam shall nevermore tolerate the condition as in the recent Shanghai trouble between Japan and China, when we sent ships and soldiers to protect American citizens and Morgan's factories and financial interests and people, who had worked in Shanghai for 30 years and who still claim Uncle Sam's protection.

Fourth. I want a neutrality bill that shall provide that no army shall ever cross the boundary line of Uncle Sam's domain unless first the matter has been referred to the people to decide, in an election, for or against war, for nevermore shall Uncle Sam become a laughingstock of a group of ungrateful European nations.

Nevermore another Flanders Field where the poppies grow, or another 125,000 precious souls sacrified to the god of mammon; no, not to make the world safe for democracy, as we were taught then to believe, but to guarantee the collection of bonds and stocks and credits for the House of Morgan. Nevermore shall Uncle Sam hold in his hand $22,000,000,000 of foreign bonds on which the American people have paid and paid and will continue to pay—no less than $44,000,000,000 with interest added on—while ungrateful European nations are repudiating and laughing and calling their obligations mere scraps of paper, while they are spending billions of dollars preparing for a new war.

Fifth. I want a neutrality bill that conscripts capital and all profits made during war. If the youth of America shall give their lifeblood, it certainly would not be unreasonable to ask that capital and business shall give their wealth and profits. This will do more to prevent war than anything else. For you cannot touch the heart of selfish greed by pleading for the preservation of the lives of our young men, but you can in this manner touch the pocketbook of this tribe, which responds immediately; and you will find the cry of selfish greed urging "on to war" would immediately be stilled if they had to sacrifice a few dollars. I wanted these and many more important features included in the neutrality bill, but the bill was brought in on the closed rule; we could comment and suggest and criticize all we pleased, but no amendments were permissible. You could vote for the rule or against the rule; that was all. And so with much concern and deep regret I voted against the neutrality bill, and my fondest hopes of being able in this session of Congress to vote for a neutrality bill that would in reality keep us out of war were sacrificed.

Mr. LARRABEE. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to point out what I feel are some of the very important features of the new temporary "neutrality law", which we have enacted within the past few days. The purposes of this law, extending the 1935 act, and amending and strengthening what were believed to be the most vulnerable provisions or omissions of the 1935 act, are not to provide permanent neutrality laws for this Nation, but to provide temporary instruments believed sufficient to keep the United States from becoming drawn into foreign entanglements until such time as Congress, through its properly designated committees has sufficient opportunity to present sound, permanent legislation.

Among those who profess to know most about international affairs and who, perhaps, have given greatest thought and study to neutrality legislation, there is such a definite divergence of opinion that I, for one, am not yet ready to vote for any permanent laws.

I believe the amendments we have just enacted to the 1935 law are sufficient to prevent this Nation from being drawn into any international conflict as the result of any overt act on the part of the citizens of, or the officials of this Nation. The amendment provides for the extension of present laws, with amendments, until May 1, 1937. By that time, I feel, Congress will be better able to enact permanent legislation.

I am especially gratified with the enactment of the amendment to the present law which provides restrictions against financial transactions with belligerent governments. It is believed that this amendment will prohibit any credits or transactions undertaken to be carried on in this country by a belligerent country during any warfare. This section deals with all credits and the purchase, sale, or exchange of bonds, securities, or other obligations of the government of any belligerent country, or its political subdivisions or of any person acting for or on behalf of such government. Very little discretion or authority is given the Executive by this provision, and it is definitely mandatory that such credits and transactions be halted with and between any belligerent nation and credit sources in the United States immediately upon the recognition of existence of a state of warfare.

It is the intention of Congress, through this amendment, to make it impossible for any interests, financial or otherwise, to enter into any transaction of any nature which might tend in any way to draw this Nation into foreign conflict. Perhaps the law, with this amendment, is not perfect—I seriously doubt that it is—but I believe it is sufficient to provide desired safeguards until more perfect legislation is designed.

Briefly, the 1935 law, as amended by the 1936 enactment, provides an embargo against sale, exportation, and transportation of arms, ammunition, or implements of war to any and all belligerents, except to American republics as is expressly provided. It provides definite prohibition against sale of bonds, notes, and other securities in the United States and the prohibition of loans or extension of credits to foreign governments, except ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in current commercial business. The law, as amended, provides definite prohibition against American vessels carrying arms, ammunition, and implements of war to belligerents or for transshipment for use by belligerents. It prohibits the use of the United States as a base for supplying belligerent ships with arms, ammunition, or implements of war. It provides special prohibitory regulations with reference to use of our ports by submarines of belligerent nations. It provides a wholesome restraint and safeguard against our citizens traveling upon belligerent vessels.

It is the general belief of this Congress that the above provisions offer the greatest protection available at this time and the time element is of paramount importance now. The 1935 law expires February 29, 1936, and we must have some law ready to take its place.

With so many controversial issues involved in an effort to enact permanent legislation I have felt it my duty to support extension of the 1935 law, with certain amendments on which the majority seem agreed, and which I feel do definitely and to a large extent strengthen the present law.

As an example of the questions involved, the question of whether or not the protection of the United States shall be accorded its people who may wish to trade with any foreign nation, in commerce requiring shipment on the high seas, during a period of international warfare has been raised. There are those who feel that this Nation should withdraw the protection of our flag from all commerce at such times. Others feel that every possible protection should be extended to all those who comply with our laws, and live within the laws, and who are carrying on commerce abroad in a way that our Nation says is legitimate. This element feels that our Government should extend full protection in such cases, while the opposing element says in effect that if our agents or agencies of commerce enter upon the high seas during any time of international conflict such commerce should be carried on without the protection of the American flag.

There is such a difference of opinion on this subject, and on other similar subjects, that it is apparent that there is no chance of enacting permanent legislation in this session of Congress.

I have also felt that in the light of existing conditions there is grave danger that we might endanger the neutrality which we seek to maintain by going too far with intended prohibitory measures. I am firm in the belief that there is always danger in too much legislation.

In supporting the legislation we have just enacted I feel we have gone as far as is possible with safety at this time; that we have set up sufficient barriers against any dangerous violation of our neutral tendencies, and that we have opened the way to permanent legislation in the next session of Congress.

Mr. GRISWOLD. Mr. Speaker, someone once said that there are just two causes of war, "the avariciousness of the rich and the patriotism of the poor." Without these two factors working in conjunction there would be no war. This Neutrality Act now before the House for its consideration is not all that I would desire to insure neutrality, but it is a far step beyond any legislation which we have had in the past. It does seek to place a curb on the avariciousness of those who look upon war primarily as a means of increasing their wealth forgetting the men who must fight the war. I commend the committee for placing in the act section 1a, making it "unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent country, or of any political subdivision thereof, or of any person acting for or on behalf of such government, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or person."

I regret that the committee saw fit to exempt from the operation of this section the "ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in the normal peacetime commercial transactions." I believe that this legislation would have been much better if this exempting clause had been left out. A nation, when it goes to war, should, insofar as other nations are concerned, be isolated. A neutral nation is always drawn into the conflict in an insiduous, secret, serpentine manner. This exemption, innocent as it may appear, leaves an opening for the body politic to be infected with the war germ. It is my belief that we will only have freedom from wars when we cease to allow legislative bodies to vote wars.

I am a believer in the rule of the majority. If the majority of the people who must fight the war are willing to vote a war then, in a democratic government, war it should be. I do not think that a few men should have the power to vote a war that must be fought by the majority. When Congress votes a declaration of war the next thing to do thereafter is to determine who shall fight the war. In the past the membership has gazed at one another and discovered that the vast majority of the Members of the Congress were beyond 45 years of age and immediately the bright minds in both these bodies reached the conclusion that the actual fighting should be done by men under 45 years of age. I submit that this is not fair nor just. We older men, by our votes, shove the young men into the battle line.

We talk much of the cost of war in dollars. I am interested more in the cost of war that cannot be measured in dollars—the cost of war that is evidenced in the loss of brain power to the Nation. In my district is located at Marion, Ind., one of the largest Veterans' Administration mental hospitals in the United States. If you would know the greatest cost of war, then you should view the dead minds in living bodies that reside in that hospital.

In this, a government of majorities, in such a vital thing as war, I think it just and right and proper that the men who are to suffer the loss of their minds, the men who are to have twisted bodies as a result of the war, and the parents who must bear the anguish and torture of awaiting the casualty list should have some vote in the declaration of war. Until we shall have reached the place where we can provide legislation that will permit a declaration of war to be passed upon by the expression of the majority of our citizens I am of the opinion that we cannot have a neutrality act that would be too strict and mandatory in its terms. I accept this act and vote for it because it is a step in the right direction.

EDWARD SHIPPEN WEST (H. DOC. NO. 410)

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith, without my approval, H. R. 4858, entitled "An act for the relief of Edward Shippen West."

This bill authorizes me to summon Edward S. West, late captain of Cavalry, Regular Army, before a retiring board for the purpose of hearing his case and to determine whether his disabilities were incurred during his active service in the Army in line of duty, and if, as a result of such inquiry, the findings are affirmative to place him upon the retired list of the Army with the rank and pay of captain.

The records of the War Department show that the beneficiary of this measure served with the North Carolina National Guard from July 15, 1916, to March 24, 1917; as an emergency officer from August 15, 1917, to October 31, 1919; and as an officer of the Regular Army from September 12, 1920, to November 1, 1922, when he was honorably discharged from the service with 1 year's pay, under the provisions of the acts of June 30 and September 14, 1922, reducing the commissioned strength of the Army.

Under date of August 26, 1922, Captain West applied for retirement for physical disability resulting from a broken hip and a broken wrist. He was examined by a board of medical officers, and the commanding general, Eighth Corps Area, who forwarded the report with the request of Captain West, stated there was no evidence of disability sufficient to warrant Captain West's appearance before a retiring board, and the Surgeon General, after a review of the case, expressed the same opinion. Captain West was accordingly honorably discharged from the service.

The medical officers who examined Captain West at the time of his discharge from the service, November 1, 1922, certified that he was physically and mentally sound, with the following exceptions:

Flexion of right thigh upon abdomen limited to 90 percent of normal. Other movements of joints normal. Right lower extremity shows shortening of one-fourth inch. X-ray negative. Gives history of impacted fracture head of right femur by being thrown from horse November 27, 1920. Fractured right wrist May 1921. Examination with X-ray negative. Lateral motion of wrist joint 75 percent of normal.

and reported that, in view of occupation, he was 10 percent disabled.

From the facts in this case as disclosed by the records of the War Department, it appears that this former officer's discharge from the military service was strictly in conformity with the method specifically provided by the legislation directing the elimination of officers in 1922, and that the question of his physical condition was carefully studied by the War Department at that time.

Granting that he is now suffering from incapacity incident to his military service, the Government has provided by law the means of extending relief to former members of the military forces through the agency of the United States Veterans' Administration, and I can see no justification for singling out this former officer for preferential treatment when others in the same category are not similarly treated.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

The SPEAKER. The objection of the President will be spread at large upon the Journal.

Mr. MCSWAIN. Mr. Speaker, I move that the message of the President and the bill be referred to the Committee on Military Affairs which reported the bill to which it relates, and ordered printed.

The motion was agreed to.

COMMISSIONS IN THE REGULAR ARMY TO THE R. O. T. C.

Mr. HARTER. 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. HARTER. Mr. Speaker and Members of the House, permit me to make a few brief observations relative to the adoption of this amendment, the purpose of which is to amend the War Department appropriation bill, which we are considering so that 1,000 graduates from R. O. T. C. colleges and universities may be inducted into the Regular

Army with the grade of second lieutenant for a year's training and at the expiration of such training period, 50 of each class of 1,000 will be given permanent commissions as second lieutenants in the Regular Army.

In this great Republic, whenever it has become necessary for it to engage in war, and I know, Mr. Speaker, that we all sincerely hope we shall never have to enter another, there has been no lack of patriotism on the part of the youth and the manhood of this Nation. We have always had a tremendous number of civilian volunteers who were ready to give their services and, if necessary, make the supreme sacrifice in the defense of their country.

We know that today, if a foreign foe were to invade this country, that our whole people would rise up in the defense of America. But we are faced with practical considerations in our scheme of national defense. We live in a mechanical age. The inventions of the generation in which we live are used in the art of war as well as in the arts of peace. The training and development of an officer is no small task.

It is far more complicated today than it was at the entry of this country into the World War. Those men who participated in that gigantic conflict best know the advantages to the recruits who have an opportunity of serving under officers properly and adequately trained. We owe it to the youth of this country to protect them in case it becomes necessary to fight a defensive war, by building up, through the years of peace, officer personnel that will be fully trained and that will know how to handle men and protect them so far as it is humanly possible if a national emergency should occur.

Through this amendment we purpose to give 1,000 college graduates, who have had 4 years of Reserve Officers' Training Corps experience with their respective colleges, the advantage of an additional year's actual experience in the Regular Army, attached to the several combat branches of our armed forces.

In this way, we shall develop annually an additional 1,000 officers who will be available should the necessity arise. After graduation from the R. O. T. C. under normal conditions, these men would have about 2 weeks' training annually, a freshening course. Think of how much more adequately they will be trained if they have an opportunity to go directly to the Army for a year. The simplest calculation will show how many additional trained officers will be developed over a period of a few years and who would be of the age and physique that they could be called upon in time of national emergency.

If it is only deemed advisable to utilize the services of those who have served under this plan during a preceding period of 10 years, we would have 10,000 additional officers, the oldest of whom would probably not average more than 32 years of age.

When we consider that the present officer strength of the Regular Army is 12,000, and that there are about 13,000 officers of the National Guard, think of the tremendous advantage that would accrue through this proposal should it be necessary to expand our armed forces and develop a large trained army in a short period of time.

We would have 10,000 officers of junior grade, between the ages of 22 and 32, ready to impart to the rank and file the knowledge and the information that would come to them through this year of intensive training.

This, Mr. Speaker, appeals to me as the outstanding advantage that will come to our country through the adoption of this amendment. The amount of money involved annually—considerably less than $2,000,000—is infinitesimally small in comparison with the peace-time expenditures that we have been witnessing recently. When we consider the tremendous outlay upon work relief, the development of public works in this country, the entry of the Government into many fields, the desirability of which many of us doubt, we surely should not hesitate to make this expenditure, which is bound to yield such large dividends in saving the lives of many of our citizen soldiers should we be called upon to enter another war.

There is this further highly commendable feature of this amendment which has been discussed at length by the chairman of the Military Affairs Committee of this House and others, the granting of commissions in the Regular Army to 50 men from civil life annually should have a most wholesome effect. At the present time our incoming officers, with few exceptions, are all graduates of the Military Academy. We know that they are fully and adequately trained, but we believe that it will have a most wholesome effect and tend to make our Army more fully representative of a democracy if part of its officers are drawn directly from civil life, but after full and thorough training.

I hope, Mr. Speaker, this amendment will be adopted.

REPORT OF THE GOVERNOR GENERAL OF THE PHILIPPINE ISLANDS (H. DOC. NO. 411)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Insular Affairs and ordered printed:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands", I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands for the calendar year 1934.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

FEDERAL COMMUNICATIONS COMMISSION

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

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

There was no objection.

Mr. CONNERY. Last Friday the people of the United States celebrated Valentine's Day. The Federal Communications Commission took advantage of the day to present to the American people a valentine, the like of which I hesitate to believe has ever been presented by a governmental agency to the Congress or to the American people.

With a committee of five of the seven members having sat for the past 6 weeks investigating alleged corruption or misconduct on the part of some of those officially connected with this governmental agency, this body, with the signatures of five of the seven members attached to the report, state that the Chairman and the secretary of the Commission were told by the son of the Chairman and an associate, one Major Kilduff, that they had overheard a conversation wherein the vice president of one of the national broadcasting companies was alleged to be able, on payment of $25,000, to straighten out the difficulties of an applicant for favor at the hands of the Commission. Further, that the applicant was prepared to pay $25,000 or $50,000.

The report further states that the secretary of the Federal Communications Commission told the committee of five of the seven members of the Federal Communications Commission that the alleged conversation which was heard, or supposed to have been heard by the son of the Chairman of the Commission and Major Kilduff, included a description of a person connected with the Commission who could be "gotten to", which description was discussed by those present, although the person was not identified, and, further, an intimation that the described person had been in the pay of some company for a number of years.

The committee in its findings states:

> The committee is unable to state whether the alleged conversation ever took place. If the purported statements were made, they have been completely repudiated. Grave responsibility for unsupported statements attacking the integrity of a Government official lies at the door of some person involved in this matter.

Is it the belief of any Member of this House that those who made such statements or who were alleged to have discussed the possibility of bribing a public official are going to admit willingly that they entered into such a conspiracy?

The resolution which I presented to this House some weeks ago, and which is now before the Rules Committee for consideration, did not touch on this situation. It did positively call to the attention of the House the fact that 16 Members of this body jointly petitioned the Federal Communications Commission for action against a chain of broadcasting stations which had allegedly broadcast an obscene and indecent program; that the Federal Communications Commission had deliberately attempted to deceive the Members of this House by citing to them language as contained in a court decision which is not to be found in the decision cited; that this petition requested a public hearing and none was granted.

When the independent offices appropriation bill was before the House for consideration I pointed out how the Chairman of the Federal Communications Commission had erroneously answered a query as to the number of radio stations which were affiliated with the three major networks, which query was asked by a member of the Appropriations Committee of this House.

In the CONGRESSIONAL RECORD of January 7, 1936, on page 129, one of the present members of the Federal Communications Commission is quoted as having said, in part, in an address at the school of journalism, Columbia University:

> There is in progress an obvious, practical, pragmatic endeavor on the part of those controlling commercial broadcasters to make the Federal Communications Commission a subservient instrument to commercial radio.

Continuing, this member of the Commission is quoted as saying:

> I realize that this is a very broad statement to make, but it is one that is borne out by the facts, and one that, at some other time, more appropriate and less crowded, I shall justify in detail.

In view of the fact that the party, innocent or otherwise, who was alleged to be able to deliver certain decisions or to straighten out certain difficulties which applicants for favor at the hands of the Federal Communications Commission were unable to do themselves is the vice president of one of the principal networks, is not the public statements of this member of the Commission a virtual challenge to the Congress of the United States to protect the people of our country from a further entrenchment of the monopoly which we all know now exists?

Of the 40 high-powered, clear-channel stations, the Chairman of the Federal Communications Commission admitted, in a letter which is printed in the CONGRESSIONAL RECORD, there are only two which are not affiliated with or controlled by the three major networks. Does not this constitute monopoly?

I sincerely trust that the Rules Committee will soon present to the House a favorable report of the resolution which I have presented, which resolution calls for a congressional investigation into the activities of the Federal Communications Commission and those under their jurisdiction.

Mr. Speaker, I ask at this point unanimous consent to extend my remarks by inserting this report of the Federal Communications Commission of February 14, 1936.

The SPEAKER. Is there objection?

There was no objection.

The report referred to is as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D. C., February 14, 1936.

The Federal Communications Commission today made public the following report:

REPORT OF THE COMMITTEE APPOINTED BY THE COMMISSION JANUARY 9, 1936, TO INVESTIGATE THE FACTS AS TO THE CONVERSATION ALLEGED TO HAVE TAKEN PLACE IN THE WILLARD HOTEL ON SEPTEMBER 5, 1935

On January 9, 1936, the Commission appointed the undersigned as a committee to investigate what was known as the Willard Hotel incident. The committee immediately began its work, and on January 10, 1936, it requested the Department of Justice to make a full and complete investigation of the matter. Pursuant to that request, a report was submitted to the committee on January 25, 1936. The committee then requested the Department of Justice to procure certain additional information, pursuant to which request a supplementary report was made by the Department on February 1, 1936. With this report the Department of Justice informed the committee that "this closes the investigation." The committee itself examined, among others, all persons now on the Commission's staff who participated in the hearings on the applications of the Howitt-Wood Radio Co., Inc., owners of Station WNBF, Binghamton, N. Y., and the Knox Broadcasting Co., Schenectady, N. Y., for facilities on 1,240 kilocycles.

The committee has obtained sworn statements from all persons interrogated either by the Department of Justice or by it. Upon the basis of those statements and of other information obtained by it, the committee submits the following report:

On September 5, 1935, after the recess of the afternoon session of the hearing on the application of the Knox Broadcasting Co., Mr. Cecil D. Mastin, of Binghamton, N. Y.; Mr. Harold E. Smith, of Albany, N. Y.; Mr. C. M. Jansky, Jr., and Mr. Alfons B. Landa, of Washington; and Mr. Maurice Jansky, of Madison, Wis., met in Mr. Mastin's room (803) at the Willard Hotel. There they discussed and criticized the hearings which they had just left. Highballs were served, but some of those present state that they did not participate.

Mr. A. Mortimer Prall was registered in room 804, which adjoined Mr. Mastin's room. With him that afternoon was Maj. Malcolm M. Kilduff.

Mr. Prall and Major Kilduff joined Mr. Anning S. Prall, chairman of the Federal Communications Commission, and Mr. Herbert L. Pettey, secretary of the Commission, at Chairman Prall's apartment for dinner that evening. There they told the substance of a conversation which they said they had overheard late that afternoon in room 803. The essential feature of the overheard conversation, as Mr. Mortimer Prall and Major Kilduff states it was told to Chairman Prall and Mr. Pettey, was that Mr. Harry Butcher could straighten out station WNBF's difficulties with the Commission for $25,000 and that one of the speakers was prepared to pay $25,000 or $50,000. This story was told to an agent of the Department of Justice who came to the apartment that evening to begin an investigation in response to a request from Chairman Prall.

Mr. Pettey has informed the committee that the alleged conversation as it was reported to Chairman Prall and himself that evening also included (1) a description of a person connected with the Commission who could be "gotten to", which description was discussed by those present, although the person was not identified; and (2) an intimation that the described person had been in the pay of some company for a number of years. Mr. Pettey's recollection was that the description was given to the agent of the Department of Justice; this does not accord with the agent's report. The intimation that the described person had been in the pay of some company was not passed on to the agent.

Mr. Mortimer Prall states that on September 6 he told Chairman Prall and Mr. Pettey that upon his return to his room about 12:40 a. m. he had heard one man in room 803 tell another that a described, but not named, Commissioner had instructed the examiner what to recommend. That same day Mr. Mortimer Prall told the Department of Justice agent that he had given the agent all the information in his possession, but he did not mention the description or the purported instructions to the examiner. A short time thereafter Chairman Prall and Mr. Pettey informed the agent that they had no information in addition to that which had already been furnished to him.

The investigation by the Department of Justice was suspended early in September after Chairman Prall had told the agent that the psychological moment for pursuing it had passed and that the investigation could be more advantageously pursued later.

Upon receiving a report on the matter from Chairman Prall on December 18, 1935, the Commission directed the chairman to request the Department of Justice to continue the investigation. Except for a letter of December 30, 1935, reciting developments as they stood early in September, the committee has seen no report from the Department of Justice prior to that of January 25, 1936.

Each of the occupants of room 803 has sworn that he made no such statements as those reported by Mr. Mortimer Prall and Major Kilduff; likewise each has reported that he did not hear any such statements made by anyone in the room. Mr. Butcher has sworn that never upon any occasion did he make any statement that anyone on the Commission "could be bought or controlled." All of the persons involved have declared that they have never made any statements reflecting upon the character and integrity of any member of the Commission.

The examiner who heard the Knox Broadcasting Co. application has testified that no member of the Commission, or any other person, spoke to him about his recommendation or about any phase of the hearing. The committee's investigation within the Commission reveals no irregularities in the handling of either the Binghamton or the Schenectady application.

The committee is unable to state whether the alleged conversation ever took place. If the purported statements were made, they have been completely repudiated. Grave responsibility for unsupported statements attacking the integrity of a Government official lies at the door of some person involved in this matter. If the individuals responsible could be identified, they should be prosecuted as relentlessly as the maligned person should have been had the charges been substantiated. While we conclude that there is no basis for the charges made, we keenly regret that we cannot fix the responsibility for them.

Respectfully submitted.

IRVIN STEWART, *Chairman.*
THAD H. BROWN.
PAUL A. WALKER.
NORMAN S. CASE.
GEORGE HENRY PAYNE.

LIST OF DOCUMENTARY EVIDENCE CONSIDERED BY THE COMMITTEE

1. Letter of December 19, 1935, to the Federal Bureau of Investigation.
2. Letter of December 30, 1935, from Federal Bureau of Investigation.
3. Letter of December 31, 1935, from Mr. Harold E. Smith to Mr. Harry Butcher.
4. Letter of January 2, 1936, from Mr. Cecil D. Mastin to Mr. Harry Butcher.
5. Transcript of telephone conversation between Mr. Harry Butcher and Mr. Alfons B. Landa.
6. Transcript of telephone conversation between Mr. Harry Butcher and Mr. Cecil D. Mastin.
7. Transcript of telephone conversation between Mr. Harry Butcher and Mr. Harold Smith.
8. Memorandum of telephone conversation with Mr. E. A. Tamm, January 10, 1936.
9. Letter of January 10, 1936, from Chairman Prall to Federal Bureau of Investigation.
10. Letter of January 14, 1936, to Federal Bureau of Investigation.
11. Letter of January 21, 1936, from Federal Bureau of Investigation.
12. Letter of January 25, 1936, from Federal Bureau of Investigation containing copy of report and copies of sworn statements by: (a) Harry C. Butcher, (b) C. M. Jansky, Jr., (c) Aaron Kellert, (d) Malcolm M. Kilduff, (e) Alfons B. Landa, (f) Horace L. Lohnes, (g) Cecil D. Mastin, (h) A. Mortimer Prall, and (i) Harold E. Smith.
13. Letter of January 27, 1936, to Federal Bureau of Investigation.
14. Letter of February 1, 1936, from Federal Bureau of Investigation enclosing copy of report and sworn statement of Mr. Maurice Jansky.
15. Letter of February 3, 1936, to Federal Bureau of Investigation.
16. Transcript of statement by Miss Mary Belle Anthony.
17. Transcript of statement by Mr. Tyler Berry.
18. Transcript of statement by Mr. John P. Bramhall.
19. Transcript of statement by Mr. Herbert L. Pettey, January 10, 1936.
20. Transcript of statement by Mr. Herbert L. Pettey, February 6, 1936.
21. Transcript of statement by Mr. P. W. Seward.
22. Transcript of statement by Judge E. O. Sykes.
23. Transcript of statement by Mr. John Wesley Weekes.
24. Letter of February 10, 1936, to Judge E. O. Sykes.
25. Letter of February 10, 1936, to Chairman Anning S. Prall.
26. Memorandum of conversation with Chairman Anning S. Prall, February 10, 1936.
27. Summary of information relating to application of Knox Broadcasting Co., Inc.
28. Summary of information relating to application of Howitt-Wood Radio Co., Inc.
29. List of participants in hearing on application of Knox Broadcasting Co., Inc.
30. List of participants in hearing on application of Howitt-Wood Radio Co., Inc.

Mr. CONNERY. Mr. Speaker, I was in New York last Monday speaking at a Democratic service men's gathering in the Hotel Commodore. At a certain luncheon which I attended that same day I talked to a man who probably knows as much about radio and all its workings as any man in the United States. I am not going to mention his name. It would embarrass him at this point. He will be glad to come before the committee at the proper time. That man said to me, "BILLY CONNERY, Congress does not dare to investigate the Radio Commission, and it does not dare to investigate radio broadcasting because the biggest lobby in the United States, the Power Trust, controls radio, and Congress does not dare to investigate radio."

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

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CONNERY. I say this is a challenge to the Congress of the United States, that there is any group of men or any lobby in the United States which can say to the Congress or which makes the statement to the Congress, "You do not dare to investigate the Radio Trust." As I have said on previous occasions, this is an unpleasant task. It will mean to me, if the Speaker should choose to appoint me chairman of that committee, long hours of hard work on that committee. It is not pleasant to sit long hours day and night, investigating a rotten situation in the radio industry; but, like the gentleman from Illinois [Mr. SABATH], who has done such fine work with his special committee investigating the issuing of fraudulent bonds and mortgages, I am willing to work and work hard to protect the American people from exploitation by this powerful Radio Trust. This investigation should proceed, Mr. Speaker. I think that situation should be cleaned up, the homes of the American people protected, and a privileged few denied the opportunity of controlling information furnished to the American people by a monopolistic control of radio broadcasting.

The SPEAKER. The time of the gentleman from Massachusetts has again expired.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that the gentleman be given 5 additional minutes.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, the gentleman said he wanted 5 minutes to present this matter. Now he has had 8 minutes, and I do not think he should ask for further time.

Mr. ZIONCHECK. I ask unanimous consent that the gentleman be allowed to proceed for 2 additional minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CONNERY. In conclusion, many Members of the House feel that this investigation of radio is a very important matter and should be acted upon by this House. I have had letters from all over the United States protesting about conditions on the radio and conditions in the Federal Communications Commission. Many Members of this House are anxious to have these conditions cleaned up and believe that the Rules Committee ought to report to this House a resolution for a thorough investigation of radio broadcasting from top to bottom.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. CONNERY. I prefer not to yield.

The SPEAKER. The time of the gentleman from Massachusetts has again expired.

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair trusts the gentleman will withhold that for a few moments.

Mr. BANKHEAD. I will withhold it, Mr. Speaker.

EXTENSION OF REMARKS

Mr. BROWN of Georgia. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein excerpts from an address by Judge Blanton Fortson, a distinguished jurist in my State and district, dealing with national income and expenditures, delivered at Atlanta, Ga.

The SPEAKER. Is there objection?

Mr. RICH. Reserving the right to object, Mr. Speaker, the gentleman mentioned excerpts from newspapers. We cannot permit that. I object.

NEUTRALITY

Mr. HIGGINS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HIGGINS of Massachusetts. Mr. Speaker, notwithstanding the fact that application of the "gag" rule prevents extended debate on this subject and that the Committee on Foreign Affairs has agreed to abandon the original so-called administration bill, which would have given the President unprecedented and unusual discretionary power over our trade in dealing with the belligerents in the present conflict, I feel that it will be of interest to the Members of the House to analyze the causes for the change of opinion on the part of Secretary Hull since the passage of the neutrality bill in August, as to what constitutes neutrality, and bring to public attention some of the glaring inconsistencies of our present foreign policy and the tendency to involve, by a "back door" method, this Government in the League of Nations.

The purposes, I assume, of any neutrality bill, are to safeguard the peace and welfare of the United States in dealing with other nations engaged in war. The neutrality bill that was originally proposed and since abandoned was an attempt to shape a new policy of neutrality from which the nations of the world may derive a clear understanding of the attitude of our Government on all matters relating to the pres-

ent conflict in Europe. The aim of legislation to keep us out of war is most commendable and moved by the highest ideals of modern civilization and meets with my wholehearted approval, but the means of attaining this end under the provisions of the recently abandoned bill are not so good. The bill was developed around the neutrality law passed last August, but represents a wide departure from the policy of neutrality as expressed at that time, and abandons all former ideas of international law on the subject of neutrality.

PRESIDENTIAL PROCLAMATION, OCTOBER 5, 1935

When the Congress passed the Neutrality Act on August 31, 1935, our problem was fundamentally simple, for it was in the time of peace. We laid down a definite American neutrality law. On October 5 the President issued a proclamation in compliance with the provisions of the act as passed by Congress. He proclaimed that a state of war unhappily exists between Ethiopia and the Kingdom of Italy and admonished all citizens of the United States to abstain from every violation of the provisions of the Neutrality Act and made effective the embargo forbidding arms, ammunition, and implements of war from being exported from the United States to Ethiopia or to the Kingdom of Italy or any of its possessions, or to any neutral port for transshipment to, or for the use of, Ethiopia or the Kingdom of Italy.

The language of the Neutrality Act passed by Congress was plain and understandable and the President described in detail in his proclamation what was included by the phrase "arms, ammunition, and implements of war." Significantly, no mention was made at the time of including oil, cotton, and other raw materials in this classification of "arms, ammunition, and implements of war." For the President to place an interpretation on the provisions of the act was proper, for the Neutrality Act was to be our guide and the cornerstone of our economic policy toward the belligerents. Keep in mind the dates of these events for they are of importance in determining the cause for the change of opinion as to what constitutes neutrality.

SECRETARY HULL'S RADIO ADDRESS OCTOBER 10, 1935

The annual New York Herald Tribune Forum on Current Affairs was held on October 10, and our Secretary of State Cordell Hull, in a radio address from Washington, took occasion to discuss relations between the United States and the outside world and more particularly problems connected with the age-long question of peace and war. Mr. Hull set forth in a part of that address a very clear statement as to the American policy toward the outside world, quote from the radio address by Secretary Hull:

> The main lines of American policy are clear. This country has no aggressive ambition of any kind. We make no threat against the territory or the safety of any other country. We are prepared to defend ourselves against any threat to our own safety and welfare. We are determined not to enter into armed conflicts that may arise between other countries. On these matters the great majority of the American people are agreed.

That brief statement is a true expression of the views held by the American people. He then proceeds to justify our Government's exerting a "moral influence" in world affairs, quote:

> But our duty, and the necessities of the situation, do not end there. We have an opportunity to exert an enormous moral influence throughout the world in support of peace and a peaceful settlement of controversies. We should exert it, and we are exerting it.

In light of this statement, I am wondering is he the same Secretary of State Cordell Hull who 6 short months ago persistently advised the President not to use his good offices to reach a peaceful settlement of a controversy based upon human rights and liberties in Mexico; when a congressional committee, of which I had the honor to be chairman, pleaded with him to urge the President to use his offices toward the end that millions of humans (on this continent, not in Europe) would be freed from the bondage of intolerance and the fear of murder and outrage at the hands of a godless and communistic government. I am aware that Mr. Hull will distinguish "a peaceful settlement of controversies" as applying among nations and not to "controversies" which arise within a nation, but if he is a great moralist, then all problems based on morality should have a like appeal to his sense of justice.

The language of his radio address on this occasion is the first inkling that we have as record of his ultimate goal to have us join in effect with the purposes of the League of Nations, quote:

> Nor does this exhaust the limits of our duty or of the necessities of the problem of maintaining peace. For that end some mastery over the causes of conflict is required, a mastery only to be obtained by the simultaneous action of many countries. I have in mind, primarily, action in the economic and monetary spheres. In the task of remedying the conditions and difficulties which foster conflict, a common basis of action must be found with other countries.

If we grant that we should exercise a moral influence to bring about a peaceful termination of the present European conflict, does Mr. Hull contend that the application of sanctions on raw materials such as oil and cotton, which were not mentioned in the Neutrality Act passed in August, will bring about a peaceful settlement of this controversy between Italy and Ethiopia? "Sanctions" means enforcements. They have been defined as "specific penalties to enforce obedience to a law." What law? Surely not the United States neutrality law because that was enacted to preserve our neutrality in the war between Italy and Ethiopia. Our conception of neutrality is based upon the definition given to us by George Washington in a proclamation issued over 100 years ago on the occasion of war among Austria, Prussia, and Great Britain, on one side, and France on the other:

> The duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers.

If the "law" referred to in the definition of "sanctions" does not mean our neutrality law, then obviously it must refer to the law of the League of Nations.

SANCTIONS UNDESIRABLE

Sanctions are objectionable in that they create artificial antagonisms between countries that have no conflicting interests and ought to be on the best of terms. Under the provisions of the bill before us for consideration, the President is authorized, during a war, to ban shipments of materials, used ultimately in war, to any belligerent nation.

Under this section, the President could wait until after the League of Nations had voted sanctions against a belligerent and then join the League in banning whatever goods had been prohibited in the sanctions. The purpose of the bill is toward international cooperation on the matter of sanctions. Sanctions are an act of war, and if we join with the League in imposing sanctions, we will be drawn inevitably into the conflict. When sanctions are imposed by individual nations, or collectively, someone must enforce them, in the event that Italy refused to accept the sanctions voted. This was the identical situation if the League had voted sanctions against Japan for her aggression over Manchuria. Logically one would say that the British Navy was the agency that should be used to enforce the League sanctions in the Japan case. The fact that England and every other member of the League of Nations refused, when the matter was discussed, to enforce these sanctions against Japan, because it would mean war for Great Britain, is mighty fine evidence that sanctions cannot be enforced among nations as they are organized today. Why the sanctions for Italy and not for Japan? The happenings in the Far East are immeasurably more sinister than the acts of Italy in the present conflict. The greater part of China, including Manchuria, inner Mongolia, and China proper, with 100,000,000 people and vast resources, is being taken over by Japan, and neither the League of Nations nor any other country can do anything to prevent it.

China is a member of the League of Nations, and has appealed to it in the name of obligation and justice to come to her aid in this, her hour of distress. Japan continues to assault and despoil China and no tie of honor has brought the League of Nations to her assistance. Then why should the League of Nations invoke its covenant against Italy?

PRESENT UNITED STATES FOREIGN POLICY FOLLOWS LEAGUE OF NATIONS

No nation that is a member of the League of Nations feels that it can trust that organization to guarantee its security. Japan withdrew from the League when she invaded and pillaged China. Germany disregards her mandate. Austria, Hungary, and Albania, League members, have said that they would do nothing to impair their friendship for Italy. Switzerland, the home of the League, stands out against economic sanctions because of her "special position." Argentina pleads "special position" and prepares to sign a new trade pact with Italy. With two great world powers outside the League of Nations and the confusion and uncertainty of League members on the matter of sanctions, the United States persists in bolstering up the tottering form of an organization (League of Nations) whose existence cannot be justified by any contribution it has made toward international peace.

With chaos and dissension among member nations in the League of Nations, meeting as to the policy on sanctions on October 21, 1935, the Committee of Coordination of the League decided to enlist the aid of nonmember nations and accordingly a communication was directed to our attention through our Minister to Switzerland, Hugh R. Wilson (State Department document; letter from president of the Committee of Coordination):

SIR: As president of the committee of coordination of measures to be taken under article 16 of the Covenant, I have the honor to transmit herewith to states nonmembers of the League, in accordance with the decision of the coordination committee formed as the result of the recommendation adopted by the Assembly on October 10, the principal recent documents in the Italo-Ethiopian dispute, including the minutes of the Council of October 7, the minutes of the Assembly of October 9 to 11, and the recommendations of the coordination committee.

I am instructed to add that the governments represented on the coordination committee would welcome any communication which any nonmember state may deem it proper to make to me, to notifications of any action which it may be taking in the circumstances.

I have the honor to be, Sir,
Your obedient servant,

AUGUSTO DE VASCONCELLOS,
President of the Committee.

Secretary Hull was familiar with the fact that the League had invoked the provisions of article 16 of the Covenant of the League of Nations for the first time in its history, because he had, according to the above letter, the recent documents in the Italo-Ethiopian dispute, and the minutes of the League meetings of October 7, 9, and 11, before him. He was aware that article 16 demands immediate financial and economic rupture with the aggressor state; and that the League had already adjudged Italy the aggressor. What was his answer? Mr. Hull's reply, far too lengthy to quote, can be briefed as to the substance by quoting the enthusiastic greeting it received in the December (1935) issue of the Carnegie Endowment for International Peace, the arch disciple of the League of Nations interests here in America, quote page 542, bulletin 315:

The nonmember problem in general, and the American aspect in particular, thus proved to be a fundamental preoccupation. A word is justified, therefore, as to the attitude toward the United States. Its first full and courteous reply, showing a certain parallelism in action and a definite repugnance of aggression, was received with interest and appreciation. It not only indicated a general unity of objective but also removed the old fear that America might take positive measures to resist collective action, no matter how much swollen war trade or profiteering developed.

A further extension of Secretary Hull's thoughts on the theory of sanctions and his tendencies to embrace the dictates of the League of Nations can be noted in his radio address of November 6, 1935. The date is significant because it was within 10 days after he had advised the president of the Committee of Coordination of the League of Nations that our Government held parallel views with the League of Nations on the matter of neutrality. Review the language of that radio address and determine for your own satisfaction whether it is a step toward coordinate action with the League in invoking sanctions against Italy (radio address State Department document):

To assume that by placing an embargo on arms we are making ourselves secure from dangers of conflict with belligerent countries is to close our eyes to manifold dangers in other directions. The imposition of an arms embargo is not a complete panacea, and we cannot assume that when provision has been made to stop the shipment of arms, * * * we may complacently sit back with the feeling that we are secure from all danger. * * * So, also, transactions of any kind between American nationals and a belligerent may conceivably lead to difficulties of one kind or another between the nations and that belligerent. * * * The Executive should not be unduly or unreasonably handicapped. There are a number of ways in which discretion could wisely be given the President which are not and could not be seriously controversial. These might well include discretion as to the time of imposing an embargo. Moreover, we should not concentrate entirely on means for remaining neutral and lose sight of other constructive methods of avoiding involvement in wars between other countries. * * * Our own interest and our duty as a great power forbid that we shall sit idly by and watch the development of hostilities with a feeling of self-sufficiency and complacency when, by the use of our influence, short of becoming involved in the dispute itself, we might prevent or lessen the scourge of war.

Where is the line of demarcation in using our—United States—influence "short of becoming involved in the dispute itself"? We are not a member of the League of Nations and we are not obliged to take any action in its decisions nor assume responsibilities for its errors. Why should we adopt any measure such as sanctions which could be construed as unfriendly to either of the belligerents? If the policy of Mr. Hull is to use a "moral influence", then he must be cognizant of the possible results of such action and appreciate that European statesmen have been known to change their minds and leave us to carry the burden.

Finally, in this chain of events, all of which are subsequent to the date of the letter Mr. Hull received from the League of Nations committee on coordination, I submit his own statement—State Department document, November 15, 1935—as conclusive proof of his desire to follow the League policy on the matter of sanctions of certain commodities, such as oil, copper, trucks, tractors, scrap iron, and scrap steel:

The American people are entitled to know that there are certain commodities such as oil, copper, trucks, tractors, scrap iron, and scrap steel which are essential war materials, although not actually "arms, ammunition, or implements of war", and that according to recent Government trade reports a considerably increased amount of these is being exported for war purposes. This class of trade is directly contrary to the policy of this Government as announced in official statements of the President and Secretary of State, as it is also contrary to the general spirit of the recent Neutrality Act.

No mention of these commodities as constituting "essential war materials" was made by the President. In fact, the language "essential war materials" was coined by Mr. Hull to justify his statements, and at no point was this language used in the Neutrality Act. These commodities were never intended to be included in the provisions of the Neutrality Act passed by Congress in August. Consequently, they could not be classed as "arms, ammunition, or implements of war" in the President's proclamation. Mr. Hull did not reach the conclusion that such commodities were "essential war materials" until this date, November 15, 1935, exactly 20 days after his reply to the letter of the Committee on Coordination of the League of Nations. With full knowledge that the commodities enumerated in his statement of November 15, 1935, quoted above, were not, either by implication or by intent, intended to be included as "arms, ammunition, and implements of war" by the Congress of the United States, he seeks to justify an embargo on this class of trade by saying, quote:

This class of trade indirectly contrary to the policy of this Government as announced in official statements of the President and Secretary of State, as it is also contrary to the general spirit of the recent Neutrality Act.

What does Mr. Hull mean by the "general spirit of the recent Neutrality Act"? There is no such thing under our system of government as the "spirit of neutrality." Neutrality is a matter of definite law. One cannot read into the Neutrality Act, passed in August, "a spirit of neutrality", because neutrality is a policy of government and not of individuals. Again, I repeat, it is a definite law with definite provisions, and Secretary Hull or anyone else has no right to issue misleading statements of this type. Those who are shaping our policies should be mindful that the American

people recognize a government of laws and not of men. Secretary Hull knows that the commodities enumerated by him were not included in the language of the Neutrality Act passed in August, but in direct violation of the principles that we like to call American freedom, he attempts to coerce his fellow citizens into the belief that they must embrace the spirit of the neutrality law in order to be law-abiding citizens. Is it any wonder, after analyzing our foreign policy in relation to the present Italo-Ethiopian conflict, that the League of Nations believes that we stand foursquare in support of their policies, notwithstanding the fact that the American people through their accredited representatives in the Senate of the United States, have defeated efforts to enroll our Government as a member of the League on several occasions during the past 15 years. The safety of the United States is our concern.

Let me say that the American people are pro-American and the foreign policy of our Government in the future should reflect that opinion. Let us keep out of war by refraining from the policy of invoking sanctions against Italy, for such a policy will inevitably embroil us in war. We have no quarrel with Italy, but let us not fool ourselves—we cannot take sides and be neutral at the same time. We have prescribed a definite American policy on neutrality. This was done in a time of peace (August 1935), and for us to change the rules in wartime to accommodate the League of Nations is, in my opinion, a hostile act. Keep in mind these fundamentals—that sanctions mean war and that we will be drifting toward war if we invoke sanctions against Italy. The League of Nations is a war trap. Let us keep out of it both in fact and in effect. America's desire for peace at home will most certainly be endangered by an American attempt to make peace abroad. Hands off is the safest policy. Let us not invoke sanctions against Italy. The present Neutrality Act, passed during peacetime (August 1935), needs no further amendment.

BROKEN PLEDGES TO ITALY

The nations which invoke sanctions against Italy today are those which failed miserably to fulfill the provisions of their contract with Italy embodied in the Secret Treaty of London signed in 1915 by Italy, France, Great Britain, and Russia. Italy agreed to use her entire resources and manpower in waging war against the common enemy, Germany. The measure of Italys' fulfillment of that contract is her casualty list. More than 670,000 of her young men gave their lives in the World War. What were the pledges of the Allies made in 1915 to Italy? Here are the plain facts:

Article 13 of the treaty provided that in the event of France and Great Britain increasing their colonial territories in Africa at the expense of Germany, Italy might claim equitable compensation.

After the war, Great Britain and France shared between them the vast former territories of the Cameroons, Togoland, and German East Africa. Other extensive regions went to Belgium and the Union of South Africa. Only Italy received nothing.

The high moralists of the League of Nations, preaching their lofty doctrines of the sacredness of League obligations, pilloried Italy because she had ventured to assert her rights and claim a place in the sun that other countries had already taken good care to secure for themselves. They have never raised a voice against the violation of a treaty signed long before the League was even thought of. It is a common maxim among lawyers that he who invokes a court of equity must go into court with clean hands. Is it for those who have broken their promises to Italy to arraign her for alleged breaches of her obligations?

OUR DEBT TO ITALY AND THE ITALIAN PEOPLE

When people speak of a debt that is owed a nation the expression is used generally in the abstract sense and often without an appreciation of the proof available to support the truth of the statement. It is fine to speak of a great race of people and to extol its contributions to human progress, as a reminder to those who would oppress that race or impugn its motives in matters of world interest. Such is the predicament that Italy finds herself in today. Nations whom Italy has befriended in their hour of need are today invoking economic barriers to halt her plans, plans not of aggression but rather of self-preservation. The memory of nations—if I may be permitted to use that phrase—that comprise the League of Nations is short-lived. Italy responded in the World War and gave generously of her resources and manpower to aid the oppressed nations of Europe, without gain either in bounty or in the acquisition of territory. History relates that the birth of modern Europe, during the period of the Renaissance, is inseparable from the history of Italy. It was Italy that aroused the European youth to progressive action in the spheres of arts and sciences. It was she who revealed the treasures of ancient learning, so that the products of the Roman, the Greek, and the Hebrew civilizations were put at the disposal of all. Her geniuses have spread culture, learning, and advanced thought over the entire world; and it is to her universities that the youth of Europe go for inspiration, for Italian education has given great benefits to the intellect of mankind. Her contributions in the fields of sculpture and music over centuries are too well known to relate at this time, and for her accomplishments in literature, arts, and sciences the world will be paying tribute to her for generations to come. Italy's treasures are the world's treasures, and the world is interested in perpetuating an Italy which should be given free scope to develop her genius.

In more modern times, we need only review the accomplishments of Italy as an ally in the World War. When the World War broke out, Italy was the most powerful European nation not at war. She could have thrown the balance of power in either direction. Italy had the only large fleet not at war, and it alone could have established a cruising superiority in the Mediterranean for either side. Yet her very actions, even though not a participant in the war at its outbreak, savored of what might be termed a benevolent neutrality for the Allies, for the Italian troops were withdrawn from the French frontier when war was declared so that France need not keep her troops to guard this line, but instead put them to use in the cause of the Allies. Italy's entrance into the war was a voluntary act. Her soil had not been invaded. The Allies, by the Pact of London, guaranteed that the Italian areas of the Dual Monarchy were to be released to Italy. When Italy declared war, it was a dark moment for the Allied cause. Germany had won memorable battles and the demoralizing effect of modern German warfare was taking its toll in the Allied troops. In 1915, 1916, and 1917 we witnessed 12 distinct yet devastating battles of the Isonzo by the Italian Army. The Italian morale was high. The Austrian advance was repeatedly stopped at the cost of thousands of lives of Italian heroes killed on the field of battle. We need only recount the battle of Piave, and the Battle of Vittorio Veneto in 1918 which practically annihilated the Austro-Hungarian Army in which it is estimated at least one-third of the Austrian infantry and practically the whole of the Austrian artillery were in the hands of the Italian troops.

The Battle of Vittorio Veneto was one of the most important battles in history. It was one of the most decisive victories of the World War and, in point of numbers of men engaged on both sides—almost 2,000,000—the greatest battle of all history. It was essentially an Italian victory, for more than 90 percent of those engaged on the side of the Allies were Italians. The Battle of Vittorio Veneto cost Italy more than 35,000 dead. At the time of the armistice, Italy held over one-half million Austrian prisoners. Out of a population of 50,000,000, Italy mobilized 5,000,000 for her Army. She lost in all more than one-half million killed and more than 1,000,000 wounded. It is idle to speculate as to who won the war. No one nation can claim that honor, but with Italy, as with America, it may be truthfully said that if she had remained neutral, the war would have lasted much longer and possibly would not have been won by the Allies.

It is to Italy whose genius has given us modern sculpture and art, whose painters and their exquisite works will live until time is no more, whose peasantry have taught the world the love of music and song, whose scholars were the liberators of human thought, whose teachers have revealed the treasures of learning, and whose soldiers have fought the

most memorable battles in history, that we owe a duty to remain neutral in the present Italo-Ethiopian conflict, and by such action pay, in part at least, the debt of gratitude which we owe that great nation.

THE IMPORTANCE OF OUR WILDLIFE

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

The SPEAKER. Is there objection?

There was no objection.

Mr. FADDIS. Mr. Speaker, it is hoped by our millions of citizens interested in the sports of field and stream that the convention of the North American Wildlife Conference, held in the Nation's Capital February 3–7, 1936, will result in a worth-while national program for the conservation and restoration of our fish and game. Such a program has indeed a very logical place in our national life and economic system and is worthy of serious consideration, at this or any other time. In our heedless race of industrialism we have made multitudes of mistakes, many of which are excusable; but the most of our mistakes made in connection with our fish and game are inexcusable. They are the result of a short-sighted policy to satisfy the greed of special interests.

Who can calculate the value of recreation to a nation in health, wealth, or morals? Outdoor exercise is a necessity to most people in order to enable them to maintain a satisfactory state of health. Not everyone is financially able to belong to a golf club, and many prefer other forms of sport. Idleness is an abnormal state for human beings and leads to many violations of the rights of society. With the advent of shorter hours for labor, more opportunities are demanded by man for recreation. Where can our citizens look for assistance in recreational desires if not to the Government which was instituted, among other purposes, to promote the pursuit of happiness? Our fish and game, the pursuit of which is the recreation of a large percent of our population, has been so mercilessly persecuted by our commercial interests as to be nearing extinction.

In the past we have contented ourselves with passing laws to shorten the season and reduce the bag limit, thereby hypnotizing ourselves into a false sense of security. What can it avail us to shorten the number of open days for fishing in waters so poisoned by industrial wastes that no fish can live in them? Why reduce the bag limit on wild ducks, when we have almost annihilated them by a foolish, uneconomic system of wiping out their breeding grounds? Why endeavor to protect elk and antelope from being killed by sportsmen and at the same time allow our Forest Service to be prostituted to the interests of politically protected sheep which, by taking the natural feed of these animals, are exterminating them by starvation? Why close the season on upland game and not protect their natural habitat from being denuded of the vegetation which protects the steep hillsides from erosion and prevents disastrous floods which cause millions of dollars worth of damage each year?

Our past experience demonstrates, beyond the possibility of a doubt, that restriction will not bring back our vanishing game. We must get down to the fundamentals of the proposition. We must have a system of protection and replenishing or we will have no game. Surely, in our program of retiring submarginal lands and curtailing crop production, some attention should be devoted to increasing that valuable crop of this Nation of which there is no surplus—fur, fish, and game. We have made a splendid start in this direction in our C. C. C. camps. Let us continue along this line.

It is man's ambition to leave to his children a better start, in the material things of life, than that which he enjoyed. Let us also insure that we leave to our posterity a more abundant heritage in our wildlife than our fathers left us.

Our crop of fur, fish, and game is an important one to the Nation if measured only by the yardstick of economics. Fish, game, and fur-bearing animals are no inconsiderable items in our national income. In the neighborhood of 13,000,000 sportsmen pay as many million dollars yearly for licenses, to say nothing of the licenses paid upon dogs kept purely for hunting purposes. Besides this, a vast industry derives its revenue from the guns, shells, boots, clothing, fishing tackle, and other accessories which our sportsmen purchase. This expenditure will undoubtedly run well over $1,000,000,000 per year. Guiding, boarding, and transporting this army is also a considerable industry. Many of us who were reared upon a farm can look back to the time when the first money we ever earned was by trapping fur in the farm woodlot. Many a drained marsh has never produced as much revenue since being drained as it formerly returned from muskrat pelts. In the comparatively closely settled State of Pennsylvania I believe that $5,000,000 per year is a conservative estimate of the value of fur caught during the last 15 years.

To the farmers of the Nation I should like to say that the proposition to replenish and conserve our wildlife should be particularly interesting to them because there is a very definite future for them in such a program. Anyone fond enough of hunting or fishing to buy a license would rather pay $5 for a license and have game, than to pay $1 and have very little or no game. A system whereby the farmer gets his fair share of the increased licenses is easily within the realm of possibility. Indeed such systems have been put into effect very successfully in various States. A splendid field is opening, which so far has hardly been scratched, in which farmers and sportsmen will work in cooperation, to the mutual advantage of each, for the conservation and restoration of fish and game. The leasing of hunting rights on cover, properly stocked with game, will produce revenue from a new source of resources, as real as any of the other resources of the farm. There is also a very attractive industry in sight in the shape of game farming. Such cooperative movements are certain to result in a closer bond of sympathy between our urban and rural populations, and will produce a better understanding of the problems of each. Then too, the farmer, by such a movement will be placed more closely in touch with a personal market for many of his small cash crops which are such an important part of the farm income. The farmers will benefit by prevention of disastrous floods, with their consequent erosion and destruction of crops. A national program, such as is advocated, will also assist in maintaining nature's system of checks and balances, and is the most expeditious manner, in which to combat that most dangerous enemy to agriculture—the invading insect. Most certainly any movement having to do with the prevention of stream pollution would be highly beneficial to the farmer, from an economic viewpoint as well as to the sportsman from the viewpoint of recreation.

We must recognize, of course, that it was necessary to curtail the activities of some species of our game in the interest of development. For instance, it would neither be possible nor desirable to return the buffalo to our prairies, or to any part of them. On the other hand we have vast areas which, under present conditions, can be of value to us only in connection with such a program as the one proposed. These wastes should be made into recreational centers for the people of the Nation. If this is not done, hunting and fishing will, in a few years, be in the same position here as it is in Europe, a sport for the wealthy alone.

One of the least excusable of our mistakes has been that of permitting the pollution of our streams. Naturally, this is particularly true of our industrial sections, the very sections in which we are in the most need of those recreational facilities which can be afforded by unpolluted streams properly stocked with fish. Where is there a more wholesome sport than fishing? The two extremes of society will fish in harmony, side by side, exchanging bait, advice, tackle, tobacco, and genuine sympathy for the big one which got away. Where was there ever a more democratic institution than the old swimming hole? What a crime against God, who gave to us the pure and sparkling water, to allow the pollution of our streams. Sulphurous water from mines, acids from factories, sawdust from sawmills, refuse from towns and cities, in open violation of the laws of man, God, and common decency, have made the existence of life in many of our streams impossible and near them undesirable. The wastes of the privileged few have been allowed to destroy the playground of the masses. Is

it any wonder that the masses meet for recreation in unwholesome surroundings, which foster communism and crime? Give us more hunting and fishing grounds, and we will need fewer penitentiaries and reformatories. Streams are, in most cases, interstate matters, and Federal legislation is necessary to prevent pollution.

The desire of mankind for recreation is strong and undeniable. The urge to hunt and fish is more than a mere desire for recreation. It is an assertion of a latent instinct in man to draw upon nature's barnyard for meat. This instinct comes down to us from the dim past, when only those who were proficient in the chase survived. We are the descendants of those who did not starve to death during the hard winters of the Stone Age. Many of us are indeed but a few generations removed from those who hunted from necessity. The necessity has disappeared but the instinct is still strong. As taxpayers and owners of undivided interests in the public lands we have the right to demand consideration. Game belongs to the State, and although it may inhabit private lands, is subject to State regulation. Since its nonexistence so adversely affects the recreation of so many of our citizens we must consider it a question of major importance.

We have numerous associations interested in the preservation and restoration of our wildlife. For all of their efforts, each year game becomes less plentiful. The reason for this is their failure to cooperate in a Nation-wide movement to forward their common purpose. Until those in favor of conservation and replenishment unite and combine their efforts, to first of all, preserve the habitat of our game, any other efforts are futile. Game, as well as any other form of life, must have a home. It is a sad fact that we have to a large extent destroyed its public home, and that today most of our game exists on private land. Some States possess a public home for game, but many do not. A wise system of management in either case is the only remedy. Give the game a chance on public lands and the owner of private lands a square deal, and we will have game in abundance.

Surely there must be enough in common among the 13,000,000 sportsmen, combined with those interested from the commercial viewpoint, to enable them to unite upon a reasonable logical national plan to save our game from extinction.

Pennsylvania furnishes examples, both of conservation and extermination, which are worthy of consideration. It also furnishes an example of the lack of cooperation between those interested and those who dictate policies. Thirty years ago deer were almost extinct in Pennsylvania, and beaver entirely so. By a wise system of protection and replenishing, in a comparatively few years both animals became abundant—so abundant in fact, that lacking sufficient natural food, they became, in some sections destructive to private property, and in others threatened with starvation. Ordinarily the season is open only on bucks having pronged horns. Every few years this results in a surplus of does and a deer population too numerous, in some localities, for the natural food. A large percent of these does are old barren does and should be killed off.

From time to time the season has been opened on antlerless deer. The result has been that meat hunters swarmed to the woods, knowing that does are more easily killed than bucks, and have shot at any deer in sight. If the deer killed happened to be illegal, they took a chance on the next one. The whole matter is nauseating to the senses of any true sportsman. In 1931, 70,255 antlerless deer were killed, of which only a small percent were the undesirable barren does. Fawns, spike bucks, fertile does, and hunters bore the brunt of this unwise policy. The sensible way in which to accomplish this reduction would be to have the game wardens and foresters in each locality kill off these barren does during the closed season and market the meat and hides for the benefit of the game fund. These barren does can easily be distinguished, and in this manner the affair could be managed without the loss of human life and damage to the breeding stock which otherwise results. The sportsmen of Pennsylvania are all agreed upon this matter, but lack of cooperation among them has failed to secure the proper procedure.

Nature is a wonderful and prolific mother. She will make every possible effort to replenish and perpetuate her children, and has endowed her children with a high degree of adaptability. All she needs is the assistance of man, in the form of a sensible plan whereby he shall cease to destroy, unnecessarily, the natural home and food of our fish and game, some aid in protecting it from predatory vermin, a reasonable bag limit, and she will replenish our supply of game. If we are to leave to our posterity any opportunity to enjoy the delights of Nature's playgrounds, we must unite upon a rational national plan of conservation and restoration before it is too late.

NEUTRALITY AND THE LESSONS OF THE WORLD WAR

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

The SPEAKER. Is there objection?

There was no objection.

Mr. IMHOFF. Mr. Speaker, I am in favor of any neutrality bill that will keep the people of the United States out of war. If House Joint Resolution 422, introduced by the gentleman from Tennessee, will do it, I am for it; if House Joint Resolution 491, introduced by the gentleman from Ohio, will keep us out of war, I am for that.

I know that the people of the United States from the Atlantic to the Pacific, and from Mexico to the Canadian boundary, are opposed, now and for all time, to war. Our people may differ in politics, religion, and in the best ways to settle our economic problems, but in one thing they are united, and that is that they are wholeheartedly against any sort of entanglement that would have any tendency to lead our country into another foreign war.

The World War taught our people some lessons that they are going to remember for generations to come. It is easy to start a war; it is easy to be led into a war started by someone else. The world, after 22 years, is debating who started the last war. There has been an investigation during this session of Congress as to how we got into it. The fact that the question, "Who started the World War?", and the further question, "How did we get into it?", can hardly be satisfactorily answered, only goes to show how careful we should be in any neutrality measure. The fact remains that we got into the World War whether we know how we got into it or not. At any rate, we paid the price. In the way of preparation it cost us $25,000,000,000; we loaned over $12,000,000,000 to the Allies, and it is quite likely that we will never collect another dollar of it; we sent 2,000,000 men across 3,000 miles of water to take part in that great struggle. Today 75,000 of those boys are sleeping over there, some of them on the plains of Picardy, some in the valley of the Marne, and some in Flanders field.

We told ourselves that this was a war to end war. We told our boys that when autocracy was crushed for all time no other boys in the years to come would ever be called upon to engage in a foreign war. We promised the mothers, the wives, and the sweethearts of those boys that never again would mothers, wives, and sweethearts be asked to sacrifice their loved ones to the god of war. We believe that by our aid the tide was turned and victory was won, but, after all, what did we get out of it? Nothing. What did it settle? Nothing. What did any war ever settle? In war no one, no country, ever wins. Both sides lose. In the World War our country made such sacrifices that it will not recover in the next hundred years. One-half of all the wealth of the world was blown and blasted away. If all the men who were killed in the World War were to march past you 10 abreast, it would take 45 days of marching day and night for them to march past you. Other untold millions were maimed and disfigured, their minds wrecked or destroyed; many others, on account of their wounds, handicapped in their employment; all of them disillusioned as to the efficacy and the profits of war. And then to think that out of all this cataclysm of carnage and destruction that nothing was won and nothing was settled. Is it any wonder that the people of this country have determined that absolutely under no provocation will we ever again engage in another European War? And I say to you

that neither this Congress nor any other Congress for generations to come will dare to presume to vote the people of this country into another foreign war.

I am told that the United States Government is now, after 124 years, paying pensions to dependents of soldiers of the War of 1812; we are also paying pensions to dependents of veterans of the Mexican War; the United States Government is now paying pensions to hundreds of thousands of dependents of soldiers of the Civil War; and this Government for the next 150 years will be paying pensions to dependents of World War veterans, so that in the end our participation in the World War will cost the taxpayers of this country over $100,000,000,000. When will we learn that war does not pay, that war has no profits, that war never settles anything? When will we learn that the welfare and happiness of the great mass of people of our country depend not upon war but upon peace?

War is as old as the human race. It has been the heritage of our generation to learn without question the price that a people has to pay for war. We see today a world war-weary and in economic ruin, and I warn you that civilization cannot stand another world war. The thinking people of the whole world are groping about trying to find an answer; a way out to economic happiness; and a guaranty for perpetual peace.

Today, because we are outside the maelstrom of European bickering, we are the leaders of the thought of the world. We must not fail in our task. It is ours to lead the rest of the world to an understanding of lasting peace. Otherwise the lessons of the World War must be learned over again and its loss and sacrifice will have been in vain. God forbid.

ENFORCEMENT OF TWENTY-FIRST AMENDMENT

Mr. SUMNERS of Texas. Mr. Speaker, today the House passed a bill (H. R. 8368) to enforce the twenty-first amendment. This bill is not in shape to pass; questions about it have arisen since its introduction.

Mr. Speaker, I asked unanimous consent that the action of the House in passing the bill (H. R. 8368) to enforce the twenty-first amendment be vacated.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman tell us something about the bill?

Mr. SUMNERS of Texas. The title of the bill is to enforce the twenty-first amendment. I may say to the gentleman from Massachusetts that since the bill was introduced representatives from some of the States which were sought to be benefited by the bill say the bill is not satisfactory; and we have not been able to get an agreement amongst the States to be benefited by the administrative forces of the Government. I do not know whether a satisfactory solution can be worked out or not.

Mr. ZIONCHECK. Mr. Speaker, reserving the right to object, what is wrong with the bill as it is now drafted? Why not let it stand as it is and if a better bill should be introduced, report it out. Certainly the great Judiciary Committee did not make a mistake in having that bill placed on the calendar, did it?

Mr. SUMNERS of Texas. It is making no mistake now in asking to have the action of the House vacated; but the gentleman may do as he pleases about it.

Mr. ZIONCHECK. I object, Mr. Speaker.

NEUTRALITY

Mr. WHITE. Mr. Speaker, I was unable to be present when the vote on the neutrarity bill was taken. Had I been here I would have voted "nay."

NATIONAL INCOME AND EXPENDITURES

Mr. RICH. Mr. Speaker, I misunderstood the request of the gentleman from Georgia [Mr. BROWN]. I withdraw my objection to his request to extend his remarks in the RECORD and insert the matter referred to.

The SPEAKER. Is there objection to the request of the gentleman from Georgia to extend his remarks in the RECORD as indicated?

There was no objection.

Mr. BROWN of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following excerpts from an address of Judge Blanton Fortson, a distinguished jurist in my State and district, delivered in Atlanta, Ga., last November, dealing with national income and expenditures.

From J. P. Morgan down to the most obscure reactionary politician come warnings that unless the so-called "spending program" of the Roosevelt administration is speedily abandoned, our economic and political systems will be destroyed.

Primarily, let us remember that most of the money the Government dispenses is lent or put into permanent improvements; and it should not be forgotten that for the money lent good security was taken, so that the borrower and not the taxpayer will pay it back.

Thus, of the 336 millions the Government has put out in Georgia since March 1933, 195 millions was in loans, about one-third of which already has been repaid; 140 millions, or 40 percent, has been spent in useful construction, and only 63 millions, or less than one-fifth, has been given in direct relief. I suppose this percentage holds good throughout the Nation.

Now, will the citizens be able to pay the taxes necessary to retire the debt the Government incurs for public works and direct relief?

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That they can do is demonstrated by very recent history. Soon after the World War began in 1914 conditions in this country became very bad. Due to the loss of German and other markets and severe restrictions of foreign demand, farm products fell below the cost of production; trade in general was depressed and our Republican friends talked of a "Wilson panic." But soon the Allies began to spend in this country enormous sums which they borrowed from American bankers and our national income began to rise. In 1917 we entered the war and our Government instituted the greatest spending program in its entire history. In 2 years it borrowed and spent at home over twenty-three billions. Contrast that with the nine billions the Roosevelt administration has been authorized by Congress to use in spending for recovery. In 1914 our national debt was $2,900,000,000. By 1919 it had risen to twenty-six and one-half billions.

But here is the other side of the picture. Our national income, which in 1914 had been $36,000,000,000, had by 1919 risen under the stimulus of this spending to seventy billions. It averaged above seventy billions for each year until 1930, and in 1929 was eighty-one billions. Out of the increased national income more than four billions were paid on the debt by 1922. Then Mr. Mellon's so-called sound fiscal policy was adopted; the income taxes in the higher brackets were reduced four times, and the average annual reduction of the debt fell off to a little less than a billion dollars. But, even so, according to Mr. Mellon's annual report, by June 30, 1930, the debt had fallen to fifteen billion nine hundred million. And it has been plausibly argued that it should have been reduced considerably lower by retaining the high surtaxes on the larger incomes, with very beneficial results to the Nation.

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Before Mr. Hoover's term expired the debt had risen to twenty-one billions, an increase of over five billions. Since Mr. Roosevelt has been in office it has risen nine billions to slightly more than thirty billions. But note the difference: While Mr. Hoover was spending, the national income steadily declined. By 1932 it had dropped from eighty-one billions a year to only thirty-eight billions, the lowest point since 1914. When Mr. Roosevelt started spending, the national income immediately began to rise. In 1933 it was forty billions; in 1934, fifty-one billions; and now, for 1935, it is conservatively estimated to be nearly sixty billions. The trouble with Mr. Hoover's spending was that it was not adapted to the problem he faced; it did not go far enough; it did not put purchasing power in the hands of the masses.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MONTAGUE, indefinitely, on account of illness.

To Mr. GRAY of Indiana, for 1 week, on account of illness.

To Mr. MERRITT of New York, for Tuesday, February 18, on account of important business.

To Mr. KVALE (at the request of Mr. BOILEAU), indefinitely, on account of illness.

To Mr. STEAGALL (at the request of Mr. STARNES), indefinitely, on account of illness in family).

To Mr. HILL of Alabama (at the request of Mr. STARNES), indefinitely, on account of illness in family.

To Mr. OLIVER (at the request of Mr. STARNES), indefinitely, on account of illness.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3130. An act granting the consent of Congress to the State of Tennessee and certain of its political subdivisions to construct, maintain, and operate a toll bridge across the Tennessee River at or near a point between Dayton and Decatur, Tenn.; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 164. Joint resolution to authorize the selection of a site and the erection thereon of a suitable monument indicating the historical significance of the first entrance into the city of Washington of a steam railroad, and for other purposes; to the Committee on the Library.

ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until tomorrow, Tuesday, February 18, 1936, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 7690. A bill to authorize the coinage of 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y.; with amendment (Rept. No. 2006). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 8107. A bill to authorize the coinage of 50-cent pieces in connection with the celebration of the one hundredth anniversary of the opening of the tri-State Territory of east Texas, north Louisiana, and south Arkansas by Capt. Henry Miller Shreve, to be held in Shreveport, La., and surrounding territory in 1935 and 1936; without amendment (Rept. No. 2007). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 8234. A bill to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the founding of the city of Elgin, Ill., and the erection of a heroic Pioneer Memorial; with amendment (Rept. No. 2008). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 8886. A bill to authorize the coinage of 50-cent pieces in commemoration of the sesquicentennial anniversary of the founding of the city of Columbia, S. C.; with amendment (Rept. No. 2009). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 9673. A bill to authorize the recoinage of 50-cent pieces in connection with the California-Pacific International Exposition to be held in San Diego, Calif., in 1936; without amendment (Rept. No. 2010). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 10264. A bill to authorize the coinage of 50-cent pieces in commemoration of the fiftieth (golden) anniversary of Cincinnati, Ohio, as a center of music, and its contribution of the annual May festival to the art of music for the past 50 years; with amendment (Rept. No. 2011). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 10317. A bill providing for a change in the design of the 50-cent pieces authorized to be coined in commemoration of the one-hundredth anniversary of independence of the State of Texas; without amendment (Rept. No. 2012). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 10489. A bill to authorize the coinage of 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the founding and settlement of the city of New Rochelle, N. Y.; with amendment (Rept. No. 2013). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 10906. A bill to authorize the Director of the Mint to prepare a medal commemorative of Texas independence, and for other purposes; without amendment (Rept. No. 2014). Referred to the Committee of the Whole House on the state of the Union.

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 11040. A bill to deport certain aliens who secured preference-quota or non-quota visas through fraud by contracting marriage solely to expedite entry to the United States, and for other purposes; without amendment (Rept. No. 2017). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 11214. A bill for the relief of sundry claimants, and for other purposes; with amendment (Rept. No. 2015). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 11215. A bill for the relief of sundry claimants, and for other purposes; with amendment (Rept. No. 2016.) Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. AYERS: A bill (H. R. 11216) to amend the act of March 3, 1927, entitled "An act to amend section 1 of the act approved May 26, 1926, entitled 'An act to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes"'"; to the Committee on Indian Affairs.

By Mr. CALDWELL: A bill (H. R. 11217) to amend section 76 of the Judicial Code, as amended, with respect to the terms of the Federal district court held at Tallahassee, Fla.; to the Committee on the Judiciary.

By Mr. AYERS: A bill (H. R. 11218) to provide for the disposition of tribal funds now on deposit or later placed to the Credit of the Crow Tribe of Indians, Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. CHANDLER: A bill (H. R. 11219) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. McGRATH: A bill (H. R. 11220) to amend section 2 of the act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934; to the Committee on Naval Affairs.

By Mr. DISNEY: A bill (H. R. 11221) to amend the last two provisos, section 26, act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248); to the Committee on Indian Affairs.

By Mr. RAMSPECK (by request): A bill (H. R. 11222) to amend the civil-service laws with respect to the retirement of employees engaged in the apprehension of criminals; to the Committee on the Civil Service.

By Mr. SMITH of Virginia: A bill (H. R. 11223) to regulate gratuities, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 11224) to extend the classified civil service to postmasterships of the first, second, and third classes, and for other purposes; to the Committee on the Civil Service.

By Mr. DISNEY: A bill (H. R. 11225) to establish the National Academy of Public Affairs, providing for a board of supervisors therefor, and making an appropriation for its establishment and maintenance; to the Committee on Education.

By Mr. JONES: Resolution (H. Res. 419) providing for the consideration of S. 3780; to the Committee on Rules.

By Mr. BEITER: Joint resolution (H. J. Res. 492) making an appropriation for public-works projects to provide work relief and increase employment; to the Committee on Appropriations.

By Mr. FENERTY: Joint resolution (H. J. Res. 493) directing the President of the United States of America to proclaim November 11 of each year as a national holiday for the observance and commemoration of the signing of the armistice; to the Committee on the Judiciary.

By Mr. McSWAIN: Concurrent resolution (H. Con. Res. 42) to recognize April 6 as Army Day; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New York, regarding the sale of firearms in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of New York, regarding flood control in certain counties in the State of New York; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. KENNEDY of Maryland: A bill (H. R. 11214) for the relief of sundry claimants, and for other purposes; to the Committee on Claims.

Also, a bill (H. R. 11215) for the relief of sundry claimants, and for other purposes; to the Committee on Claims.

By Mr. ANDREWS of New York: A bill (H. R. 11226) for the relief of the Percy Kent Bag Co., Inc., to the Committee on Claims.

By Mr. BUCK: A bill (H. R. 11227) to award the Distinguished Flying Cross to Lincoln Ellsworth; to the Committee on Military Affairs.

By Mr. CROSBY: A bill (H. R. 11228) granting a pension to Clara Dempsey; to the Committee on Invalid Pensions.

By Mr. HALLECK: A bill (H. R. 11229) granting an increase of pension to Hester A. Walmer; to the Committee on Invalid Pensions.

By Mr. HEALEY: A bill (H. R. 11230) for the relief of Alfred Aloysious Bligh; to the Committee on Naval Affairs.

By Mr. SAMUEL B. HILL: A bill (H. R. 11231) for the relief of Rasmus Bech; to the Committee on Claims.

By Mr. HOFFMAN: A bill (H. R. 11232) for the relief of Charles Hose; to the Committee on Military Affairs.

By Mr. HOLMES: A bill (H. R. 11233) for the relief of John P. Ryan; to the Committee on Claims.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 11234) for the relief of Jack Stuckey; to the Committee on Claims.

By Mr. KNIFFIN: A bill (H. R. 11235) granting a pension to Myrtle R. Oldfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11236) granting a pension to Charles F. Boroff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11237) granting an increase of pension to Mary L. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11238) granting an increase of pension to Elizabeth Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11239) granting an increase of pension to Frances A. Kuder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11240) granting an increase of pension to Catherine Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11241) granting an increase of pension to Eunice Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11242) granting an increase of pension to Nancy A. Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11243) granting an increase of pension to Ella A. Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11244) granting an increase of pension to Margaret I. Reider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11245) granting an increase of pension to Mary Buhrer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11246) granting an increase of pension to Catherine J. Cupp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11247) granting an increase of pension to Martha M. Ely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11248) granting an increase of pension to Harriet Deamer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11249) granting an increase of pension to Abbie Davison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11250) granting an increase of pension to Sarah Marks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11251) granting an increase of pension to Jennie Kohn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11252) granting an increase of pension to Christena Huffman; to the Committee on Invalid Pensions.

By Mr. KOPPLEMANN: A bill (H. R. 11253) granting a pension to Alfred A. Abel; to the Committee on Invalid Pensions.

By Mr. MITCHELL of Tennessee: A bill (H. R. 11254) for the relief of William Wirt McDonald; to the Committee on Claims.

By Mr. MONAGHAN: A bill (H. R. 11255) for the relief of William Boyer; to the Committee on Claims.

Also, a bill (H. R. 11256) for the relief of M. M. Twichel; to the Committee on Claims.

By Mr. MOTT; A bill (H. R. 11257) granting a pension to Rose Berry; to the Committee on Pensions.

By Mr. NELSON: A bill (H. R. 11258) granting a pension to Samuel L. Poe; to the Committee on Pensions.

By Mr. O'BRIEN: A bill (H. R. 11259) for the relief of George Colton; to the Committee on Naval Affairs.

By Mr. PARSONS: A bill (H. R. 11260) granting an increase of pension to Effie Compton; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 11261) for the relief of widows of certain Reserve officers of the Army who died while serving with the Civilian Conservation Corps; to the Committee on Claims.

By Mr. RAMSPECK: A bill (H. R. 11262) for the relief of Brooks-Callaway Co.; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 11263) granting a pension to Annie E. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11264) granting a pension to Mary E. Ringer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11265) granting a pension to Nora Henley Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11266) granting a pension to Reatha Reneau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11267) granting a pension to Hattie Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11268) granting a pension to Lucy E. Huff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11269) granting a pension to Charlie Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11270) granting a pension to Joke Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11271) granting a pension to Sarah L. Ellison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11272) granting a pension to Hattie Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11273) granting a pension to Robert N. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11274) granting a pension to Martha Story; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11275) granting a pension to Venia Moody; to the Committee on Pensions.

Also, a bill (H. R. 11276) granting a pension to Cinda Forbes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11277) granting an increase of pension to Sarah J. Lake; to the Committee on Invalid Pensions.

By Mr. SHORT: A bill (H. R. 11278) granting a pension to Mary E. Mitchell; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 11279) granting an increase of pension to Eliza V. Stevens; 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:

10125. By Mr. BIERMANN: Petition of L. O. Berridge and others of Oelwein, Iowa, asking for remedial legislation regarding star routes; to the Committee on the Post Office and Post Roads.

10126. Also, petition of Jud Gady and others of Oelwein, Iowa, asking for remedial legislation regarding star routes; to the Committee on the Post Office and Post Roads.

10127. By Mr. CUMMINGS: Petition of number of citizens of Weld County, Colo., urging Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10128. Also, petition of 134 citizens of Logan County, Colo., urging Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10129. Also, petition of patrons of star route no. 65130, Larimer 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.

10130. Also, petition of patrons of star route no. 65199, Jefferson County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase compensation thereon; to the Committee on the Post Office and Post Roads.

10131. Also, petition of patrons of star route no. 65172, Yuma County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase compensation thereon; to the Committee on the Post Office and Post Roads.

10132. Also, petition of 54 citizens of the Second Congressional District of Colorado, urging Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10133. Also, petition of 69 citizens of Larimer County, urging Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10134. By Mr. DRISCOLL: Petition of citizens residing in towns served by star route no. 10212, petitioning Congress to indefinitely extend existing star-route contracts and increase the rate of compensation therefor; to the Committee on the Post Office and Post Roads.

10135. By Mr. GOODWIN: Petition of 45 citizens and patrons of star route from Carlisle to Central Bridge, N. Y., urging 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.

10136. Also, petition of 26 citizens and patrons of star route from Sloansville to Central Bridge, N. Y., urging Congress at this session to pass legislation 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 transportation; to the Committee on the Post Office and Post Roads.

10137. By Mr. HAINES: Petition signed by 114 constituents of York County, Pa., endorsing Townsend old-age-pension plan; to the Committee on Ways and Means.

10138. By Mr. JOHNSON of Texas: Petition of Vera Allday and Caymae Cosby, of the Alday Beauty Shop, Dawson, Tex., opposing House bill 10124; to the Committee on Interstate and Foreign Commerce.

10139. By Mr. JONES: Petition of Perry Gober and 77 other citizens of Canadian, Tex.; to the Committee on the Post Office and Post Roads.

10140. By Mr. KENNEY: Petition of the Linden High School Parent-Teacher Association, endorsing the Federal food and drugs bill, and House bill 6472, and petitioning that they be brought before the House of Representatives; to the Committee on Interstate and Foreign Commerce.

10141. Also, petition of the North Hudson Real Estate Board, favoring appointment of a commission to establish a clear height on the bridge over the Hudson River from New Jersey to New York by the North River Bridge Co.; to the Committee on Interstate and Foreign Commerce.

10142. By Mr. KRAMER: Resolution of the Los Angeles Bar Association, relative to the adoption of legislation to provide the United States Circuit Court of Appeals for the Ninth Circuit with additional judges, etc.; to the Committee on the Judiciary.

10143. By Mr. LAMBERTSON: Petition of Mary Vories and 35 other citizens, all of Wathena, Kans., favoring passage of House bill 8739; to the Committee on the Judiciary.

10144. Also, petition of O. E. Replogle and 14 other citizens, all of Oskaloosa, Kans., advocating the legislation proposed by the National Star Route Carriers' Association; to the Committee on the Post Office and Post Roads.

10145. By Mr. MICHENER: Petitions signed by D. E. Hewitt and 111 other residents of the Second Congressional District of Michigan, residing in the territory served by star route no. 37345, urging that legislation be enacted indefinitely extending all existing star-route contracts, and increasing 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.

10146. By Mr. MOTT: Petition signed by Gertrude Dick, Eugene, Oreg., and 34 other members of the Eugene Central Woman's Christian Temperance Union, urging the enactment of House bill 8739; to the Committee on the District of Columbia.

10147. By Mr. O'CONNELL: Petition requesting Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10148. By Mr. PARKS: Petition concerning star-route contracts, etc.; to the Committee on the Post Office and Post Roads.

10149. Also, petition concerning star-route contracts, etc.; to the Committee on the Post Office and Post Roads.

10150. By Mr. PFEIFER: Petition of the National Women's Moderation Union for Legalizing Lotteries, Inc., New York City, urging support of Congressman KENNEY's lottery bill; to the Committee on Ways and Means.

10151. Also, petition of the Senate of the State of New York, Albany, urging consideration of the report and recommendations for permanent flood-control works in certain counties of New York State; to the Committee on Flood Control.

10152. Also, petition of the National Music Printers and Allied Trade Associations, New York, urging hearings on the Duffy copyright bill (S. 3047); to the Committee on Patents.

10153. By Mr. SANDERS of Texas: Petitions of citizens of Wood, Smith, and Van Zandt Counties, Tex., requesting enactment of legislation to 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.

10154. By Mr. SNELL: Petition signed by patrons of star route no. 7139, relative to legislation to extend all existing star-route contracts, and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10155. By Mr. WILLIAMS: Petition of Victor Roth, of Wittenberg, Mo., and others, requesting changes in the tenure of office and compensation of star-route mail contractors; to the Committee on the Post Office and Post Roads.

10156. By the SPEAKER: Petition of various citizens of Kuttawa, Ky., to the Committee on the Post Office and Post Roads.