rate permanent to the farm borrowers of the Federal land bank, or at least extending same for a period of not less than 3 years; to the Committee on Banking and Currency.

10186. Also, resolution of the department executive committee of the American Legion, in session at Pierre, S. Dak., February 2, 1936, requesting that the Federal Government start the construction of veterans' hospital at Hot Springs, S. Dak., as soon as possible; to the Committee on World War Veterans' Legislation.

10187. Also, resolutions of the South Dakota stockmen, assembled at their second annual State round-up held at Brookings, S. Dak., on February 4, 5, and 6, relative to livestock conditions, etc.; to the Committee on Agriculture.

10188. By Mr. JOHNSON of Texas: Petitions of F. B. Peyton, of Fairfield, and 78 other citizens of Freestone County, and James F. Baker, of Fairfield, and 84 other citizens of Freestone County, State of Texas, favoring House bill 10756, providing for the issuance of permanent contracts to all contractors and subcontractors of star routes, compensation thereon established preferred list covering former contractors, etc.; to the Committee on the Post Office and Post Roads.

10189. By Mr. KENNEDY of New York: Memorial of the Legislature of the State of New York, that the Secretary of War, and through him the Chief of Engineers of the United States Army, respectfully urging that the report and recommendations for permanent flood-control works in these flooded counties of New York State be properly considered as an emergency measure to the end that with the greatest expedition consistent with the efficiency these recommendations be placed before the second session of the Seventy-fourth Congress at the earliest possible moment; to the Committee on Flood Control.

10190. By Mr. KRAMER: Resolution of the Board of Directors of the American Petroleum Institute relative to the purchase of asphaltum made from domestic crude oil, etc.; to the Committee on Interstate and Foreign Commerce.

10191. By Mr. LARRABEE: Petition of Valorons C. Recor and others, of Markleville, Ind., requesting Congress to enact legislation at this session that will indefinitely extend all 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.

10192. By Mr. LORD: Petition of 14 residents of the town of Colchester, Delaware County, N. Y., endorsing the Townsend old-age-pension plan; to the Committee on Ways and Means.

10193. Also, petition of Mary Madigan and 450 members of Townsend Club No. 4, Binghamton, N. Y., endorsing the Townsend old-age revolving pension plan; to the Committee on Ways and Means.

10194. Also, petition of 14 residents of the town of Colchester, Delaware County, N. Y., endorsing the Townsend old-age-pension plan; to the Committee on Ways and Means.

10195. Also, petition of 19 residents of Downsville, Delaware County, N. Y., endorsing the Townsend old-age-pension plan; to the Committee on Ways and Means.

10196. By Mr. MORAN: Petition of citizens and patrons of star route no. 1293 from Camden-Lincolnville-Northport to Belfast, urging enactment of 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 mail transportation; to the Committee on the Post Office and Post Roads.

10197. By Mr. MOTT: Petition signed by Rita Norris and 16 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.

10198. Also, petition signed by Sam W. Pearce and 11 other Spanish War veterans, urging the enactment of House bill 9472, known as the Philippine travel pay bill; to the Committee on War Claims.

10199. By Mr. REED of Illinois: Telegram signed by Robert Pottinger and 58 other residents of Elmhurst, Ill., requesting passage of House bill 8163; to the Committee on Immigration and Naturalization.

10200. Also, telegram signed by H. Wahl and 28 other residents of Elmhurst, Ill., requesting passage of House bill 8163; to the Committee on Immigration and Naturalization.

10201. By the SPEAKER: Petition of the Indiana State Bar Association; to the Committee on the Library.

10202. By Mr. RICH: Petitions of citizens of McKean, Clinton, and Lycoming Counties, in Pennsylvania, favoring House bill 10756; to the Committee on the Post Office and Post Roads.

SENATE

THURSDAY, FEBRUARY 20, 1936

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

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

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, February 18, 1936, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, returned to the Senate, in compliance with its request, the bill (S. 3093) to provide funds for cooperation with Sanish School District No. 1, Mountrail County, N. Dak., for extension of public-school buildings to be available for Indian children.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

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

S. 3227. An act 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;

S. 3277. An act 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;

S. J. Res. 118. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; and

H. J. Res. 491. Joint resolution extending and amending the joint resolution (Pub. Res. No. 67, 74th Cong.) approved August 31, 1935.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. LEWIS. I announce the absence of the junior Senator from Alabama [Mr. BANKHEAD], the Senator from Rhode Island [Mr. GERRY], and the senior Senator from Alabama [Mr. BLACK], occasioned by illness, and I further announce that the senior Senator from North Carolina [Mr. BAILEY], the Senator from New Hampshire [Mr. BROWN], the Senator from Nevada [Mr. McCARRAN], and the junior Senator from North Carolina [Mr. REYNOLDS] are unavoidably detained from the Senate.

Mr. BYRD. I announce that my colleague the senior Senator from Virginia [Mr. GLASS] is detained from the Senate because of illness in his family.

Mr. AUSTIN. I am requested to announce the necessary absence of the Senator from Wyoming [Mr. CAREY], the Senator from Iowa [Mr. DICKINSON], and the Senator from Minnesota [Mr. SHIPSTEAD].

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

RESCUE OF GREEK SEAMEN BY STEAMER "CITY OF NEWPORT NEWS"

Mr. TYDINGS. Mr. President, we have always been proud whenever there have been any rescues at sea by American vessels. Because the State of Maryland is a seaport State, many ships have gone down to the sea from her ports and have taken part in many thrilling rescues at sea.

A few days ago the steamer *City of Newport News*, of a comparatively new line, the Baltimore Mail Line, in command of Captain Wright, had the good fortune to hear the call of a Greek freighter in distress and, in the midst of high seas, to pick up her entire crew of 33 men.

Naturally, as a Maryland Senator, I feel great pride in this incident, and simply rose to make a short comment upon the fine conduct of this comparatively new shipping line and the fine service the captain and crew of the *City of Newport News* rendered in that emergency.

REVERSION TO OLD ORDER—LETTER BY SOUTH TRIMBLE

Mr. WHEELER. I ask unanimous consent, out of order, to send to the desk and have read a letter written by South Trimble, Clerk of the House of Representatives, to Mr. Harper Sibley, president of the United States Chamber of Commerce.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C., February 19, 1936.

Mr. HARPER SIBLEY,
President, United States Chamber of Commerce,
Washington, D. C.

Mr. R. V. FLEMING,
President, American Bankers Association,
Washington, D. C.

GENTLEMEN: On October 18, 1935, there appeared in the Washington Herald a dispatch of a speech made in Philadelphia by Mr. Harper Sibley, president of the United States Chamber of Commerce. The article in the paper was headlined "Recovery Lies in Old System", which was the substance of the speech.

On January 23, 1936, the Washington Herald printed an excerpt from a speech made in Philadelphia by Mr. R. V. Fleming, president of the American Bankers Association, in which he was quoted as saying "The American people cannot legislate themselves back to prosperity."

Here we have two gentlemen, presidents of two of the most powerful organizations in the country, of virtually the same opinion who want to go back to the old order of things—surely a gloomy outlook if your opinion prevails.

I wonder if you two distinguished gentlemen ever calmly meditated in an effort to ascertain the basic cause of this depression.

Is it providential? No. It would be rank blasphemy to accuse the great Creator of being responsible for all the sorrow, suffering, hunger, rags, and wretchedness in a land of plenty.

Then, if it is not providential, is it man-made? Yes.

If it is man-made, what manner of man is responsible?

Is it the farmer? No. He is accused of producing too much.

Is it the merchant and the manufacturer? No. Hundreds of thousands have been thrown into bankruptcy.

Is it the laboring man who earns his bread by the sweat of his brow? No. Fifteen million were tramping the highways and byways of the Nation, looking for work they could not get before the New Deal came to their assistance.

Then who is responsible?

My answer is the international bankers, with headquarters in London, operating in this country through emissaries and their satellites, principally the bankers who—to be charitable—are unwittingly and ignorantly the pliant tools of the emissaries of the international bankers.

You say, "The American people cannot legislate themselves back to prosperity. We must go back to the old order of things." I say—and facts justify my opinion—that the vicious, pernicious legislation on the statute books today is the basic cause of this depression, and all other panics and depressions. The people are governed by law, for good or for evil, from the cradle to the grave.

The records of history reveal that individual selfishness, crystallized into the laws of nations, is the cause of the overthrow of republics. Whenever the people, by education and training, become worshipers of Mammon, laws, as a rule, are made and construed in the interest of property and humanity is neglected.

When the people permit a class of citizens to do their thinking for them on a question of national policy, it results in that class influencing legislation in its selfish interest and against the interests of the masses; and, in the end, if not checked, results in revolution. Where greed and vanity are cultivated in a republic, the people lose sight of the elementary truths on which they started, and then the republic drifts more rapidly toward disintegration.

For you to understand how republics once begun may be destroyed, you must understand what effect laws may have that are intended to benefit a class. To make this clear I will use as an illustration an old English law. It was a law that permitted the owner of land to settle it on the oldest son, to descend indefinitely from oldest son to oldest son. It is known as the law of entail. Once entailed the land could not be divided and sold to others, but would be held by the oldest living son to pass at his death to the next oldest son or other person named in the deed entailing the land.

It is an historical fact that the effect of this law was that, in time, 99 percent of all the lands in England, Scotland, and Ireland passed into the ownership of less than 1 percent of the people, thus reducing 99 percent of the people to tenantry. It created a class that lived vain lives of idleness and luxury, while depriving others of land that would have served them for homes. Our forefathers understood the effect of this law on civilization that reduced a people to tenantry and provided against the law of entail in our Constitution.

Permit me to admonish you that the most dangerous subterfuge now being preached by plutocracy in the interest of monopoly is the doctrine that the industrial masses have no remedy at the hands of the law.

This doctrine destroys faith in Government and gives rise to the most dangerous sentiment of revolution. Convince the toiling millions in every line of endeavor that, for all these hard times, idleness, low wages, and oppression, they have no remedy at the hand of the Government they are taxed to maintain, and their love of the flag and their hope in the Government is destroyed.

Once the common people become thoroughly convinced that the Government is powerless to protect them against the oppressive encroachment of aggregated wealth—unless restrained by force—they will grind cities into dust and desolate the country with fire and sword.

The man who teaches working people that the Government cannot remedy, by law, the social, industrial, and financial ills from which they suffer fosters anarchy. This hopeless doctrine held out to the masses on the one hand is equivalent to presenting a dynamite bomb on the other.

We have on our statute books laws which that type of money changers that Christ drove out of the temple (after he forgave his crucifiers, the thief, and erring woman) by manipulation, are concentrating the wealth of this Nation in the hands of a favored few 10 times more rapidly than the law of entail concentrated the land of England in the hands of nobility. For the ultimate result, turn back and read the dusky pages of history and you will find the answer. Already the hopelessness of the poor is a menace to the public peace, and the general unrest and distrust will continue to increase unless the power of the Government to protect the rights of the masses against the invasion of organized wealth, is acknowledged and demonstrated by law.

The great masses of the people (not including J. P. Morgan's "leisure class" which he defines: "A family that can afford one servant" and "the Nation's hope to avert revolution and save civilization") have been bamboozled and sandbagged by plutocrats until they are losing faith in everything but brute force. Already anarchy is rife in the great cities and communism is spreading in the country like a prairie fire. But the danger still remains—will remain as long as people educated to believe themselves the equal of kings and the superiors of princes, cannot obtain sufficient food for themselves and families.

Is it not wise to reduce the pressure somewhat, to loosen the thumbscrews a little? Is it not better for capital to be satisfied with a reasonable increment than, by grasping for more, lose all? Is it not the part of wisdom to give to toil the full meed of its earnings lest it appropriate that of both labor and capital? Is it not better to yield gracefully to an irresistible force than to stubbornly oppose it and be destroyed?

In conclusion, I want you to understand that I am not posing as a philanthropist who is trying to reform the country for the fun of the thing or who is willing to starve to death for the sake of an attractive tombstone. However, I do want to see the con-

dition of the farmer, laborer, merchant, and mechanic so improved that they will be contented, prosperous, and happy, and when conditions improve for them they will be improved for you and me and for every man who, with pick and pen, brawn and brain, honestly earns his daily bread.

I also want you to understand that I hold both of you gentlemen in high esteem and believe you to be sincere, conscientious men who voice your honest convictions. I also believe you are like all human beings—creatures of environment—and look only through the rose-tinted glasses of plutocracy.

Pardon me for burdening you with this long letter.

Very respectfully yours,

SOUTH TRIMBLE.

PETITIONS AND MEMORIALS

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

Whereas Irish potatoes are one of the more important agricultural crops of the State of Virginia; and

Whereas the value of the Irish-potato crop in the State of Virginia has declined from a total of $25,688,000 in 1927 to $6,811,000 in 1935; and

Whereas it is the sense of the General Assembly of Virginia that Irish potatoes should be included on the same basis with other agricultural commodities in any national program for the relief of agriculture: Now, therefore, be it

Resolved by the senate (the house of delegates concurring), (1) That the Congress of the United States be memorialized to include Irish potatoes on the same basis with other agricultural commodities in any national program for the relief of agriculture; and

(2) That the clerk of the senate be directed to forward copies of this resolution to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Secretary of Agriculture of the United States, and to each member of the Virginia delegation in the Congress of the United States; and,

(3) That a committee of five be appointed, two of the members thereof to be appointed by the president of the senate and three of the members thereof to be appointed by the speaker of the house of delegates, to confer with the Secretary of Agriculture of the United States and the members of the Virginia delegation in the Congress of the United States, with reference to the matters contained in this resolution.

The VICE PRESIDENT also laid before the Senate a resolution of the board of directors of the Texas Bar Association, opposing any attempt, whether by law or constitutional amendment, to impair in any degree the existing jurisdiction, powers, or functions of the courts, and especially of the Supreme Court of the United States, which was referred to the Committee on the Judiciary.

He also laid before the Senate letters from the Acting 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 Department from the city manager of San Juan, the Commerce Employees Association, of Mayaguez, and Antonio R. Barcelo, president of the caucus of liberal senators and representatives, all of Puerto Rico, praying for the confirmation of Benigno Fernandez Garcia to be attorney general of Puerto Rico, which were referred to the Committee on the Judiciary.

He also laid before the Senate resolutions of the Association of the Bar of New York City, the board of governors of the Philadelphia (Pa.) Bar Association, the Indiana State Bar Association, and the Lawyers Association of Kansas City, Mo., favoring the enactment of House Joint Resolution 237, for the establishment of a trust fund to be known as the Oliver Wendell Holmes Memorial Fund, which were referred to the Committee on the Library.

He also laid before the Senate a resolution adopted by the fifth annual convention of State aviation officials at Detroit, Mich., favoring the creation in each branch of Congress of a committee on civil aviation, which was referred to the Committee on Rules.

Mr. WALSH presented a letter from the Board of Selectmen of Northborough, Mass., endorsing a resolution adopted by the Massachusetts State Association of Selectmen, relative to Federal relief projects, and favoring the employment of persons on such projects on recommendation by the local authorities, which was referred to the Committee on Appropriations.

He also presented a petition of members of Mary J. Pettengill Auxiliary, No. 31, United Spanish War Veterans, of Everett, Mass., praying for the enactment of the bill (S. 3545) 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, which was referred to the Committee on Claims.

He also presented a letter in the nature of a petition from the New England Watch and Ward Society, Boston, Mass., praying for the enactment of Senate bill 6, prohibiting the transportation in interstate or foreign commerce and carriage through the mails of certain gambling devices, which was referred to the Committee on Interstate Commerce.

He also presented letters in the nature of petitions from the Central Labor Union of Lowell, and Local Unions Nos. 2178 and 2446, of Millbury; Local Union No. 2332, of Northbridge; and Local Union No. 30, of Salem, all of the United Workers of America, in the State of Massachusetts, praying for the enactment of the so-called Ellenbogen bill, H. R. 9072, being a bill relating to the textile industry, which were referred to the Committee on Education and Labor.

He also presented a letter in the nature of a petition from Joseph B. Howland, M. D., superintendent of Peter Bent Brigham Hospital, Boston, Mass., praying for the enactment of the so-called Guffey-Dockweiler bill, to remove the excise tax on denatured Philippine coconut oil, which was referred to the Committee on Finance.

He also presented the petition of Old Bay State Chapter, Daughters of the American Revolution, of Lowell, Mass., praying for the enactment of the bill (H. R. 3263) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4), which was referred to the Committee on Interstate Commerce.

He also presented letters in the nature of petitions from several citizens of the State of Massachusetts, praying for the enactment of legislation indefinitely extending all star-route contracts, which were referred to the Committee on Post Offices and Post Roads.

He also presented a letter in the nature of a petition from the Board of the Worcester (Mass.) Branch, League of Women Voters, praying for the maintenance of a strict American neutrality policy, which was ordered to lie on the table.

He also presented a letter in the nature of a petition from the Fitchburg (Mass.) Food Dealers' Association, praying for the enactment of the so-called Robinson-Patman fair-trade bill, which was ordered to lie on the table.

He also presented a letter from Fraternal Council No. 15, Junior Order United American Mechanics, of Haverhill, Mass., relative to pending immigration legislation, which was ordered to lie on the table.

He also presented a letter in the nature of a memorial from the Retail Trade Board of the Boston (Mass.) Chamber of Commerce, remonstrating against the enactment of Senate bill 3154, the so-called Robinson-Patman fair-trade bill, which was ordered to lie on the table.

He also presented the petition of the Building Trades Council of Newton, Mass., praying for the enactment of the so-called Frazier bill, being the bill (S. 3475) to provide for the establishment of a Nation-wide system of social insurance, which was referred to the Committee on Education and Labor.

He also presented a letter in the nature of a memorial from Enterprise Council, No. 1, Junior Order United American Mechanics, of Haverhill, Mass., remonstrating against the enactment of the bill (S. 2969) to authorize the deportation of criminals, to guard against the separation from their families of aliens of the noncriminal classes, to provide for legalizing the residence in the United States of certain classes of aliens, and for other purposes, which was ordered to lie on the table.

Mr. COPELAND presented a resolution of the Kings County (N. Y.) Master Plumbers Association, Inc., favoring extension of the Federal Housing Act after its expiration on

April 1, 1936, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted at the annual meeting of the New York State Bar Association, favoring the elimination of capital gains and losses in the determination of net income under Federal and State income-tax laws, and the segregation and separate taxation of net capital gains at a moderate flat rate, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Board of Supervisors of Jefferson County, N. Y., favoring the building of the proposed Great Lakes-St. Lawrence seaway and power project, and the special handling of any funds that may be appropriated in connection therewith, which was referred to the Committee on Foreign Relations.

He also presented a letter in the nature of a petition from the chairman of the public affairs committee of Rambam Lodge, No. 300, Independent Order of Brith Sholom, New York City, N. Y., praying for the enactment of the bill (H. R. 8163) to authorize the deportation of criminals, to guard against the separation from their families of aliens of the noncriminal classes, to provide for legalizing the residence in the United States to certain classes of aliens, and for other purposes, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Jamestown (N. Y.) Traffic Club, protesting against the enactment of legislation providing for the Government ownership and operation of railroads, the 6-hour day, the full crew, Government track and signal inspection, etc., which was referred to the Committee on Interstate Commerce.

He also presented a resolution of Hermann Koch Unit, No. 72, of the Steuben Society of America, of Elmhurst, Long Island, N. Y., favoring the maintenance of a strict American neutrality policy, which was ordered to lie on the table.

He also presented a resolution adopted by the Hudson Branch, American League Against War and Fascism, New York City, N. Y., protesting against the enactment of legislation abridging the freedom of speech and of the press, which was ordered to lie on the table.

He also presented resolutions of the board of supervisors of Jefferson County, and the Ladies' Auxiliary to the New York, Ontario Western Veterans' Association of the Northern Division, of Norwich, both in the State of New York, 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 were ordered to lie on the table.

He also presented petitions of sundry residents of Puerto Rico, praying for the enactment of legislation extending the benefits of the Federal social-security plan to Puerto Rico, which were referred to the Committee on Territories and Insular Affairs.

Mr. WAGNER presented a resolution of the Ladies' Auxiliary to the New York, Ontario, and Western Veterans' Association of the Northern Division, Norwich, 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.

CAPITAL GAINS AND LOSSES

Mr. WAGNER. I ask unanimous consent to have printed in the RECORD and appropriately referred a resolution adopted by the New York State Bar Association dealing with the subject of capital gains and losses under Federal and State income-tax laws.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas in the opinion of this association the treatment of capital gains and losses under Federal and State income-tax laws has been economically unsound and detrimental to the public welfare, and in particular has resulted in instability of revenues, the impairment of normal market conditions, discouragement of buying when prices are low, prevention of selling when prices are high, inequities as between one taxpayer and another, and generally abnormal economic conditions; and

Whereas it is clear that capital gains differ essentially in nature from ordinary or recurrent income and should not be treated as such for the purposes of taxation; and

Whereas this association believes that proper treatment of capital gains and losses for tax purposes will have the present effect of encouraging the improvement of business conditions and the revival of trade and will tend to prevent future economic disturbances such as have been experienced in the past decade: Therefore be it

Resolved, That this association recommends the elimination of capital gains and losses in the determination of net income under the Federal and State income-tax laws and the segregation and separate taxation of net capital gains at a moderate flat rate.

OLIVER WENDELL HOLMES MEMORIAL FUND

Mr. WAGNER presented a resolution of the Association of the Bar of the City of New York, N. Y., which was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

Whereas under the will of the late Justice Oliver Wendell Holmes his residuary estate was bequeathed to the United States; and thereafter, on June 15, 1935, the House of Representatives unanimously passed a resolution (known as H. J. Res. 237) that the income from said residuary bequest be used for the purpose of building up and maintaining a collection of legal literature in the law department of the Library of Congress to be known as the Oliver Wendell Holmes Collection; and said resolution is now pending before the Senate Committee on the Library; and

Whereas it is believed that such establishment of said residuary fund for the support of such collection of legal literature would constitute an appropriate means for commemorating one of the most distinguished minds in our judicial history and for the strengthening of the law department of the Library of Congress: Now, be it

Resolved, That the Association of the Bar of the City of New York does hereby authorize and request the president of the association to transmit a copy of this resolution to the President, to the Vice President, to the Chief Justice, and to the Speaker of the House, also to the chairmen and each member of the Senate and House Committees on the Library and on the Judiciary of both Senate and House, and to the Senators representing the State of New York; and that, in transmitting such copy to such chairmen, committee members, and Senators, the president of the association also urge upon them the enactment of said House Joint Resolution 237.

PREVENTION OF UNFAIR TRADE PRACTICES—PETITIONS

Mr. BENSON. Mr. President, I am in receipt of 53 telegrams and letters from individuals and officials of organizations representing in all more than 15,000 independent merchants in Minnesota, which communications are in the nature of petitions urging the enactment of Senate bill 3154, the so-called Robinson-Patman fair-trade bill.

In behalf of these petitioners and in order that their support of this measure may be duly noted, I ask that the communications be noted in the RECORD with the names of the senders, that their stand in behalf of fair-trade practices may be known to every Member of Congress. I also ask that the communications may lie on the table.

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

The telegrams in the nature of petitions praying for the enactment of Senate bill 3154 (H. R. 8442), the so-called Robinson-Patman fair-trade bill, presented by Mr. BENSON and ordered to lie on the table, are from Northwestern Shoe Retailers Regional Association, by H. S. McIntyre; Adrian Commerce Association, by George J. Lewis, secretary-treasurer; Lyman E. Johnson Co.; the Kuehn Hall Co., by Frank O. Kuehn; John J. Grace; Walter Dalldorf; George R. Guptil; Frank O. Kuehn, Jr.; William K. Kuehn; Dean Beaudry; M. M. Bergquist; S. Mules; R. L. Sandin; Paul Burton; Norman Thompson; Frank Timmons; Kenneth Rude; E. C. McTurney; C. W. Martinka; R. T. McBath; Ed Erickson; Walter Downey; Twin City Storage Co.; Erickson Food Products Co.; Charles T. Heller; Maurice Lifson; Sam Lifson; Urssell Lifson; A. J. Alboehten; Hennepin Hardware Co., by C. V. Leaertt; Wohler Hardware Co., by W. J. Wohler; Billman's, Inc., by Dan E. Billman; T. Callaghan; Wetterlin Hardware, by Al. N. Wetterlin; Hodne Hardware Co., by S. W. Hodne; Cleveland Hardware, by Bliss S. Cleveland; Carl A. Dreves; Decker & Sitz, by F. E. Decker; Park Rapids Hardware, by R. R. Bartosch; Minnesota Retail Hardware Association, by C. J. Christopher, manager; National Mer-

chants Association, by W. T. Coulter; Community Builders, by C. N. Christopher, president; Minnesota State Pharmacy Board, by Edward J. Prochaska and Frank W. Moudry; Minnesota Retail Hardware Association, by George Herreid, president; Minneapolis Retail Hardware Association, by Louis Egler, president; St. Paul Hardware Association, by James Hurley, president; Bruce Publishing Co., by J. R. Bruce, president; St. Paul Association of Retail Druggists, by W. C. Kregel, president, and John F. Sheady, secretary; Minnesota State Pharmacicial Association, by K. K. Keller, president; St. Paul Retail Grocers Association, representing 500 grocers, by J. E. Kroemer, president, and James Daley, secretary; John Hyslop; O. Widstrand; C. A. Pearson Wholesale Grocery Co., by C. B. MacDonell, president; H. H. Christensen; and Hanson Hardware, by A. J. Hanson.

OLIVER WENDELL HOLMES MEMORIAL FUND

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD resolutions adopted by the Dauphin County (Pa.) Bar Association endorsing House Joint Resolution 237, providing for the maintenance of the late Oliver Wendell Holmes' collection of legal literature.

Among all of the eminent jurists who have graced the supreme tribunal of our Nation none has held a more honored place in the esteem of his fellow countrymen than has Mr. Justice Holmes. His scholarship, his liberality, and his love of justice have rendered his decisions of lasting significance. It is therefore fitting that the collection of legal literature which he assembled should be accorded the care suitable to its great value. I ask that the resolutions be referred to the Committee on the Library.

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

The resolutions were referred to the Committee on the Library, as follows:

Whereas the late Justice Oliver Wendell Holmes has bequeathed his library, consisting of more than 2,000 volumes, to the Law Library of Congress; and

Whereas Justice Holmes also left his residuary estate to the United States; and

Whereas House Joint Resolution 237 provides that "the residuary fund be credited to the Library of Congress Trust Fund Board and that the income of this fund be used for the purpose of building up and maintaining a collection of legal literature in the law department of the Library of Congress to be known as the Oliver Wendell Holmes Collection"; and

Whereas this resolution was unanimously passed by the House of Representatives on June 15, 1935, and is now before the Senate Committee on the Library for consideration; and

Whereas Dauphin County Bar Association is a local bar association affiliated with the Pennsylvania Bar Association: Now, therefore, be it

Resolved, That the Dauphin County Bar Association in annual meeting assembled does hereby most heartily endorse the substance of House Joint Resolution 237 and urge upon the proper authorities the adoption of the aforesaid joint resolution; be it further

Resolved, That copies of this resolution of endorsement shall be mailed by the secretary of the Dauphin County Bar Association to His Excellency President Franklin D. Roosevelt; Vice President Garner; Speaker of the House Byrns; Chief Justice Hughes; Hon. Alben W. Barkley, chairman of the Senate Library Committee; Hon. Henry F. Ashurst, chairman of the Senate Judiciary Committee; Hon. Kent E. Keller, chairman of the House Library Committee; Hon. Hatton W. Sumners, chairman of the House Judiciary Committee; Hon. James J. Davis and Hon. Joseph F. Guffey, Senators of the Commonwealth of Pennsylvania.

REPORTS OF COMMITTEES

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the bill (S. 2243) relating to the allocation of radio facilities, reported it with an amendment and submitted a report (No. 1588) thereon.

Mr. FLETCHER, from the Committee on Banking and Currency, to which was referred the bill (S. 3998) to enable the Commodity Credit Corporation to better serve the farmers in orderly marketing, and to provide credit and facilities for carrying surpluses from season to season, reported it without amendment and submitted a report (No. 1589) thereon.

Mr. MALONEY, from the Committee on Commerce, to which was referred the bill (H. R. 10316) to legalize a bridge across Poquetanuck Cove at or near Ledyard, Conn., reported it without amendment and submitted a report (No. 1590) thereon.

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

H. R. 10465. A bill to legalize a bridge across Second Creek, Lauderdale County, Ala. (Rept. No. 1591); and

H. R. 11045. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky. (Rept. No. 1592).

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

H. R. 8030. A bill 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 (Rept. No. 1594);

H. R. 8901. A bill to provide for the establishment of a Coast Guard station at or near Apostle Islands, Wis. (Rept. No. 1595); and

H. R. 9062. 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 (Rept. No. 1596).

Mr. CLARK, from the Committee on Commerce, to which was referred the bill (S. 3868) to amend section 32 of the act entitled "An act to authorize the construction of certain bridges and to extend the times for commencing and/or completing the construction of other bridges over the navigable waters of the United States, and for other purposes", approved August 30, 1935, reported it without amendment and submitted a report (No. 1597) thereon.

Mr. GUFFEY, from the Committee on Commerce, to which was referred the 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., reported it without amendment and submitted a report (No. 1598) thereon.

AIRPLANE ACCIDENTS IN INTERSTATE AIR COMMERCE—LIMIT OF EXPENDITURES

Mr. COPELAND, from the Committee on Commerce, reported a resolution (S. Res. 237), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the limit of expenditures under Senate Resolution 146, Seventy-fourth Congress, first session, agreed to June 7, 1935, to investigate certain airplane accidents and interstate air commerce, is hereby increased by $25,000.

ASSISTANT CLERK TO COMMITTEE ON ENROLLED BILLS

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 223, submitted by Mrs. CARAWAY on the 30th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Enrolled Bills is hereby authorized to employ until the end of the present session an assistant clerk to be paid from the contingent fund of the Senate at the rate of $1,800 per annum.

MYRTLE C. PATTERSON

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 226, submitted by Mr. PITTMAN on the 3d instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for miscellaneous items,

contingent fund of the Senate, fiscal year 1935, to Myrtle C. Patterson, widow of C. C. Patterson, late messenger to the Committee on Foreign Relations, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CONTINUATION OF THE GENERAL SURVEY OF INDIAN CONDITIONS

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 230, submitted by Mr. THOMAS of Oklahoma on the 6th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That Senate Resolution 79, agreed to February 2, 1928, and continued by subsequent resolutions, authorizing the Committee on Indian Affairs, or any subcommittee thereof, to make a general survey of the condition of the Indians in the United States, is hereby continued in full force and effect throughout the duration of the Seventy-fifth Congress.

SUPERINTENDENT OF SHILOH NATIONAL PARK

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 231, submitted by Mr. MCKELLAR on the 6th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That Senate Resolution 198, agreed to June 13, 1934, authorizing a select committee to investigate charges of incompetency and abuse of official duties by the superintendent of the Shiloh National Park, hereby is continued in full force and effect until the end of the Seventy-fourth Congress.

MESSENGER FOR THE PRESS GALLERY

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 236, submitted by Mr. ROBINSON on the 14th instant, reported it with an amendment.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 3, before the word "an", to strike out "until otherwise ordered by the Senate" and insert "during the sessions of the Congress."

The amendment was agreed to.

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

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

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. WHEELER:

A bill (S. 4055) to supplement existing antitrust acts, to protect the public against combinations in restraint of trade, to prevent unnecessary and wasteful cross-hauling of commodities, to restore and preserve purchasing power, and to aid in the prevention of the recurrence of economic stringency, and for other purposes; to the Committee on Interstate Commerce.

By Mr. COUZENS:

A bill (S. 4056) to provide for the establishment of an air base for the United States Air Corps Reserve at the Wayne County Airport, Wayne County, Mich.; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 4057) granting an increase of pension to William Franklin DeSpain (with accompanying papers); to the Committee on Pensions.

By Mr. RUSSELL:

A bill (S. 4058) to extend the boundaries of the Fort Pulaski National Monument, Ga., and for other purposes; to the Committee on Public Lands and Surveys.

(Mr. COPELAND introduced Senate bill 4059, which was referred to the Committee on the Library, and appears under a separate heading.)

By Mr. WALSH:

A bill (S. 4060) for the relief of Minnie M. Sears; and

A bill (S. 4061) for the relief of Reuben Robbins (Rollins); to the Committee on Claims.

By Mr. POPE:

A bill (S. 4062) to provide for the development of hydroelectric power at Cabinet Gorge on the Clark Fork of the Columbia River in the proximity of the Montana-Idaho State line, and for the rehabilitation of irrigation districts, and for other purposes; to the Committee on Irrigation and Reclamation.

A bill (S. 4063) for the exchange of lands adjacent to the Clearwater National Forest in Idaho; and

A bill (S. 4064) for the relief of the owners of lots in the unflooded portion of the old town site at American Falls, Idaho; to the Committee on Public Lands and Surveys.

By Mr. NEELY:

A bill (S. 4065) granting an increase of pension to Susan Powell; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4066) to readjust the pay of warrant officers;

A bill (S. 4067) to confer the Medal of Honor for service in the Philippine Insurrection on William O. Trafton; and

A bill (S. 4068) to correct the military record of Ray McDonald; to the Committee on Military Affairs.

By Mr. BYRD:

A bill (S. 4069) to cancel certain charges entered on the accounts of the Treasurer of the United States; to the Committee on Claims.

(Mr. COPELAND introduced Senate bill 4070, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

By Mr. CAPPER:

A bill (S. 4071) to increase agricultural purchasing power and provide for the payment of tariff-equivalent benefits on that part of the production of certain farm commodities which is consumed within the United States, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. SCHWELLENBACH:

A bill (S. 4072) for the relief of Edwin McGuire; to the Committee on Naval Affairs.

By Mr. LOGAN:

A joint resolution (S. J. Res. 214) directing that no further taxes be collected by the Treasury Department under the provisions of Public Law No. 483, Seventy-third Congress; to the Committee on Finance.

By Mr. BARKLEY:

A joint resolution (S. J. Res. 215) authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin Statue in Washington, D. C.; to the Committee on the Library.

By Mr. BORAH:

A joint resolution (S. J. Res. 216) authorizing loans to fruit growers for rehabilitation of orchards during the year 1936; to the Committee on Agriculture and Forestry.

FEDERAL SERVICE MEDALS

Mr. COPELAND. I wish to introduce for appropriate reference a bill providing for Federal service medals. I ask in connection with the introduction of the bill that a brief resolution of an organization of the Federal employees be printed in the RECORD and referred with the bill.

The VICE PRESIDENT. Without objection, it is so ordered. The bill introduced by the Senator from New York will be received and appropriately referred.

The bill (S. 4059) providing for Federal service medals of honor to Government employees for distinguished service was read twice by its title and referred to the Committee on the Library.

The resolution of the Thirteenth Convention of the National Federation of Federal Employees was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

OUTSTANDING SERVICE AWARD

Whereas it has been the constant desire of the Federal Government to attract ambitious men and women of high standards into its employ, for the establishment of their careers in the civilian branches of its service, that the Nation might thereby greatly profit by their increasing efficiency in their various vocations; and

Whereas the services of many such civilian employees often bring outstanding honor and credit to the Nation or produce many highly beneficial results from a monetary point of view; and

Whereas up to the present time provisions have been made only for the following awards by the Army, Navy, and Treasury Departments:

Awarded by the War Department: Medal of Honor, Distinguished Service Cross, Distinguished Service Medal, Silver Star, Purple Heart, Soldier's Medal, Distinguished Flying Cross, and Oak Leaf Cluster;

Awarded by the Navy Department: Medal of Honor, Distinguished Service Medal, Navy Cross, and Distinguished Flying Cross;

Awarded by the Treasury Department: Gold Life Saving Medal and Silver Life Saving Medal; and

Whereas various members of the civilian personnel of the Federal Government likewise perform just as valiant, and sometimes just as dangerous though less spectacular, service to their country, and whose valuable achievements of various natures continually accrue to the Federal Government with practically no recognition or special reward of any nature; and

Whereas we firmly believe that outstanding, meritorious service of Federal civilian personnel should receive due recognition by the Nation in the form of a Federal service medal, to be presented by the President of the United States to the employees who have been selected for such distinction by a committee of award, said committee to be selected in a manner to be later determined, and that after the first 25 awards a maximum of 10 such awards be made in any Federal fiscal year: Therefore be it

Resolved, That this, the Thirteenth National Convention of the National Federation of Federal Employees, assembled in Old Faithful Lodge in Yellowstone National Park, hereby voices its approval of a Federal service medal for outstanding service over a considerable period of years rendered by civilian Federal employees; and be it further

Resolved, That the executive council of the National Federation of Federal Employees be hereby instructed to study and to formulate a plan for the selection of such distinguished civilian Federal servants, and—in cooperation with such Federal authorities as may be deemed advisable—to work out such other details as may be necessary to accomplish the purpose of this resolution.

AMENDMENT TO RIVER AND HARBOR BILL—ATLANTIC-GULF SHIP CANAL, FLORIDA

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL

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

On page 3, line 10, to change the figures "$303,960" to "$323,960."

On page 67, line 2, following the word "navigation", to insert the following: "and to include waterway improvements undertaken pursuant to the Emergency Relief Appropriation Act of 1935."

On page 68, line 10, to change the figures "$138,677,899" to "$167,677,899."

TAXATION OF LIQUOR—AMENDMENT

Mr. TYDINGS submitted an amendment intended to be proposed by him to the bill (H. R. 9185) to insure the collection of the revenue on intoxicating liquor, to provide for more efficient and economic administration and enforcement of the laws relating to the taxation of intoxicating liquor, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

PREVENTION OF UNFAIR TRADE PRACTICES—AMENDMENT

Mr. SCHWELLENBACH submitted an amendment intended to be proposed by him to the bill (S. 3154) making it unlawful for any person engaged in commerce to discriminate in price or terms of sale between purchasers of commodities of like grade and quality, to prohibit the payment of brokerage or commission under certain conditions, to suppress pseudo-advertising allowances, to provide a presumptive measure of damages in certain cases and to protect the independent merchant, the public whom he serves, and the manufacturer from whom he buys, from exploitation by unfair competitors, which was ordered to lie on the table and to be printed.

ADDITIONAL COPIES OF "THE LIFE AND MORALS OF JESUS"

Mr. FLETCHER submitted the following concurrent resolution (S. Con. Res. 31), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, with illustrations, by the photolithographic process, in such style and manner as may be directed by the Joint Committee on Printing, 4,600 additional copies of House Document No. 755, Fifty-eighth Congress, second session, entitled "The Life and Morals of Jesus of Nazareth", by Thomas Jefferson, as the same appears in the National Museum; of which 1,500 copies shall be for the use of the Senate and 3,100 copies for the use of the House of Representatives.

DISCIPLINE IN THE MILITARY FORCES—NOTICE OF MOTION TO SUSPEND RULES

Mr. LA FOLLETTE submitted a notice of a motion to suspend the rules, which was read, as follows:

Pursuant to the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraphs 1 and 2 of rule XIII for the purpose of permitting a motion to be made to reconsider the vote on the passage of the 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.

REFUND OF PROCESSING TAXES (S. DOC. NO. 178)

Mr. NORRIS. Mr. President, on the 13th of this month I addressed to the Secretary of Agriculture a letter in which I asked for information, as follows:

Will you be good enough to supply me with such data as you may now have conveniently available which will show (1) the profits of the important industries involved in the processing-tax refunds; (2) the relation of the impounded and other outstanding processing taxes to those profits; and (3) the way processors altered or failed to alter their operating and profit margins when processing taxes were in effect and since they have been removed?

I have this morning received a reply from the Secretary of Agriculture enclosing a memorandum of Mr. Bean, the economic adviser of the Agricultural Adjustment Administration, in answer to those questions. I think the information would be very valuable to Senators, and perhaps to others. I, therefore, ask unanimous consent that my letter and the reply of the Secretary, together with the memorandum of the economic adviser, be printed as a Senate document, with illustrations.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PILLARS OF GOVERNMENT—COSTIGAN OF COLORADO—ARTICLE FROM THE FORUM

Mr. WHEELER. Mr. President, in the February Forum of this year is an article by Oswald Garrison Villard, under the title "Pillars of Government—Costigan of Colorado." The article presents facts and conclusions, as reported and appraised by a distinguished journalist and author, with respect to the career of the senior Senator from Colorado.

I ask unanimous consent that the condensation of the article which I send to the desk may be printed in the CONGRESSIONAL RECORD.

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

[From the Forum for February 1936]

PILLARS OF GOVERNMENT—COSTIGAN OF COLORADO

By Oswald Garrison Villard

No Senate spellbinder here, no silver-tongued orator to split the ears of the groundlings. No promiser of all things to all men. Not one to bow the knee to power and wealth. Not even one to conceal his thoughts, speak softly because of an election in the offing, or play Jack and Tom and Jim with the next man. Nothing of the domineering, ruthless leader seeking to impose his will upon all who may come along, COSTIGAN, of Colorado, works in different ways his wonders to perform—the wonder of ceaseless, selfless, exhausting, unremitting toil; the wonder of a man long in public life refusing to take counsel of his fears, never asking what any advocacy may do to him, only whether it be sound, constructive, progressive, in accord with a deep-lying need of the hour; the wonder of a never-ceasing compassion for the disadvantaged; the wonder of a complete devotion to the public weal.

Colorless, some who know not, call COSTIGAN, because he does not stir the Senate to mutiny and rage; because, unlike another, lately dead, he is no mountebank dancing for the galleries on feet nimbler than his wanton wits. Colorless, it is said, because he shakes no leonine head to impress his legal lore upon those listening at their desks. Colorless because quiet, too modest, unassuming, self-controlled, he wreaks himself upon his tasks by day and by night to explode only at times and then with astounding force.

In 1930, when COSTIGAN entered the Democratic primary, there was no lack of color when he convinced the members of that party that he should be their choice and went on to defeat the Republican candidate with the greatest majority ever given a candidate for the Senate from Colorado. There was no lack of color when he

returned to Colorado after serving 12 years on the United States Tariff Commission and, without benefit of organization, convinced thousands from every walk of life, from the farms, the mines, and the offices, that he was their leader. Crowds came to his meetings from curiosity and left convinced of his sincerity, his ability, and his leadership. COSTIGAN's campaign was the most colorful in Colorado's history. His oratory and ability cannot be questioned.

Nothing colorless about him when he took the witness box in 1915 before the Commission on Industrial Relations to say with scorn:

"Society has a right to demand that a charity shall no longer cover a multitude of economic sins. Mr. Rockefeller, who appears to the world in the relief afforded Belgium a liberal benefactor, stands convicted before the workers of Colorado as a narrowly biased and visionless moneymaker. Philanthropy so conducted from the beginning of the world to the present day has been a barrier to the correction of economic wrongs. It has promoted aristocracy; it has retarded the democratic quality of opportunity; and so considered, the Rockefeller Foundation and other like philanthropic undertakings may themselves be counted by this Commission vital causes of the present-day industrial unrest."

COSTIGAN IN ACTION

COSTIGAN was burning when he gave that testimony because of the Ludlow massacres of men, women, and children, who were shot or burned alive by soldiers and deputies for daring, when in Rockefeller employ, to strike and fight for the right to a decent wage. He burned deeply when, as a member of the Senate Subcommittee on Manufactures, he cross-examined Walter S. Gifford, head of the great American Telephone & Telegraph Co., and then director of the President's organization on unemployment relief. Others may have forgotten this. It is safe to say that Mr. Gifford has not. The subject of the hearing was the two bills introduced in the Senate by LAFOLLETTE and COSTIGAN on December 9, 1931, to give Federal cash aid to the unemployed—something then considered nothing less than heresy. The whole incident is illuminatingly characteristic of COSTIGAN and the thoroughness with which he attacks any problem. He arrived in Washington weeks before the opening of Congress. Mr. Hoover in the White House was unalterably opposed to Costigan's plan. He preferred to have Americans starve rather than to weaken their morale by Federal aid—curiously enough local aid is not character-destroying.

Senator COSTIGAN promptly instituted detailed inquiries into the present and prospective needs rising from unemployment; the adequacy of existing resources * * * and the character and extent of Federal aid, if any, which should supplement State and local agencies.

It took the Senator no time to show that Mr. Gifford and his organization were going ahead with extremely little concrete knowledge of what was the actual situation.

"You have been most indefinite with respect to the needs of the country as a whole."

Mr. Gifford opined that—

"it is a human equation that we are dealing with, and we cannot add it up in figures."

"But in any event," COSTIGAN went on, "your organization has made no affirmative effort to tabulate the facts with respect to the human needs throughout the United States?"

Mr. Gifford could only say, "That is correct." Then COSTIGAN pounced upon Mr. Gifford's statement that his organization was seeking by advertisement to arouse people locally to giving. Didn't he think it would be a more dignified or effective procedure to turn to taxable resources for meeting the difficulties? Well, Mr. Gifford was theoretically for the tax system, but he could only remember that in normal times we had community chests and in view of the grave situation—

"I think," he said, "it is a dangerous thing to change the practice, whatever the final evolution may be."

Which must make sad reading for Mr. Gifford today.

"It is your feeling that we, as a people, ought to follow the practice of advertising ourselves into the thrill of great spiritual experiences?"

Mr. COSTIGAN had taken those words, "thrill of a great spiritual experience", out of one of Mr. Gifford's Nation-wide advertisements of October 1931.

CHAMPION OF THE UNDERPRIVILEGED

COSTIGAN still burns within today because of many wrongs. He will burn within as long as he lives. But he holds his emotions in check, perhaps lest they sweep him away, perhaps lest he lose the influence which is his by too frequent and too earnest appeals to those so often unmoved and uncomprehending. But go to him with any righteous cause and you will have his sympathy and, if possible, his aid—his counsel, of course, and since that is wise and shrewd it is sought after by many, day in, day out. Still waters flow deep—if you doubt this, probe COSTIGAN to his depths, and you will find that there is no social wrong or injustice which does not set him to vibrating in protest.

Of COSTIGAN it has been written that he is "a pathetic, personal illustration of the travail of an intelligent man seeking a place in American politics."

But he is anything but pathetic, however limited he may find the circle of his close and confidential friends, however lonely he may feel at times. No man is pathetic who has stuck to his guns and gone on to repeated victories while others have fallen by the wayside. His great personal following has stood with him while he fought for the rights of the miners, when one risked one's life to do so and was lucky not to be beaten up frequently. They saw him espouse prohibition, honestly and sincerely, when it was not popular to do that; when he organized in Denver the Honest Election League, the Law Enforcement League, when he was attorney for the Anti-Saloon League in local-option cases, when he was chairman of the Dry Denver Campaign Commission, when he backed direct primaries and direct legislation, when he was president of the Civil Service Reform League and leader of the Citizens' Party, which swept his city in 1912.

It is significant that COSTIGAN has been a trusted ally of the two great progressive Presidents, Woodrow Wilson and Franklin Roosevelt. For him the Bull Moose platform was a charter of liberty, but he has gone far beyond it. To use his own words, he is enlisted in "the same, long, age-old fight of those idealists who stand for the good of humanity against those betrayers of the human race whose only purpose is the aggrandizement of the few. I care not what name may be applied for the moment in these successive battles in the war for humanity against the powers of greed."

COSTIGAN STANDS HIS GROUND

In December 1934 he issued his Fourteen Points—it is significant of his growing influence that it was carried in full by the Associated Press. This program included higher-speed public works on a much larger scale, the social-security legislation now in some degree adopted, and the principles of the Wagner labor bill, also enacted into law at the last session. He was for more aid for the veterans; against tax-exempt securities; for increased Government control of credit and currency.

He urged a bill to curb the private electric-power interests and to strengthen municipal and Federal power projects and undertakings—he is for Government ownership and operation of all public utilities. Then, as always, he stood for higher income, gift, and estate taxes; for blotting out the national disgrace of lynching; for the control of our munitions industry, coupled with international and national measures to avert war. Yes; he is an internationalist—let all who will, tremble. That means that he voted for our entry into the World Court and for the recent legislation to safeguard our neutrality. He is for every possible means of controlling war, either by the United States alone or in concert with other powers; he knows what a humbug and a failure the World War was, and he is bitterly opposed to American intervention by force of arms anywhere in Central or South America. In other words, he is a highly civilized man, who sees that if the world cannot conquer war, war will destroy it.

But this by no means exhausts the positions COSTIGAN has taken. His battle with Senator WAGNER for the removal of the greatest disgrace to our country—the lynching of human beings, white or black—was magnificent.

For the Wagner labor bill, with its assurance to the workers of the right to collective bargaining, of the end of the company union, and of an independent Federal Labor Board—the first two were promised in the N. R. A., but never enforced—Senator COSTIGAN naturally stood. He voted for the income-tax publicity, and for the Guffey coal bill, which he helped to shape with unsurpassed knowledge gained as counsel for the Rocky Mountain Fuel Co., of which the Assistant Secretary of the Treasury, Josephine Roche, is the enlightened head and owner—her devoted friendship for the Senator and Mrs. Costigan is one of their most cherished possessions. When the income-tax publicity was defeated the Senator drafted an amendment regulating the access of the various authorities to this information, which was gladly accepted, and voted by both Houses of Congress. He is for the bonus, no matter what the President, whom he always upholds when he can, and others may think.

Long months before the wiping out of the N. R. A. by the Supreme Court, COSTIGAN anticipated it. On January 4, 1935, the first day when bills could be introduced in that session of Congress, COSTIGAN offered this joint resolution for a constitutional amendment of which we may hear in the years to come:

"SECTION 1. The Congress shall have power to regulate hours and conditions of labor and to establish minimum wages in any employment and to regulate production, industry, business, trade, and commerce to prevent unfair methods and practices therein.

"SEC. 2. The due-process-of-law clauses of the fifth and fourteenth amendments shall be construed to impose no limitations upon legislation by the Congress or by the several States with respect to any of the subjects referred to in section 1, except as to the methods or the procedure for the enforcement of such legislation.

"SEC. 3. Nothing in this article shall be construed to impair the regulatory power of the several States with respect to any of the subjects referred to in section 1, except to the extent that the exercise of such power by a State is in conflict with legislation enacted by the Congress pursuant to this article."

The brevity and clarity of this resolution and its comprehensive character are all the more interesting in view of the frank confession of Walter Lippmann, press pundit extraordinary, that he found himself unable to draft any workable amendment and in view of Raymond Moley's refusal to accept Lippmann's public challenge that he do the drafting.

It is COSTIGAN who looks ahead and supplies the brains, who breaks ground, as witness his leadership in the case of soil erosion, his ungranted demand for a census of the unemployed, his insistence on Government aid to State school systems. Naturally he voted against our huge naval appropriations and as enthusiastically fought for the public-utility bill, even to the famous "death sentence." In the entire Congress there is no more ardent protagonist of free speech and the preservation of the daily violated rights of free assembly and fair trial by a jury of one's peers—

no one is keener than he to recognize the growing danger of fascism and the absolute necessity of defending the fundamental principles of this Republic if it is to survive.

RESOURCEFUL LEADERSHIP

As Senator from Colorado, two difficult problems at once confronted COSTIGAN. It is a gold- and silver-mining State and it contains a large and powerful beet-sugar industry. The latter became increasingly prosperous under high Republican tariffs, the benefits of such protection finding their way into the pockets of manufacturers and stockholders, while conditions of the sugar-beet growers and laborers became increasingly worse. Years ago the industry discovered that the drudgery of work in the fields could best be done by Mexican and Russian labor, which could be obtained cheaply.

It was the practice of the sugar companies to enlist labor in Mexico and the Southwest, bringing entire families to Colorado for the summer months, returning them later to their homes. They were contracted to farmers, receiving an agreed sum per acre for their services. In order to obtain a partial living, laborers had to contract to take many acres, which necessitated the work of every member of the family in the fields—men, women, and children. After experimentation, it was found to be cheaper to keep the laborers in Colorado during the winter, and the practice of returning them to Mexico was discontinued. Thus began the Mexican relief problem in Colorado.

It was characteristic of COSTIGAN in facing the sugar-beet problem to attack it from the standpoint of the farmer and laborer. In campaigning for the Senate in 1930 he proposed something quite novel—a direct bounty to the growers, giving to them a share of the tariff tax. Farmers were interested, while manufacturers scoffed. The latter were not for his election—he was far too radical for them and much too much in favor of lower tariffs. They little dreamed that COSTIGAN's suggestion of 1930 would result in a bill drafted by him in 1933 and adopted by Congress in 1934, which would save the entire industry from collapse just 4 years after they fought him with every power at their wealthy command.

Once in Washington, COSTIGAN was in a position of having to take cognizance of both the mining and beet-sugar interests and to present their demands to the Congress and the Federal Government.

COSTIGAN, having the official responsibility, brought about the passage on May 9, 1934, of the Costigan-Jones sugar law. Under it Colorado beet-sugar farmers have received benefits increasing their returns per acre by a fraction less than 50 percent in 1935, as contrasted with 1933, when the largest sugar-beet crop in history was raised. Between February 2, 1935, and September 1, more than 20,000 sugar "benefit payment" checks were sent to Colorado sugar growers, totaling more than $3,000,000. These benefit payments to the farmers are made possible by a processing tax of one-half cent a pound on sugar sold in the United States, paid by the companies, when the conversion of sugar beets or sugarcane into sugar takes place, or by the importers, upon the entry of foreign sugar into this country, the objective being to guarantee the farmers a return equal to their pre-war parity. The interest of the consumer was protected, COSTIGAN felt, because simultaneously with signing the Costigan-Jones bill President Roosevelt signed an Executive order reducing the tariff on sugar in an amount equal to the processing tax.

Next, this measure gave to the Secretary of Agriculture power to grant to each sugar-producing region supplying the domestic market a definite quota of that market. The immediate effect was to stabilize a demoralized industry, not only in the continental United States but also in the insular possessions and Cuba. In order to accomplish its objective it was necessary for the Costigan-Jones Act to provide that both beet and cane sugar be recognized as basic agricultural commodities under the A. A. A.

Whether one agrees with the principle of this legislation or not, no one can deny that it proved the Senator's fertility of resource and his desire to do justice to everyone. The immediate results of this legislation have been a living return to the farmers; increased wages to labor brought about through contracts negotiated by the Secretary of Agriculture; the elimination of child labor, which was one of the basic reforms contained in the act; and an assured market for each sugar-producing area. The criticism made of the law, which will expire on December 31, 1937, are those leveled against all similar use of the processing tax to pay farmers cash to create and maintain artificial prices justifiable only as emergency measures. Thus the late secretary of the National Beet Growers' Association, J. D. Pancake, declared that "the sugar industry is in the healthiest condition it has been for years. We now have a Government guaranty of parity and a Government guaranty of settling disputes over the terms of the beet contract."

As for the Colorado miners, the Roosevelt gold and silver policies have played into the Senator's hands, notably the purchases of silver.

THE INCORRUPTIBLE

There is no greater expert on the tariff in the country than EDWARD P. COSTIGAN, for he served 11 years on the United States Tariff Commission, applying his able and thorough mind to its problems throughout that period. But nothing about his service on that Commission "became him like the leaving of it." He resigned voluntarily. It sounds incredible, but there the fact is.

It is one of the misfortunes of our public life that the habit of resignation is so little established. In England it is one of the safety valves. Men do not hestitate to save their self-respect by freely resigning if their consciences no longer permit them to uphold the policies of their chiefs or of the government. With us resignations are, normally, practically unheard of; at worst one accepts a kicking upstairs or an office "equally as good." But most of the officeholders find it easy to salve their consciences—and to continue to draw their salaries.

Costigan stood intolerable and impossible conditions as long as he could and then he resigned, clearly, publicly, with a resounding bang. He called men by their right names, denounced at least two Presidents, and showed how the whole Tariff Commission had been made the football of politics, the basketball of the protected industries, and the roosting place of several former paid lobbyists who neither could nor desired to hold the scales even and attack the problem in a purely scientific way.

That resignation is a masterpiece. It gives the history of the Commission in a nutshell. It records the Presidential sale of the Commission to the protected interests it was created to control and discipline. It scores, as said, some of the individuals with whom he served and reveals, more clearly perhaps than its author intended, how protection corrupts whenever it touches national life. It records how at the end of 5 years, at a cost of $3,000,000, the Commission had made only 32 reports to the President under the flexible tariff provisions of the law creating it and had actually reduced the tariffs on only these five articles of profound moment to the country: Millfeed, bobwhite quail, paintbrush handles, phenol, and cresylic acid.

He showed how in really important cases President Coolidge had refused to act, notably on the sugar tariff (now finally lowered), by stalling, delaying, and sending the Commission's report back to be "restudied." In the case of linseed oil, the President held the Commission's report, calling for a reduced tariff, for 3 years!

"In the face of such continuing offenses, both of omission and commission [wrote COSTIGAN], I have decided to end my official experience. * * * Public service still demands public fidelity. And the ancient right of remonstrance remains. An official witness of law violations, I have successively appealed to the President and to the Congress. One further dissent is in order. I am therefore returning my official commission to the Government."

Thus the picture of COSTIGAN, of Colorado, lean, gaunt, apparently physically delicate but doing the work of 10 ordinary men, obviously unathletic, of dark skin—a heritage of the Iberian part of his Irish, English, and Spanish ancestry. Dark shadows are under his restless eyes—hallmarks of the profound student whose work knows no end and of a conscience that grants no rest. "Scholar", "gentleman", "cultured academician", "literary figure"—these are some of the descriptions pinned to him which one writer declares he is compelled, in Congress, to live down. Would there were more to whom they could be applied!

More and more I find it harder to endure the public misconception of the Senate as a house of talkers only. Nowhere do men work harder or more devotedly than does the senatorial group to which COSTIGAN belongs. Omniscience in small things, eloquence, outspokenness, silence, great administrative skill, the highest constructive talent, tolerance, passion against wrong—these are but a few of the qualities demanded of them, in addition to all the virtues. Few can measure up to what is asked of them, for they are but frail humans after all. None the less, when the roll is called of those who have given their all, their best, without stint, without thought of self or their advancement, in order to serve their country, the name of EDWARD P. COSTIGAN must stand very high. In his case public service still does receive public fidelity.

KENTUCKY IN THE LIFE OF THE NATION—ADDRESS BY SENATOR LOGAN

Mr. McGILL. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting address delivered by the junior Senator from Kentucky [Mr. LOGAN] before the Kentucky Club, at the Willard Hotel in the city of Washington, Wednesday evening, February 19, 1936, on the subject Kentucky in the Life of the Nation.

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

Those who bear the name "Kentuckian" have greater reason to be proud than those who bore the proud title of "Roman" when Rome was in her glory. Kentucky is a land of romance, song, and story, and her history and traditions are not equaled by the history and traditions of any other State in the Union. In the life of the Nation, Kentucky has occupied her place on every stage of action. She was the first pioneer State, and when Washington and his ragged continental troops were engaged in a war to make the Colonies of America independent, Kentuckians were reclaiming a wilderness, fighting savages, clearing forests, and building homes. Engaged as she was in these great tasks to build and protect homes in the wilderness, yet she found time to do her part in fighting for the freedom of the Colonies. Technically, Kentucky was a part of Virginia, but the Virginians at Williamsburg, and the old towns of Virginia, knew as little of Kentucky, and perhaps less than they knew of England herself.

A few had ventured across the mountains before the coming of Daniel Boone, perhaps the greatest of all pioneers. John Finley and Dr. Thomas Walker had seen the virgin forests in eastern Kentucky filled with wild game, but it was Boone who blazed the trail across the mountains into Kentucky and found a land that possessed all of nature's bounties smiling alone in the solitude of its hills and plains. He was a leader in every movement carried on by pioneer Kentuckians, but as an Indian fighter and

scout he made a name for himself that will live as long as men love the hardihood of pioneers.

Gen. Benjamin Logan was another of the great pioneers who made history, and as an official in civil life and in the militia he wrought well. He is easily the outstanding leader in the military life of the early pioneers in Kentucky. He led his untrained troops against the Indians in the State, and also conquered them on their native soil north of the Ohio River. James Harrod gave his life for the pioneers, and no one is aware of his last resting place. Simon Kenton, the Todds, the Bowmans, the Shelbys, the Stewarts, and many others of such heroic names were opening up a domain equivalent to an empire while Washington and his troops were conducting the long and successful War for Independence. Among these hardy pioneers there was one young man who shone across the firmament like a meteor. Gen. George Rogers Clark endured hardships indescribable, with a handful of men, to wrest the Illinois country from the British, and by so doing he gave to the Union in territory almost as much as was won by Washington and his armies. Not only did he protect Kentuckians from extermination but he added to the public domain of the Nation the great States of Illinois, Indiana, Ohio, and Michigan. If it had not been for the exploits of this Kentuckian, Virginia-born, perhaps the Ohio River would have been the boundary between the Dominion of Canada and the United States. If those who are interested in the history of Kentucky desire to know that which will make them prouder still of their State, let them read the acts and deeds of George Rogers Clark and his men along with the story of the heroic deeds of Boone, Kenton, Logan, and others.

The printing press has always followed progress, and the wilderness had hardly been felled in favored spots when newspapers began to flourish, and one cannot know the part which Kentucky has contributed to the Nation and the world in public affairs and in the dissemination of knowledge unless he knows the work of such great editors as John Bradford, Thomas T. Skillman, George D. Prentice, Amos Kendall, Shadrach Penn, Jr., Albert G. Hodges, Walter N. Haldeman, John P. Morton, Henry Watterson, and W. C. P. Breckinridge. These editors and publishers form a galaxy made brilliant by their scintillating wisdom. We look in vain among the editors of today for one equal to the great Watterson, or with the polish of a Prentice, or a Breckinridge.

The medical profession has been enriched by contributions of such great doctors and surgeons as Ephraim McDowell, Daniel Drake, Benjamin W. Dudley, Joshua Taylor Bradford, Robert Peter, Dr. Flexner, and Dr. J. N. McCormack. Dr. McDowell, by reason of his skill as a surgeon, achieved a fame that extended throughout the world. Dr. J. N. McCormack did more to organize the medical profession into units to promote public health than any man in America.

When we come to mention the outstanding statesmen that Kentucky has furnished the Nation we are at a loss to select those most outstanding from a group so numerous. John Breckinridge who, with Jefferson, announced the doctrine of State rights in the Virginia and Kentucky resolutions, was outstanding as a member of Jefferson's Cabinet and an expounder of the Constitution and, as strange as it may seem to us of this generation, he gave utterance many times to the same sentiments and ideas expressed by the distinguished Senator from Nebraska [Mr. NORRIS]. He was afraid of the Supreme Court and did not believe that it should have the power to nullify acts of the Congress. Henry Clay is the best known of Kentucky statesmen, having three times been a candidate for President, and his record in the Congress was more outstanding than the record made by the other two of the great triumvirate—Webster and Calhoun. It was his wise counsel which prevented a fratricidal war for many years, and it is well believed by many that if the life of Clay could have been spared for another generation the War between the States may have been avoided. He was a great orator, a profound thinker and of a brilliancy of intellect excelled by none. The youth of today may draw inspiration for the guidance of his career through familiarizing himself with the history of this great statesman's work.

John J. Crittenden came of a very distinguished family and his services in the trying period of the War between the States are not as well known as they should be, but his efforts to find some common ground to preserve the Union and avoid the war are deserving of the highest commendation. John Rowan was a typical Kentuckian who loved the soil of Kentucky and whose service in many public places, including the United States Senate, marks him for distinction. James Guthrie was recognized as one of the outstanding financiers of his day, and his statesmanship served his Nation well. Richard H. Menifee died young, but his oratory marked him as a genius. The handsome and brilliant John C. Breckinridge, who loved the South more than he loved his life, and who gave up positions of great honor to cast his lot with the land he loved, was a Kentuckian of whom we should all be proud. Richard M. Johnson, whom we have almost forgotten, the slayer of Tecumseh, and Vice President of the United States, contributed his share to the greatness of the Nation in his day and generation. Humphrey Marshall, historian and statesman, was an example of fearlessness, courage, and sagacity. John G. Carlisle, Speaker of the House of Representatives, United States Senator, and a member of Cleveland's Cabinet, has left us a heritage of calm judgment and devotion to public duty that all Kentuckians should highly prize.

In every war in which our country has engaged, Kentucky has furnished her quota of great military leaders. In the War of 1812 there are Shelby, Adair, and others, and the Kentucky riflemen at New Orleans with Andrew Jackson when he won his brilliant victory over the trained British troops. In the War with Mexico Gen. Zachary Taylor commanded with such high degree of military strategy that he won the war and thereafter was elected President of the United States. In the War between the States Kentucky sought to be neutral, and her struggle to prevent taking part in that war, which was always so abhorrent to Kentucky, is noteworthy. She soon found her borders invaded by troops from both sides, and her people, divided as they were in sentiment, sent their sons in great numbers to the South and also to the North. Among the great Union generals furnished by Kentucky may be mentioned John W. Finnell, Lovell H. Rousseau, William Nelson, Robert Anderson, Thomas L. Crittenden, Jerry J. Boyle, and Thomas J. Wood. It was General Anderson who commanded at Fort Sumter when the shot was fired upon him that marked the beginning of the strife. While these Union generals of Kentucky nobly did their part for the Army of the North, even more brilliant perhaps were the generals who cast their lot with the South. Some of the greatest generals of the southern armies were Kentuckians. There were John H. Morgan, John B. Hood, Simon B. Buckner, Albert Sidney Johnston, William Preston, and Lloyd Tilghman. Albert Sidney Johnston was among the most brilliant of southern generals and, had he not fallen at Shiloh, the result of that great battle at least would have favored the southern armies; and if the South had won that battle, the effect would have been to demoralize the North greatly. John H. Morgan was a Cavalry leader whose exploits read like fiction.

Those who have worked for the extension of the kingdom of heaven have found in Kentuckians many who have carried the message with eloquence and great appeal to the people, not only in Kentucky but throughout the Nation and in foreign lands. Among the great preachers of Kentucky may be mentioned H. B. Bascom, M. J. Spaulding, Ben B. Smith, Barton W. Stone, John C. Young, John L. Waller, and H. Holley.

Kentucky has reason to be proud of the great jurists that she has produced and whose opinions have done much for the jurisprudence of the Nation. Volumes could be written dealing with their integrity, their judicial temperament, and the honors they have rendered to their State and Nation. Among the outstanding jurists, made so by reason of their length of service and devotion to duty, may be mentioned William Owsley, Robert Trimble, George M. Bibb, George Robertson, Aaron K. Wooley, John Boyle, William Pryor, John D. Carroll, and Warner E. Settle. The opinions of these judges have been quoted with approval by the courts throughout the Nation. I shall not mention judges from Kentucky who have served in important judicial positions outside of Kentucky other than call attention to those who have served as Justices of the Supreme Court of the United States. Those who have served on that greatest judicial tribunal in the world are John Catron, John McLean, John McKinley, Samuel F. Miller, Thomas Todd, Robert Trimble, John M. Harlan, and perhaps others whose names I do not recall.

Other Kentuckians have served on the Supreme Court by appointment from other States. Kentucky need not be ashamed of the part her judges have played in the judicial branch of the government in the State and Nation.

I think we should all know that Kentucky has produced great artists, among whom may be mentioned, Joseph H. Bush, Matt H. Jouett, Joel T. Hart, and Thomas Noble. Their work has received the plaudits of those familiar with the fine arts.

I shall not attempt to mention the inventors, naturalists, scientists, and philosophers that Kentucky has produced, but, in passing, I will call attention to John Audubon, one of the greatest naturalists the world has ever produced.

Two Presidents have been natives of Kentucky, Abraham Lincoln and Zachary Taylor, while the only President of the Confederate States was a native Kentuckian, Jefferson Davis. Two Kentuckians, John C. Breckinridge and Richard M. Johnson, served as Vice Presidents. Perhaps more than 50 native Kentuckians have served as Governors of other States, and more than 100 Kentuckians have filled the position of Ambassador, or Minister, to other important nations.

More than 30 Kentuckians have been appointed to the Cabinet from Kentucky, among whom may be mentioned Henry Clay, George M. Bibb, James Guthrie, Joseph Holt, Amos Kendall, Charles A. Wickliffe, John Breckinridge, and John J. Crittenden. Five or six Kentuckians, while serving in the Senate, have held the position of President pro tempore, and a greater number have served as Speaker of the House of Representatives. One familiar with the public records of Kentuckians who have held important positions would be familiar with the history of this Nation from its establishment down to the present time.

No name has been mentioned and no event has been referred to that could not be discussed without exhausting the subject for the whole evening. Kentuckians owe a duty to their State to familiarize themselves with her glorious history. No State has been more greatly blessed by nature and no people have greater heritage.

SUSAN B. ANTHONY—ADDRESS BY SENATOR CHAVEZ

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by my colleague the junior Senator from New Mexico [Mr. CHAVEZ] at the Susan B. Anthony exercises held in this city last Saturday.

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

We are gathered here today to honor a great woman, Susan B. Anthony.

The world has for many years acknowledged and appreciated the services of this great friend and champion of equal rights. There is no reason for me to recount why she was a great woman and a truly transcendent personality of her century. It is enough to know that her work was for a worthy and vital cause and that her lifelong struggle in its behalf is a worthy example for us today.

It is significant that with the fulfillment of her task, which, of course, was not accomplished in her lifetime, but which certainly was the result of logical completion of her lifelong efforts—that a new generation has grown up to enjoy equal suffrage under the nineteenth amendment. Realizing that there may be a tendency to forget her struggles to reach this goal, it should be our aim in honoring her today to reconsecrate ourselves to those ideals to which she aspired.

I might suggest that her work is not yet done and would urge the feminist leaders of today to devote their energy in behalf of one of the cardinal maxims of this their great leader, "Equal pay for equal work." Recently we moved a step forward in this respect when we abolished the sweatshops and in the control of home work under the N. R. A. This was a worthy attempt that recognized the rights of labor in an attempt to avoid discrimination against female workers. I know of no cause that Susan B. Anthony would have gloried more in fighting for, and it was just such a situation as this that impelled her toward her defense of women's rights.

We are told that as a young school teacher she received but $8 per month, while men, doing the same job less ably received between $24 and $40; and it was the obvious injustice of this that drove her to seek justice for her sex.

Today it is the Tory industrial baron who is so jealous of his liberties and so busy seeking his profits out of child labor and miserable wages to female employees that he forgets there is a natural right—a God-given right—that such things should not happen.

It has been the custom of late for educators to deplore the lack of feminist leaders. They overlook the worthy part that the woman voter is playing. In my opinion the feminine voter is our strongest bulwark against radicalism. The foul breath of communism can never taint our shores so long as our mothers, wives, and daughters exercise their influence.

In Spain we have the recent example of radical and communistically inspired parties that were soon toned and tempered by the wholesome weight of feminine opinion that came when women there were granted equal suffrage.

It is hoped that with the granting of suffrage in Mexico much of the oppression and radicalism can be softened and social values we all stand for will be substituted in their place. A recent move toward this end was the granting to women the right of voting within the primaries of the National Revolutionary Party, the leading party in Mexico.

In our country there is no lack of feminine power. I pity the party leader or candidate who ignores or fails to take it into consideration or fails to encourage it.

There is no worth-while cause today in which woman does not exert her influence. The timely demand for neutrality and freedom from foreign entanglements is but the cry of anguished mothers demanding that we stay clear of trouble that in no way concerns us. That is our true spirit of isolation. It is easy for me to vision a mother desiring to protect her son and voicing her opinion by the ballot, but it is difficult for me to vision a mother who would want her son to take the cowardly and ridiculous attitude of taking an oath not to fight for his country. Let the statesmen who go meddling into affairs that are wholly foreign to our interests beware lest they feel the wrath of true feminine opinion.

That is the fruit of Miss Anthony's work. Hers was not a feminine movement that demanded rights and favors as a class, but one possessing equal rights under the law and able to assert its inspired influence for the benefit of the Nation as a whole. So long as this spirit, that burned so constantly in her soul, is rekindled in the hearts of all of us on occasions such as this, we can go away resolved that equal rights shall be accorded to all. By this you will be doing her the greatest honor, for hers was a soul devoid of vanity and submerged in service.

NEUTRALITY AND THE NAVY—ADDRESS BY SENATOR GERRY

Mr. WALSH. Mr. President, I ask unanimous consent to have printed in the RECORD a very timely radio address by the junior Senator from Rhode Island [Mr. GERRY], on February 18, 1936, on the subject of Neutrality and the Navy.

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

If there is one outstanding desire which is shared by practically every American, it is the desire that America, if possible, remain at peace and not be drawn into war. Much thought, painstaking study, and unselfish endeavor have been given to this great problem, which is so important. The questions that we have to answer are: What are the correct steps that should be taken and what are the best methods that should be pursued to bring about the objects we have in mind, that of maintaining our peace and retaining our high ideals?

The views of those in Congress, as well as all those who have given attention to the subject, have been widely divergent. All are striving for the same result, but sometimes those with the best intentions in the world, who are endeavoring to accomplish this objective, are suggesting a program of legislation that would have exactly the opposite effect.

Any proposal for the maintenance of peace for our country that has been thoughtfully and carefully worked out by able and patriotic people is entitled to every consideration, but the problem is so vast and the ramifications are so great that much thought and study of history and international law are required before any action should be taken. Any fundamental policy which may have such far-reaching results must be searchingly examined, deliberated upon, and discussed.

Last year, when a resolution was introduced and passed by the Congress—the so-called neutrality resolution—I voted against it because I felt it had been too hastily drawn, without proper consideration, and there was a chance that it might draw us into difficulties rather than keep us out. My thought was that legislation of this type, even of a temporary nature, establishing a precedent which would invariably result in further legislation, should not be enacted without much wider discussion in the body and time for the Nation at large to consider and debate its wisdom.

The Foreign Relations Committee has found, as I felt sure it would, that the problem was much more difficult than appeared on the surface. It is now understood that many worthy people who were in favor of it were led astray by the enthusiasm created by the worthiness of the objective and without anything like a full realization of the difficulties that had to be met and the dangers that would be encountered.

The resolution as originally introduced provided that upon the outbreak or during the progress of war between or among two foreign states the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States for the use of a belligerent country. This, without technical language, was the main purpose of the legislation.

It was a very sweeping departure from the old established principles of international law and at once raised many questions as to what the practical working out of such a policy might be. One thing was apparent, and that was that the country that was not prepared for war was at a decided disadvantage because it could not look to us or any nation that followed this policy for any assistance in obtaining implements of war to defend itself. Then, it also brought to our minds the position in which we might be placed if Mexico, Canada, or the Central or South American countries were engaged in armed strife with a great military power. Would we be willing to stand by and see them conquered or a foreign military power set up in a country that is our next-door neighbor? Such a policy would be inviting future wars and abandoning all belief in the Monroe Doctrine. As a matter of fact, it is inconceivable that America would allow a foreign power to invade either Canada or Mexico and not render assistance, certainly to the extent of selling her arms and ammunition. The change that has been made in the resolution from the wording as originally introduced has recognized this situation to some extent.

The resolution today passed by the Senate extending the life of the resolution heretofore adopted contains provisions that take care of some of the difficulties not met by the original draft. It likewise attempts to cover some other difficulties that may arise. It is an example of what I said above, that as discussion progressed on the resolution, it brought out additional factors that might mean danger to this country because they were likely to provoke war rather than to keep us at peace.

John Bassett Moore, generally acknowledged as one of the greatest international lawyers of our time, points out very clearly that a policy of embargo which it is urged should be extended still further than in the resolution is beset by many dangers. The extending of it to other commodities cannot help but lead us into more serious difficulties, for the declaring of commodities as contraband would often affect one nation at war more than the other and then be likely to make that nation feel that it has been treated unfairly, creating such a situation as would lead to war.

This goes to show that up to now many of the problems that are involved in the subject were lost sight of, and that it would have been wiser not to attempt to pass the continuing legislation without a great deal more consideration being given to all the problems that are involved.

The more we study the policies that will go to keep America from being drawn into any war, the more it becomes apparent that no country, unless it is able to defend itself, is free from the possibility of its rights being trampled upon and even aggressive attacks being made upon its territories and its sovereignty. History has always shown this to be true. China is the outstanding example of what can happen to a nation that is defenseless. Lack of proper preparedness means that we are not taking precautions to ensure and protect ourselves in the event of aggressive acts, nor are we helping our Government to have its opinions respected throughout the world.

This does not make for peace. History since the World War has clearly shown that however much we should wish to the contrary, the great foreign powers are resting their actions fundamentally on strength—the power of protecting themselves. It is clear that no matter what statutes we may pass indicating our attitude on the question of neutrality, they will be open to the construction put upon them by other nations at war, who may treat such acts as unfriendly and cause for aggression.

The point that is frequently lost sight of is that one nation cannot determine what is neutrality. Other nations may disagree with our idea of what this all-important word may mean. We may consider a certain course of action as absolutely neutral, but the nations concerned may feel that our contention is anything but

neutral. They may well rely upon what has been heretofore established by international law as the real definition of neutrality. With this in mind, it is very easy to see that when we are desirous of being neutral we may get into serious difficulties. It may be wise to consider whether we can expect to have a principle, heretofore established, changed unless there is an agreement among the nations upon the particular point involved.

For example, in the joint resolution passed last August, there is a restriction on the use of our ports to submarines of foreign nations and giving the President wide latitude in regard to it. This is a change in the usual practice well established by international law, and any regulations issued under it would undoubtedly be open to close scrutiny by any power affected by it. No doubt it would raise questions of protest, with possibly very harmful diplomatic consequences, and might well create situations that might lead to war.

This also illustrates that our Government realizes that submarines may be operating off our own coast in such a way as to create difficulties and even interfere with the security and protection of our own coastwise shipping.

How are we going to protect our rights as a nation while this situation exists and there is no general disarmament or agreement for disarmament?

Above all things, it means that we must have an adequate navy. It is our first line of defense. It is the one weapon with which we can keep the enemy away from our shores and protect ourselves from attack. It is the really sound policy of insurance for our Government.

For it is well to remember that our Navy not only makes a line of defense with its ships but it also carries airplanes far out to sea and enables our airplanes to be effective at very great distances from our shores, and this establishment of our defense can be kept in first-class condition with a force of something like 200,000 men.

There is no such thing as a defensive navy. It must be able to attack the enemy and repel it; otherwise you may be in a position in which Germany found itself—that is, bottled up in port.

Nobody can think of peace for America and protection to its Territories without considering our long coast lines and our extensive Territories.

How are we going to protect Alaska from the covetous eyes of any foreign nation unless we have a formidable Navy, sufficient to prevent attack on its shores?

How are we going to protect the Panama Canal and keep it free from being dominated by a foreign power in time of war, even if the United States is not engaged in it, unless we have a Navy adequate to prevent its being blockaded?

We should not be unmindful of the importance of Hawaii, approximately 2,000 miles from our shores, giving a distant base from which the Navy can operate. The naval maneuvers last year showed how we would be able to fight an enemy in the Pacific, miles from our own coast.

In the Atlantic, how can we protect Puerto Rico, the Virgin Islands, and our own great Atlantic coast unless the Navy is to do it?

Let us not forget that when we yield certain rights that are ours, established, under international law, an effort will be made for us to forsake other rights and agree, perhaps, to allow a nation to establish a blockade over wide areas, as was attempted by Germany during the World War.

We fought one war on the doctrine of visit and search. What is to prevent another nation at war from insisting on this same policy, especially with the development of the submarine.

Freedom of the seas, people are apt to think, is only protection of commerce. Freedom of the seas means that and much more than that. It is something that the United States has always insisted upon for its own welfare and protection.

While we are determining on legislation that we hope will be helpful in keeping us at peace, we cannot lose sight of the necessity, in the meantime, of seeing that we exercise all our powers to protect our Nation from attack.

We have no desire for aggression, but every thoughtful American who has any red blood in his veins certainly does not want to adopt the old policy of China and permit our country to be dictated to or overridden.

The men who say that there is no provocation that will cause them to fight and the representatives of the Nation who state that there is no provocation so great that will cause them to defend themselves do not belong to the race of freemen and violate every American tradition that made this country what it is.

Self-respect, restraint, but determination to defend certain rights not only of his home and fireside but fundamental ideals, should be the mark of a citizen or of a free nation; and this spirit in America makes for peace and not for war.

A war of aggression is entirely contrary to the spirit of our people, and a desire for peace is especially marked, but we will protect ourselves and our rights, and this knowledge has done and will do more than anything else to prevent acts of aggression from other nations.

Neither the jingoist nor the pacifist represents the true American spirit.

THE PROBLEM OF PROBLEMS: WORK—ARTICLE BY SENATOR WAGNER

Mr. COSTIGAN. Mr. President, in the New York Times of February 16, 1936, appeared an article by the Senator from New York [Mr. WAGNER], written with his customary knowledge, sympathy, and foresight, on The Problem of Problems: Work for All. I ask unanimous consent that the article may be incorporated in the RECORD.

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

[From the New York Times Magazine of Feb. 16, 1936]

PROBLEM OF PROBLEMS: WORK—SENATOR WAGNER STATES THE ISSUE AND OFFERS REMEDIES FOR THE EVIL OF UNEMPLOYMENT

By ROBERT F. WAGNER, Senator from New York

Our Government's valiant and effective efforts to overcome the depression will rank among the rarest feats of statecraft. The exact measure of our accomplishments will be easier to determine when the administration of unemployment insurance supplies accurate and complete official records of unemployment.

But in a larger sense the question whether the peak of unemployment was 3,000,000 or 5,000,000 during the boom years ended in 1929, whether it was 13,000,000 or 17,000,000 in the chaos of the depression, whether it is 8,000,000 or 10,000,000 today, is somewhat overrefined. For even if one acknowledges only those minimum figures upon which all factions are agreed, the staggering mass of the jobless is the most challenging problem facing our civilization. If nothing were done toward its solution it would threaten its immediate victims with demoralization, the Government with bankruptcy, and society at large with disintegration.

The imperative tone of this threat is diminished but not silenced by recent economic developments. We may, with good cause, rejoice in the fact that both industrial production and factory employment during the past few months have reached the highest levels in 5 years, and that business profits in 1935 increased by about 40 percent over those of 1934. But at the same time the number of men who are regaining their jobs has lagged far behind the increase in the production of goods.

To paint this picture in its true colors, moreover, emphasis must be placed upon the trend of total pay rolls rather than upon reemployment alone; for, while it would be theoretically possible to put everyone to work simply by reducing hours and sharing jobs, such progress is illusory unless accompanied by the maintenance of the full earning capacity of the individual worker. With this in mind, it is disconcerting to find that during 1935, while the index of factory production rose to 90 percent of normal, the index of factory pay rolls mounted only to 70.2 percent.

These tendencies must and shall be corrected; for a recovery drive that advanced along certain select lines, but that left the unemployed straggling in the rear, would have as much chance of retaining the ground won as an army that moved into new territory while forgetting its food supply.

What then are the causes of this lingering malady, which has such a poisonous effect upon our whole social system? No one pretends that the definitive answer has been found. Economists and public men can no more isolate and weigh with exactitude all the causal factors of depression than a physician can tell exactly why a man dies. All they can do is to bring to bear upon this problem the ever-multiplying resources of reason and experience. And at the very inception, just as the doctor has eliminated the theory of witchcraft from his consideration of mortality, so must the social scientist drive superstition away from contemporary popular thinking about unemployment.

"Overproduction"—that is perhaps the most popular of all the myths regarding the cause of unemployment and its attendant miseries. As this current theory runs, tremendous surpluses are piled up every 7 years or so, and then millions of willing workers must lay aside their tools until our modern Pharaoh's granary can be exhausted. Although this process constitutes quite a variation upon the fine biblical account, which illustrated the triumph of human intelligence over natural forces rather than an abject surrender to them, that seems never to have bothered anyone much.

"Underproduction", or scarcity, is the theme of a somewhat less popular explanation of recurrent deprivation. Expressed in the more precise language of the scientist, it is an elaboration of the gloomy Malthusian hypothesis that populations tend to outstrip natural resources and technical skills. It is perfectly obvious that this theory is in direct conflict with the one heretofore mentioned, and for that very reason the fact that both of them emanate so frequently from the same sources illustrates the unwitting confusion and the deliberate obscurantism that have so long hedged in the whole unemployment question.

Quite aside from the clash of these two theories, neither one of them can explain the phenomenon of unemployment. An overabundance of goods might account for a wider enjoyment of comfort and leisure, but it could not explain the typical destitution of the unemployed. On the other hand, were the niggardly nature theory true, we should expect that everyone in the country would have to work like a beaver to eke out a threadbare existence, rather than that the Nation could afford to allow one-third of its working force to remain idle.

In addition to the absurdities into which these theories lead, they are based upon the assumption of facts that have never existed. Whether this country has ever been confronted by the danger of not being able to produce enough to care properly for all its people has been only an academic question, because it has never tried its best to do so.

During the first three decades of this century the awful tragedy of waste was reflected in the fact that at least 20 percent of our fully developed productive facilities remained idle. In 1932 this

wastage amounted to 42 percent; in 1934 it stood at 40 percent; and despite the gratifying upswing of the business cycle, the recapitulated figures for the last year will probably show a plant idleness of more than 25 percent. The claim of unavoidable scarcity is not only contrary to the record but also alien to the American philosophy which places justified faith in our practically limitless technical and inventive ingenuity.

The claim that general overproduction (as distinguished from the temporary oversuply of a few commodities which made so necessary the emergency agricultural adjustment program) has ever existed is equally false. Even in 1929, the year of alleged plenty immediately preceding the collapse, 12,000,000 families in the United States, or more than 42 percent of the entire population, had incomes of less than $1,500 a year.

Would anyone who really knows the lives of these terribly underprivileged families have the temerity to suggest that they could not well have used incomes of twice $1,500 a year for adequate housing, for palatable food and attractive clothing, for education and cultural development, for recreation and for security against the unexpected hazards of modern economic society? To provide the additional goods and services necessary for such a lifted standard of living would have required in 1929 an increase in the production of consumption goods amounting to $18,000,000,000, or about 25 percent more than were actually on hand. Clearly it is ridiculous to speak of general overproduction in the presence of these facts.

This simple mathematical demonstration shows how far we fell short, even during so-called good times, of attaining even a fairly modest goal. Part of this failure was due no doubt to the wastage and idleness of plant capacity to which I have referred. But it has been estimated that even if every factory in the land had been going full blast every day in the year, the total output of consumption goods in 1929 would have been increased by only about $15,000,000,000. If we think in terms of satisfying the needs of all the people, the much-dreaded overproduction has never been even in dim prospect.

This somewhat summary discussion of actual wastage and spurious overproduction has not been a mere exercise in knocking over straw men. On the contrary, by a process of elimination it leads directly to the heart of the problem of unemployment. It shows clearly that, when the markets become glutted and factories commence to discharge workers wholesale, the truth is not that the real needs of the country have been satisfied but rather that the purchasing power of consumers has not kept pace with the advancing surge of industrial output. The search for the causes of unemployment must therefore comb the long-neglected charts of income statistics.

In 1929, while over 16,000,000 families, or far more than one-half of all America, received incomes of less than $2,000 a year necessary to insure their health and comfort, the one-tenth of 1 percent (29,000) of the families at the top of the economic ladder in the United States were earning as much as the 42 percent (12,180,000) at the bottom. Contrasted with a 10-percent rise in the total wages between 1922 and 1929, the production of machinery increased 91 percent and of capital equipment 70 percent. When plant facilities had expanded beyond any possibility of having their products absorbed at current scales of wages, the long deflationary period set in.

If the foregoing analysis is correct, and I think it represents the preponderance of competent opinion, the basic requirement of sound public policy is to obtain and preserve a better coordination between the expansion of industry, in terms of production and profit, and the flow of income into the hands of the vast majority of the consuming public. Until this is accomplished, the various ameliorative undertakings, such as public works and social insurance, necessary though they may be in a supplementary sense, will only partly accomplish their purposes.

The single question worthy of debate concerns not what must be done, but rather the respective spheres that government on the one hand and private industry on the other should occupy in doing it, and the extent to which their efforts should coalesce.

Many years of observation and effort have convinced me that, in order to protect not only the wage earner but also the well-intentioned employer, the bedrock of minimum wages and the ceiling of maximum hours must be established by public authority. Those who contend that the National Recovery Administration revealed the tremendous difficulties of governmental intervention in this task forget too frequently that the recovery administration also demonstrated more conclusively than ever before the utter futility of hoping for the desired results without the guidance of government.

Whether the revivification of the N. R. A. principle, with many of its administrative mistakes guarded against, will take place on a Federal basis or by the more individualized methods of State minimum-wage and maximum-hour regulations remains to be seen. My own judgment is that a Nation-wide problem demands a Nation-wide remedy. But, putting aside that preference, I fear that if neither alternative is taken, our new period of prosperity will be as spotty and impermanent as the last.

At the same time, if we are resolved to purify rather than to discard our American system, governmental action must play second fiddle to the voluntary efforts of industry and labor, working together. Successful effort in that direction is inconceivable without the practice of collective bargaining.

The National Labor Relations Act, which I sponsored, seeks merely to guarantee absolute freedom of such bargaining. For that reason the act, despite the taunts of radicalism that have been flung at it by some, is more conservative than N. R. A. or most of the other proposals for economic recovery and reform. It simply recognizes that the democratization of industry is the indispensable complement to political democracy. When this measure has passed its first court tests successfully, and when its values become widely appreciated, it will prove to be one of the most important permanent agencies evolved during the past few years for resetting the economic dislocations that produce unemployment.

Aside from the central task of coordinating the major factors in industry, there are a few special problems of unemployment that may be treated in relative isolation. The first of these is technological unemployment, or the displacement of men by machines. Of this, an excellent example is afforded by the automobile industry. If we compare 1935 with 1934, we find that the increase in the production of cars and trucks amounted to about 1,280,000, representing a gain of nearly 45 percent. But the resultant increase in employment was only 8.3 percent, and in pay rolls only 18.5 percent. Undoubtedly the same forces are operative in all industry, because during the 5-year period succeeding 1929 the hourly productive capacity of the average worker mounted by 25 percent.

In the long run, most technological unemployment has been overcome without public aid. This is self-evident from the fact that vastly more persons are employed today than 100 years ago, despite the changes in economic processes that have meant a veritable industrial revolution. But it is, nevertheless, the duty of society to provide a more rapid and painless reabsorption of men who lose their jobs through no fault of their own. It is no answer to millions of idle workers and their suffering families to say that within 10 or 15 years something new may turn up for them, or for their children after they are gone. Furthermore, with inventions increasing in a geometric ratio, the general public is becoming less and less able to stand the strain of an ever-enlarging volume of technological unemployment.

In this aspect of the unemployment problem initial responsibility rests largely with government. Public agencies naturally can inaugurate new enterprises much more rapidly than private business, especially during the periods when private business is affected by the very shocks that make the new undertakings necessary. That is why planned public-works programs must be ever ready to serve as economic gyroscopes steadying the course of the business cycle.

But by their very nature these public-works projects are devoted to activities that would be performed by private industry if private industry were well. That is why private industry has the responsibility, and I am sure is eager to assume the responsibility, of relieving the Government of its rescue role as rapidly as possible.

One expedient lies in creating more jobs by shortening the average working week. While this should not be pushed to the point where it impairs efficiency or reduces production, there are a number of industries today in which it has not been pushed far enough, whether judged in terms of economic desirability or of purely humane considerations. As I have said, it will probably be necessary for the Government to set the standards below which none shall sink; but it is even more vital that every business should rise voluntarily as far above this low-water mark as is possible.

At present there is no field so inviting for the interplay of public and private enterprise as a large-scale housing program. Such a program will legitimately call for the partial participation of government, at least for the portion of the population who have incomes so low that they cannot afford decent housing without some public assistance. But the overwhelming preponderance of new construction of all types involves the activity of every phase of private industry.

No trade languished so completely as building during the depression; no need has been so sorely neglected, not only for the poor but also for those of fair income and even the well-to-do, as the need for modern housing. The release during the next 10 years of a huge building program, springing almost entirely from voluntary individual enterprise, would be the most invigorating tonic to our industrial progress, and would mean the permanent direct employment of several million men.

To provide the spark for such a program I introduced a bill during the last session of Congress, and the remarkably widespread interest now being shown in its subject matter augurs well for comprehensive legislation at the present session.

Mention should perhaps be made of the more ameliorative aspects of dealing with unemployment. There will be some workers in their prime who will become unemployed from time to time despite our best efforts. There will always be millions of others who, having attained the age of 65 or 70, will be retired involuntarily and should be retired systematically and humanely. Still others will be incapacitated by industrial diseases and accidents. For such there is need of unemployment insurance, old-age pensions, and workmen's compensation.

All of these social-insurance measures have triple virtues: They provide a steady flow of purchasing power for those who are idle; they afford physical and mental security for those who are working; and they invigorate the whole business system by increasing efficiency and reducing costs. In the final analysis, however, they are the ambulances, the hospitals, and the breastworks in the campaign against unemployment. They are not the heavy artillery that will win the war.

If the steps outlined above constitute the major portion of our permanent program against unemployment, the question

might be asked what remains to be done, since most of this program has already been written upon the statute books.

Such a query would be as inappropriate as a statement that the American experience in government was completed when the Constitution was written. The laws enacted since 1933, and those in immediate prospect, are merely recognitions of the fact that unemployment is a man-made evil and that it can be cured by human intelligence. That recognition is a tremendous gain. But the application of that intelligence is a constant problem of ever-increasing intensity. It requires freedom from the onslaughts of reactionary influences, freedom from excessive pride in what has already been accomplished, freedom from the petrifying influences of inertia.

We are still a long way from solving the riddle of unemployment, but we have made the first beginnings in a program that should carry us far toward abolishing the most terrible of all the plagues that infest the world.

THE T. V. A. DECISION—STATEMENT BY SENATOR NORRIS

Mr. LA FOLLETTE. Mr. President, yesterday the senior Senator from Nebraska [Mr. NORRIS] issued a very interesting and significant statement giving his interpretation of the decision of the Supreme Court in the Tennessee Valley Authority case. I ask unanimous consent that the statement may be printed in the RECORD.

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

The apparent attempt participated in by unfriendly newspapers to belittle the 8-to-1 decision of the Supreme Court, and to convey the idea that it doesn't mean anything, is an effort to pull the Power Trust's "chestnuts" out of the fire. Attention is editorially called to the fact that no dam except Wilson Dam was involved in the litigation and that, therefore, all the other dams may ultimately be held by the Supreme Court to be unconstitutional. It is true that no dam except Wilson Dam was involved in this suit, but the Supreme Court held that the Tennessee River was a navigable stream and that it was perfectly constitutional for Congress to improve its navigability by the construction of Wilson Dam. This fact had never been controverted, so far as I know.

The vital question, however, was whether such a dam, so constructed, would have the right to generate power, and, after the power was generated, to carry it on transmission lines to any place where it could be sold. The Court held this to be a legitimate constitutional prerogative, and one that naturally followed from the constitutional right to build the dam. The same reasoning will apply to any other dam constructed on the Tennessee River or any of its tributaries, and it would be preposterous and foolish to say that the governmental authority had the right to transmit the electricity generated at Wilson Dam, and did not have the same right to transmit the electricity generated at any other dam erected on the Tennessee River.

To make the Tennessee River navigable, it must have less water in it at flood season and more water in it during dry seasons. It would naturally follow that a dam not constructed on the Tennessee River but on one of its tributaries which had this effect would be one of the necessary activities to make the Tennessee River navigable. The Tennessee River cannot be made navigable unless some dams are constructed on some of its tributaries to hold back the flood waters when the river is high and let the water into the Tennessee River when the river is low. The man who says this decision does not apply to any part of the Tennessee River except that part controlled by the Wilson Dam is simply whistling to keep up his courage.

However, there are some questions which the Supreme Court did not touch, because they were not involved in this litigation. The questions of reforestation, of soil erosion, and of the manufacture of fertilizer were not involved, and hence the Supreme Court had nothing to say about any of these questions. But erosion and reforestation are intimately and necessarily connected with navigation. Unless soil erosion is prevented by reforestation through the planting of trees, legumes, and other necessary measures, the dams on the Tennessee River and its tributaries will ultimately be filled up with silt and become entirely useless in making the Tennessee River navigable.

The decision is as far-reaching as the issues involved in the case will permit, and there is no reason why the principle of transmitting electricity from Wilson Dam will not apply to any other dam in the Tennessee Valley. This decision definitely settles the right of the Tennessee Valley Authority to generate and transmit electricity at every dam constructed or being constructed in the Tennessee Valley.

Great stress is laid by some of these editorial writers on the dissenting opinion of Justice McReynolds. Haven't these same writers, including the lawyers of the Liberty League, been trying to make the people believe that dissenting opinions amount to nothing and should be disregarded? Then, why all the attention they are giving to the dissenting opinion of one justice? Why give it such prominence? Why are they relying on that dissenting opinion to keep up their courage?

It is argued that this dissenting opinion states that if the majority opinion must stand, it will ultimately mean that the Tennessee Valley Authority will put the private power companies out of business, and that, therefore, it is unwise, as a governmental policy. The facts are, that if all the natural resources belonging to all the people in our navigable streams were developed, and every kilowatt of power produced that it were possible to produce, and that power were then sold at a fair and reasonable price to the people who own all these natural resources, there would not be half enough electricity developed on all the streams of the United States to supply the demand. When electricity is sold at a fair and reasonable price to the consumers of electricity in the Tennessee Valley, it will be found that production of electricity in that valley will not come anywhere near supplying the demand of its agricultural and commercial uses.

But for argument's sake, let us assume that the governmental authority will supply electricity to the consumers at a price so low that the Power Trust cannot compete with it. What of it? What business is that of the Court's? That objection, if it is an objection, only goes to the wisdom of the legislation. That is a question with which no court has anything to do. The remedy there, if any is needed, is at the ballot box, and not in the courts. Under our Constitution the wisdom or unwisdom of legislation is submitted to the legislature and it is not within the province of the courts to set aside as unconstitutional an act of Congress or a legislature simply because the judge does not agree with the legislation.

Moreover, the Power Trust has always claimed that they could supply electricity cheaper than any public authority. If that argument be true, then why is the Power Trust spending millions of money to prevent any public authority from developing and distributing electricity?

The argument that they pay taxes and the Government does not, while misleading and often deceptive, does not apply to the Tennessee Valley Authority or any of the municipalities buying electricity from the Tennessee Valley Authority. In lieu of taxes, the Tennessee Valley Authority pays to the States where the dams are located a percentage of their gross sales and every municipality buying this power is, in turn, required to pay, in lieu of taxes, an amount equal to what would be paid as taxes, if the distributing system were privately owned.

RECORD OF THE ADMINISTRATION—ADDRESS BY WILLIAM COLE JONES

Mr. GEORGE. Mr. President, I ask unanimous consent to have inserted in the RECORD a radio address by William Cole Jones, associate editor of the Atlanta Journal, incorporating an editorial which was published in that newspaper on January 31, 1936.

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

ANSWERING A CRITIC OF THE ROOSEVELT RECORD

In the Journal's Republic of Letters today appears a communication from a valued reader, in which he takes us to task for our editorial on Al Smith's tirade against the Roosevelt administration and calls upon us to state our position on "the issues and charges" involved. We cheerfully give space to our critic's views and welcome the opportunity to answer his questions, not in a controversial temper, but simply to clear up, if we can, certain misapprehensions under which he, and perhaps others, seem to labor.

"Do you claim," he asks, "that the administration has shown any inclination to carry out its platform pledges?"

Yes. It has not only shown the inclination but has done so, as an open-minded study of the 1932 Democratic platform and of the party's record since March 1933 will clearly reveal. Consider, for example, the following planks, quoted directly from that platform:

"We advocate the extension of Federal credit to the States to provide unemployment relief wherever the diminishing resources of the States make it impossible for them to provide for the needy. We advocate the spread of employment by a substantial reduction in the hours of labor, the encouragement of the shorter week by applying the principle in Government service. We advocate planning of public works. We advocate unemployment and old-age insurance under State laws. We favor the restoration of agriculture, the Nation's basic industry; better financing of farm mortgages through recognized farm bank agencies at low rates of interest on an amortization plan, giving preference to credits for the redemption of farms and homes sold under foreclosure. Extension and development of the farm cooperative movement and effective control of crop surpluses so that our farmers may have the full benefit of the domestic market. The conservation, development, and use of the Nation's water power in the public interest. We advocate the protection of the investing public by requiring to be filed with the Government and carried in advertisements of all offerings of foreign and domestic stocks and bonds true information as to the bonuses, commissions, principal invested, and interests of the sellers. Regulation to the full extent of Federal power of (a) holding companies which sell securities in interstate commerce; (b) rates of utility companies operating across State lines; (c) exchange in securities and commodities. We advocate quicker methods of realizing on assets for the relief of depositors of suspended banks, and a more rigid supervision of national banks, for the protection of depositors, and the prevention of the use of their moneys in speculation to the detriment of local credits. We advocate the repeal of the eighteenth amendment. We advocate continuous responsibility of Government for human welfare, especially for the protection of children."

The foregoing are 15 of the salient pledges in the Democratic platform of 1932; and no one can deny, within the record, that these have been faithfully performed. Al Smith did not so deny. He simply ignored, except for a casual reference to prohibition repeal and security exchanges, this great body of constructive achievements. Some who lightly assert that the administration has "scrapped" or "side-stepped" the 1932 platform do so either because they have never read or else have forgotten the contents of that document. But Al Smith had it before his eyes while he spoke. He willfully disregarded and sought to suppress essential evidence on the case at issue; that is why the Journal said, and says again, that he played the part of an unsportsmanly pettifogger. Furthermore, the agitators who now clamor loudest for "a return" to the Democratic platform of 1932 are, for the most part, self-avowed enemies of its every proposition for social security and human rights.

"But," our critic may properly interpose, "what about the planks on a reduction of governmental expenditures and an annually balanced Budget?" The fact is, of course, that these two have not been carried out. We shall show that there were unavoidable and compelling reasons why they could not be carried out. But even if we put them unconditionally on the negative side of the sheet, do they blot out all else that the Roosevelt administration has done? Do they alter the historic fact that the President and Congress grappled heroically and effectually with an economic crisis which Al Smith himself described as causing "more domestic damage" than our participation in the World War?

Does failure to reduce governmental expenditures and to balance the Budget outweigh the millions of human lives rescued from starvation and despair, or totally offset the renewed faith and courage which a brave leadership inspired when men's hearts were sinking? Does it set at naught the fact that "in 3 years of the New Deal, as compared with the last 3 of the old deal, unemployment has declined 30 percent; cotton, wheat, and corn have increased in farm value 100 percent or more, industrial production has gone up 51 percent, listed stocks have advanced 134 percent in value, and listed bonds 22 percent"? Granting unqualifiedly that governmental expenditures have increased and increased greatly, is it either good sportsmanship or good sense to take no account of the human values and the business values which such increase have undergirded, revitalized, and restored?

The voices that now berate the Roosevelt administration for not sticking to the letter of the platform's economy plank were not calling for retrenchment in the lean, grim days of 1933. The Liberty League magnates whose possessions then were being guarded by Government loans said never a word about "reckless spending"; and Al Smith, who now would damn the administration because it has not reduced Government expenses 25 percent, declared, just 4 years prior to his renegade speech, "If it is all right to put the credit of the Government behind business, let the credit of the Government be used to keep the wolf of hunger from the doormat of millions of people." Faced with the alternative of saving money or saving people, President Roosevelt and the Congress chose the humane, the prudent, the honorable course.

Our critic asks further, "Can you say that the administration is not guilty of Al Smith's charge of seeking to array class against class?"

Yes. Nor can we imagine anyone who has pondered recent history and who truly interprets the President's words and deeds, giving a moment's credit to such a charge. Here is a quotation: "There is too much disposition to mistake the part for the whole, the body for the head. I plead not for class control, but for a true concert of interests. This Government is not and never shall be governed by a plutocracy. This Government never shall be governed by a mob." Whose words are those? They are Franklin D. Roosevelt's. And whose are these? "Betrayal of trust, manipulation, monopoly, exploitation, improper influence upon government, and all the other manifestations of predatory greed * * * are traitorous to the high purposes of American life." They are words of one Herbert Hoover, who can hardly be called a radical, and are from his book, "The Challenge to Liberty." If it be arraying class against class to oppose what President Roosevelt calls "the autocracy of entrenched greed", and what his ultraconservative predecessor in office terms "the manifestations of predatory greed", then Al Smith would have been warranted in his charge. But the deadliest invokers of class spirit that this country has known in two decades are those who, fighting bitterly every effort to give the rank and file a fair deal, insist that the law of the land shall be the servant of their own privilege. They are the worst enemies of the Constitution of the United States and the blindest breeders of revolution.

Once more, our earnest critic asks, "Can you deny that the administration has followed the Socialist platform much more closely and completely than the Democratic platform?" Well, the most competent witness on this point should be the head and front of the Socialist party in the United States, Mr. Norman Thomas. He was Socialist candidate for President in 1928 and in 1932, and in all likelihood will lead that same forlorn hope in 1936. He declared, in a radio address a few evenings ago, "Emphatically, Mr. Roosevelt did not carry out the Socialist platform, unless he carried it out on a stretcher." Then Mr. Thomas drew his bill of particulars against the New Deal, some of his indictments running thus: "There is nothing socialistic about trying to regulate or reform Wall Street; socialism wants to abolish the system of which Wall Street is an appropriate expression. There was no socialism about taking over the banks that fell into Uncle Sam's lap, putting them on their feet again, and turning them back to the bankers." He rebukes the President for not having come to the aid of Upton Sinclair in California, and condemns him because he accepts the capitalist system, "which uses planning, insofar as it uses planning at all, to stabilize and maintain the profits of private owners." President Roosevelt and the Democrats, as well as Herbert Hoover and the Republicans, rails Mr. Norman Thomas, "want somehow to keep the profit system; socialism means to abolish that system."

The character of the Roosevelt administration is shown by nothing more plainly than by the sorts of opposition it has aroused. Socialists, Communists, Fascists, reactionary Republicans, and that last infirmity of political minds, the Liberty League, all are fighting the Roosevelt administration on different grounds, but with the common aim of destroying its usefulness. The Bourbons and the Bolsheviki alike are against the President—and that is why so many Americans are for him.

Al Smith's speech was hardly worth the notice we gave it in the editorial with which our respected correspondent takes issue. But the record which the Roosevelt administration has made and the public interests and rights for which it stands mean so much to our country's welfare that every citizen, regardless of party lines or prejudices, should seek the truth and the whole truth concerning them. Let the platform be read as a whole and in the light of the New Deal as a whole, let conditions as they are today be calmly compared with those of 3 years gone by, let the Roosevelt character speak for itself. Then, we believe, all such questions as our correspondent has asked will be found answered.

PRICE OF COPPER—ADDRESS BY HOVAL A. SMITH

Mr. MURRAY. Mr. President, I ask unanimous consent to have printed in the RECORD an address relative to the price of copper, delivered by Mr. Hoval A. Smith before the International Mine, Mill, and Smeltermen Union, Bisbee, Ariz., May 23, 1935.

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

The production value of copper is necessarily a composition of poundage times price.

It is important that a vitally essential basic industry, such as the domestic production of copper, should be fostered and protected each passing moment of its industrial life.

The domestic copper-consuming market can be readily accorded the domestic copper producer through the medium of adequate import restrictions.

The question of securing a domestic commodity price for copper is dependent on rigid sale control of the domestic copper-consuming market. Such sale control is likewise dependent on adequate tariff protection and certain control factors.

During this era of economic nationalism, when every important basic domestic commodity is of equal and vital necessity in caring for national requisites, equity decrees that such commodities be allotted their equitable portion of the national income.

Those of us who reside within the domestic copper areas and are dependent on the domestic production of copper, are distressingly familiar with the noncommodity price conditions which now prevail and have existed during the post-war period.

Due to your familiarity with general domestic copper mining statistical data through addresses and memoranda already presented here, the discussion tonight will be rather closely confined to actual details emphasizing the necessity of domestic-mined copper being accorded a domestic commodity price.

It is incumbent upon us copper dependents to formulate policies to correct the existent noncommodity copper price situation. When a remedial policy has been decided upon we should resolutely fight to make same effective in the minimum possible time. We dependents must rely on our own efforts—no one else will have the motive to fight on and on, until economic justice is attained.

PART ONE

PRESENTATION OF DATA

National economic factors

In order to understand somewhat the present discriminatory domestic copper distress situation, it is enlightening to compare domestic-copper income with certain general national income factors during the existent depression period. Such comparative data will be found in table A.

Table A vividly sets forth the income relationship items of United States and Arizona copper value details with the national and domestic agricultural income value factors.

We note that averages for the 3-year depression period, 1932–34, show that national and agricultural income factors were about 50 percent, while those for copper, both nationally and Arizona, were less than 10 percent of the 1929 value.

The individual ratio of both national and agricultural income to national copper production value for 1929, compared to the ratio average for 1932–34 each show a loss of 81 percent.

This means that the copper miner only received 19 percent of the national income to copper production value ratio during the past 3 years, compared to the ratio he received during 1929.

In other words the copper miners' income from selling the end stage of his labor effort, namely, the copper ingot, was less than one-fifth of the national and agricultural percentage income average. This low ratio confirms the fact that the present and unusual distress which has virtually destroyed our domestic cop-

per dependents the past 3 years is directly chargeable to their being denied an equitable part of the national income.

Economic distress during the past 3 years has prevailed nationally and agriculturally due to a 50-percent lowering of their 1929 income. However, their degree of economic suffering is vastly less, proportionally, than the unparalleled misery that has beset the copper miner.

TABLE A.—*Industrial income factors, 1929–34*

Year	United States		United States agricultural		United States copper		Arizona copper	
	Billion dollars	Percent	Billion dollars	Percent	Million dollars	Percent	Million dollars	Percent
1929	83.0	100.0	11.9	100.0	352.5	100.0	145.9	100.0
1930	70.3	84.7	9.5	79.8	181.3	51.5	74.2	50.8
1931	54.6	65.8	7.0	58.8	94.9	27.0	36.4	24.9
1932	39.4	47.5	5.3	44.6	34.3	9.7	12.7	8.7
1933	40.7	49.0	6.3	52.9	28.8	8.2	7.8	5.4
1934	47.6	57.4	[1] 7.0	58.8	38.1	10.8	14.3	9.8
Average, 1932–34	42.6	51.3	6.2	52.1	33.7	9.6	11.6	7.9

[1] Estimated.

If economic suffering prevailed within the national general and agricultural divisions, during the past 3 years, table A graphically confirms the fact that the copper miner's misery proportionately was five times greater.

Certain domestic price-index factors

The economic discrimination directed against the copper miner's labor product during the past 3 years, as shown in table A, naturally suggests a query into the status of domestic copper value income relationship to certain specific, comparable, and collateral domestic commodity factors over a longer period span.

The data submitted in table B was secured from United States Department of Labor, Bureau of Labor Statistics, publications.

The 32-year period span, 1903–34, embraces 83 percent of all the copper mined during our industrial life. Consequently this price period analysis virtually represents the economic life factor relationship of total domestic mined copper with the important comparative data stated in table B.

TABLE B.—*Price index numbers, 1903–34*

Period	Union wages	Cost of living	All commodities	Copper		Steel		Lead		Zinc	
				Ingot	Sheet (diff.)	Ingot	Sheet (diff.)	Pig	Pipe (diff.)	Slab	Sheet (diff.)
1915–18	114	135	150	166	159	185	184	155	167	202	405
1919–30	224	176	156	99	160	151	166	150	232	118	236
1931–34	[1] 248	138	100	49	173	110	109	83	322	71	386
1934	------	138	107	56	141	110	127	85	333	79	373

[1] Average for 1931–33 (differential) equals price differential between metal and sheet.

1903–14 equals 100 except for columns 1, 2, and 3, where 1913 equals 100.

Assuming the pre-war, 12-year span, 1903–14, to equal 100, we have a broad and most representative basing period for copper, steel, lead, and zinc details. It was impossible to secure union wages and cost-of-living data for the whole pre-war period, consequently the Bureau of Labor Statistics base of 1913 equals 100, was used for these and the all-commodities price-index factors.

Time does not permit presenting a detailed analysis of all the interesting economic relationships set out in table B. Only the most general phases can be touched upon in this discussion.

Referring to the data for the 4-year war period, 1915–18, we note that the period average price index for all commodities equals 150. This means that during the 4-year war period the average all-commodities index was 50 percent higher than the average for 1913. In turn we note that the cost of living had only increased 35 percent and union rate of wages a mere 14 percent. We also find that the percentage average for the four metals—copper, steel, lead, and zinc—show, respectively, 66-, 85-, 55-, and 102-percent increases for 1915–18, when compared with the 12-year pre-war period, 1903–14. We also find that the manufactured differential increase for the foregoing four metals show, respectively, increases of 59, 84, 67, and 385 percent. As a résumé we note that the percentage increase of 66 percent for the copper ingot exceeded the manufactured sheet differential increase of 59 percent; also that the copper-ingot increase exceeded the all-commodities, cost-of-living, union rate of wages, and pig-lead percentage increases; however, it was less than the increase rate for steel ingots and slab zinc.

A review of the average data stated in table B for the 12-year post-war period, 1919–30, when compared with the 12-year pre-war period, 1903–14, shows large increases for every column except ingot copper. We find that the price differential for the manufactured copper sheet even exceeded the war-period rate. Furthermore, while the copper-ingot price index for the war period was 7 percent greater than the sheet differential, we note during 1919–30 that the ingot sold 61 percent less than the sheet rate.

During the 4-year depression period, 1931–34, we find in table B that the copper-ingot price-index rate had dropped to 49 percent, about one-half the average for 1903–14. In turn, we find that the copper-sheet differential had increased to 73 percent above the pre-war average rate.

As a résumé we find that table B clearly outlines the progressively lowered copper-ingot price rate during the whole post-war period, while, in turn, the manufactured copper-sheet differential showed a progressive increase.

Table B, therefore, emphasizes that the discriminatory non-commodity copper price conditions shown in table A, during the depression years 1932–34, continued back throughout the whole post-war period.

A further and more detailed research must therefore be submitted of domestic copper price conditions during 1903–34 in order to demonstrate conclusively the exact degree of economic discrimination directed against the copper miner's labor product, thereby enabling him to accurately correct same through the medium of a definitely proven domestic commodity price for his ingot.

Commodity value of copper

The data set out in table A and table B, and the preceding analysis thereof, clearly indicate that a most unusual degree of economic discrimination has been directed against the domestic copper miner's labor product during the whole 16-year post-war period.

In view of this indicated discrimination and the necessity of accurately gaging its degree, it was deemed essential to analyze in detail the relationship of copper prices with the prices of other major basic domestic commodities produced during 1903–34.

In order to ascertain the foregoing price relationship of copper and other basic domestic commodities, a most careful research was made of governmental publications to secure accurate and unbiased data as to volume and price details of all the most important basic domestic commodities produced within the agricultural and mineral divisions during the past 32 years.

The data outlined in table C only embodies a condensed and special arranged part of my compilation of volume and price relationship statistics of domestic commodities with copper. It was believed that a more comprehensive and detailed idea of price relationship could be conveyed through the barter-equivalent arrangement herewith submitted.

The average parity relationship of basic domestic commodities, during the 12-year pre-war period, 1903–14, as shown in table C, is concrete and rigid evidence of the exchange value between all the most important domestic produced basic agricultural and mineral products. This broad pre-war 12-year parity relationship basing average for basic domestic commodities is a definite criterion for basic commodity value comparisons during the post-war period. Restoration of pre-war purchasing power or parity-value exchange is the goal of the present administration.

Explanatory notes

In order to understand the magnitude of the value phase from which the factors stated in table C were derived, the following explanatory details are submitted.

The period analyzed in table C, 1903–34, embraces 83 percent of the copper mined during 1845–1934. We also find that of the 1903–34 copper output that 30.8 percent was produced during 1903–14; 18.2 percent during 1915–18; 51.0 percent during 1919–34. The value of copper produced during 1903–34 equals $6,300,000,000.

We also ascertained that 74 percent of the total given, or $184,000,000,000 worth of agricultural products, analyzed in table C for 1903–34, that 28.3 percent was produced during 1903–14; 19.2 percent in 1915–18; 52.5 percent during 1914–34. Ninety percent of the agricultural remainder not submitted, which equals 26 percent of the total given, was an aggregate of the farm value of nuts, fruits, forest products, and farm gardens.

The value of mineral products analyzed in table C had a value of $78,000,000,000, which equals 70 percent of total produced during 1903–34. We find that 19.7 percent of said $78,000,000,000 was produced during 1903–14; 15.3 percent in 1915–18; and 65 percent during 1919–34. The remainder of mineral products not submitted in table C, which equals 30 percent of the total production, is an aggregate of nonmetallics to metallics in the ratio of 4 to 1, namely, 80 percent thereof represents the value of nonmetallics, such as cement, clay products, natural gas, natural gasoline, building sand, gravel, stone, etc.; the 20 percent consists of metallics, such as aluminum, gold, silver, etc.

The 4-year war period, 1915–18, was eliminated in table C due to the sustained high and most unusual price index conditions existent as evidenced by table B. This period value equals 18.1 percent of the 1903–34 span value for the 19 basic commodities.

A résumé of the foregoing explanatory details denotes that the derivative factors submitted and analyzed in table C are based on 19 basic domestic commodities having an aggregate production value of 268.3 billion dollars for the period 1903–34.

Table C—Tabulation Details

It will be seen that table C vertically has three subdivisions, marked A, B, and C.

We also note that, horizontally, table C is divided into four period divisions.

TABLE C.—*Actual barter equivalent value per pound of copper and principal basic domestic commodities during 1903–34—based on 1903–14 average. Likewise shown certain comparative price index factors. Also statement of copper value losses due to not receiving domestic commodity price for domestic mined copper*

Basic domestic commodities	Pre-war—12 years, 1903–14			Post-war—12 years, 1919–30			3 years, 1931–33		Estimated 1934 equivalent copper price	Weighted 1919–34 equivalent copper price
	Barter value (pounds)	Equivalent copper price	Percent of total value	Barter value (pounds)	Equivalent copper price	Percent of total value	Equivalent copper price	Percent of total value		
A										
Copper	1.00	14.80	2.7	1.0	14.87	2.0	7.75	1.2	8.0	13.97
Agricultural products (farm value as of Dec. 1), U. S. Department of Agriculture.										
Corn	16.0	14.80	25.17	11.1	21.4	19.58	8.7	17.81	13.7	
Cotton	1.4	14.80	12.04	.8	27.0	11.69	9.9	11.09	15.9	
Hay (tame)	27.4	14.80	13.25	21.4	19.1	9.71	10.8	11.78	16.6	
Wheat	10.6	14.80	10.71	7.6	20.8	9.45	8.1	7.47	12.4	
Oats	12.8	14.80	7.09	11.3	16.8	4.94	8.4	4.78	18.7	
Subtotal	14.4	14.80	68.26	9.9	21.7	55.37	9.3	52.93	15.1	
Potatoes, white	15.3	14.80	3.47	8.8	25.8	3.42	12.4	3.77	13.5	
Tobacco	1.5	14.80	1.52	.7	31.9	2.76	15.8	3.11	23.0	
Cottonseed	16.0	14.80	1.94	9.0	26.3	1.81	8.9	1.57	12.0	
Barley	13.2	14.80	1.75	11.9	16.3	.15	8.1	1.43	15.7	
Sweetpotatoes	13.3	14.80	.67	8.8	22.3	1.62	11.1	.77	11.4	
Subtotal	12.6	14.80	9.35	7.2	26.2	9.76	12.2	10.65	16.1	
Rye	11.8	14.80	.44	9.7	18.2	.45	7.5	.24	11.2	
Sugar beets	55.4	14.80	.40	36.6	22.5	.57	15.0	1.12	13.9	
Rice	8.0	14.80	.32	5.6	21.4	.46	10.4	.52	15.4	
Flaxseed	7.0	14.80	.48	4.0	26.4	.34	14.2	.25	19.1	
Subtotal	20.3	14.80	1.64	13.7	22.1	1.82	13.0	2.13	14.7	
Summary agricultural products	14.4	14.80	79.25	9.6	22.4	66.95	9.9	65.71	15.3	21.0
Mineral products (U. S. Bureau of Mines data):										
Coal	232.0	14.80	10.70	110.0	31.8	15.16	21.4	16.09	22.2	
Petroleum	60.4	14.80	2.47	29.7	30.3	10.40	13.8	13.11	20.0	
Pig iron	20.5	14.80	6.98	15.5	19.6	6.78	14.0	4.63	15.9	
Lead	3.3	14.80	.60	2.2	21.8	.71	11.5	.46	11.8	
Summary, mineral products	138.8	14.80	20.75	69.3	24.5	100.00	12.5	100.00	17.0	23.2
Total	39.2	14.80	100.00	23.8	28.7	33.05	17.3	34.29	20.3	27.3
B										
Certain comparative price-index factors:										
R. G. Dun & Co. wholesale price index (1903–14—100)		14.80			25.8		20.8		24.7	25.3
U. S. Bureau of Labor:										
Union wages (1913—100)		14.80			33.2		36.6		34.9	33.6
All commodities (1913—100)		14.80			23.0		14.4		15.8	22.0
Cost of living (1913—100)		14.80			26.0		20.3		20.3	25.3
C										
Copper commodity (received and loss value state):										
Commodity value copper (based on mineral production, factors)				$4,997,236,000	28.70		17.30	352.3	20.3	27.30
Received value, copper	$1,177,961,000	14.80		2,578,976,000	14.87		7.75	158.0	8.0	13.97
Loss				2,398,260,000	13.83		9.55	194.3	12.3	13.33

Under subdivision A we find derivative factors, pertaining to the 19 domestic basic commodities.

Subdivision B embraces certain comparative price-index factors derived from analyzing the R. G. Dun & Co. wholesale price index; likewise the United States Bureau of Labor statistics pertaining to union wages, all commodities, and cost of living.

Under subdivision C we find a compilation stating the resultant loss suffered through failure to receive a commodity price for copper, based on mineral production commodity price factor averages.

Table C—Subdivision A

It is manifestly impossible in view of the limited time allotted, to review all the varying interrelationships shown by the stated factors for the 19 basic commodities. A step relation analysis of one product will suffice to explain the method used in computing the derivative factors.

Analyzing the corn value derivative factor we find that the 25.17-percent item means that the farm value of domestic-grown corn during the 12-year pre-war period, 1903–14, represents 25.17 percent of the combined value of the 18 basic commodities listed. Under the Barter value (pounds) heading for 1903–14, we find 16.0—this means that with copper selling at the average period price of 14.80 cents during 1903–14, 1 pound of copper could buy 16 pounds of corn. Under the post-war heading, 1919–30, we note that with copper selling at the average period price of 14.87 cents per pound, 1 pound of copper could only buy 11.1 pounds of corn. Therefore in order for 1 pound of copper during 1919–30 to buy 16 pounds of corn—its pre-war barter equivalent—copper would have sold at 21.4 cents per pound, as stated under column head, Equivalent copper price.

We also note that the value of corn for 1919–30 equals 19.58 percent of the 18 basic commodity value aggregate. In turn we note under 1931–33, that with copper selling at the average period price of 7.75 cents, it should have sold for 8.7 cents per pound in order for 1 pound of copper to buy its pre-war parity barter equivalency of 16 pounds of corn. For the year 1934 we find, estimated, that with copper only averaging 8 cents per pound it should have sold for 13.7 cents in order to buy its pre-war parity equivalency of 16 pounds of corn.

The remaining 17 basic commodity factors were also reduced to a pound barter equivalency basis per pound of copper for the respective time periods. The step explanatory details for corn are parallel and applicable for those remaining 17 commodities.

The summary for agricultural products show that in order to obtain the pre-war 14.4 pounds of agricultural barter equivalency value for 1 pound of copper during 1919–30, copper should have sold for 22.4 cents instead of the period price of 14.87 cents per pound.

We also find that for 1931–33 and 1934 the equivalent copper price should have been, respectively, 9.9 and 15.3 cents, instead of the actual price of 7.75 and 8 cents per pound. We likewise ascertain that the weighted equivalent copper price for the 14 agricultural commodities during 1919–34 equals 21 cents per pound.

We likewise note that in order to secure the pre-war barter equivalent of 133.8 pounds of mineral products for 1 pound of copper during 1919–30, the price of copper should have averaged 28.7 cents. In turn, the equivalency pre-war barter value of mineral products for 1931–33 and 1934, denote that copper should have sold, respectively, for 17.3 and 20.3 cents per pound, instead of 7.75 and 8 cents. The computed weighted average copper price equivalent for 1919–34 equals 27.3 cents.

A total of 39.2 pounds of a composite mixture of the 18 basic commodities was the barter equivalency for 1 pound of copper during the pre-war period. In order to obtain this same poundage during 1919–30 copper should have sold at 24.5 cents per

pound. We also note that copper should have sold for 12.5 and 17 cents per pound, respectively, instead of 7.75 and 8 cents during 1931–33 and 1934. The average weighted equivalent copper price equals 23.2 cents per pound for 1919–34.

The weighted average price of copper for 1919–34 equals 13.97 cents per pound.

Table C—Subdivision B

We find under subdivision B, that with the R. G. Dun & Co. wholesale price index average for 1903–14 equals 100, when copper averaged 14.80 cents per pound, that for the period 1919–30 copper should have sold at 25.8 cents when the index averaged 174, instead of the period price of 14.87 cents. Likewise, copper should have sold at 20.8 and 24.7 cents, respectively, for 1931–33 and 1934, instead of 7.75 and 8.00 cents, in order to equal the Dun wholesale price index ratio increase.

Data for union wages were not available prior to 1907, consequently the pre-war average 1913 equal 100 was used instead of the average for 1903–14. In order for copper to equal the ratio increase in union wages, it should have sold respectively for 33.2, 36.6, and 34.9 cents instead of 14.87, 7.75, and 8.00 cents during the respective periods 1919–30, 1931–1933, and 1934.

The United States Bureau of Labor all-commodities index of 1913 equal 100 was used, as stated in table C. We note that the price of copper, based on this index ratio increase, should have sold respectively for 23.0, 14.4, and 15.8 cents instead of 14.87, 7.75, and 8.00 cents during the respective periods.

The cost of living data, 1913 equal 100, denotes that copper should have sold for 26.0, 20.3, and 20.3 cents instead of 14.87, 7.75, and 8.00 cents during the respective three post-war periods.

It is interesting to note the nearly equal and parallel ratio factors of all-commodities copper prices with those for the total of the 18 basic commodities shown in subdivision A. The weighted average equivalent copper price based on the all-commodities price-index factors for 1919–34 equals 22 cents, compared with 23.2 cents per pound of copper for the total factors of the 18 basic commodities.

We also find that the weighted average equivalent copper price for cost of living during 1919-34 equals 25.3 cents per pound and is identical with the weighted average copper price of 25.3 cents, based on Dun & Co. wholesale price index for the 16-year period.

For the period 1919–34 the average of the weighted copper prices for all commodities, wholesale price index, and cost of living equals 24.2 cents. Including the union wage weighted average of 33.6 cents with the foregoing three, we have an average of 28.7 cents per pound.

Table C—Subdivision C

This subdivision shows the relationship of copper values lost during the post-war period through failure of copper not selling at the commodity equivalency prices as stated under summary of mineral products.

Copper is a mineral product and its value output during 1903–14 equals 2.7 percent of the value of the 18 basic commodities during the 12-year pre-war period.

We also find that the value ratio of copper was 13 percent of the value of the four mineral products during 1903–14.

During the 12-year post-war period, 1919–30, we note that the value of copper only equaled 2 percent of the value of the 18 basic commodities and 6 percent of the 4 mineral products' value. If copper had received 13 percent of the four mineral products' value during 1919–30, its period price should have been 32 cents instead of 14.87 cents per pound actually received.

For the 3-year period 1931–33 the value of copper only equaled 1.2 percent of the 18 commodities and 3.5 percent of the 4 mineral products' value. Assuming that copper had been allotted its pre-war ratio of 13 percent of the four mineral products' value, it should have sold at 28.7 cents, instead of 7.75 cents actually received during 1931–33.

The foregoing analysis shows that the copper equivalency prices based on the pre-war 13 percent of the four mineral products' value for the two stated post-war periods, equal, respectively, 32 and 28.7 cents per pound. This denotes that copper proportionally should have sold higher than either coal or petroleum, likewise higher than the average for the four mineral products.

Consequently in view of the foregoing higher comparative value ratios that should have been accorded copper, it seems fair to assume the lower copper equivalency price stated for the summary of the four mineral products, in arriving at an estimate of the loss incurred by the domestic copper-mining industry during the post-war period, through failure to receive a fair domestic commodity price for copper.

The computation details stated in subdivision C show that the loss suffered by the domestic copper miner during 1919–30 equals a total of $2,398,260,000 or 13.83 cents per pound; for 1931–33 the loss equals $194,300,000 or 9.55 cents per pound; and during 1934 the loss is stated at $58,500,000 or 12.30 cents per pound. The weighted average loss per pound during the 16-year post-war period, 1919–34, equals 13.33 cents per pound through failure to receive a fair domestic commodity price for copper.

Copper commodity value loss distribution

In order to visualize the magnitude and ratio losses suffered by leading domestic copper-producing States during the post-war period through failure to receive a domestic commodity price for copper, the following data, marked "Table D", are submitted.

TABLE D.—*Copper commodity value loss distribution*

[Millions of dollars]

State	1919–30		1931–33		1934, loss [1]	1919–34	
	Loss	Percent	Loss	Percent		Average annual loss	Percent
Arizona	1,000.1	41.7	69.0	35.5	20.8	68.1	41.1
Montana	352.6	14.7	35.0	18.0	10.5	24.9	15.0
Utah	338.2	14.1	29.0	14.9	8.7	23.5	14.2
Michigan	256.6	10.7	22.9	11.8	6.9	17.9	10.8
Nevada	136.7	5.7	14.0	7.2	4.2	9.7	5.8
New Mexico	110.3	4.6	11.8	6.1	3.6	7.8	4.7
United States, remainder	203.8	8.5	12.6	6.5	3.8	13.8	8.4
Total, United States	2,398.3	100.0	194.3	100.0	58.5	165.7	100.0

[1] State distribution estimated.

Table D shows that the average annual loss suffered by Arizona during the past 16 years, 1919–34, equals $68,100,000, a total of $1,089,900,000, through failure to receive a domestic commodity price for copper mined within the State; also that Arizona's period loss represents 41.1 percent of the domestic total, or greater than the combined total loss of the other four leading Western copper-producing States, namely, Montana, Utah, Nevada, and New Mexico.

We further find that the average annual loss suffered by Arizona during the 12-year period 1919–30 equals $83,300,000, as against $23,000,000 average annual loss during 1931–33 and $20,800,000 for 1934.

The foregoing stated average losses suffered by Arizona were likewise borne proportionately, as shown by table D, by all the other leading domestic copper-producing States.

The total loss incurred by the domestic copper-producing States during the 16-year period 1919–34 equals $2,651,100,000, or $165,700,000 annually. About 90 percent of this loss was borne by the western eight Mountain States area.

The continued lack of domestic parity wage, tax, and exploratory details lie within this huge annual loss—a domestic commodity price for copper will correct this vicious inequality and reestablish equities due copper dependents.

Responsibility for copper commodity, value losses

It is a comparatively easy matter to ascertain the leading domestic copper-producing factors that have controlled the domestic mined copper output during the post-war period.

A review of said domestic copper-producing agencies denotes that three thereof, constituted control, namely, Kennecott, Anaconda, and Phelps Dodge lead in the order named, during the 16-year post-war period, 1919–34.

We also find that these three domestic copper-producing agencies, hereinafter termed the "KAP group", were important copper producers within foreign countries.

In order to more easily understand this domestic and foreign dual copper-control detail, table E is submitted.

TABLE E.—*Stating combined domestic and combined foreign production percentage ratios for Kennecott, Anaconda, and Phelps Dodge Cos. in relation to United States—also Chile plus Mexico copper production*

Year	Combined KAP domestic production, percentage of United States copper production	Combined KAP foreign copper production, percentage of Chile plus Mexico copper production	Combined KAP domestic and foreign copper production percentages of total KAP production		
			Domestic	Foreign	Total
1915–21	49.5	41.1	86.4	13.6	100.0
1922–28	55.3	81.4	65.7	34.3	100.0
1929–32	57.8	83.4	59.1	40.9	100.0
1933	68.4	85.7	44.4	55.6	100.0
1934 [1]	70.0	90.0	40.0	60.0	100.0

[1] Estimated.

Table E clearly states the control percentages that the KAP group exercised domestically the past 20 years. We note their control of the domestic production for the 7-year period 1915–21 averaged 49.5 percent. For the 7-year period 1922–28, when the KAP group entered the domestic copper fabricating industry, we find their control of the domestic copper output equaled 55.3 percent. During the 4-year period 1929–32 it rose to 57.8 percent. The average percentage control equals 53.7 for the 18-year period 1915–32.

The control percentage for 1933 rose to 68.4 percent, and 1934 equals about 70 per cent. The afore-stated domestic-mined copper control percentages for KAP show a constant increase over the 20-year period 1915–34.

In the second column of table E we find that KAP mined 41.1 percent of the combined copper output of Chile plus Mexico during 1915–21. It is interesting to note that for the 7-year period 1922–28, when the KAP group became copper fabricators, their control of total copper mined for Chile plus Mexico rose to 81.4 percent. In turn, we find KAP control had increased to 83.4 percent during the 4-year period 1929–32. The year 1933 records an increase to 85.7 percent. It is very evident from the foregoing that foreign copper-production control within Chile plus Mexico is synonymous with KAP control. Attention is directed to the fact that 48.8 percent of all the copper imported into the United States during the 14-year period 1919–32 came from Chile and Mexico. The poundage of these imports represents 60.6 percent of the total Chile plus Mexico copper output and 79 percent of total KAP Chile plus Mexico copper production during 1919–32.

Referring to the third column of table E, we note the period relationship of total KAP domestic and foreign copper-mine output segregated percentagely. During the period 1915–21 KAP secured 86.4 percent of their total output from their domestic mines and only 13.6 percent from their foreign-controlled areas. For the period 1922–28, when KAP became copper manufacturers, they only secured 65.7 percent domestically and 34.3 percent abroad. The 4-year period, 1929–32, KAP data show that 59.1 percent was mined within the United States and 40.9 percent within their foreign copper districts. The year 1933 data clearly proves that KAP secured more copper from their foreign mines than domestic areas, as evidenced by the respective ratios of 55.6 and 44.4 percent.

A résumé of the factors stated in table E clearly shows the domestic copper-mine-output control exercised by the KAP group during the 20-year period 1915–34. We also note that the copper output control of Chile plus Mexico has likewise been dominated by KAP during the past 20 years. The record also discloses that KAP was responsible for about one-half the copper imported into the United States during the whole post-war period. The unquestioned economic internationalism of the KAP group is clearly proven by their mining more copper abroad than within their own country during the past 2 years.

A most extended, diligent, and careful search of all congressional agencies for the post-war period fails to disclose that the KAP trio, individually or collectively, ever lifted their voices in pleading supplication for a domestic commodity price for copper during the past 16 years. The only cry they emitted before congressional committees during all these years was a piteous appeal to save their eastern fabricating adjuncts.

PART TWO

DISCUSSION OF DATA

General statement

This address is presented primarily to show the relationship of dependent agencies within our domestic copper-mining districts and a domestic commodity price for copper.

A review of the data presented aforegoing emphasizes the deplorable conditions existent within our domestic copper areas, and the forces responsible for the debacle.

The present desperate conditions confronting the domestic copper miner and his dependents can be checkmated, and the industry can be rehabilitated, provided our dependent citizenship devote their individual attention and united effort to accomplish same.

Commodity wage details

A study of the factors presented show that the copper miner's income during the past 3 years is equivalent, proportionally, to only one-fifth the national increase. The copper miner has been and is palpably the victim of a most brutal degree of economic racketeering. He has been deprived of 80 percent of his equitable income during the past 3 years and at least one-third thereof during the whole post-war period.

The crafty, designing, and beneficiary agencies responsible for the foregoing degree of calloused exploitation are the internationalists who, having obtained for their domestic copper-fabricating plants, copper ingots at slave-labor prices, nevertheless secured an excessive domestic price for their manufactured products.

Dependent labor within our domestic copper-mining districts must interest themselves in the price structure of domestic-mined copper.

We find John L. Lewis, president, United Mine Workers, in convention at Indianapolis, January 1934, stated that the soft-coal industry had sunk into—

"An almost obscene degredation in the ritual of competition."

* * * * * * *

"The members of the United Mine Workers of America are vitally interested in maintaining the price structure of the industry as the maintenance of this price structure is essential to the maintenance of the negotiated-wage structure."

A review of coal price details, table C, clearly demonstrates that President Lewis has secured for the coal miner a satisfactory post-war domestic commodity price. The copper miner should have received 31.8 cents instead of 14.87 cents per pound during 1919–30 to equal the price paid for coal. If the coal miner was in the midst of obscene degradation economic conditions, it surely is aromatically difficult to approximate the economic filth engulfing the copper miner.

The only way that the dependent copper miner can receive an American standard of living wage is through domestic copper being accorded a domestic commodity price.

It is axiomatic that the sale price of any product must embody all items constituting its cost. If certain cost details are out of alinement and cannot care equitably for the dependent human element an adjustment should be made and such increase added to the other items.

We find that the price of domestic copper during the 87-year period 1845–31 averaged 16 cents per pound. In other words, an average price of 16 cents for copper during the past 90 years laid the foundation of the present invaluable domestic copper-mining industry.

The broad subdivisional agencies vitally dependent on securing a domestic commodity price for copper are the labor, supply, transportation, tax, and profit factors.

About one-quarter of the sale price of domestic copper the past 30 years, or 4 cents per pound, cared for the supply, transportation, and tax items.

Four cents, or 25 percent of the past 30 years, 16 cents per pound for copper, was the approximate profit.

Of the foregoing stated five factors we find that directly dependent labor received about 8 cents per pound or one-half the average sale price of copper during the past 30 years. In other words, labor has been the dominant recipient factor, and labor in turn should therefore initiate and maintain the fight to rehabilitate the domestic copper-mining industry, in order to constantly insure a domestic commodity price for copper, which makes possible a commodity or parity price or an American standard of living wage for dependent labor.

Parity price details

It is not alone essential to effect a balanced price parity between agricultural commodities and manufactured goods but also between all basic commodities and manufactured products—for example, a commodity price should be paid for copper as well as the manufactured article.

It has been stated that the purpose of the farm program is to restore farm prices, and a continued effort will be made to do so until conditions are equalized and the purchasing power of the farmer is restored. The foregoing degree of civic intent and equity should likewise be accorded the domestic copper miner's product.

We also find that the intent of the agricultural-curtailment program was to reduce the huge surplus that had glutted the market for years and had ruined farm prices. When the program was initiated there was a cotton surplus sufficient to supply the domestic requirements and foreign demand for a year. It is certainly fair for the copper miners to demand the same proportional degree of Federal aid to reduce his price depressant surplus equivalent to the assistance rendered his agricultural brother.

We further note that the farmer does not intend to surrender the world market for domestic products. He desires a domestic commodity price for the portion absorbed domestically, irrespective of the price received for that portion sold abroad. The copper miner is surely entitled to the foregoing degree of equity while trying to dispose of his copper ingot.

President Roosevelt said recently that the domestic price level must be further increased. It is pertinent to inquire if copper will then be accredited a domestic commodity or parity price when this new executive-directed price level is initiated? The copper miner's labor product has been held down to a slave-labor price level through KAP post-war practices and their control of the existent copper code. The President is the only agency powerful enough to counteract the machinations of these internationalists.

Referring to table C, we note that the post-war period, 1919–30, farm-value price of domestic cotton, tobacco, corn, and wheat averaged about 60 percent higher than the 12-year pre-war prices during 1903–14, while the price of copper was equal for the two periods. In other words, cotton, tobacco, corn, and wheat received about a domestic commodity price during the 12-year post-war period, whereas copper failed to receive within 50 to 100 percent of its true commodity price value during 1919–30. In view of the foregoing the copper miner resents the selfishness of certain Cabinet officials who are manipulating reciprocal-tariff treaties to destroy the domestic miner's livelihood. We note particularly the satisfaction displayed by Secretary Wallace when Cuban copper was let in free of duty while the Cubans in turn were hamized, larded, and baconized by the Iowan's pork products. In turn, Secretaries Hull and Roper were also willing to trade off the domestic miners' product, hoping thereby to export a maximum quantity of their high domestic commodity post-war priced cotton and tobacco.

It is a notorious fact that when it comes to "mining" irreplaceable natural mineral resources, the cotton, corn, wheat, and tobacco "miners" lead as national wastrels. Their exporting champions, like Wallace and Hull, had best seek to retain whatever remnants of domestic soil minerals we still possess for our future progeny rather than permit these invaluable domestic "minerals" to be frittered away within the illusory free-trade world market.

Specifically, the only equitable criterion should be one of equivalent economic justice. Each subdivisional part of basic domestic industrial activity must be accorded a domestic commodity or barter or parity price for their output quota of national production.

It is unfair, un-American, to compel any part of our industrial citizenship to accept a domestic nonparity price for their labor product.

A forced domestic noncommodity price within any of our industrial subdivisions immediately suggests that some sinister influence is directly responsible.

The nonparity prices of domestic-mined copper during the whole post-war period is directly chargeable to the sordid intrigues of internationalists who have dominated our domestic copper-mining industry during the past 16 years.

A nonparity price for domestic copper makes impossible the maintenance of an American standard of living for dependents within our 217 domestic copper-mining districts.

A domestic commodity or parity price for copper will provide an American standard of living for all subdivisions of labor, consequently this degree of economic equity is demanded by the 700,000 citizens directly and indirectly dependent on the domestic copper-mining industry.

Subversive control factors

Our domestic copper districts afford ghastly evidence of the havoc wrought by internationalists who greedily seek copper at slave-labor prices for their domestic fabricating plants. In turn, these subversive domestic copper-mining control factors have secured an ever-increasing exorbitant price differential for their manufactured product.

Economic assassination is just as deadly whether the destructive agency is designated "a code of fair competition" such as the present notoriously discriminatory copper code, which is one of the weapons the internationalists are using to destroy our domestic copper-mining industry.

The internationalist KAP group, through the vicious copper code of April 21, 1934, were accorded monopolistic control of domestic copper production and prices; this coterie, that mines more copper in foreign lands than their own beloved country, absolutely dominate the value, income, and life equities of domestic copper dependents. Such delegated power vested in foreign copper producers on its very face has a skunky aroma.

The controlling purpose of the National Recovery Act was to increase wages, restore purchasing power, and enhance employment. In accomplishing the foregoing it necessarily follows that every avenue of national endeavor would be stimulated and soon approach normality. The domestic copper miner visioned an opportunity in all this renewed prosperity, believing that he would receive an equitable portion thereof. However, the same degree of past exploitative practices on the part of the KAP agency still persists during this New Deal N. R. A. code era, just as they existed prior thereto.

A persistent degree of smug complacency is exhibited by the KAP trio midst the unparalleled past 3 years of distress and destruction which has obliterated the life equities of countless dependents within our domestic copper areas. This long-continued placidity indicates the KAP group's determination to stabilize and make maximum the past 3 years of minimum standards of living.

No more cunning scheme could be devised than the present KAP controlled copper code to destroy domestic copper production and ore explorations. These KAP internationalists have fixed the domestic copper price at one-half its true domestic commodity price and allocated an unusual portion of the domestic copper sales quota to secondary producers and surplus copper stocks largely of foreign origin. The one-half noncommodity domestic price for copper alone effectively prevents the nonfabricator independent copper miner from operating. Furthermore, an arbitrary allocation of the major portion of the domestic copper-consuming market by these international code controllers to themselves emphasizes the constrictive domestic monopolistic control they exercise.

Paraphrasing Wren's epitaph, we have "Seekest thou ruins—gaze about you", certainly applies to the Kaponized copper camps of Ray, Inspiration, and Morenci. These RIM camps are economic cemeteries. The only noise that could disturb the economic dead is one of dismantling plants during this era of noncommodity copper that were built during commodity-period prices.

The human element is gone despite the propaganda of paved roads and lucrative gain through selling sunshine, sandwiches, and gasoline to the itinerant tourist—instead they are encircled and RIM-med areas of remorse, illusion, and misery. This KAP-RIM copper camp trio possesses one-half of the 15,000,000,000 pounds of known copper poundage within Arizona's present copper reserves, and during the 15-year period 1916–30 mined 2,700,000,000 pounds of copper, having a value of $461,700,000, or 17.1 cents per pound, the same equaling 28 percent of Arizona current production. During this near domestic commodity price 15-year period some $350,000,000 was paid for dependent labor, supplies, transportation, and tax items—these areas then afforded ever-increasing opportunities for the dependent human element. This present era of internationalistic noncommodity copper price-control conditions within these RIM camps brought economic death to the human factors, but an ever-expanding areal activity for stope bats, rats, and polecats. These devastated copper camps can be revived in a very short time through securing a domestic commodity price for copper.

One would expect the KAP group control factors to accord economic fealty to the domestic copper areas that initiated their industrial life. Instead of aiding the districts that gave them industrial birth, we find even during this tragic period that this internationalistic trio is persistently continuing policies that have practically destroyed our domestic copper-mining industry during the post-war period. Our citizenship would have been on guard as against intrusive foreign individuals or corporations, but this domestic trio were able to virtually destroy the domestic industry without arousing suspicion. Our western copper areas have been most generous to the KAP coterie—have showered them with hundreds of millions of dollars in mine profits; have lifted them from economic mediocrity to stratospheric heights within the domestic and foreign realm of finance.

KAP group agencies are smirkingly asserting that they are for an "adequate" copper tariff, yet when challenged one finds their maximum rate to be a 4-cent-per-pound temporary excise tax—which, of course, means stabilizing copper at its present slave-labor, ruinous, one-half commodity-price rate.

The N. R. A. copper code during the past year has utterly failed to benefit dependent citizenship within our domestic copper-mining districts. The code as administered by KAP internationalists is a tragic and ghastly farce as an agency to rehabilitate the domestic copper-mining industry. The code was conceived by internationalists, they fought to make it effective, and internationalists, more vitally interested in foreign than domestic copper production, have rigidly controlled the code the moment it was unctuously handed them by Hugh Johnson April 21, 1934. A detailed congressional investigation of the brazen activities of the internationalistic copper-code personnel who are sardonically "death watching" the economic agonies of our dying copper industry, will confirm and emphasize how greedy foreignized agencies are permitted legally to operate domestically to further their sordid ambitions.

Corrective legislation

The internationalist-scourged citizenship within our copper districts are well aware that it will take more than temporary relief palliatives to correct the economic disaster that has become a stabilized fact within our domestic copper area the past 3 years. Relief aid is only transitory and will soon be denied the needy copper miner and his dependents. Basic and detailed protective legislative policies must be made effective immediately in order to checkmate the brazen, calloused, discriminatory economic practices which have virtually destroyed the livelihood of our domestic copper miner. Dispensation of economic justice to copper dependents will restore their national equities.

The KAP group, under the copper code, can legally agree, one with the other, thereby receiving great benefits without being prosecuted under the antitrust laws. They can agree on trade practices, copper prices, and production ratios.

Dependent labor under the copper code have received no benefits comparable with those accorded the KAP group.

Even though section 7 (a) of N. R. A. is clarified and continued, dependent labor should insist that the KAP code of April 21, 1934, be radically modified, particularly so as to provide embargo rates as against foreign copper imports during the relief period; segregation and removal of the existing huge domestic copper surplus during the rehabilitation period of the industry; maintenance of a domestic commodity price for copper; allocation of the domestic production of copper amongst the various domestic districts based on past average production ratios; and the laying of a permanent 15-cent copper tariff rate.

It is essential that the domestic copper miner, in order to secure a domestic commodity or parity price for his copper ingot, should be accorded rigid control of the domestic consuming market, thereby enhancing the value of his product. In other words, the domestic copper miner should have the right to utilize methods and practices to insure him a domestic parity income parallel to the ways and means utilized by domestic industry, business, and agriculture in a solution of their economic income problems.

Conclusion

The post-war price for domestic copper is a world competitive price—a price that is the resultant of world-wide and unbridled forced competition within the domestic market from all the cheap and slave-labor copper-producing areas scattered throughout the world.

This destructive competition has prevented the securing of a domestic commodity price for copper, thereby preventing a domestic commodity price being paid dependent labor, and tax items likewise made impossible the development of additional domestic copper-ore reserves through lack of exploratory funds or incentive.

Internationalistic agencies, as stated herein, are responsible for the post-war economic misery which has engulfed the life equities of the domestic copper miner.

It is a ghastly farce to allow internationalists continued power of economic life or death over dependent citizenship within our 217 domestic copper-mining districts.

The splendid communities builded by the 700,000 citizens directly and indirectly dependent on the copper mined within our domestic districts are too fine and essential to be sacrificed on the altar of international greed.

It is dangerous to entrust to the argosies of the internationalists the carrying of wartime copper necessities, for these would most likely become sunken sarcophagi of our aspirations and liberty when war overwhelms us.

Let us follow the well-marked economic commodity price pathway henceforth—this is the way to ameliorate present distress and conserve the invaluable domestic copper industry for our progeny during the generations to come.

DECISION OF SUPREME COURT IN A. A. A. CASE

Mr. NORRIS. Mr. President, I hold in my hand what I consider a very ably written editorial entitled "A Death Sentence for Agriculture." This editorial was written by Mr. J. E. Lawrence, editor of the Lincoln Star, of Lincoln, Nebr.

I intended to read the editorial, or to have it read, at the time the farm bill was before the Senate; but I had loaned the editorial to a friend, and he had not returned it at that time. Nevertheless, I think the editorial is still of great interest, and I ask unanimous consent that it be printed in the RECORD.

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

[From the Lincoln Star of Jan. 7, 1936]

A DEATH SENTENCE FOR AGRICULTURE

"The change in public opinion and feeling in relation to the African race which has taken place since the adoption of the Constitution cannot change its construction and meaning, and it must be construed and administered now according to its true meaning and intention when it was formed and adopted." (Extract from the opinion by Chief Justice Taney delivered in the United States Supreme Court at the December term in 1856 in the case of *Dred Scott* v. *Sanford*.)

"The change in public opinion and feeling in relation to American agriculture, which has taken place since the adoption of the Constitution, cannot change its construction and meaning, and it must be construed and administered now according to its true meaning and intention when it was formed and adopted." (Paraphrase of the legal finding of the Court's ruling in the Dred Scott case by the substitution of the words "American agriculture.")

Great jurist that he was, with his incalculable services in the development of American constitutional law, the fact remains that 5 years after Justice Taney delivered that opinion sustaining the view of unchanging and unchangeable constitutional limitations, the American people were engaged in a great struggle, and ultimately government did come to recognize a principle which Justice Taney said could not be legalized within what was then at the time he delivered it the Court's judgment, constitutional conceptions of government.

The words spoken by Justice Roberts of the United States Supreme Court in Washington Monday, embracing the majority opinion of the Court in pronouncing a death sentence upon the Triple A may foreshadow the beginning of another great historic struggle. It will be weeks, months, and perhaps as long a period as 8 or 10 years before the full significance of the Court's ruling will be reflected in practical terms of everyday living in the farm homes of America and in the cities which look to those farm homes for their prosperity.

Before nightfall Monday Treasurer Morgenthau had issued orders halting all processing-tax collections under the law, and in that connection said that—

"For the present, no checks will be issued for benefit or rental payments, or refunds, or for administrative purposes."

Since 1933 the American farmers have received $1,127,000,000 for reducing crop production under A. A. A.'s plan of Federal control. In Nebraska, since the inception of the Triple A, corn-hog and wheat adjustment checks have enriched the farmers of a sorely pressed agricultural State to the extent of $61,000,000, and, in turn, the aggregate processing taxes amounted to approximately 9½ millions on corn and 6½ millions on wheat. In this fashion the people of Nebraska may get the real picture of the actual workings of the Triple A in its effort to readjust the economic disparity which for years existed between rural or farming and urban or industrial populations within the country.

And yet, it would be unfair in this column not to record that here in this region, in the very heart of America's agricultural domain, there was a lack of unanimity in the viewpoint toward the Triple A. There were broad smiles and chuckles on the streets in Lincoln, in Omaha, even on the farms, as news of the Supreme Court's decision was flashed from Washington Monday. Nor was all of that elation to be attributed to pure blind, stupid, and unreasoning political partisanship. Some of it was genuine, although that which was genuine was far less vocal and audible than that which was partisan. We are inclined to believe that the Missus, who does the thinking in our family, propounded rather a pertinent question on the way down town last night:

"If all this was unconstitutional and illegal", she asked, "why did not they start these suits sooner; why didn't they even attempt to head it off before it was inaugurated, through appeal to the court?"

The answer is they did not have the nerve and the courage.

The boys in the great cities, the captains of industry, the captains of finance, the supermen of business, were frightened pretty badly in those days when the Triple A was born. They were shaking their heads dazedly, gloomily, despairingly while they looked out from ornate offices upon darkened and silent factories, and listened to the echoing footsteps of millions of men and women trudging the streets, without work, without funds in their pockets, without the prospect of food, clothing, or shelter, and without hope.

The boys in these great cities, now chortling and snorting with glee, were a wee bit shaken in their self-assurance back in those days when cans of milk, and now and then a drop or two of blood, were being spilled by angry mobs of holiday farmers along the country highways, when corn was 8 cents a bushel, wheat 40 cents, oats had no market, hay, both wild and tame, was a drug, pork brought 1½ cents, and beef 5 to 6 cents. These boys, now so brave, now talking so loudly about constitutional government, in those days had gelatin spines and foggy brains. And it was but yesterday! How short is memory, and how fleeting is that tutoring to which the swaggering conservative, when he is able to talk at all, refers to as experience!

To the tune of advancing prices, he once again became the bold leader and the far-visioned statesman. To the melody of disappearing fears, he once again took up the old refrain of an unchanging and an unchangeable constitutional government. He sings today, loudly and lustily, where yesterday he held his head and gazed through eyes filled with tears and with misery. He's a great guy, this brave undaunted industrialist; this great financier, in fair weather; but if the record of recent years means anything at all, he's a hell of a poor pilot in a storm.

Certain portions of the majority opinion of the United States Supreme Court merit special reading:

"From the accepted doctrine that the United States is government of delegated powers, it follows that those not expressly granted, or reasonably to be implied from such as are conferred, are reserved to the States or to the people. To forestall any suggestions to the contrary, the tenth proposition, otherwise stated, is that powers not granted are prohibited. None to regulate agricultural production is given, and therefore legislation by Congress for that purpose is forbidden. It is an established principle that the attainment of a prohibited end may not be accomplished under the pretext of the exertion of powers which are granted."

Perhaps even more significant was this statement of Justice Roberts in the majority opinion:

"None (powers) to regulate agricultural production is given, and therefore legislation by Congress for that purpose is forbidden."

And then again, Justice Roberts said in announcing the Court's decision, that if farm legislation were valid, it would be possible for Congress "to regulate industry in its most meticulous form."

That is the challenge which American agriculture faces today. We said there had not been a unity of feeling on farm programs. At one time, what is described as the McNary-Haugen plan of regulating and disposing of surpluses was before the American people. At the same time, there was the debenture program to provide for the dumping of surpluses in foreign countries. The true import of the majority opinion of the Supreme Court under reasonable construction in the light of its exact language seemingly would justify the reasonable conclusion that any legislative attempt in the face of present constitutional limitations to establish a parity between agricultural and industrial populations is beyond the province of government. If that be true, then the fact should be faced bravely and honestly, and it should be recognized there has been enthroned in its entirety, and its destructiveness, the complete philosophy of rugged individualism.

That is where overjoyed Republican leadership, industrial leadership, this very minute is misleading the American people. Scarcely had the words died in the chambers of the United States Supreme Court than distinguished Republicans began talking about "a constitutional farm program.' What is a constitutional farm program, in the light of the language of the Court?

Any attempt to regulate production is beyond the province of Congress, the mandate thunders.

So once again the American people come face to face with a really urgent crisis. The path is open to uncontrolled production. The invitation is extended to each farm family to plow every acre of ground, to plant every foot of productive earth in all of its varying degrees of fertility, to pile up those surpluses of grains and other foodstuffs, which in other years glutted the markets within the boundaries of this country, depressing prices, and bringing ruin and bankruptcy to the American farmer. The door is open to unlimited production. Nor is that the final answer. The American farmer may not have recognized that within the last 75 years here in these Middle Western States a very substantial part of his substance, of his accumulation, of his security in old age came from the increasing values, the accrement, of his farm, during its period of development and during the era of settlement. He'll not have that to look forward to in the years to come, for the period of settlement is finished, and in this future which stretches ahead, land values will rest in part, at least, on the return which can be realized by the occupation of tilling the soil.

What merit is there in the foolish suggestion, made by a reputable spokesman for the Republican Party, to dip directly into the Federal Treasury to pay a subsidy to farmers for the surpluses which they produce? Within the language of the majority opinion, is this a constitutional exercise of the taxing power to place the farmer on his feet? And if it were, to what ghastly limits would it extend? What abuses against common sense and sanity would it invite?

Against that majority opinion of the Court are these words, through which Justices Brandeis, Cardozo, and Stone express their views of the province of government:

"The limitation now sanctioned must lead to absurd consequences. The Government may give seeds to farmers, but may not condition the gift upon their being planted in the places where they are most needed or even planted at all. The Government may give money to the unemployed, but may not ask that those who get it shall give labor in return, or even use it to support their families. It may give money to sufferers from earthquake, fire, tornado, pestilence, or flood, but may not impose conditions—health precautions designed to prevent the spread of disease, or induce the movement of population to safe or more sanitary areas. All that, because it is purchased regulation infringing State powers, must be left for the States, who are unable or unwilling to supply the necessary relief.

"Courts are not the only agency of government that must be assumed to have the capacity to govern. Congress and the courts both unhappily may falter or be mistaken in the performance of their constitutional duty.

"But interpretation of our great charter of government which proceeds on any assumption that the responsibility for the preservation of our institutions is the exclusive concern of any one of the three branches of government, or that it alone can save them from destruction is far more likely in the long run 'to obliterate the constituent members' of 'an indestructible Union of indestructible States' than the frank recognition that language, even of a constitution, may mean what it says: That the power to tax and spend includes the power to relieve a nation-wide economic maladjustment by conditional gifts of money."

On the one hand is that rigid, unswerving interpretation so eloquently enunciated by Chief Justice Taney in 1856; reiterated again by Justice Roberts in 1935; to which Justices Brandeis, Cardozo, and Stone give stinging retort that nothing in the conceptions of constitutional government precludes a Congress and a President from recognizing, and from acting to relieve a wretched, menacing economic maladjustment which was threatening the very foundations of government.

Let's go back. Let's go back to those days when we erected insurmountable tariff barriers to destroy foreign trade under an "enlightened" Republican leadership which saw America as an industrial democracy. Let's go back to those days when people were lulled into a false sense of security by overrushed factories and "flourishing agriculture"—thanks to billions of dollars of foreign loans advanced to Europe, now in default and uncollected. Those loans contained the condition that the credit advanced should be spent in America, and the bonds issued against them were sold to the American people. There was, shall we say, an unlimited market for the products of American farms and American factories. Let's go through all of this thing all over again, because we have forgotten that which was ailing us, and now we are well and strong. Let's pile up surpluses without end, and let the farmer sweat and labor, hanging tenaciously on the cliffs. Let's turn the country over to industrial barons to exercise their hereditary privilege to plunder and to exploit through the device of a protective tariff which fattens their pocketbooks and flattens the pocketbooks of millions upon the farm.

But, thanks to the combined agencies of the A. A. A. and drought, it isn't quite so bad as that. Thank God and the leadership of Franklin Roosevelt for a Triple A, which carried these Corn Belt States through the greatest drought in all American history, and except for which the agony and the suffering of these farming States would have been indescribable. Thank God there are no surpluses today confronting us. Prices are restored and farm faith, despite this blow, remains unshaken. For never in any great historic struggle in America, no matter how protracted it has been, has the cause of justice failed. It is not the American conception of justice that American agriculture should drift into peasantry. It is not the American doctrine of economics that urban populations can live in plenty and in luxury while rural populations drift to lower and lower standards.

ORDER OF BUSINESS

Mr. COPELAND. Mr. President, I should like to ask my leader a question. Some time today I should like to speak for 5 minutes, but I want to do it at a time when it will not embarrass the program of the leader or the activities of the Senate.

Mr. ROBINSON. Mr. President, may I inquire of the Senator from New York whether it is of importance to him to speak before we proceed with the regular order?

Mr. COPELAND. Oh, no; that is not important to me at all, and I do not want to detain Senators who do not wish to remain to hear me.

Mr. ROBINSON. I suggest that the Senator defer his remarks until later in the day when we may have considered at least a number of bills on the calendar.

Mr. COPELAND. I shall be glad if at some time later in the day I may have that privilege.

Mr. ROBINSON. Very well.

CONSIDERATION OF UNOBJECTED BILLS ON THE CALENDAR

The VICE PRESIDENT. Under a special order entered last Tuesday, the Senate will now proceed to the consideration of unobjected bills on the calendar.

The clerk will state the first bill in order on the calendar.

The bill (S. 944) to amend section 5 of the Federal Trade Commission Act was announced as first in order.

Mr. ROBINSON. Mr. President, this bill has been pending for a considerable period. Apparently it is a measure of importance. I think the author of the bill should give an explanation of it. I do not object to its consideration.

Apparently the Senator from Montana [Mr. WHEELER] has been called away from the Chamber; and perhaps the bill had better go over for the present.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 213) to amend section 113 of the Criminal Code of March 4, 1909, Thirty-fifth Statutes 1109 (U. S. C., title 18, sec. 203), and for other purposes, was announced as next in order.

Mr. DUFFY. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1506) to change the name of the Pickwick Landing Dam to Quin Dam was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 574) relative to Members of Congress acting as attorneys in matters where the United States has an interest was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

RESOLUTION INDEFINITELY POSTPONED

The resolution (S. Res. 35) authorizing the Committee on the Judiciary to investigate certain phases of the National Industrial Recovery Act was announced as next in order.

Mr. KING. Mr. President, this is a resolution which I submitted sometime ago. I ask that it be indefinitely postponed.

The VICE PRESIDENT. Without objection, the resolution will be indefinitely postponed.

BILLS, ETC., PASSED OVER

The bill (S. 509) to prevent the use of Federal offices or patronage in elections and to prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 24) to assure to persons within the jurisdiction of every State the equal protection of the laws by discouraging, preventing, and punishing the crime of lynching was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1452) providing for the employment of skilled shorthand reporters in the executive branch of the Government was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 87) to prevent the shipment in interstate commerce of certain articles and commodities, in connection with which persons are employed more than 5 days per week or 6 hours per day, and prescribing certain conditions with respect to purchases and loans by the United States, and codes, agreements, and licenses under the National Industrial Recovery Act was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 38) for the adjustment and settlement of losses sustained by the cooperative marketing associations was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1460) to fix standards for till baskets, climax baskets, round-stave baskets, market baskets, drums, hampers, cartons, crates, boxes, barrels, and other containers for fruits or vegetables, to consolidate existing laws on this subject, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 212) to liquidate and refinance agricultural indebtedness at a reduced rate of interest by establishing an efficient credit system, through the use of the Farm Credit Administration, the Federal Reserve Banking System, and creating a Board of Agriculture to supervise the same was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1476) to provide for unemployment relief through development of mineral resources; to assist the

development of privately owned mineral claims; to provide for the development of emergency and deficiency minerals, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

PARK, PARKWAY, AND RECREATIONAL FACILITIES

The Senate proceeded to consider the bill (S. 738) to aid in providing the people of the United States with adequate facilities for park, parkway, and recreational-area purposes, and to provide for the transfer of certain lands chiefly valuable for such purposes to States and political subdivisions thereof, which had been reported from the Committee on Public Lands and Surveys with amendments.

Mr. WAGNER. Mr. President, I ask that in place of Senate bill 738 there be substituted House bill 10104, which is Calendar No. 1611, and incorporates the amendments desired by those who formerly objected to Senate bill 738.

There being no objection, the Senate proceeded to consider the bill (H. R. 10104) to aid in providing the people of the United States with adequate facilities for park, parkway, and recreational-area purposes and to provide for the transfer of certain lands chiefly valuable for such purposes to States and political subdivisions thereof, which had been reported from the Committee on Public Lands and Surveys with amendments.

Mr. KING. Mr. President, does the Senator from New York desire to have the bill considered today? I shall be glad if he will not ask to have that done, because I am compelled to leave the Chamber, and I have an amendment to offer to the bill.

Mr. WAGNER. I may say to the Senator from Utah that I have just conferred with the junior Senator from Utah [Mr. THOMAS] and with others who are interested in the proposed legislation, and they are quite satisfied with the bill as it now is. It is a very important piece of legislation, and I should like to have it considered today. If the Senator will suggest his amendment, perhaps it will be found that it has already been made.

Mr. McNARY. Mr. President, the senior Senator from Wyoming [Mr. CAREY] is necessarily absent, and at his request I ask that the bill go over.

Mr. WAGNER. I may say to the Senator from Oregon that the senior Senator from Wyoming was in the conference held by a subcommittee of the Committee on Public Lands and Surveys and participated in redrafting the proposed legislation and approved it as redrafted.

Mr. McNARY. That is the information I have received; but, in any event, I assume all responsibility. I wish to look into the matter, and I ask that the bill be passed over.

The PRESIDENT pro tempore. House bill 10104 has been substituted for Senate bill 738; and, without objection, Senate bill 738 will be indefinitely postponed. At the request of the Senator from Oregon, the House bill will be passed over.

BILLS PASSED OVER

The bill (S. 476) relating to promotion of civil-service employees was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1952) extending the classified executive civil service of the United States was announced as next in order.

Mr. DUFFY. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2405) to provide for a special clerk and liaison officer was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1975) to authorize certain officers of the United States Navy, and officers and enlisted men of the Marine Corps, to accept such medals, orders, diplomas, decorations, and photographs as have been tendered them by foreign governments in appreciation of services rendered was announced as next in order.

Mr. BORAH. Mr. President, this bill authorizes certain officers to accept medals, and so forth, from whom?

Mr. ROBINSON. From foreign governments.

Mr. BORAH. I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 916) to carry into effect the decision of the Court of Claims in favor of claimants in French spoliation was announced as next in order.

Mr. McKELLAR and Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2583) establishing certain commodity divisions in the Department of Agriculture was announced as next in order.

Mr. KING. Let that go over.

Mr. LA FOLLETTE. Mr. President, this is a very important measure, and I do not think it should be considered on an occasion of this kind. I therefore ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 379) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

Mr. COPELAND. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2998) to control the trade in arms, ammunition, and implements of war was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

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, was announced as next in order.

Mr. McNARY. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2825) to provide for the establishment of a National Planning Board and the organization and functions thereof was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

REGULATION OF COMMERCE IN FIREARMS

The bill (S. 3) to regulate commerce in firearms was announced as next in order.

The PRESIDENT pro tempore. Let the bill go over.

Mr. COPELAND. Mr. President, I wish the Senator who objected to the consideration of this bill would withhold his objection for a moment.

I feel that on every occasion I must make an effort to have this bill passed. It has to do with the shipment of firearms to criminals. It has to do with the shipment of firearms from which the serial number has been filed. It does not interfere with private ownership of firearms nor with their shipment by private individuals to a reputable person; but it puts every pawnbroker and every crook in the country on notice that, if a firearm is received through the mails or across a State line, its possession is evidence of his possible criminality.

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

Mr. COPELAND. Yes, sir.

Mr. ROBINSON. What is the provision with respect to machine guns?

Mr. COPELAND. They may not be shipped at all; and I will state to my leader that that matter is already regulated by a law on the statute books. Machine guns may not be shipped at all; but this bill emphasizes the fact that the machine gun and the sawed-off shotgun may not lawfully be shipped across State lines.

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

Mr. COPELAND. I yield.

Mr. VANDENBERG. Is it not true that all the previous organized opposition to legislation of this character has been withdrawn respecting the form in which this bill is written?

Mr. COPELAND. The Senator from Michigan states the situation exactly as it is. There has been violent opposition to bills on this subject from the American Rifle Association and the American Pistol Association and other organized groups, but this bill has met their approval and was formulated with their assistance.

So far as I know, there is no informed person in the United States of America who is not in favor of this bill. It is the desire of the Attorney General's Office that it be passed. It is the desire of everybody who is interested in reducing criminality that it be passed; so I beg that the Senate may give it favorable consideration.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. Several amendments of the committee have been heretofore agreed to, and the clerk will state the next amendment.

The next amendment of the committee was, in section 2, on page 5, line 13, after the word "been", to strike out the word "so"; on page 5, line 23, before the word "receive", to insert the word "knowingly"; and on page 6, line 3, after the word "received", to insert the words "as the case may be, by the possessor", so as to read:

(g) It shall be unlawful for any person to transport or ship or cause to be transported or shipped in interstate or foreign commerce any stolen firearm or ammunition knowing, or having reasonable cause to believe the same to have been stolen.

(h) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any firearm or ammunition or to pledge or accept as security for a loan any firearm or ammunition moving in or which is a part of interstate or foreign commerce, and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe, the same to have been stolen.

(i) It shall be unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce any firearm from which the manufacturer's serial number has been removed, obliterated, or altered, and the possession of any such firearm shall be presumptive evidence that such firearm was transported, shipped, or received, as the case may be, by the possessor in violation of this act.

The amendments were agreed to.

The next amendment was, in section 3, on page 6, line 14, to strike out the word "or" and insert in lieu thereof the word "and"; on line 15, after the word "firearms", to strike out the word "or" and insert in lieu thereof the word "and"; and after the word "interstate", to strike out the word "or" and insert in lieu thereof the word "and"; on page 6, line 25, after the words "case of", to strike out the words "an appeal from such conviction the Secretary of Commerce shall suspend such license until he is notified by the clerk of the court of last appeal as to the final disposition of the case" and to insert in lieu thereof the words "appeal from such conviction the licensee may furnish a bond in the amount of $1,000, and upon receipt of such bond acceptable to the Secretary of Commerce he may permit the licensee to continue business during the period of the appeal, or should the licensee refuse or neglect to furnish such bond, the Secretary of Commerce shall suspend such license until he is notified by the clerk of the court of last appeal as to the final disposition of the case", so as to make the section read:

SEC. 3. (a) Any manufacturer or dealer desiring a license to transport, ship, or receive firearms or ammunition in interstate or foreign commerce shall make application to the Secretary of Commerce, who shall prescribe by rules and regulations the information to be contained in such application. The applicant shall, if a manufacturer, pay a fee of $100 and, if a dealer, shall pay a fee of $1.

(b) Upon payment of the prescribed fee, the Secretary of Commerce shall issue to such applicant a license which shall entitle the licensee to transport, ship, and receive firearms and ammunition in interstate and foreign commerce unless and until the license is suspended or revoked in accordance with the provisions of this act: *Provided*, That no license shall be issued to any applicant within 2 years after the revocation of a previous license.

(c) Whenever any licensee is convicted of a violation of any of the provisions of this act, it shall be the duty of the clerk of the court to notify the Secretary of Commerce within 48 hours after such conviction and said Secretary shall revoke such license: *Provided*, That in the case of appeal from such conviction the licensee may furnish a bond in the amount of $1,000, and upon receipt of such bond acceptable to the Secretary of Commerce he may permit the licensee to continue business during the period of the appeal, or should the licensee refuse or neglect to furnish such bond, the Secretary of Commerce shall suspend such license until he is notified by the clerk of the court of last appeal as to the final disposition of the case.

(d) Licensed manufacturers and dealers shall maintain such permanent records of manufacture, importation, shipment, and other disposal of firearms and ammunition as the Secretary of Commerce shall prescribe.

Mr. ROBINSON. Mr. President, hearing the reading of the amendment, it would apparently authorize a bond by the shipper in the nature of a supersedeas bond to be in effect pending the decision on appeal, and during the time of appeal under supersedeas the licensee would be permitted to continue business.

Mr. COPELAND. That is true. The feeling of the committee was that it would be too harsh to put out of business a manufacturer who had a license from the Government because through some mishap there was a wrong shipment. It was thought wise by the committee, until the question had been determined, to permit him to continue in business by giving bond.

The PRESIDENT pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

The next amendment was, in section 4, on page 7, line 20, after the words "agents of", to insert the word "licensed", and before the word "dealers" to insert the word "licensed", so as to make the section read:

SEC. 4. It shall be unlawful for any person to transport, ship, or receive in interstate or foreign commerce, or to import, any machine gun. The possession of a machine gun shall be presumptive evidence of a violation of this act: *Provided*, That the provisions of this section shall not apply to agents of licensed manufacturers or licensed dealers who may be required in the performance of their duties as such agents to transport or ship a machine gun for purposes of demonstration or instruction to those governmental units, departments, independent establishments, agencies, commissioned officers, or agents thereof, or to public carriers, express and armored-truck companies described in section 5 of this act.

The amendments were agreed to.

The next amendment was, in section 5, on page 8, line 16, after the word "any", to strike out the word "nonprofit", so as to make the section read:

SEC. 5. The provisions of this act shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm, ammunition, or machine gun sold or shipped to, or issued for the use of, (1) the United States or any department, independent establishment, or agency thereof; (2) any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof; (3) any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof; (4) or to any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables; (5) or to any research laboratory designated by the Secretary of Commerce: *Provided*, That such bank, public carriers, express, and armored-truck companies are granted exemption by the Secretary of Commerce; nor to the transportation, shipment, or receipt of any antique or unserviceable firearms, ammunition, or machine guns possessed and held as curios or museum pieces.

The amendment was agreed to.

The next amendment was, in section 6, on page 9, line 3, after the word "than", to insert "$2,000", and on line 4, before the word "years", to insert the word "five", so as to make the section read:

SEC. 6. Any person violating any of the provisions of this act or any rules and regulations promulgated hereunder, or who makes any statement in applying for the license or exemption provided for in this act, knowing such statement to be false, shall, upon conviction thereof, be fined not more than $2,000, or imprisoned for not more than 5 years, or both.

The amendments were agreed to.

The next amendment was, in section 7, page 9, line 5, after the word "effect", to insert the word "thirty", so as to make the section read:

SEC. 7. This act shall take effect 30 days after its enactment.

The amendment was agreed to.

The next amendment was, on page 9, line 10, to strike out section 9, as follows:

SEC. 9. The act entitled "An act declaring pistols, revolvers, and other firearms, capable of being concealed on the person, nonmailable, and providing penalty", approved February 8, 1927, and the act entitled "An act to provide for the taxation of manufacturers, importers, and dealers in certain firearms and machine guns, to tax the sale or other disposal of such weapons, and to restrict importation and regulate interstate transportation thereof", approved June 26, 1934, are hereby repealed.

The amendment was agreed to.

The next amendment was, on page 9, line 19, to renumber the section, and on line 22, to renumber the section.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3072) to amend the Tariff Act of 1930, as amended, was announced as next in order.

Mr. FRAZIER. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CHANGE OF NAME OF THE DEPARTMENT OF THE INTERIOR

The bill (S. 2665) to change the name of the Department of the Interior and to coordinate certain governmental functions was announced as next in order.

Mr. SMITH. Let that go over.

Mr. LEWIS. Mr. President, I rise to suggest the absence of the Senator from Alabama [Mr. BANKHEAD] because of illness, and to state his desire to have this bill go over, as he intends to address the Senate on it.

The PRESIDENT pro tempore. Under objection, the bill will be passed over.

BILLS PASSED OVER

The bill (S. 2969) to authorize the deportation of criminals, to guard against the separation from their families of aliens of the noncriminal classes, to provide for legalizing the residence in the United States of certain classes of aliens, and for other purposes, was announced as next in order.

Mr. RUSSELL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1826) for the retirement of employees in the classified civil service to include employees in the legislative branch was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

RESIDENCE OF APPLICANTS FOR CIVIL-SERVICE EXAMINATION

The bill (S. 3160) to amend the law relating to residence requirements of applicants for examination before the Civil Service Commission was announced as next in order.

Mr. KING. Let that bill go over.

Mr. ROBINSON. Mr. President, does this bill amend the existing law? I think we should give a little consideration to it. I see the Senator from South Dakota in the Chamber. However, I understand someone has made objection to the consideration of the bill. I myself have not objected, but I should like to have an explanation of it.

The PRESIDENT pro tempore. On objection, the bill will be passed over.

THE MERCHANT MARINE

The bill (H. R. 8555) to develop a strong American merchant marine, to promote the commerce of the United States, to aid in national defense, and for other purposes, was announced as next in order.

Mr. COPELAND. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

VACATIONS FOR GOVERNMENT EMPLOYEES

The Senate proceeded to consider the bill (H. R. 8458) to provide for vacations to Government employees, and for other purposes, which had been reported from the Committee on Civil Service with amendments.

The first amendments were, in section 1, page 1, line 4, after the word "Columbia", to insert the words "and officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama, and except as provided in section 4 hereof"; in line 8, after the word "States", to insert the words "wherever stationed"; on page 2, line 2, after the words "entitled to", to strike out the word "thirty" and insert in lieu thereof the words "twenty-six"; on line 6, after the word "exceeding", to strike out the words "one hundred and twenty" and insert in lieu thereof the word "sixty"; in line 15, to strike out "1935" and insert in lieu thereof "1936", so as to make the section read:

Be it enacted, etc., That with the exception of teachers and librarians of the public schools of the District of Columbia and officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama, and except as provided in section 4 hereof, all civilian officers and employees of the United States wherever stationed and of the government of the District of Columbia, regardless of their tenure, in addition to any accrued leave, shall be entitled to 26 days' annual leave with pay each calendar year, exclusive of Sundays and holidays: *Provided*, That the part unused in any year shall be accumulated for succeeding years until it totals not exceeding 60 days. This act shall not affect any sick leave to which employees are now or may hereafter be entitled. Temporary employees, except temporary employees engaged on construction work at hourly rates, shall be entitled to 2½ days leave for each month of service. The annual leave herein authorized shall be granted at such times as the heads of the various departments and independent establishments may prescribe. This act becomes effective July 1, 1936.

The amendments were agreed to.

The next amendment was, in section 2, page 2, line 19, after the word "employees" and the period, to insert a new sentence, so as to make the section read:

SEC. 2. Each head of a department or independent establishment shall issue general public regulations, not inconsistent with law, setting forth the hours of duty per day and per week for each group of employees. Before issuing such regulations the heads of departments and independent establishments shall meet and consult among themselves and make such regulations as nearly uniform as possible so that all employees in all departments and independent establishments shall receive like treatment as nearly as may be practicable: *Provided*, That the heads of departments and independent establishments may appoint a subcommittee to draft such regulations.

The amendment was agreed to.

The next amendment was, on page 3, to strike out section 3, as follows:

SEC. 3. All work performed, in excess of the work required by departmental regulations issued in conformance with section 2 hereof, may be added to and accumulated with annual leave as set forth in section 1 hereof, unless otherwise compensated for in accordance with existing law.

The amendment was agreed to.

The next amendment was, on page 3, line 8, to renumber section 4, and in line 11, after the word "service", to insert the words "and in the mail equipment shops", so as to make the section read:

SEC. 3. Nothing in this act shall affect the Postmaster General and officers and employees in or under the Post Office Department: *Provided*, That officers and employees in the departmental service and in the mail equipment shops of the Post Office Department shall be included within the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 3, line 14, to renumber section 5, on line 19, to renumber section 6, and on page 4, line 1, to renumber section 7.

The amendments were agreed to.

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

The bill was read the third time and passed.

SICK LEAVE OF CIVILIAN EMPLOYEES

The Senate proceeded to consider the bill (H. R. 8459) to standardize sick leave and extend it to all civilian employees, which had been reported from the Committee on Civil Service with amendments, on page 1, line 3, to strike out "1935" and insert in lieu thereof "1936, except as provided in section 4 hereof"; on line 5, after the word "States", to insert the words "wherever stationed"; on line 9, after the word "Columbia", to insert the words "and other than officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama"; on page 2, line 5, to strike

out "1935" and to insert in lieu thereof "1936"; on line 8, after the word "exceed", to strike out the words "one hundred and twenty" and insert in lieu thereof the word "sixty"; on line 12, after the word "service", to insert the following proviso: "*Provided*, That all such employees shall furnish certificates satisfactory to the head of the appropriate department or independent establishment"; on page 2, line 22, after the word "service", to insert the words "and in the mail equipment shops of such department"; on page 4, line 5, before the word "controlled", to insert the word "wholly", so as to make the bill read:

Be it enacted, etc., That after July 1, 1936, except as provided in section 4 hereof, all civilian officers and employees of the United States, wherever stationed, and of the government of the District of Columbia, other than teachers and librarians of the public schools of the District of Columbia and officers and members but not the civilian personnel of the police and fire departments of the District of Columbia and other than officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama, shall be entitled to sick leave with pay, regardless of their tenure, as described herein.

SEC. 2. On and after July 1, 1936, cumulative sick leave with pay, at the rate of 1¼ days per month, shall be granted to all civilian officers and employees, the total accumulation not to exceed 60 days. Temporary employees, except temporary employees engaged on construction work at hourly rates, shall be entitled to 1¼ days' sick leave for each month of service: *Provided*, That all such employees shall furnish certificates satisfactory to the head of the appropriate department or independent establishment.

SEC. 3. Administrative officers may advance 30 days' sick leave with pay beyond accrued sick leave in cases of serious disability or ailments and when required by the exigencies of the situation.

SEC. 4. Nothing in this act shall affect the Postmaster General and officers and employees in or under the Post Office Department, except those serving in the departmental service and in the mail equipment shops of such Department.

SEC. 5. Nothing in this act shall be construed to prevent the continuance of any existing leave differential now obtaining for the benefit of employees of the Federal Government stationed outside the continental limits of the United States.

SEC. 6. The employees of any corporation created under authority of an act of Congress which is wholly controlled or owned by the United States Government, whether or not the employees thereof are paid from funds appropriated by Congress, shall be included within the provisions of this act.

SEC. 7. The leave of absence herein provided for shall be administered under such regulations as the President may prescribe, so as to obtain, so far as practicable, uniformity in the application of this act.

The amendments were agreed to.

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.

BILLS PASSED OVER

The bill (S. 3420) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate and foreign commerce and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1424) to amend the Packers and Stockyards Act of 1921 was announced as next in order.

Mr. ASHURST. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3393) to create a Federal Board of Foreign Trade was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6772) to amend the Grain Futures Act to prevent and remove obstructions and burdens upon interstate commerce in grains and other commodities by regulating transactions therein on commodity futures exchanges, to limit or abolish short selling, to curb manipulation, and for other purposes, was announced as next in order.

Mr. SMITH. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

INVESTIGATION OF COSTS OF PULPWOOD

The resolution (S. Res. 195) submitted by Mr. BORAH, directing the Tariff Commission to investigate the production costs of wood pulp or pulpwood, was announced as next in order.

Mr. ROBINSON. Mr. President, I am informed by the chairman of the Tariff Commission that under the law there is no authority for the investigation under a Senate resolution or House resolution of the subject matter of the proposed investigation. I am also informed that a full and complete investigation is being made by the Tariff Commission under general law, and I should like to suggest to the Senator from Idaho that if he has no objection the resolution ought to be recommitted to the committee.

Mr. BORAH. Mr. President, I think, as the Senator from Arkansas has stated, that an investigation is proceeding, which investigation by the Tariff Commission, as I understand, covers practically everything that would be covered by this resolution. I also assume that, in view of the Canadian reciprocity agreement, the information which would be acquired under the resolution would not be of any practical benefit for the next 3 years. I therefore have no objection to the resolution being indifinitely postponed.

The PRESIDENT pro tempore. Without objection, the resolution will be indefinitely postponed.

ADJUSTED-COMPENSATION PAYMENTS TO PROVISIONAL OFFICERS

The Senate proceeded to consider the bill (S. 3257) to amend the World War Adjusted Compensation Act, which had been reported from the Committee on Military Affairs with an amendment, on page 2, line 4, after "1922" and the period, to insert the words "*Provided*, That applications under this act must be made within 1 year from the date of enactment", so as to make the bill read:

Be it enacted, etc., That subsection (b), section 202, of the World War Adjusted Compensation Act is amended to read as follows:

"(b) Any individual holding a permanent or provisional commission or permanent or acting warrant in any branch of the military or naval forces, or (while holding such commission or warrant) serving under a temporary commission in a higher grade—in each case for the period of service under such commission or warrant or in such higher grade after the accrual of the right to pay thereunder. This subdivision shall not apply to any noncommissioned officer, nor to any provisional officer of the Army under the grade of major, who was honorably separated from the military service prior to January 1, 1922: *Provided*, That applications under this act must be made within 1 year from the date of enactment."

Mr. SHEPPARD. All this bill does is to enable provisional officers, under the grade of major in the World War, to apply for adjusted compensation. There is a provision in the Adjusted Compensation Act which prohibits them, as well as Regular Army officers, from receiving adjusted compensation, whereas emergency officers under the grade of major in the World War are entitled to apply for such compensation. This bill removes a very evident discrimination against the provisional officers who performed the same services as those performed by all other officers.

Mr. VANDENBERG. How many officers are involved?

Mr. SHEPPARD. About 2,250.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

USE OF EMERGENCY RELIEF FUNDS FOR CONSTRUCTION OF ARMORIES

The bill (S. 2869) to legalize the use of emergency relief funds for the construction of armories for the National Guard was announced as next in order.

Mr. SHEPPARD. Mr. President, what this bill does is to authorize the construction of National Guard armory building projects out of relief funds on proper application and showing. For the purpose of these projects it also repeals the existing law requiring that when a building costs more than $20,000 it must be the subject of a special act of Congress.

Mr. LEWIS. The proposed legislation will serve a very much needed and useful purpose.

Mr. SHEPPARD. Yes. It will enable National Guard units, and others interested, to make application for the use of emergency relief funds in the construction of armories.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2869) to legalize the use of emergency relief funds for the construction of armories for the National Guard, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the proviso in the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, reading as follows: "*Provided further*, That no part of the appropriation made by this joint resolution shall be expended for munitions, warships, or military or naval matériel; but this proviso shall not be construed to prevent the use of such appropriation for new buildings, reconstruction of buildings, and other improvements in military or naval reservations, posts, forts, camps, cemeteries, or fortified areas, or for projects for nonmilitary or nonnaval purposes in such places", shall not be construed to prevent the use of funds appropriated in said act for the construction of armories for the use of the National Guard; and not to exceed $80,000,000 of the funds made available in said act may be used, in the discretion of the President, for that purpose: *Provided*, That the provisions of Revised Statutes 1136, as amended (U. S. C., title 10, sec. 1339), requiring prior authority to construct a building where the cost exceeds $20,000, shall not apply to such armories when and if constructed under said Emergency Relief Appropriation Act of 1935.

SAFETY AT SEA—BILLS PASSED OVER

The bill (H. R. 8599) to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a marine casualty investigation board and increase efficiency in administration of the steamboat inspection laws, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, this bill and the next bill on the calendar, being Senate bill 2003, Calendar No. 1518, are included in the purview of the Committee on Commerce. We are now formulating one or two amendments which we desire to attach to each bill, and therefore I ask that these two bills go over today without prejudice. I had held them up sometime ago because of the desire of the Senator from Wisconsin [Mr. LA FOLLETTE], but he assures me that he would be willing for them to be passed now. However, I am not willing that they be passed now, because we desire to add the amendments. So I ask that House bill 8599 and Senate bill 2003 go over.

The PRESIDENT pro tempore. The two bills will be passed over.

APPLICATION OF DISTRICT TRAFFIC LAWS TO NONRESIDENTS

The bill (S. 3161) to amend section 13 (c) of the District of Columbia Traffic Acts was announced as next in order.

Mr. KING. Mr. President, the only amendment this bill makes to existing law is to provide that nonresidents who are operating cars within the District of Columbia shall be subjected to the same reasonable rules and regulations as are those who are residents of the District of Columbia.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, on page 1, to strike out lines 3 to 6, inclusive, and to insert in lieu thereof the following: "That section 13 (c) of the act entitled 'An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, etc.', approved March 3, 1925, as amended, be, and the same is hereby, amended so as to read as follows", so as to make the bill read:

Be it enacted, etc., That section 13 (c) of the act entitled "An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, etc.", approved March 3, 1925, as amended, be, and the same is hereby, amended so as to read as follows:

"The Commissioners of the District of Columbia, or their designated agent, may suspend or revoke the right of any nonresident person as defined in section 8 (title 6, sec. 245 (a), D. C. Code) to operate a motor vehicle in the District of Columbia, for any cause they or their agent may deem sufficient, and the proper authority at the place of issuance of the permit, or other authority to operate a motor vehicle, shall be notified of such suspension and the reason therefor, immediately: *Provided*, That such order of suspension or revocation shall take effect 10 days after its issuance, and the same be subject to review and appeal in the manner and under the same conditions as are provided for such matters in section 13 (a) (title 6, sec. 250 (a), D. C. Code)."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 13 (c) of the act entitled 'An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, etc., approved March 3, 1925, as amended."

ISSUANCE OF LICENSE TO DR. ARTHUR B. WALKER

Mr. KING. Mr. President, I am compelled to leave the Chamber for a few moments; but while I am on my feet, if the Senate will indulge me, I should like to call up Calendar No. 1604, being House bill 8437, which provides for the issuance of a license to practice the healing art in the District of Columbia to Dr. Arthur B. Walker. He happened to be out of the city when the law was passed requiring practitioners to obtain a license.

Mr. ROBINSON. Mr. President, I do not object to the consideration of the bill. It would seem pertinent, however, to ask whether the same requirements are made as to this individual that were made as to others who have been licensed under the law.

Mr. KING. Absolutely. All come within the same category. This doctor was a qualified practitioner, and happened to be out of the city at the time the bill was passed.

Mr. ROBINSON. Is he required to stand an examination?

Mr. KING. No; not now. If he had not been an active practitioner, of course, he could not come within the purview of the act, and the permission contained in the bill would not be granted.

Mr. ROBINSON. All individuals within that class—that is, active practitioners—were not required to take examinations?

Mr. KING. No.

Mr. COPELAND. Mr. President, I may say that all those who were engaged in practice at the time of the enactment of the legislation were excluded from examination, but this man happened to be absent at the time the act took effect.

Mr. ROBINSON. It is merely according him the same treatment that has been accorded others?

Mr. COPELAND. Exactly.

Mr. ROBINSON. I have no objection.

There being no objection, the Senate proceeded to consider the bill (H. R. 8437) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Arthur B. Walker, which was ordered to a third reading, read the third time, and passed.

BILL INDEFINITELY POSTPONED

The bill (S. 3596) to provide for making rental and benefit payments to farmers who have made crop-adjustment contracts with the Secretary of Agriculture was announced as next in order.

Mr. McNARY. Mr. President, the benefits contemplated by this bill seem to have been carried in the appropriation bill. For that reason I ask that the bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

DEFINITION AND PUNISHMENT OF BRIBERY

Mr. KING. Mr. President, I ask the further indulgence of the Senate, and call attention to Calendar No. 1649, being House bill 8821, to define the crime of bribery and to provide for its punishment.

We have a singular situation here. Persons who are officials of the District government, and who in the discharge of their duties receive, surreptitiously or otherwise, gratuities or any funds whatever in order to expedite the consideration of matters may not be punished; and the Commissioners of the District of Columbia have insisted that something be done, because a number of persons who have been flagrantly

violating ethics, morality, and justice have escaped punishment. The bill merely provides that those who offer gratuities and make payments for the purpose of inducing employees of the District government to do their duty or to stretch a point shall be punished.

Mr. ROBINSON. Is there no provision of existing law directed against those acts?

Mr. KING. There have been efforts to punish them, and the district attorney advises me that there is no existing law to punish them.

I ask for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 8821) to define the crime of bribery and to provide for its punishment was considered, ordered to a third reading, read the third time, and passed.

Mr. KING. Mr. President, I ask that the report of the Committee on the District of Columbia to accompany House bill 8821 be printed in the RECORD at this point.

There being no objection, the report (no. 1585) was ordered to be printed in the RECORD, as follows:

Mr. AUSTIN, from the Committee on the District of Columbia, submitted the following report (to accompany H. R. 8821):

The Committee on the District of Columbia, to whom was referred the bill (H. R. 8821) to define the crime of bribery and to provide for its punishment, having considered the same, report favorably thereon and recommend that the bill do pass.

PURPOSE OF THE BILL

The existing statute with respect to bribery in connection with the government of the District of Columbia (31 Stat. 1330, ch. 854, sec. 861) was approved on March 3, 1901. Since that time it has become apparent that it is impossible to successfully prosecute certain types of offenses under the language of the existing legislation. The statute in force at present was intended primarily to permit the prosecution of those tendering money or other reward to executive, judicial, or other officers of the government of the District of Columbia for the purpose of inducing the commission of a fraud. The language has not been considered susceptible of use in preparing indictments for the prosecution of persons guilty of accepting money or other rewards for the performance of unauthorized acts in the course of their official duties, and in other instances prosecution has failed where the offense consisted of the demand or receipt of gratuities for the performance of acts lawfully constituting a portion of the duties of the accused.

The proposed statute was drafted after a review of similar legislation in effect in Illinois, New York, and a number of other States and recommended for adoption by investigating committees which have considered the subject matter at length. It is believed that under the proposed act adequate prosecution of graft or bribery may be had. The bill as reported was requested by the Commissioners of the District of Columbia.

BILLS PASSED OVER

The bill (S. 3646) to repeal an act of March 3, 1933, entitled "An act to provide for the transfer of powder and other explosive materials from deteriorated and unserviceable ammunition under the control of the War Department to the Department of Agriculture for use in land clearing, drainage, road building, and other agricultural purposes" was announced as next in order.

Mr. SHEPPARD. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE] wishes that bill to go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3154) making it unlawful for any person engaged in commerce to discriminate in price or terms of sale between purchasers of commodities of like grade and quality, to prohibit the payment of brokerage or commission under certain conditions, to suppress pseudo-advertising allowances, to provide a presumptive measure of damages in certain cases, and to protect the independent merchant, the public whom he serves, and the manufacturer from whom he buys, from exploitation by unfair competitors was announced as next in order.

Mr. ROBINSON. Mr. President, that bill will require somewhat prolonged consideration by the Senate, and I cannot ask that it be taken up under the present order. I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

RAMEY BROS.

The bill (H. R. 1362) for the relief of Ramey Bros., of El Paso, Tex., was announced as next in order.

Mr. ROBINSON. Mr. President, I inquire why the form that is adopted was used in this bill, and why the claim is not, in accordance with custom, referred to the Court of Claims.

I do not wish to object to the consideration of the bill, but it seems that the language of the bill is somewhat unusual.

Mr. LOGAN. Mr. President, the procedure is unusual, but it is not without precedent. I did not report the bill, neither did I consider it; but I do remember what happened.

The contractor—I believe he was a contractor—who is interested in the bill, insisted that all he wanted was what a court, upon fair consideration, would give him; and the Senator from North Carolina [Mr. BAILEY], in reporting to the committee, said it seemed to him that it was only fair to give the contractor a chance to have his case tried in the Federal district court in his own State, rather than to put him to the expense and trouble of coming to Washington.

I think that has been done on one or two occasions. I know of no reason why the Committee on Claims reported the bill favorably, other than for the convenience of the man who desired to bring his suit, who seemed to be making his request in good faith, and who seemed entirely fair about the matter.

Mr. ROBINSON. In view of the report and the statement of the Senator from Kentucky, I do not object to the present consideration of the bill.

There being no objection, the Senate proceeded to consider the bill (H. R. 1362) for the relief of Ramey Bros., of El Paso, Tex., which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert in lieu thereof the following:

That jurisdiction is hereby conferred upon the United States District Court for the Western District of Texas to hear, determine, and render judgment upon the claim of R. A. Ramey, doing business as Ramey Bros., of El Paso, Tex., against the United States for additional compensation in connection with the reconditioning of the pipe line serving the city reservoir at the marine hospital, Fort Stanton, N. Mex., under contract no. T2sa-2930, dated September 11, 1931.

SEC. 2. In the determination of such claim the United States shall not be held liable for any amount in excess of $8,432.22.

SEC. 3. Suit upon such claim may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, and appeals from and payment of any judgment thereon, shall be in the same manner as in the cases of claims over which such court has jurisdiction under the provisions of paragraph "Twentieth" of section 24 of the Judicial Code, as amended.

The amendment was agreed to.

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

The bill was read the third time and passed.

The title was amended so as to read: "An act conferring jurisdiction upon the United States District Court for the Western District of Texas to hear, determine, and render judgment upon the claim of R. A. Ramey, doing business as Ramey Bros."

JAMES GAYNOR

The bill (S. 3367) for the relief of James Gaynor was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed to cancel the charge, in the amount of $652.55, entered on the accounts of James Gaynor, postmaster at Springfield, S. Dak., by reason of his deposit of postal funds of the United States in the First National Bank of Springfield, S. Dak., and the subsequent failure of such bank.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said James Gaynor the sum of $74.55, such sum representing the amount paid by him to the United States in settlement of charge entered on his account by reason of the deposit of Treasury savings funds in such bank and its subsequent failure.

BILL PASSED OVER

The bill (H. R. 762) for the relief of Stanislaus Lipowicz was announced as next in order.

Mr. ROBINSON. Mr. President, I should like to have a statement made concerning this bill. It seems that the beneficiary of the bill was fined, and that the bill is designed to reimburse him for a fine which was assessed against him. I suggest that the bill go over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

MRS. AMBER WALKER

The bill (H. R. 2527) for the relief of Mrs. Amber Walker was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Amber Walker, of Railroad, Pa., the sum of $65.93. Such sum shall be in full settlement of all claims against the United States for salary as acting postmistress at Railroad, Pa., from February 25, 1933, to March 31, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

GLADYS ROBBINS

The bill (H. R. 3864) for the relief of Gladys Robbins was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Gladys Robbins the sum of $1,120 in full settlement of all claims against the United States for reimbursement of cash bail deposited with former United States Commissioner Arthur G. Fisk at San Francisco, Calif., and misappropriated by said official: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

BILL PASSED OVER

The bill (H. R. 3184) for the relief of H. D. Henion, Harry Wolfe, and R. W. McSorley was announced as next in order.

Mr. McKELLAR. Mr. President, I should like to have an explanation of this bill. As the Senator who reported it does not appear to be present at the moment, I will ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

GEORGE CURRENT

The Senate proceeded to consider the bill (H. R. 5525) for the relief of George Current, which was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and is hereby, authorized to consider and determine, in the same manner and to the same extent as if application for the benefits of the Employees' Compensation Act had been made within the 1-year period required by sections 17 and 20 thereof, the claim of George Current, on account of disability due to epilepsy alleged to have been proximately caused by an injury received while on duty during his employment in the service of the United States between May 6, 1929, and March 14, 1934: *Provided*, That no benefits shall accrue prior to the enactment of this act.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill?

Mr. BULKLEY. Mr. President, this claimant was employed as an attendant at the veterans' hospital at Chillicothe, Ohio. He was injured by an insane patient. The seriousness of the injury was not appreciated at the time and he did not make his claim within the year as required by the statute. This bill simply proposes to remove the limitation of 1 year and to allow the Employees' Compensation Commission to hear the claim on its merits.

Mr. McKELLAR. I have no objection to the consideration of the bill.

The bill was ordered to a third reading, read the third time, and passed.

HOWARD DONOVAN

The bill (H. R. 2157) for the relief of Howard Donovan was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Howard Donovan, former consul at Bahia, Brazil, the sum of $500, in full settlement of all claims against the Government of the United States for the cost of embalming the body of his wife, Ruth Curtiss Donovan; burial; and subsequent transportation of the body from Bahia, Brazil, to its burial place at New Haven, Conn.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

BILL PASSED OVER

The bill (H. R. 8069) for the relief of Mr. and Mrs. A. S. Mull was announced as next in order.

Mr. McKELLAR. Mr. President, a large amount seems to be involved in this bill, and I should like to have some member of the committee explain it. I do not see present at the moment the Senator who reported the bill, and I will therefore ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

VERMONT TRANSIT CO., INC.

The Senate proceeded to consider the bill (S. 3655) for the relief of the Vermont Transit Co., Inc., which had been reported from the Committee on Claims with an amendment.

Mr. McKELLAR. Mr. President, will the Senator from Vermont explain this bill?

Mr. AUSTIN. Mr. President, this is a claim growing out of damage to a bus, or passenger coach, engaged in the public service by a Government vehicle driven by a chauffeur who was under the influence of intoxicating liquor. He turned to the left and collided with the bus of the Vermont Transit Co. and damaged it beyond the amount which the general law permits the War Department to pay. That is the only reason the bill appears in Congress. The War Department had the case investigated by a board which found the Government liable. The foundation of the claim has been established.

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

Mr. AUSTIN. Certainly.

Mr. ROBINSON. I understand from the report that the War Department recommended payment and that the reimbursement or compensation would have been made by the War Department but for the limitation of $1,000 on the amount it is authorized to pay on such claims.

Mr. AUSTIN. That is true.

Mr. McKELLAR. Does the Senator know what was done with the employee of the Government who caused the injury?

Mr. AUSTIN. I do not.

Mr. McKELLAR. Of course, he ought to be discharged.

The PRESIDENT pro tempore. If there be no objection to the consideration of the bill, the amendment reported by the committee will be stated.

The amendment reported by the committee was at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Vermont Transit Co., Inc., of Burlington, Vt., out of any money in the Treasury not otherwise appropriated, the sum of $1,648.33 in full satisfaction of its claim against the Government of the United States for damage to motor passenger coach (or bus) no. 151, as a result of an accident involving a Government vehicle operated in connection with the Civilian Conservation Corps, at Montpelier,

Vt., on August 31, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALICE MARKHAM KAVANAUGH

The bill (H. R. 7001) for the relief of Alice Markham Kavanaugh was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., title 5, secs. 767 and 770), are hereby waived in favor of Alice Markham Kavanaugh, widow of Lewis T. Kavanaugh, late an employee of the Inland and Coastwise Waterways Service, who was drowned in the Mississippi River on April 14, 1920, at Memphis, Tenn., and her case is authorized to be considered and acted upon under the remaining provisions of such act, as amended, if she files a claim for compensation with the United States Employees' Compensation Commission not later than 60 days after the date of enactment of this act: *Provided*, That no benefits shall accrue prior to the approval of this act.

BILL PASSED OVER

The bill (H. R. 6297) for the relief of Leon Frederick Ruggles was announced as next in order.

Mr. McKELLAR. Mr. President, I find that the bill is not reported favorably by the Veterans' Administration, and I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

MARY WELLER

The Senate proceeded to consider the bill (S. 2336) granting compensation to Mary Weller, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of", to strike out "$15,000" and insert "$4,848.45", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,848.45 to Mary Weller, of New Haven, Conn., in full settlement of all claims against the Government of the United States for injuries, resulting in the loss of her left eye, which she sustained in automobile accident caused by negligence of driver of Government-owned truck, on October 5, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. McKELLAR. Mr. President, will the Senator from Connecticut explain the bill?

Mr. MALONEY. Mr. President, the Senator from Connecticut will endeavor to explain it. This claimant was injured as the result of an automobile accident involving a truck owned by the Government and operated by a C. C. C. employee. There was an admission of liability on the part of the governmental authority, and payment of the amount proposed is recommended by the head of the department in Washington.

Mr. McKELLAR. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROSE STRATTON

The Senate proceeded to consider the bill (S. 2922) for the relief of Rose Stratton, which had been reported from the Committee on Claims with an amendment, in section 1, page 2, line 2, after the word "city", to insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rose Stratton, of New Haven, Conn., the sum of $1,097.77, in full satisfaction of all claims of the said Rose Stratton against the United States for damages for personal injuries sustained by her as the result of a collision at the intersection of Wall and College Streets, New Haven, Conn., on November 4, 1930, between a United States mail truck operated by John H. Farrell, Jr., an employee of the Post Office Department, and the automobile in which she was a passenger, operated by Margaret Lawrence, of such city: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act, in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. Payment shall not be made under this act until the said Rose Stratton has released all her claims against the said John H. Farrell, Jr., in a manner satisfactory to the Secretary of the Treasury.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CECELIA CALLAHAN

The bill (H. R. 2156) for the relief of Cecelia Callahan was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the sum of $475.20 to Cecelia Callahan, being a gratuity of 6 months' pay under the act of June 4, 1920, compensating her for the death of her nephew, Joseph Francis O'Neil, who died as the result of an injury received while serving in the United States Navy, on the United States ship *Gilmore*.

JAMES ZANETTI

The bill (H. R. 4047) granting 6 months' pay to James Zanetti was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the appropriation "Pay of the Navy, 1935", to James Zanetti, father of the late Joseph Zanetti, United States Navy, an amount equal to 6 months' pay at the rate said Joseph Zanetti was receiving at the date of his death.

SILVER SERVICE OF U. S. S. "PADUCAH"

The bill (H. R. 8872) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Woman's Club of the city of Paducah, Ky., the silver service in use of the U. S. S. *Paducah* was considered, ordered to a third reading, read the third time, and passed.

DISPOSITION OF MATERIAL NOT NEEDED BY NAVY

The Senate proceeded to consider the bill (H. R. 1381) to amend Public Law No. 249, Seventy-first Congress, entitled "An act to authorize the Secretary of the Navy to dispose of material no longer needed by the Navy", which was read, as follows:

Be it enacted, etc., That Public Law No. 249, Seventy-first Congress, approved May 23, 1930, entitled "An act to authorize the Secretary of the Navy to dispose of material no longer needed by the Navy", is amended by striking out the word "and" before the word "tools" and inserting after the word "tools" a comma followed by " boats and boat equipment."

Mr. McKELLAR. Mr. President, will the Senator from Florida give the facts in connection with this bill?

Mr. TRAMMELL. Mr. President, the measure under consideration amends the existing law by providing that the Navy Department may dispose of obsolete properties, including boats and boat equipment, which are not specified as property which may be disposed of in this way under the present law.

Mr. McKELLAR. I understand the Navy Department recommends the passage of the bill.

Mr. TRAMMELL. The Navy Department recommends it; the bill has passed the House and has been approved by the Senate Committee on Naval Affairs.

Mr. McKELLAR. Very well.

The bill was ordered to a third reading, read the third time, and passed.

MEDAL OF HONOR FOR GEN. ROBERT H. DUNLAP, DECEASED

The Senate proceeded to consider the bill (H. R. 7110) to authorize the President to bestow the Congressional Medal of Honor upon Brig. Gen. Robert H. Dunlap, United States Marine Corps, deceased, which had been reported from the Committee on Naval Affairs with an amendment to the title.

The bill was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to bestow the Navy Cross upon Brig. Gen. Robert H. Dunlap, United States Marine Corps, for distinguishing himself conspicuously by extraordinary courage on May 19, 1931, at LaFariniere, Cinq-Mars-la-Pile, France, where he met his death in a supreme effort to save the life of a French peasant woman, and to deliver said medal to Katherine W. Dunlap, the widow of Brigadier General Dunlap.

The title was amended so as to read: "An act to authorize the President to bestow the Navy Cross upon Brig. Gen. Robert H. Dunlap, United States Marine Corps, deceased."

BILL PASSED OVER

The bill (H. R. 3604) to place William H. Clinton on the retired list of the Navy was announced as next in order.

Mr. ROBINSON. Mr. President, I should like to have a justification for this bill. Apparently it is unfavorably reported upon by the Navy Department. On page 4 of the report I find this language:

In view of the above, the Navy Department recommends against the enactment of the bill.

I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

LT. WALTER M. GRAESSER, UNITED STATES NAVY, RETIRED

The bill (S. 2517) to provide for the advancement on the retired list of the Navy of Walter M. Graesser, a lieutenant (junior grade), United States Navy, retired, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That from and after the date of enactment of this act Walter M. Graesser, lieutenant (junior grade), United States Navy, retired, shall have the rank of a lieutenant on the retired list of the United States Navy: *Provided*, That the said Walter M. Graesser shall not receive any increase in retired pay, allowances, or other benefits as a result of the passage of this act.

LT. DEFOREST LOYS TRAUTMAN, UNITED STATES NAVY

The Senate proceeded to consider the bill (S. 3333) for the relief of DeForest Loys Trautman, lieutenant, United States Navy, which had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 8, after the word "Navy", to insert: "*Provided*, That said Lieutenant Trautman shall establish to the satisfaction of the Secretary of the Navy, by examination, his mental, moral, physical, and professional qualifications to perform all the duties of the next higher grade", so as to make the bill read:

Be it enacted, etc., That the President is authorized and directed to commission Lt. DeForest Loys Trautman, United States Navy, a lieutenant commander, United States Navy, as of the date that he originally made his number for promotion; that is, next junior to Lt. Comdr. C. R. Jeffs, United States Navy: *Provided*, That said Lieutenant Trautman shall establish to the satisfaction of the Secretary of the Navy, by examination, his mental, moral, physical, and professional qualifications to perform all the duties of the next higher grade.

Mr. ROBINSON. Mr. President, in view of the requirement in the amendment, I inquire what is the necessity for the bill? Why is the beneficiary of the bill not subject to promotion in due course, and why is it necessary to pass a special act authorizing his promotion?

Mr. McNARY. Mr. President, the Senator from Pennsylvania [Mr. DAVIS], the author of the bill, has been called from the Chamber. He is interested in the bill. I quote from the report on the bill, as follows:

It is the opinion of the committee that no officer should be promoted without first passing examinations calculated to determine his fitness to serve in that capacity.

With the above amendments, this committee recommend that the bill do pass.

I think that answers the questions of the Senator from Arkansas.

Mr. ROBINSON. No; if the Senator will pardon me, it does not answer the inquiry I made. In view of the fact that an examination is made necessary, why should the Congress require the promotion of the officer? In other words, why not let him take his chances for promotion with other officers?

Mr. TRAMMELL. Mr. President, may I say a word?

Mr. ROBINSON. I yield.

Mr. TRAMMELL. As I understand the situation, this officer was eligible for promotion under the seniority rule prior to the establishment of the selective system. He had requested an examination, which at that time involved nothing but a physical examination upon which he would have been entitled to his promotion under the seniority rule. However, for some reason, not at all to his prejudice, he was not examined although eligible for some 3 or 4 months prior to the change in the law.

The purpose of the bill is that he may be promoted if he is physically and mentally fit for the promotion to which he was entitled, and that he may be relieved of the requirements of the selective system because he was entitled to promotion prior to the time that system was adopted. That is my understanding of the case presented to the Senate committee.

Mr. ROBINSON. Mr. President, will the Senator from Oregon yield to enable me to ask the Senator from Florida two questions?

Mr. McNARY. Certainly.

Mr. ROBINSON. First, there does not appear to be any report on the bill from the Navy Department, at least there is none in my file. Why was not the measure submitted, as such bills usually are, for consideration by the Navy Department?

Mr. RUSSELL. Mr. President, may I answer the Senator's question?

Mr. ROBINSON. Certainly.

Mr. RUSSELL. There are a number of bills to the same effect pending before the Committee on Naval Affairs in cases where, for some reason, the officer was not available for an examination at the time when promotions were made solely by seniority and before the enactment of the law providing for selection. In the instant bill the officer was at a Civilian Conservation Corps camp, and therefore was not available for the examination. That fact appears in the report.

The bill is exactly similar to the bill just passed by the Senate which was recommended by the Navy Department. A number of officers could not be examined because of circumstances not to their prejudice and not under their control, and they did not get the benefit of promotion under the seniority rule.

Mr. ROBINSON. The other question I intended to ask the Senator from Florida—and I may direct it just as well to the Senator from Georgia, who apparently is informed on the subject—is this: What is the number of officers who are in the class of the beneficiary under this bill?

Mr. RUSSELL. I do not recall, but when the committee was examining and considering one of these bills, it is my recollection the officer then before the committee stated there are some 15 or 16. That is my recollection. There is no great number involved.

Mr. ROBINSON. It occurs to me that if this is proper legislation the desired end could be accomplished by general legislation which would apply to all officers in this class. I am not going to object to consideration of the bill, but I should like to suggest that our procedure could be very materially simplified in the interest of justice by enacting a simple statute providing that all officers who were unable, without fault or carelessness on their part, to avail themselves of the opportunity for an examination should be accorded that privilege.

We will probably be called on for the next 3 or 4 years to consider special bills of this character when it would better be done by a general statute applying to all officers who are within the class. I would not assume here to try to frame the language. I think the committee might very well take that suggestion into consideration.

Mr. TRAMMELL. Mr. President, the committee made inquiry of the Navy Department and, as I recall, 16, as stated by the Senator from Georgia, is the number of officers involved. We are preparing a bill, with the cooperation of the Navy Department, to include the entire list.

Mr. ROBINSON. Very well. I am not going to object to the present consideration of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. O'MAHONEY. In line 3, of the bill I move to strike out the words "and directed".

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, line 3, after the word "authorized" it is proposed to strike out the words "and directed;" so as to read:

That the President is authorized to commission Lt. DeForest Loys Trautman, United States Navy, a lieutenant commander.

And so forth.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VOCATIONAL EDUCATION—BILL PASSED OVER

The bill (S. 2883) to provide for the further development of vocational education in the several States and Territories was announced as next in order.

Mr. GEORGE. Mr. President, this is a bill which I introduced and which has been favorably reported from the Committee on Agriculture and Forestry. There are a great many amendments to the bill. It enlarges the vocational-education program of the Government. It is a most important measure. I think it ought not to be considered under the rule obtaining this morning.

There are some amendments to the bill which do not change but which enlarge and extend the scope of the vocational-education program already provided for by act of Congress. I think there ought to be further time for the consideration of the bill. I ask that the bill go over without prejudice, and make the suggestion that at an early day I shall ask for special consideration of the bill.

The PRESIDENT pro tempore. The bill will be passed over.

NAVAL AIR STATION, PENSACOLA

The bill (S. 3395) to authorize the acquisition of the railroad tracks, trestle, and right-of-way of the Gulf Power Co. at the naval air station, Pensacola, Fla., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to accept on behalf of the United States, free from encumbrance and without cost to the United States, all the right, title, and interest of the Gulf Power Co. of Pensacola, Fla., in its railroad tracks located upon the United States Naval Air Station, Pensacola, Fla.; its railroad trestle, including railroad tracks thereon, across Bayou Grande, beginning at the northern end of said trestle and extending across said Bayou Grande to the said naval air station; and its right-of-way 40 feet wide upon which the northern end of said trestle is located, and extending from said northern end of the trestle to the north shore of said Bayou Grande, together with all sidings, equipment, and appurtenant structures.

EXCHANGE OF LAND—BILL RECOMMITTED

The bill (S. 3521) to authorize an exchange of land between the Waianae Co. and the Navy Department was announced as next in order.

Mr. TRAMMELL. I move that the bill be recommitted to the Committee on Naval Affairs.

The motion was agreed to.

APPOINTMENT OF MIDSHIPMEN FROM HONOR SCHOOLS

The Senate proceeded to consider the bill (H. R. 7486) to authorize the appointment of midshipmen from among honor graduates of honor schools, and from among members of the Naval Reserve Officers' Training Corps, which was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized to appoint not more than 20 midshipmen annually to the Naval Academy from among the honor graduates of educational institutions which are designated as "honor schools" by the War Department and the members of the Naval Reserve Officers' Training Corps: *Provided*, That such appointments shall be made under such rules and regulations as the Secretary of the Navy may prescribe.

Mr. ROBINSON. Mr. President, I notice that the bill was reported by the Senator from Georgia [Mr. RUSSELL]. A reading of the report discloses that there are some 26 of the so-called honor schools in the United States from which these appointments are to be made. May I ask the Senator from Georgia why the appointments are not made in the regular way and whether the appointments are in addition to those now authorized by law?

Mr. RUSSELL. Mr. President, as I understand the measure, the appointments will be in addition to those now authorized by law. However, it does not mean that there will be 20 appointments made annually. The number will vary. The number of honor schools designated by the War Department varies from year to year. Some years there will be only 18 or 20 which will have a standing which will entitle them to rating of an honor school. In other years the number has gone as high as 27 or 28.

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

Mr. RUSSELL. I yield.

Mr. ROBINSON. As I read the bill, the maximum number of midshipmen who may be appointed under its provisions is 20.

Mr. RUSSELL. Twenty each year.

Mr. ROBINSON. And only one may be appointed from each of the schools?

Mr. RUSSELL. The Senator from Arkansas is correct.

The passage of the bill is recommended by the Navy Department. There has been in effect for a number of years an act permitting the appointment from these honor schools of the same number of cadets at West Point. This bill merely gives to each of these honor schools, up to the number of 20 in each year, the right to make one appointment to the Naval Academy, in addition to the one appointment each of them for some years has had the right to make to the Military Academy at West Point.

The bill is recommended by the Navy Department and has already passed the House.

Mr. ROBINSON. In the Senator's opinion, will the enactment of the bill involve any question of an excess number of officers who will be eligible for commissions?

Mr. RUSSELL. I should be influenced by the report of the Navy Department on that question. The Navy Department strongly recommends the passage of the bill.

Mr. ROBINSON. I see that it does.

Mr. RUSSELL. And in view of the increase in our Navy which is necessarily brought about on account of the mania for increasing armaments throughout the world, I should not think the enactment of this bill would in any wise over-

officer the Navy or give the Naval Academy more cadets than were necessary for the annual increment.

Mr. ROBINSON. The Senator, then, does not understand that the passage of the bill would occasion the enactment of additional legislation in connection with the commissioning of the midshipmen upon the completion of their course?

Mr. RUSSELL. In my judgment, it would not.

Mr. O'MAHONEY. Mr. President, may I ask the Senator from Georgia in what manner the 20 midshipmen will be selected?

Mr. RUSSELL. They will be selected just as they are at the present time selected for the Military Academy, by 20 of these honor schools, usually the honor graduates of the institutions.

Mr. O'MAHONEY. But the report says there are 26 schools, and only 20 cadets may be appointed. How will the 20 midshipmen be selected from the 26 schools?

Mr. RUSSELL. If the Senator will notice, the last proviso in the bill is:

That such appointments shall be made under such rules and regulations as the Secretary of the Navy may prescribe.

I assume that the Secretary of the Navy would provide that the 20 ranking schools should have these appointments in years when more than 20 might qualify as honor students.

Mr. O'MAHONEY. Does not the Senator believe it might be advisable to amend the bill to that effect?

Mr. RUSSELL. I should be glad to accept an amendment to that effect if the Senator from Wyoming thinks it is necessary. Personally, I am confident that the Secretary of the Navy would prescribe that the 20 ranking schools should have the appointments. I cannot conceive that he would discriminate in favor of a school ranking sixth and against one ranking as no. 1 on the records of the War Department.

Mr. WALSH. Mr. President, I should like to ask the Senator from Georgia what are honor schools.

Mr. RUSSELL. If I am able to answer that question, the War Department annually inspects all the institutions of the country where R. O. T. C. and Naval Reserve units are maintained, and classifies as honor schools the ones that make the best showing on the examinations. I am not quite clear as to just exactly the rating that is required, whether the school must have a rating of 90 percent, or what the percentage must be; but each year a number of schools where the R. O. T. C. units are unusually proficient are selected by the War Department as honor schools, and for a number of years a student from each of these institutions has secured an appointment to the Military Academy at West Point.

Mr. WALSH. Are the honor schools to which the bill refers schools that maintain R. O. T. C. units?

Mr. RUSSELL. Only those that have R. O. T. C. units are eligible. The designation "honor schools" relates to the military proficiency of the R. O. T. C. units, not to the scholastic standing of the students.

Mr. WALSH. I have in mind such semimilitary schools as the one at Norwich University, which at the present time has the right to designate a cadet for entrance to West Point. That is not necessarily an R. O. T. C. school. It is a university which receives funds by reason of the fact that it maintains a military unit.

Mr. RUSSELL. I may say to the Senator from Massachusetts that that is an R. O. T. C. school. Any school which comes in under the Morrill Land Grant Act, or which receives its uniforms and equipment from the War Department, is an R. O. T. C. school. They are designated in two classes in the War Department, as junior and senior units; but if that school qualifies as an honor school and has an appointment to the Military Academy, the same institution will also, by virtue of this bill if it shall be enacted into law, have an appointment to the Naval Academy.

Mr. WALSH. Do I understand correctly that the principal or president or other officer in charge of each of these honor schools would have the right to designate a midshipman to the Naval Academy?

Mr. RUSSELL. I am not sure as to the method of selection. It happens that I attended a school of this kind, and at that time the faculty of the institution selected an honor student; and I am of opinion that the appointee has to rank among the first three in the honor schools. They are permitted to select one of the first three for the appointment, according to my recollection.

Mr. WALSH. The only doubt I have is as to whether the designated midshipmen should not have to take the same examination that all applicants for admission to the Naval Academy are required to take.

Mr. RUSSELL. Oh, they would be required to take the usual entrance examination at the Naval Academy. This bill in nowise relieves them of the necessity of doing that.

Mr. WALSH. Very well. That eliminates any objection I might have to the bill.

The PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

LAND IN WAMSUTTER, WYO.

The bill (S. 3761) authorizing the Secretary of the Interior to patent certain land to the town of Wamsutter, Wyo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That upon payment therefor at the rate of $1.25 per acre, the Secretary of the Interior be, and he is hereby, directed to cause patent to issue to the town of Wamsutter, Wyo., for the northeast quarter northwest quarter section 34, township 20 north, range 94 west, of the sixth principal meridian, Wyoming, under the provisions of sections 2387 to 2389 of the Revised Statutes having reference to town sites: *Provided*, That the coal deposits contained in the land are reserved to the United States, together with the right to prospect for, mine, and remove the same.

LAND IN CHARLOTTE, MICH.

The bill (H. R. 7875) to provide for the transfer of certain land in the city of Charlotte, Mich., to such city was considered, ordered to a third reading, read the third time, and passed.

RICHMOND NATIONAL BATTLEFIELD PARK, VA.

The bill (H. R. 1415) to provide for the establishment of the Richmond National Battlefield Park, in the State of Virginia, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

LANDS IN ARIZONA

The bill (H. R. 8172) to authorize the transfer by the United States to the county of Mohave, Ariz., of all public lands in sections 20, 28, and 30, township 20 north, range 15 west, Gila and Salt River meridian, for public park, recreational, and other municipal purposes, was considered, ordered to a third reading, read the third time, and passed.

GEORGE P. MONEY

The bill (H. R. 4925) to authorize and direct the Comptroller General to settle and allow the claim of George P. Money for fees for services rendered was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3450) to regulate the sale of goods in the District of Columbia was announced as next in order.

Mr. McNARY and Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

FRANK B. NILES

The Senate proceeded to consider the bill (S. 2188) for the relief of the estate of Frank B. Niles, which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed, in the settlement of the account of Frank B. Niles, former collector of internal revenue for the tenth district of Ohio, to allow the sum of $2,811.53 now standing as a disallowance in the accounts of said Frank B. Niles, representing sums erroneously paid out by him in good faith to deputy collectors for meals and lodging at designated posts of duty from June 1, 1918, to March 31, 1919, as set forth in fiscal officers' certificate no. 17576.

Mr. McKELLAR. Mr. President, may we have a statement regarding this bill?

Mr. BULKLEY. Mr. President, this bill is to authorize a credit in the accounts of Frank B. Niles from a disallowance made by the Comptroller General on account of an error on the part of the late collector of internal revenue in understanding instructions with respect to the distribution of his deputies. He paid these amounts for travel and subsistence of deputies on the theory that they were away from home. The Comptroller held that they were not away from home on account of the instructions which had been given for a redistribution of the deputies. The Secretary of the Treasury has ruled that it was an excusable mistake, and recommends the passage of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID N. AIKEN

The bill (H. R. 6254) for the relief of David N. Aiken was considered, ordered to a third reading, read the third time, and passed.

TRAFFIC IN NARCOTIC DRUGS IN THE DISTRICT

The bill (S. 3514) to regulate the manufacturing, dispensing, selling, and possession of narcotic drugs in the District of Columbia was announced as next in order.

Mr. McKELLAR. Mr. President, the author of this bill, the Senator from Utah [Mr. KING], seems not to be here. It is an important bill, and I ask that it go over.

Mr. COPELAND. Mr. President, if the Senator from Tennessee will withhold his request for a moment, when the Senator from Utah left the Chamber he asked me to protect certain bills for the District of Columbia, so I feel free to do so.

This is a long bill. Its purpose is simply to implement the officials here in the District as similar officials in the various States are now given the power to deal with narcotics. Of course, under the Harrison law there is that power; but that was a revenue bill, and there are situations where other laws are needed.

Similar bills have been enacted in practically this form by 29 States. The bill is recommended by the American Bar Association and by the various medical associations. It is endorsed by all the boards in this city which could have any possible interest in it. So I hope the bill may be passed, because I am very confident that it embodies legislation which is needed for the protection of society.

The PRESIDENT pro tempore. Is the objection withdrawn?

Mr. McKELLAR. Mr. President, this seems to be a most worthy bill. It is true that it is quite a long one, and it seems to me its purposes ought to be set forth more fully; but, in view of what the Senator from New York says, I shall withdraw the objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The amendments were, on page 11, line 5, after "(2)", to strike out "nor" and insert "not"; on page 14, line 21, after the word "section", to strike out "8" and insert "10"; on page 17, line 10, after the word "section", to strike out "5" and insert "6"; and on page 25, line 14, after the word "section", to strike out "8" and insert "10", so as to make the bill read:

Be it enacted, etc., The following words and phrases, as used in this act, shall have the following meanings, unless the context otherwise requires:

(a) "Person" includes any corporation, association, copartnership, or one or more individuals.

(b) "Physician" means a person authorized by law to practice medicine or osteopathy in the District of Columbia.

(c) "Dentist" means a person authorized by law to practice dentistry in the District of Columbia.

(d) "Veterinarian" means a person authorized by law to practice veterinary medicine in the District of Columbia.

(e) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescription.

(f) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders but not on prescription.

(g) "Apothecary" means a licensed pharmacist as defined by the laws of the District of Columbia, and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege that is not granted to him by the pharmacy laws of the District of Columbia.

(h) "Hospital" means an institution for the care and treatment of the sick and injured, approved by the health officer of the District of Columbia as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian. The word "hospital" shall include dental and medical clinics: *Provided*, That said dental and medical clinics are approved by the health officer of the District of Columbia.

(i) "Laboratory" means a laboratory approved by the health officer of the District of Columbia as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

(j) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

(k) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(l) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium.

(m) "Canabis" includes the following substances, under whatever names they may be designated: (a) The dried flowering or fruiting tops of the pistillate plant Cannabis sativa L., from which the resin has not been extracted, (b) the resin extracted from such tops, and (c) every compound, manufacture, salt, derivative, mixture, or preparation of such resin, or of such tops from which the resin has not been extracted.

(n) "Narcotic drugs" means coca leaves, opium, cannabis, and every substance not chemically distinguishable from them.

(o) "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(p) "Official written order" means an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by Federal law, and if no such order form is provided, then on an official form provided for that purpose by the health officer of the District of Columbia.

(q) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(r) "Registry number" means the number assigned to each person registered under the Federal narcotic laws.

ACTS PROHIBITED

SEC. 2. It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in this act.

MANUFACTURERS AND WHOLESALERS

SEC. 3. No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the health officer of the District of Columbia.

QUALIFICATION FOR LICENSES

SEC. 4. No license shall be issued under the foregoing section unless and until the applicant therefor has furnished proof satisfactory to the health officer of the District of Columbia of the following:

(a) That the applicant is of good moral character, or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(b) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

No license shall be granted to any person who has been convicted of a willful violation of any law of the United States, or of any State, relating to opium, coca leaves, cannabis, or other narcotic drugs, or to any person who is a narcotic drug addict.

The health officer of the District of Columbia may suspend or revoke any license issued by said health officer under the provisions of this act for cause.

USE OF OFFICIAL WRITTEN ORDERS

SEC. 5. An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of 2 years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act. It shall be deemed a compliance with this subsection if the parties to the transaction have complied

with the Federal narcotic laws respecting the requirements governing the use of order forms.

SALE ON WRITTEN ORDERS

SEC. 6. (a) A duly licensed manufacturer or wholesaler may sell and dispense narcotic drugs to any of the following persons, but only on official written orders:

(1) To a manufacturer, wholesaler, or apothecary.

(2) To a physician, dentist, or veterinarian.

(3) To a person in charge of a hospital, but only for use by or in that hospital.

(4) To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

(b) A duly licensed manufacturer or wholesaler may also sell narcotic drugs to any of the following persons:

(1) On a special written order accompanied by a certificate of exemption, as required by the Federal narcotic laws, to a person in the employ of the United States Government, or of the District of Columbia, or of any State, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties.

(2) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or to a physician or surgeon duly licensed in some State, Territory, or the District of Columbia to practice his profession, or to a retired commissioned medical officer of the United States Army, Navy, or Public Health Service employed upon such ship or aircraft, for the actual medical needs of persons on board such ship or aircraft, when not in port: *Provided*, That such narcotic drugs shall be sold to the master of such ship or person in charge of such aircraft, or to the physician, surgeon, or retired commissioned medical officer of the United States Army, Navy, or Public Health Service employed upon such ship or aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States Public Health Service.

(3) To a person in a foreign country if the provisions of the Federal narcotic laws are complied with.

POSSESSION LAWFUL

(c) Possession of or control of narcotic drugs obtained as authorized by this section shall be lawful if obtained and used in the regular course of business, occupation, profession, employment, or duty of the possessor.

SEC. 7. A person in charge of a hospital or of a laboratory, or in the employ of the District of Columbia or of any State, or of any political subdivision thereof, or a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or a physician or surgeon duly licensed in some State, Territory, or the District of Columbia, to practice his profession, or a retired commissioned medical officer of the United States Army, Navy, or Public Health Service employed upon such ship or aircraft who obtains narcotic drugs under the provisions of section 6 of this act, or otherwise, shall not administer, nor dispense, nor otherwise use such drug, within the District of Columbia, except within the scope of his employment or official duty, and then only for scientific or medical purposes and subject to the provisions of this act.

SALES BY APOTHECARIES

SEC. 8. (a) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, dated and signed, on the day when issued, by the physician, dentist, or veterinarian prescribing said narcotic drugs. The prescription when issued shall also state the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the Federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of 2 years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act. The prescription shall not be refilled.

(b) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

(c) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding 1 ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than 20 percent of the complete solution, to be used for medical purposes.

PROFESSIONAL USE OF NARCOTIC DRUGS

PHYSICIANS AND DENTISTS

SEC. 9. (a) A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision.

VETERINARIANS

(b) A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

RETURN OF UNUSED DRUGS

(c) Any person who has obtained from a physician, dentist, or veterinarian any narcotic drugs for administration to a patient during the absence of such physician, dentist, or veterinarian, shall return to such physician, dentist, or veterinarian any unused portion of such drug, when it is no longer required by the patient.

PREPARATIONS EXEMPTED

SEC. 10. Except as otherwise in this act specifically provided, this act shall not apply to the following cases:

(a) Prescribing, administering, dispensing, or selling at retail of any medicinal preparation that contains in 1 fluid ounce, or, if a solid or semisolid preparation, in 1 avoirdupois ounce, (1) not more than 2 grains of opium, (2) not more than one-quarter of a grain of morphine or of any of its salts, (3) not more than 1 grain of codeine or of any of its salts, (4) not more than one-eighth of a grain of heroin or of any of its salts, (5) not more than one-half of a grain of extract of cannabis, nor more than one-half of a grain of any more potent derivative or preparation of cannabis.

(b) Prescribing, administering, dispensing, or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain narcotic drugs in such combinations as prevent their being readily extracted from such liniments, ointments, or preparations, except that this act shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

The exemptions authorized by this section shall be subject to the following conditions:

(1) No person shall dispense, or sell under the exemptions of this section, to any one person, or for the use of any one person or animal, any preparation or preparations included within this section when he knows, or can by reasonable diligence ascertain, that such dispensing or selling will provide the person to whom or for whose use, or the owner of the animal for the use of which, such preparation is prescribed, administered, dispensed, or sold, within any 2 consecutive days, with more than 2 grains of opium, or more than 1 grain of morphine or of any of its salts, or more than 4 grains of codeine or of any of its salts, or more than one-quarter of a grain of heroin or of any of its salts, or more than 1 grain of extract of cannabis or 1 grain of any more potent derivative or preparation of cannabis.

(2) The medicinal preparation, or the liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this act.

Nothing in this section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold to any person, or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold in compliance with the general provisions of this act.

RECORD TO BE KEPT

PHYSICIANS, DENTISTS, VETERINARIANS, AND OTHER AUTHORIZED PERSONS

SEC. 11. (a) Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased, or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients: *Provided*, That no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient when the amount administered, dispensed, or professionally used for that purpose does not exceed in any 48 consecutive hours (1) 4 grains of opium, or (2) one-half of a grain of morphine or of any of its salts, or (3) 2 grains of codeine or of any of its salts, or (4) one-fourth of a grain of heroin or any of its salts, or (5) 1 grain of extract of cannabis, or 1 grain of any more potent derivative or preparation of cannabis, or (6) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

MANUFACTURERS AND WHOLESALERS

(b) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared and of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection (e) of this section.

APOTHECARIES

(c) Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection (e) of this section.

VENDORS OF EXEMPTED PREPARATIONS

(d) Every person who purchases for resale, or who sells narcotic drug preparations exempted by section 10 of this act, shall keep a record showing the quantities and kinds thereof received and

sold, or disposed of otherwise, in accordance with the provisions of subsection (e) of this section.

FORM AND PRESERVATION OF RECORDS

(e) The form of records shall be prescribed by the health officer of the District of Columbia. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced, and the proportion of resin contained in or producible from the dried flowering or fruiting tops of pistillate plant Cannabis sativa L., from which the resin has not been extracted, received, or produced. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered, or dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of 2 years from the date of the transaction recorded. The keeping of a record required by or under the Federal narcotic laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft.

LABELS

SEC. 12. (a) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling a prescription under this act, shall alter, deface, or remove any label so affixed.

(b) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian he shall affix to the container in which such drug is sold or dispensed a label showing his own name, address, and registry number, or the name, address, and registry number of the apothecary for whom he is lawfully acting; the name and address of the patient, or if the patient is an animal, the name and address of the owner of the animal, and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed as long as any of the original contents remain.

AUTHORIZED POSSESSION OF NARCOTIC DRUGS BY INDIVIDUALS

SEC. 13. A person to whom or for whose use any narcotic drug has been prescribed, sold, or dispensed, by a physician, dentist, apothecary, or other person authorized under the provisions of section 6 of this act, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

SEARCH WARRANTS

SEC. 14. (a) A search warrant may be issued by any judge of the police court of the District of Columbia or by a United States commissioner for the District of Columbia when any narcotic drugs are manufactured, possessed, controlled, sold, prescribed, administered, dispensed, or compounded, in violation of the provisions of this act, and any such narcotic drugs and any other property designed for use in connection with such unlawful manufacturing, possessing, controlling, selling, prescribing, administering, dispensing, or compounding, may be seized thereunder, and shall be subject to such disposition as the court may make thereof and such narcotic drugs may be taken on the warrant from any house or other place in which they are concealed.

(b) A search warrant cannot be issued but upon probable cause supported by affidavit particularly describing the property and the place to be searched.

(c) The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witnesses he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them.

(d) The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

(e) If the judge or commissioner is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he must issue a search warrant, signed by him, to the major and superintendent of police of the District of Columbia or any member of the Metropolitan Police Department, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding him forthwith to search the place named for the property specified and to bring it before the judge or commissioner.

(f) A search warrant may in all cases be served by any of the officers mentioned in its direction, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

(g) The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

(h) The judge or commissioner must insert a direction in the warrant that it be served in the daytime unless the affidavit is positive that the property is in the place to be searched, in which case he must insert a direction that it be served at any time in the day or night.

(i) A search warrant must be executed and returned to the judge or commissioner who issued it within 10 days after its date; after the expiration of this time the warrant, unless executed, is void.

(j) When the officer takes property under the warrant, he must give a copy of the warrant together with a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found; or in the absence of any person, he must leave it in the place where he found the property.

(k) The officer must forthwith return the warrant to the judge or commissioner and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the foot of the inventory and taken before the judge or commissioner at the time, to the following effect: "I, ------, the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant."

(l) The judge or commissioner must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant.

(m) The judge or commissioner must annex the affidavits, search warrant, return, inventory, and evidence, and at once file the same, together with a copy of the record of his proceedings, with the clerk of the police court.

(n) Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than $1,000 or imprisoned not more than 2 years.

PERSONS AND CORPORATIONS EXEMPTED

SEC. 15. The provisions of this act restricting the possession and having control of narcotic drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully transporting or storing such drugs, or to any employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of narcotic drugs; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

COMMON NUISANCES

SEC. 16. Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic-drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall keep or maintain such a common nuisance.

NARCOTIC DRUGS TO BE DELIVERED TO STATE OFFICIAL, AND SO FORTH

SEC. 17. All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited and disposed of as follows:

(a) Except as in this section otherwise provided, the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States Commissioner of Narcotics, by the officer who destroys them.

(b) Upon written application by the health officer of the District of Columbia, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said health officer of the District of Columbia for distribution or destruction, as hereinafter provided.

(c) Upon application by any hospital within the District of Columbia not operated for private gain, the health officer of the District of Columbia may in his discretion deliver any narcotic drugs that have come into his custody by authority of this section to the applicant for medicinal use. The health officer may from time to time deliver excess stocks of such narcotic drugs to the United States Commissioner of Narcotics, or may destroy the same.

(d) The health officer of the District of Columbia shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and

the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all Federal or District of Columbia officers charged with the enforcement of Federal and District narcotic laws.

NOTICE OF CONVICTION TO BE SENT TO LICENSING BOARD

SEC. 18. On the conviction of any person of the violation of any provision of this act, a copy of the judgment and sentence, and of the opinion of the court or magistrate, if any opinion be filed, shall be sent by the clerk of the court, or by the magistrate, to the board of officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business, and the said board or officer may in its or his discretion suspend or revoke the license of the convicted defendant to practice his profession or to carry on his business. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing for good cause, said board or officer may reinstate such license or registration.

RECORDS CONFIDENTIAL

SEC. 19. Prescriptions, orders, and records, required by this act, and stocks of narcotic drugs, shall be open for inspection only to Federal and District of Columbia officers whose duty it is to enforce the laws of the District of Columbia, or of the United States relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

FRAUD OR DECEIT

SEC. 20. (a) No person shall obtain or attempt to obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the forgery or alteration of a prescription or of any written order; or (3) by the concealment of a material fact; or (4) by the use of a false name or the giving of a false address.

(b) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(c) No person shall willfully make a false statement in any prescription, order, report, or record, required by this act.

(d) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(e) No person shall make or utter any false or forged prescription or false or forged written order.

(f) No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

(g) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of section 10 of this act, in the same way as they apply to transactions under all other sections.

EXCEPTIONS AND EXEMPTIONS NOT REQUIRED TO BE NEGATIVED

SEC. 21. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this act, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this act, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant.

ENFORCEMENT AND COOPERATION

SEC. 22. It is hereby made the duty of the major and superintendent of police of the District of Columbia to enforce all provisions of this act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States relating to narcotic drugs.

PENALTIES

SEC. 23. Any person violating any provision of this act shall upon conviction be punished, for the first offense, by a fine not exceeding $1,000, or by imprisonment for not exceeding 1 year, or by both such fine and imprisonment, and for any subsequent offense by a fine not exceeding $5,000, or by imprisonment for not exceeding 10 years, or by both such fine and imprisonment.

EFFECT OF ACQUITTAL OR CONVICTION UNDER FEDERAL NARCOTIC LAWS

SEC. 24. No person shall be prosecuted for a violation of any provision of this act if such person has been acquitted or convicted under any United States statute governing the sale or distribution of narcotic drugs, of the same act or omission which, it is alleged, constitutes a violation of this act.

CONSTITUTIONALITY

SEC. 25. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

INCONSISTENT LAWS REPEALED

SEC. 26. All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

NAME OF ACT

SEC. 27. This act may be cited as the Uniform Narcotic Drug Act.

TIME OF TAKING EFFECT

SEC. 28. This act shall take effect July 1, 1936.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL BOY SCOUT JAMBOREE

The Senate proceeded to consider the bill (S. 3586) to authorize the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of the Treasury to lend Army, Navy, Coast Guard, and other needed equipment for use at the National Jamboree of the Boy Scouts of America; and to authorize the use of property in the District of Columbia and its environs by the Boy Scouts of America at their National Jamboree to be held during the summer of 1937, which was read as follows:

Be it enacted, etc., That the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of the Treasury are hereby authorized, at their discretion, under such rules and regulations as they may respectively prescribe, to lend to the Boy Scouts of America, a corporation chartered by act of Congress approved June 15, 1916, for use at the National Jamboree of the Boy Scouts to be held at Washington, D. C., during the summer of 1937, such tents, cots, blankets, and other articles of camp equipage as may be desired by said Boy Scouts of America and available for its approximately 35,000 Scouts and officials: *Provided*, That the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, or the Secretary of the Treasury, before delivering such property, shall take from the Boy Scouts of America such bond and in such amount as will, in the discretion of the Secretary of the department involved, insure the safe return of such property in good order and condition, and the whole without expense to the United States.

SEC. 2. The Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of the Treasury are hereby authorized to grant permits through the proper service or bureau for use by the said Boy Scouts of portions of parks, reservations, or other public spaces under their control in the District of Columbia and environs as in their opinion may be temporarily spared for that purpose: *Provided*, That such use will inflict no serious or permanent injury upon any of the parks, reservations, or other public spaces: *And provided further*, That the parks, reservations, or other public spaces which shall be so used or occupied shall be promptly restored to their original condition by the Boy Scouts, and the said Boy Scouts shall indemnify the United States for all damages of any kind whatsoever sustained by reason of any such use or occupancy. The privileges and usages granted shall include the temporary erection of tents for entertainment, hospitals, commissaries, and other subsistence quarters, and other purposes; and the said Boy Scouts are hereby authorized to charge reasonable fees for the use of the same, and to sell articles at said commissaries, which sales shall be solely for the convenience of the participants in the jamboree. The net profits derived from such sales or fees shall be used exclusively to aid in meeting expenses incident to the said jamboree. The sale of foodstuffs in or about such tents or elsewhere upon the public spaces used by the Boy Scouts as authorized by this act shall be under the supervision of the health officer of the District of Columbia and in accordance with regulations to be prescribed by him. The use and erection of tents shall at all times be subject to the supervision of the fire marshal of the District of Columbia and shall be subject to such regulations as he may prescribe.

The erection and use of tents for any purpose involving health or sanitation shall be subject to the supervision of the health officer of the District of Columbia and to such regulations as he may prescribe.

Mr. COPELAND. Mr. President, this bill is a repetition of a bill we passed last year to take care of the Boy Scout gathering. It will be recalled that an epidemic of infantile paralysis interfered with their coming here. We are proposing to give them this year the same facilities we provided for them last year.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CARL A. BUTLER

The bill (H. R. 1470) for the relief of Carl A. Butler was considered, ordered to a third reading, read the third time, and passed.

CHARLES A. GETTYS

The bill (H. R. 2165) for the relief of Charles A. Gettys, was considered, ordered to a third reading, read the third time, and passed.

CHARLES D. JERONIMUS

The bill (H. R. 4084) for the relief of Charles D. Jeronimus was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3978) relating to taxation of shares of preferred stock, capital notes, and debentures of banks while owned by the Reconstruction Finance Corporation and reaffirming their immunity, was announced as next in order.

Mr. AUSTIN. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

JOSEPH MAIER

The bill (H. R. 605) for the relief of Joseph Maier was announced as next in order.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McNARY. What is the status of Calendar No. 1611, House bill 10104?

Mr. McKELLAR. Mr. President, I may say to the Senator that that took the place of another bill that was indefinitely postponed and is now on the calendar in place of it. That is my understanding.

The PRESIDENT pro tempore. Is there objection to the present consideration of House bill 605?

Mr. McKELLAR. There should be an explanation of this measure.

Mr. BULKLEY. Mr. President, the claimant in this case was injured in 1918 in Columbus, Ohio, by a live wire belonging to the Postal Telegraph Co. while that company was under the control of the Post Office Department. The claimant sued the telegraph company and obtained a judgment for a thousand dollars, but this is really an obligation of the United States Government. The Post Office Department is somewhat deficient in its information. The findings of the court show that it has no reason to resist this claim.

Mr. McKELLAR. It is really a claim of the Postal Telegraph Co. against the Government, then?

Mr. BULKLEY. No; it is not, because at the time of the accident the Post Office Department was operating the Postal Telegraph Co.

Mr. McKELLAR. Was it during the war?

Mr. BULKLEY. It was during the war.

Mr. McKELLAR. I see no recommendation of the Post Office Department. Will not the Senator let it go over for a week until I can look into it?

The PRESIDENT pro tempore. On objection, the bill will be passed over.

W. A. HARRIMAN

The bill (H. R. 2110) for the relief of W. A. Harriman was considered, ordered to a third reading, read the third time, and passed.

ANTHONY NOWAKOWSKI

The bill (H. R. 4210) for the relief of Anthony Nowakowski was considered, ordered to a third reading, read the third time, and passed.

Mr. FLETCHER. Mr. President, I inquire what became of Calendar No. 1611, being House bill 10104.

The PRESIDENT pro tempore. It was substituted for a previous calendar bill, and went over.

HELENA C. VONGRONING AND STEPHAN VONGRONING

The Senate proceeded to consider the bill (H. R. 3557) for the relief of Helena C. VonGroning and Stephan VonGroning, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $11,312.50 in full settlement against the Government, to Helena C. and Stephan VonGroning for and on account of the wrongful transfer of the 50 shares of preferred stock of the American Smelting & Refining Co. seized by the Alien Property Custodian, to Mrs. Henschen, of Hamburg, Germany, instead of to Helena C. and Stephan VonGroning, and for and on account of the failure to return and deliver the same to the said Helena C. VonGroning and Stephan VonGroning, together with the dividends thereon as required by law: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. McKELLAR. Mr. President, I should like to have the Senator from Kentucky explain this bill.

Mr. LOGAN. Mr. President, the necessity for this bill for the relief of these two people arose by reason of a mistake made by the Alien Property Custodian during or soon after the war. Certain securities belonging to German subjects were turned over to the Alien Property Custodian. They were thereafter sold and the money was turned over to him.

Three people were interested in this group of securities, and they filed claims for the money after peace had been brought about and negotiations between the countries had been resumed. Through an error, the Alien Property Custodian paid all of the money to one of the claimants who resided in Germany. He admits his mistake, and he has exhausted every effort to collect from this particular person but has never succeeded, so the claim appears to be entirely just.

The PRESIDENT pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

LOOK HOON AND LAN HOON LEONG

The bill (H. R. 4171) for the relief of Look Hoon and Lau Hoon Leong was considered, ordered to a third reading, read the third time, and passed.

PROGRESSIVE COMMERCIAL CO. OF PHILADELPHIA, PA.

The Senate proceeded to consider the bill (H. R. 5181) for the relief of the Progressive Commercial Co. of Philadelphia, Pa., which was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to receive, consider, and determine, in accordance with law, but without regard to any statute of limitations, any claim filed not later than 6 months after the passage of this act by the Progressive Commercial Co. of Philadelphia, Pa., for the refund of Federal income taxes paid by said company for the years 1923 to 1930, inclusive, in excess of the amount properly due as income tax for such years: *Provided*, That in the settlement of said claim there shall be no allowance of interest: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. McKELLAR. Mr. President, I should like to have an explanation of this claim.

Mr. LOGAN. Mr. President, I think I can explain the views of the committee, which were not my own, but after the committee had voted, I fully agreed with its conclusions.

Someone in charge of the Progressive Commercial Co. of Philadelphia, who was quite an expert at defrauding the public, sold stock to the public from time to time and kept the company growing in that way, through the sale of new stock. In order to boost his sales so that he could sell to the public, he made a report to the Bureau of Internal Revenue each year showing considerable income.

At last, when his affairs were investigated, it was found that the concern had been wholly insolvent, had never had an income, and that this man had gotten away with some three or four hundred thousand dollars. The stockholders proceeded to have him sent to the penitentiary, where he justly and richly belonged.

Upon investigation it was found that nearly everything the company possessed had been wiped out, and that none of this money was due to the Government at all.

There seem to be no creditors, the stockholders are trying to save what money they can, and they ask that they may

be permitted to file their claim with the Bureau of Internal Revenue so that they may have considered the question of whether or not they are entitled to a refund.

Mr. McKELLAR. Mr. President, that is one of the things about which I wish to ask. It is rather unusual that the statute of limitations be waived so that the Commissioner of Internal Revenue may hear claims, is it not?

Mr. LOGAN. The statute is waived quite frequently, I may say to the Senator, in cases where there is reason for the filing of a claim within the period of the limitation. In this case the stockholders knew nothing about the fraud that had been practiced upon them until about 1930, and at that time the limitation had already run against them, so that they could not file their claim. They are not to blame at all, because the statute of limitations barred them; and, so far as that is concerned, I think it ought to be waived. The objection I had to the bill was that the stockholders were responsible for this man who had defrauded them, and because he had done so I thought perhaps they ought to be bound by his action; but it was such a palpable fraud, and the Government got money to which it was not entitled, and it was the view of the committee that there could be no harm in allowing the stockholders to present their claims now.

Mr. McKELLAR. The only thing it does is to waive the statute of limitations?

Mr. LOGAN. That is all.

Mr. McKELLAR. I think the stockholders, of course, were culpable in allowing a grand rascal to run their affairs. They ought to have looked into it; it was their duty to look into it; but, at the same time, if the Senator, after having looked into all the facts, believes that the Commissioner of Internal Revenue should hear the case—and that will not decide the matter, anyway, as it will have to come back to Congress—I have no objection.

The PRESIDENT pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

LT. M. T. GRUBHAM

The bill (H. R. 5474) for the relief of Lt. M. T. Grubham was considered, ordered to a third reading, read the third time, and passed.

ELLIS DUKE

The Senate proceeded to consider the bill (H. R. 4086) for the relief of Ellis Duke, also known as Elias Duke, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, to strike out "$1,750" and insert in lieu thereof "$1,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ellis Duke, also known as Elias Duke, of the District of Columbia, the owner of the truck hereinafter referred to, the sum of $1,000, to compensate said Ellis Duke, also known as Elias Duke, for the loss of one Dodge truck serially numbered A918785, which said Dodge truck was illegally seized and confiscated by agents of the United States Government on the 16th day of April 1928, and which said Dodge truck was appropriated by the United States, and has never been returned to the said Ellis Duke, also known as Elias Duke: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

The bill was read the third time and passed.

DISTINGUISHED FLYING CROSS TO LT. COL. FRANCIS T. EVANS

The bill (H. R. 6708) to authorize the presentation of a Distinguished Flying Cross to Lt. Col. Francis T. Evans, United States Marine Corps, was considered, ordered to a third reading, read the third time, and passed.

J. A. HAMMOND

The Senate proceeded to consider the bill (S. 3125) for the relief of J. A. Hammond, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$1,200" and insert in lieu thereof "$120.10", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. A. Hammond, of Laurel, Miss., the sum of $120.10 in full settlement of all claims against the Government for injuries sustained by him on February 12, 1934, when an automobile in which he was riding collided with a truck of the Forest Service driven by G. A. Smith, Civilian Conservation Corps, enrollee, on a Mississippi highway: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADA MARY TORNAU

The Senate proceeded to consider the bill (S. 536) for the relief of Ada Mary Tornau, which had been reported by the Committee on Claims with an amendment, on page 1, line 6, to strike out "$675" and insert in lieu thereof "$225", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ada Mary Tornau the sum of $225 in full settlement of all claims against the Government for injuries sustained on February 14, 1933, when she was struck by an icicle which fell from the roof of the Federal Building in Dubuque, Iowa: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3545) 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, was announced as next in order.

Mr. DUFFY. Mr. President, I should like to ask either the senior Senator from Kansas [Mr. CAPPER] or the Senator from Kentucky [Mr. LOGAN], who reported the bill, if this bill is not similar to the one which was twice referred to the Military Affairs Committee and received unfavorable consideration. It seems, on its face, to be the same bill. I was wondering if that is the fact.

Mr. CAPPER. I believe it is a similar bill.

Mr. DUFFY. I ask that it go over for today, until I have a chance to examine it.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3781) 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 counsel in certain cases, was announced as next in order.

Mr. AUSTIN. I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

CANAL DREDGING CO.

The bill (S. 2747) to authorize Canal Dredging Co. to bring suit in the Court of Claims against the United States for additional compensation under contract terminated as for the Government's best interests was announced as next in order.

Mr. McNARY. Mr. President, I think we ought to have an explanation from the author of the bill.

Mr. McKELLAR. I shall be very happy to explain the bill.

The Canal Dredging Co. did some work in Florida, and was forced into a settlement. All this bill does is to permit the company to sue in the Court of Claims. If the company has a case, it can prove its case in the Court of Claims. If it does not have a case, of course, it cannot prevail.

That is all there is to the bill. It does not provide anything further.

Mr. McNARY. Was the bill favorably reported by the committee?

Mr. McKELLAR. Yes.

Mr. McNARY. Was the report a unanimous one?

Mr. McKELLAR. I believe so. The Senator from Kentucky [Mr. LOGAN] filed a report. So far as I know, it was unanimous.

Mr. McNARY. It does not obligate the Government in advance as to payment?

Mr. McKELLAR. No.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

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

That jurisdiction is hereby conferred upon the United States Court of Claims to hear the claim of the Canal Dredging Co., a corporation under the laws of Illinois, with its principal office in the city of Memphis, Tenn., and to determine and report to Congress the amount of additional compensation, if any, that said Canal Dredging Co. may be justly entitled to for the excavation of rock exceeding the percentage represented in and by the specifications, profiles, and other data relating to the work and for its loss on account of its preparation for doing the work which it was to do in the State of Florida along the south shore of Lake Okeechobee in the area known locally as South Bay between the Miami Canal and Bacom Point, under the contract entered into on the 5th day of August 1932 between the United States and itself designated as "Contract W 436-eng-3071", and supplemental agreement modifying the same between said parties, approved by the Chief of Engineers, United States Army, on the 13th day of July 1933, terminated by supplemental agreement entered into between said parties on the 14th day of June 1934 as for the best interests of the Government, because of the discovery of rock to be excavated in excess of that represented and contemplated as aforesaid, entitling said Canal Dredging Co. to a material increase in the contract price, in order that the Government might construct said work by Government plant and hired labor, of a materially different design as more efficient for the purpose intended and at a less cost to the Government, to which said Canal Dredging Co. consented.

SEC. 2. Such claim may be instituted at any time within 1 year after the passage of this act, notwithstanding the lapse of time or any statute of limitations.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill conferring jurisdiction upon the United States Court of Claims to hear the claim of the Canal Dredging Co."

MUNICIPAL PUBLIC WORKS, SKAGWAY, ALASKA

The Senate proceeded to consider the bill (H. R. 9130) to authorize the incorporated city of Skagway, Alaska, to undertake certain municipal public works, and for such purpose to issue bonds in any sum not exceeding $12,000, and for other purposes, which had been reported from the Committee on Territories and Insular Affairs with an amendment, in section 1, page 1, line 10, after "$12,000", to insert the following proviso: "*Provided*, That the total amount of bonds issued and outstanding at any time under authority of this act and under authority of Public Law No. 174, Seventy-third Congress, approved April 25, 1934 (48 Stat. 611), shall not exceed the sum of $40,000", so as to make the section read:

Be it enacted, etc., That the incorporated city of Skagway, in the Territory of Alaska, is hereby authorized and empowered to undertake all or any part of the hereinafter described municipal public works, to wit: Construction and reconstruction of sidewalks, reconstruction and reconditioning of city hall, and regrading, construction, and reconstruction of streets and crossings, and for such purposes to issue bonds in any sum not exceeding $12,000: *Provided*, That the total amount of bonds issued and outstanding at any time under authority of this act and under authority of Public Law No. 174, Seventy-third Congress, approved April 25, 1934 (48 Stat. 611), shall not exceed the sum of $40,000.

The amendment was agreed to.

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

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (S. 3113) to provide a government for American Samoa was announced as next in order.

Mr. McKELLAR. Mr. President, this is a very important bill, and I hope it will be explained. If not, I shall ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2288) to provide for the measurement of vessels using the Panama Canal, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

GORDON M'GEE

The bill (H. R. 5747) for the relief of Gordon McGee was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN WORLD WAR SOLDIERS

The bill (H. R. 8966) for the relief of World War soldiers who were discharged from the Army because of minority or misrepresentation of age was considered, ordered to a third reading, read the third time, and passed.

VINCENT P. ROUSSEAU

The bill (H. R. 4777) to provide for the advancement on the retired list of the Army of Vincent P. Rousseau was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL DEFENSE ACT

The bill (S. 3860) to amend section 2 of the act entitled "An act to amend the National Defense Act", approved May 28, 1928, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to amend the National Defense Act", approved May 28, 1928 (45 Stat. 786; U. S. C., title 32, sec. 181b), is hereby amended by inserting the words "Coast Guard" after the words "Marine Corps", and before the words "National Guard", in the fourth line of said section.

PRESENT LEADER OF ARMY BAND

The bill (S. 3872) for the relief of the present leader of the Army Band was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That from and after the date of approval of this act the present leader of the Army Band shall have the rank, pay, and allowances of a captain in the Army; and in the computation of his pay and allowances all service in the Army of whatever nature rendered by the said leader shall be counted as if it were commissioned service; and the said leader of the Army Band shall, at such time as the President in his discretion may direct, be entitled to retirement as a captain in the Army, in the same manner as other officers of the Army of such rank and length of service, computed as stated above, would be entitled to retirement.

EXCHANGE OF CERTAIN RIGHTS-OF-WAY IN HAWAII

The bill (H. R. 3565) to authorize the Secretary of War to effect exchange of certain rights-of-way in Hawaii was considered, ordered to a third reading, read the third time, and passed.

ARLINGTON & FAIRFAX RAILWAY CO.

The bill (H. R. 4292) to authorize the Secretary of War to grant rights-of-way to the Arlington & Fairfax Railway Co. across the Fort Myer Reservation, Va., was considered, ordered to a third reading, read the third time, and passed.

DISPOSAL OF SURPLUS ARMY MATERIAL

The bill (H. R. 8024) to authorize the Secretary of War to dispose of material no longer needed by the Army was considered, ordered to a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 205) providing for disposition of certain cotton held by the United States was announced as next in order.

Mr. McNARY. Mr. President, I am not at all familiar with this joint resolution. I think it ought to be explained by the author or by the chairman of the Committee on Agriculture and Forestry.

Mr. VANDENBERG. Let it go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

WILLIAM CONNELLY, ALIAS WILLIAM E. CONNOLEY

The bill (S. 3663) to correct the military record of William Connelly, alias William E. Connoley, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers William Connelly, alias William E. Connoley, late of Company H. Eighteenth Regiment United States Infantry, in the Indian wars, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on May 23, 1883: *Provided*, That no pension, back pay, bounty, or other allowance shall be held to have accrued prior to the passage of this act.

The title was amended so as to read: "A bill for the relief of William Connelly, alias William E. Connoley."

BILL PASSED OVER

The bill (S. 3627) for the relief of Francis Gerrity was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ORVILLE E. CLARK

The bill (H. R. 1867) for the relief of Orville E. Clark was considered, ordered to a third reading, read the third time, and passed.

ELMER H. ACKERSON

The bill (H. R. 5876) for the relief of Elmer H. Ackerson was considered, ordered to a third reading, read the third time, and passed.

CARL F. YEAGER

The bill (H. R. 5964) for the relief of Carl F. Yeager was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3483) to provide for rural electrification and for other purposes was announced as next in order.

Mr. GORE. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

MISNER JANE HUMPHREY

The bill (H. R. 2923) for the relief of Misner Jane Humphrey was considered, ordered to a third reading, read the third time, and passed.

ST. JOSEPH, MICH., LIGHTHOUSE SUPPLY DEPOT

The bill (H. R. 5916) to authorize the conveyance by the United States to the State of Michigan of the former United States lighthouse supply depot, St. Joseph, Mich., for State naval force purposes was considered, ordered to a third reading, read the third time, and passed.

TAX-EXEMPTION RECEIPTS FROM OLYMPIC GAMES

The bill (S. 3410) to exempt from taxation receipts from the operation of Olympic Games if donated to the State of California, the city of Los Angeles, and the county of Los Angeles, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That no Federal income tax or gift tax shall now or hereafter be imposed upon any present, past, or future members of the Xth Olympiade Committee of the Games of Los Angeles U. S. A. 1932, Ltd., in respect of any surplus of moneys received by such committee from the operation of the Olympic Games in California in 1932 and donated (1) by such committee, or any of its members, to the State of California, or (2) by such committee, or any of its members, through the Community Development Association, Ltd., to the city of Los Angeles in such State, or the county of Los Angeles in such State.

FIRST GRANITE NATIONAL BANK, AUGUSTA, MAINE

The bill (S. 3777) to authorize the Secretary of the Treasury to execute an agreement of indemnity to the First Granite National Bank, Augusta, Maine, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to execute, in the name of the United States, and deliver to the First Granite National Bank, Augusta, Maine, upon receipt from such bank of $8,547.83, an agreement of indemnity binding the United States to make reimbursement to such bank upon condition that such bank is required to make payment to bona-fide holders upon presentation of check no. 21874, and dated July 1, 1926, in the amount of $8,547.83, drawn by the First Granite National Bank, Augusta, Maine, on the New York Trust Co., of New York, payable to George W. Wood, president of the board of managers (post fund), at the request of the Eastern Branch, National Home for Disabled Volunteer Soldiers, Augusta, Maine: *Provided*, That the Secretary of the Treasury shall, upon receipt of $8,547.83, as hereinbefore provided, credit the general post fund of the Veterans' Administration in that amount.

PAN AMERICAN EXPOSITION, TAMPA, FLA.

The joint resolution (H. J. Res. 356) to permit articles imported from foreign countries for the purpose of exhibition at the Pan American Exposition to be held in Tampa, Fla., to be admitted without payment of tariff, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. That completes the calendar.

Mr. COPELAND obtained the floor.

AIRPORT AND MILITARY ROAD, ARLINGTON COUNTY, VA.

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

Mr. COPELAND. I yield.

Mr. DUFFY. From the Committee on Military Affairs I report back favorably, with amendments, the joint resolution (H. J. Res. 488) to close Military Road, and I submit a report (No. 1593) thereon.

The joint resolution pertains to the controversy as to the road across the Washington Airport. I ask unanimous consent for the present consideration of the joint resolution. Before any Senator objects I should like to be permitted to make a brief statement. It will take but a minute.

There has been very considerable controversy about this road, which traverses the Washington Airport, and which is a great hazard to the people arriving there by airplane. However, after numerous conferences by the subcommittee of the Senate Military Affairs Committee together with the House Military Affairs Committee I believe that the House Joint Resolution as now reported with amendments meets the approval of all concerned. It is in the nature of a temporary solution, but something must be done at once, and, inasmuch as the Senate may not be in session tomorrow or the following day, I am asking for present consideration of the House joint resolution. I will say that the Senator from Virginia [Mr. BYRD], who opposed the measure previously proposed, approves the joint resolution as reported, and that the members of the Military Affairs Committee generally approve the House joint resolution as now presented.

Mr. McNARY. Mr. President, may I inquire if the request is for immediate consideration of the House joint resolution?

Mr. DUFFY. Yes; the request is for its immediate consideration.

Mr. McNARY. This is a modification of the House joint resolution?

Mr. DUFFY. It is a modification of the House joint resolution. There is a proposal to close the road. A very serious controversy then arose as to the right to close the road, because when the road was opened it was stated in

the law that it should be a public road. The House joint resolution, which meets the approval of all the contending parties, provides that the road may be open, but under such regulations as the Department of Commerce may prescribe, and there is a penalty for a violation of such regulations. In other words, at the present time nobody has any authority to enforce the traffic regulations. This measure will give the authority at the expense of the national airport.

Mr. McNARY. Has the joint resolution met with the unanimous approval of the committee?

Mr. DUFFY. It has met with the approval of all members of the committee who are in the city. The Senator from North Carolina [Mr. REYNOLDS] was to have presented the report, but was called out of the city, and asked me to present it for him. So far as I know, all members of the committee, with the exception of one or two absentees, have approved the joint resolution, and I have their signed approval of the measure.

Mr. McNARY. I have no objection to the consideration of the joint resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 488) to close Military Road, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the resolving clause and insert:

That permission is hereby granted to the National Airport Corporation to use as a part of the runway of its airport located near the city of Washington, District of Columbia, such part of the road commonly known as Military Road as may be necessary to connect the two parts of the said airport now separated by the said road; that part of the road to be used for such runway to be determined by the Department of Commerce: *Provided*, That the part of the road hereinabove described shall continue in use as a public road and be open to the public, as contemplated by the act of Congress approved August 24, 1912 (37 Stat. 569, 583), except when necessarily closed during its use for the landing and taking off of airplanes: *And provided further*, That the permission herein granted shall be effective only so long as the said National Airport Corporation provides, maintains, and operates such traffic signals or other safety devices as shall be approved by the Department of Commerce to protect airplane and vehicular traffic on and over the part of the road herein authorized to be used.

SEC. 2. Any person who, knowingly, during its use for the landing or taking off of airplanes, enters, attempts to enter, or who at any time parks upon that part of the road herein authorized to be used shall be punished by a fine not to exceed $500, or imprisoned not to exceed 6 months, or both.

SEC. 3. Jurisdiction over offenses committed in violation of this joint resolution is hereby vested in the nearest commissioner, judge, or court of the United States having jurisdiction in the premises.

SEC. 4. Congress reserves the right to alter, amend, or repeal this joint resolution.

The amendment was agreed to.

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

The joint resolution was read the third time and passed.

The title was amended so as to read: "A joint resolution to provide for safeguarding of traffic on Military Road."

DEPORTATION OF CRIMINAL ALIENS

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. The Senator from New York has the floor. Does he yield to the Senator from Massachusetts?

Mr. COPELAND. I yield.

Mr. WALSH. Mr. President, there is a matter to which I desire to refer which is of special interest to the Senator from New York. I should like to inquire of him—because I was absent from the Chamber when the call of the calendar began—what disposition was made of the bill (S. 2969) to authorize the deportation of criminals, to guard against the separation from their families of aliens of the noncriminal classes, to provide for legalizing the residence in the United States of certain classes of aliens, and for other purposes. The bill has been reported favorably by the Committee on Immigration and has been pending on the calendar of the Senate for some time.

Mr. COPELAND. I am very much concerned about the matter referred to by the Senator from Massachusetts. Unless some action shall be taken at once, there will be deported thousands of persons who have been here for years, who have no criminal record, and who, so far as we know, have been good citizens and well-behaved persons. It would seem to me a very cruel thing to permit their deportation to take place.

Mr. WALSH. When will it take place, if this bill shall not be passed?

Mr. COPELAND. On the last day of the present month.

Mr. WALSH. So, unless the Congress shall enact this bill, which I understand gives some discretion to the Department of Labor in determining what cases, under present law, are meritorious and what are not, a large number of aliens will be deported?

Mr. COPELAND. Yes; and, more than that, there will be thousands of dependents, including young children, left here with nobody to take care of them.

Mr. WALSH. Was the bill passed over this morning when it was reached on the calendar?

Mr. COPELAND. It was passed over.

Mr. WALSH. Was anything said about considering it at any specified time?

Mr. COPELAND. There was not. I do not know who objected to it.

Mr. WALSH. Why should not a time be set for its consideration?

Mr. COPELAND. I think that should be done by all means.

Mr. WALSH. I do not know the details of the measure except that several public-spirited men and women from the Senator's State and my own State, and other parts of the country, who have no interest in aliens as such, but who have devoted themselves to humane activities, are deeply interested in this proposed legislation, and have appealed to me, as I know they have to the Senator from New York, to have some action taken on this bill.

Mr. COPELAND. The least that should be done, as I view it, is that a joint resolution be passed deferring action for a period of time, 30 or 60 or 90 days, in order to permit the Congress to give the serious consideration which the matter is entitled to receive.

Mr. WALSH. I suggest to the Senator from New York that he take up the matter with the leader on this side and with other Senators and myself to see if the bill cannot be taken up for consideration.

Mr. SMITH. Mr. President, may I ask the Senator from New York if the aliens who are to be deported come under the ordinary operation of the law and were fully cognizant of the fact that their deportation was imminent or would occur at a certain fixed time?

Mr. COPELAND. I presume that there are many of them who were not so advised.

Mr. SMITH. Do they come under that general law? Of course, we cannot allow them to plead ignorance of the law to set aside any statute we may have, but I am only asking if the aliens who are here now were fully cognizant of the fact that they would be deported at a certain time? Were they cognizant of that fact?

Mr. COPELAND. I venture to say that hundreds, and even thousands of them were not aware of it.

Mr. SMITH. I was a little curious to know how aliens, the heads of families, who were subject to deportation could be in this country, because when I was chairman of the Immigration Committee I think I was the coauthor of the first measure that laid restrictions on immigration; and I was just wondering how aliens, whole families, or at least the heads of families, could be now subject to deportation under the ordinary restrictions that have been in force for the last 15 or 20 years.

Mr. WALSH. Mr. President, if the Senator from New York will permit me, I should like to make another inquiry. I understand some of the aliens subject to deportation cannot technically prove that they entered the country legally.

Mr. COPELAND. That is correct.

Mr. WALSH. Their papers have been lost or the record has been mutilated in some way or other. The Department of Labor is satisfied that they honestly and legally entered

the country, but they have no technical proof. Am I correct in that statement?

Mr. COPELAND. The Senator is correct.

Mr. WALSH. The Department of Labor seems to be very much interested in the bill and is strongly urging action by the Congress.

I desire, Mr. President, at this time to offer for my colleague [Mr. COOLIDGE], the chairman of the Committee on Immigration, and myself and to have inserted in the RECORD several amendments with explanations of each, which the Department of Labor desires to have proposed to this measure. Most of them are of a corrective nature, and possibly they will meet some of the objections of some of those who have been opposing the passage of the bill up to the present time.

The PRESIDING OFFICER (Mr. DUFFY in the chair). Without objection, the matter presented by the Senator from Massachusetts will be printed in the RECORD.

The matter referred to is as follows:

MOTIONS FOR AMENDMENTS TO H. R. 8163 (S. 2969) AND REASONS THEREFOR

1. To section 1, subsection (4), after the word "convicted" on line 19, page 2, insert the following: "of a crime involving moral turpitude and has been convicted."

Reason: This amendment is suggested as it is believed an alien of good character who has had no previous criminal record should not be made subject to deportation solely because of a conviction for carrying concealed or dangerous weapons, it being well known that frequently a person is convicted of a technical violation of law and made subject to but a nominal penalty. If it is limited to cases of persons who have previously been convicted of a crime involving moral turpitude, the law will safeguard the bona fide worker or individual, while providing for the deportation of persons of the criminal class, the thing which it is really intended to accomplish by this subsection.

2. To section 5, subsections (b) and (c), strike out subsections (b) and (c) of section 5, lines 20 to 25, inclusive, on page 7, and lines 1 to 9, inclusive, on page 8.

Reason: The purpose of subsection (c) was merely to continue in effect the refugee registration act until the date of its expiration, June 7, 1935. Inasmuch as that date is now past, the continuing provision is no longer necessary. It would not have been placed in the bill if it had been prepared subsequent to that date.

Subsection (b), providing that any alien permitted to legalize his status by obtaining a certificate of registry must become a citizen or be deported, will tend to discourage naturalization and hence will not accomplish the purpose intended. Two similar provisions in the bill apply to aliens subject to deportation. This, however, applies to aliens not subject to deportation. To make them deportable, if they initiate steps to become citizens but fail for any reason to complete the process, would penalize the very thing which should be encouraged.

To section 9:

3. After the word "Service", on line 2 of page 10, insert "designated by the Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor."

Reason: This amendment is necessary because it is believed the term "any employee" is entirely too broad, bearing in mind that the Immigration and Naturalization Service has many employees of types who clearly should not be given power to arrest without warrant. Under this amendment only such employees as may be designated by the Commissioner of Immigration and Naturalization, with the approval of the Secretary, would have the power to make arrests without warrants.

4. On line 4, page 10, strike out "this or any other statute" and insert the following: "the immigration laws on the ground that he entered the United States without an immigration visa or without inspection, or has remained in the United States beyond the period for which he has been temporarily admitted."

Reason: This amendment is desirable in order to safeguard the grant of the extraordinary power involved in arrests without warrant by limiting it to the classes who cannot otherwise be readily apprehended, namely, persons who have entered illegally or who have remained in the United States longer than permitted by law. The principal classes of deportable aliens, other than the illegal entrants and those who have remained longer, are criminals and public charges, and these two latter classes can always be apprehended inasmuch as they are taken direct from the prisons and public-charge institutions.

5. On line 6, page 10, after the word "by", insert "the Commissioner of Immigration and Naturalization, with the approval of."

Reason: This amendment merely provides that the immigrant inspector before whom an apprehended alien is brought for examination shall be designated by the Commissioner of Immigration and Naturalization upon the approval of the Secretary of Labor.

6. At the end of line 9, page 10, add the following sentence: "The detention of any alien pursuant to this section shall immediately be reported to the Commissioner of Immigration and Naturalization."

Reason: This amendment is advisable because it would have the effect of the central office at Washington keeping a check on the activities of the field service and will assist the central office in correcting any abuses which may follow from the exercise of the rather broad power granted in this section.

With the above amendments, section 9 reads as follows:

"Any employee of the Immigration and Naturalization Service designated by the Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, shall have power to detain for investigation any alien who he has reason to believe is subject to deportation under the immigration laws on the ground that he entered the United States without an immigration visa or without inspection or has remained in the United States beyond the period for which he has been temporarily admitted. Any alien so detained shall be immediately brought before an immigrant inspector designated for that purpose by the Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, and shall not be held in custody for more than 24 hours thereafter, unless prior to the expiration of that time a warrant for his arrest is issued. The detention of any alien pursuant to this section shall immediately be reported to the Commissioner of Immigration and Naturalization."

7. To section 11: Amend section 11 to read as follows:

"SEC. 11. The interdepartmental committee, as referred to in this act, shall be composed of a representative of each of the Departments of Labor, State, and Justice. The representatives and one alternate for each of them shall be designated, respectively, by the Secretaries of Labor and State and the Attorney General."

Reason: This amendment is designed to make it definite that the officials in charge of the Departments referred to shall designate the representatives of their respective Departments.

Mr. COPELAND. Mr. President, I should like now to say a word further.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Oklahoma?

Mr. COPELAND. I yield.

Mr. GORE. The Senator from New York said that unless this bill passed a number of good citizens would be deported. I wish to inquire if he did not use the word "citizens" inadvertently?

Mr. COPELAND. Well, residents, then.

Mr. GORE. Yes.

Mr. COPELAND. I should like to say a word further about this bill. If Senators will look at the report which accompanies Senate bill 2969 (Rept. No. 1156), they will find a brief summary of what the bill undertakes to do.

Section 1 of the bill authorizes the deportation of additional classes of aliens, those who violate the narcotic statutes of States, who carry guns, and that sort of thing.

Then the next section requires the concurrence of the interdepartmental committee to pass judgment on the matter; and under section 3 that committee may permit an alien subject to deportation under the present law to remain in the United States if he has lived here 10 years or more, if he has in the United States near relatives who are either citizens or legal residents, and the section precludes the exercise of this authority where the alien is deportable as one of the so-called radical classes.

Section 4 permits an alien under a temporary status to change to a status of permanent residence if he possesses the requisite qualifications by reason of relationship to a citizen, and so forth.

Section 5 permits the registration of aliens who entered the United States prior to July 1, 1924, which has been contended for for years as an important matter.

So, as I view it, I cannot see how anyone who studies the bill and understands the consequence of the present situation if the bill should not pass, can oppose its passage.

Mr. SHEPPARD. Mr. President, I understand that no hearings were held on this bill in the Senate Committee on Immigration. I believe, if the bill should be recommitted for hearings within the next few days, that an agreement might be reached concerning it.

Mr. COPELAND. Mr. President, may I ask the Senator from Massachusetts if the suggestion of the Senator from Texas is perhaps not a wise one?

Mr. WALSH. I would not want to consent to it in the absence of my colleague the chairman of the committee. I am surprised to learn that no hearings were held.

Mr. SHEPPARD. That is my information.

Mr. COPELAND. As a member of the committee I should say that the suggestion made by the Senator from Texas is an excellent one.

Mr. SHEPPARD. In fact, I think it is the only way in which action can be reached. There is considerable objection to the measure as it is now framed.

Mr. COPELAND. I am going to make a 5-minute speech, and in that time perhaps the Senator from Massachusetts may get in touch with his colleague.

Mr. WALSH. It is quite likely that to hold hearings would be to the advantage of all concerned, in view of the fact that some amendments have been proposed by the Department of Labor. I will try to get in communication with my colleague.

Mr. COPELAND. May I say to the Senator from Massachusetts that if he will send for his colleague in the meantime I will perform the other function I have in mind.

Mr. WALSH. Mr. President, may I ask the Senator from Texas if hearings were held on the House side?

Mr. SHEPPARD. I think there were hearings held by the House committee.

Mr. WALSH. Only a few moments ago the chairman of the Immigration Committee of the House spoke to me about this bill, and tried to impress upon me the importance of securing action upon it.

Mr. SHEPPARD. I think there were hearings in the other House, but I have been told by those who are objecting to the measure in the Senate that they desire a hearing before the Senate committee.

Mr. WALSH. The junior Senator from Connecticut [Mr. MALONEY] informs me that there were hearings before the House committee. I will ask him if the Senate committee considered those hearings before reporting this bill?

Mr. MALONEY. I did.

Mr. SHEPPARD. I say to the Senator that it will expedite the matter considerably if a hearing can be held before the Senate committee.

Mr. WALSH. I am always of the opinion that if a member or members of a committee desire a hearing, it ought to be held.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. I inquire what is the question pending before the Senate?

The PRESIDING OFFICER. There is no business before the Senate. The Senator from New York has the floor.

Mr. COPELAND. If the Senator from Oregon desires to bring up some business, I shall be glad to yield for that purpose.

Mr. COPELAND subsequently said: Mr. President, I find that the senior Senator from Massachusetts [Mr. WALSH] has communicated with his colleague, the junior Senator from Massachusetts [Mr. COOLIDGE], chairman of the Committee on Immigration, and, if deemed necessary, hearings on the deportation bill can be arranged for the early part of next week, even if the bill remains on the calendar. It will not be necessary to send the bill back to the committee, but there will be opportunity for those interested to be heard.

Mr. SHEPPARD. In the Senate committee?

Mr. COPELAND. In the Senate committee.

Mr. SHEPPARD. Very well.

SUPPRESSION OF CRIME

Mr. COPELAND. Mr. President, it will be recalled that a subcommittee of the Committee on Commerce has for 2 or 3 years been studying the question of the suppression of crime. Very shortly that committee will submit a rather exhaustive report of what it has accomplished or feels it has accomplished. As a matter of fact, a number of laws have been enacted as a direct result of the work of the committee. We feel, and believe we have a right to feel, some pride in what has been accomplished.

One of the things that has come forcibly to my attention, speaking now as an individual and not in any official capacity as a member of the committee, is that the greatest social problem confronting the American people is the problem of juvenile delinquency. At some time I shall have something to say at length on that subject, because I am greatly concerned over the situation as regards youth.

In my study of crime I have been appalled by the shocking and needless waste of precious human values in our social life. In my opinion this comes through the lack of adequate training and the lack of continuous guidance of the children and youth of the land. Our Committee on Crime has surveyed the causes of crime and the remedies for criminal tendencies. But for the first time in American history an attempt has been made to focus attention upon constructive measures that will reach far beyond the negative purpose of crime suppression.

The cause of crime, in any particular case, can be assigned usually to one or more of six factors:

First. Mental sickness.

Second. Emotional instability.

Third. Immaturity.

Fourth. Antisocial attitude.

Fifth. Ignorance of facts, legal and social.

Sixth. Chance combinations of circumstances.

The prevention of crime in any particular case is to be sought by dealing with these six factors. The home and the church have a primary responsibility for the prevention of these causal factors. But organized society, as represented by government, must place its main dependence upon the statesman, the doctor, and other scientists, and the educator working together to achieve the prevention of crime and the maintenance of health.

This study of crime has opened my eyes to the fact that we must not stop with the negative notion of suppressing crime. We must turn our attention to constructive measures for upbuilding the physical, mental, and moral health of individuals, and of discovering, liberating, and maturing their constructive powers for better citizenship.

Our investigation discloses, and scientific research has proved, to my satisfaction at least, that both remedial and upbuilding measures, to be effective, must begin in early childhood. These remedies involve continuous observation and continuous records of the conduct and of the evolving personality pattern of children and youths. For proper treatment, such persons require not only observation, but also wise supervision of the ever-broadening scope of their activities as they grow older.

Work—useful work—at a much earlier age than it has usually been available during this depression, is necessary to the normal development of youth. As emergency measures, I have been glad to support legislative provisions for work opportunities in the C. C. C.

I feel that the Senator from Massachusetts [Mr. WALSH] is to be congratulated as the author of the bill. I am proud that, as a member of the committee, I had some part in formulating that legislation. Unquestionably its results have been a great factor, during the past few years, in the control of many social as well as economic problems.

I have favored, too, working scholarships for college students. But such activities do not lead directly to suitable permanent community attachments. Moreover, even under most favorable circumstances, improvised camps can care for but a small fraction of all the youths who create our youth problems.

In our study of the crime problem and the youth problem and the means of achieving beneficent results in this field, we have sought the aid of the American Council on Education, which, in turn, commands the most eminent leadership in American education. A committee of that body has recommended that American education organize itself on a plan which has been outlined in the letter I hold in my hand.

The letter asks the approval of the Congress in the development of an agency through which it may cooperate with the Congress. It desires to assist our Committee on Crime and Criminal Practice in making education for character building and constructive citizenship the first concern of all the schools of America. It desires to see established in every city or county seat a new type of institution which it has named the "career institute", to take the leadership in this movement to concentrate the attention of every community on character, on competence, and on social

usefulness. It hopes that the career institute of the future will stand by every boy and girl in the community until they are stabilized in employment and fully equipped for good constructive citizenship.

I ask that the letter of the Council on Education, signed by Dr. C. R. Mann as chairman, and an accompanying statement by Dr. Mann may be incorporated in the RECORD at the end of my remarks.

The PRESIDING OFFICER (Mr. HATCH in the chair.) Without objection, it is so ordered.

(See exhibits A and B.)

Mr. COPELAND. I may say that the bill which I shall introduce in a moment, is one which I shall ask to have referred to the Committee on Education and Labor, under the distinguished leadership of the Senator from Massachusetts [Mr. WALSH]. At the proper time I hope he will appoint a subcommittee to hold hearings. Representatives of the American Council on Education and other educational bodies and leaders in the social and religious fields will be glad to testify and present their views. I may say that the matter has been considered by representatives of all religious faiths. There is a feeling that there may be in this idea the germ of some constructive legislation which may, perhaps, go far toward serving the youth problem.

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

The PRESIDING OFFICER (Mrs. LONG in the chair.) Does the Senator from New York yield to the Senator from Massachusetts?

Mr. COPELAND. Certainly.

Mr. WALSH. I regret to be obliged to confess my lack of knowledge or information, but I should like to know who the American Council on Education is and what its membership is.

Mr. COPELAND. It is made up of the heads of colleges, universities, high schools, and the leading educators of America.

Mr. WALSH. A Nation-wide organization?

Mr. COPELAND. Yes; and a very dignified and powerful organization. In a sense it may be likened to the American Bar Association as regards the legal profession or the American Medical Association as regards the medical profession.

Mr. WALSH. It is apart from the National Education Association?

Mr. COPELAND. Yes; it is apart from that very important organization, which, by the way, is greatly interested in revised methods in education.

Mr. WALSH. Of course, the Senator realizes that whenever a discussion is held as to what is most helpful in formulating character in the young, we enter the religious domain.

Mr. COPELAND. I am fully conscious of that fact.

Mr. WALSH. And the organizations representing practically all religions feel very strongly that the surest and safest and best preparation for the formulation of good character in youth is religious teaching and training.

Mr. COPELAND. The Senator is correct.

Mr. WALSH. Unfortunately, our public educational system being secular, and being under governmental control in the various States, there is not the opportunity, or, at least, we have not yet taken the opportunity to solve, nor have we solved, the problem in a way which permits religious education to be inculcated side by side with secular education. Does this proposal attempt to enter the field of promoting or encouraging religious training and education?

Mr. COPELAND. I wish it did, but it does not.

Mr. WALSH. I think the Senator will agree with me that the absence of religious education in youth today is unfortunately a very important contributing factor to the development of juvenile delinquency.

Mr. COPELAND. I should like to reply at length to what the Senator from Massachusetts has suggested.

Mr. WALSH. Possibly at this time I should not have opened up the subject, because it is one that goes quite far; but I feel sure the Senator from New York and I are in accord regarding it and that the sooner our State governments find a satisfactory method of providing for religious training and education that will meet the needs of the various religious organizations, the better will be the future citizens of the Nation.

Mr. COPELAND. I am glad the Senator has referred to that matter.

Mme. President, we welcome you to the chair.

There can be no doubt that the first responsibility for character and behavior lies in the home. If we had some way of reaching every home, and inculcating proper teaching and training in the home, we should not have this problem to worry over.

The next responsibility, as I see it, rests upon the church. I have no right to criticize any church but my own. I do not hesitate to do that on occasions. The great church to which the Senator from Massachusetts belongs has always made much of religious instruction in the home and in the schools attached to the churches. I am sorry the same system is not used by all the denominations; but, generally speaking, the influence of the church over the individual child is confined to 1 hour a week. That hour the child spends in Sunday School. The other body which has to do with the education for character—not in character, but for character—is the school system; I do not care whether it is the public-school system or a parochial-school system, or what the system may be. The school system has charge of the child for 25 or 30 hours a week, as against the 1 hour during which the church has supervision of the child. As I see it, there must be placed upon the schools of the country a larger share of responsibility in the training of children and in their education for character than there has been in the past.

Mme. President, I regret exceedingly that so much is made in the schools of the aptitudes of the child. How high does this child stand? What is his record in arithmetic and geography and history? Infinitely more important than the aptitudes of the child are the attitudes of the child. What is his attitude toward life? What is his attitude toward society? What is his attitude toward government?

Mme. President, it seems to me we cannot question that the schools should be called upon to do a better job than they have done in the past.

What happens to the child who fails to progress—the retarded child? What happens to him? In the language familiar to us, the teacher gets "sore" on that child. She "picks" on the child; and pretty soon the child becomes an occasional truant, and directly he becomes a habitual truant. He meets with other bad boys, and that is the beginning of a gang; very soon there is pilfering in that neighborhood, burglary, and even murder.

Mme. President, as I see it, if we are to save the youth of America, and preserve our institutions as we understand them, we must begin with the youth of our country.

I had not intended to go so extensively into these phases of the question. But I am very much obliged to the Senator from Massachusetts for asking the questions, because it is only by the solemn consideration of the leaders of thought in America, as I see it, that we can hope to elevate the standards of character and behavior among the youth of our country. So, Mme. President, I shall present this bill.

The committee of the American Council on Education asks, as a first step, as I have already said, that a hearing be called upon the bill for the creation of an Education, Welfare, and Law Committee. It invites national discussion, both by the general public and the professions, of the proposals that it is presenting. It urges that through this new agency a continuing investigation of crime and criminal tendencies be carried on. It believes this will promote an unceasing interest in crime prevention and crime control, and focus attention upon the needful improvements in education, and in the advancement of the general welfare.

It is not contemplated by any stretch of the imagination that there should be provided a Department of Education, or a Cabinet member who shall devote himself to education. For myself, I have believed that if there is one thing the States have done fairly well, it is the matter of education. Therefore it is not in that direction that we turn the attention of the Senate.

"Suffer little children to come unto Me" is an unheeded admonition, and may well serve as a rebuke. Nineteen centuries ago adult males, in their preoccupation with their own affairs, gave scant attention to children. Current repetition of the adage that "children should be seen and not heard" perpetuates the same spirit of neglect. Autocrats urge women to bear more and more children to provide manpower for their armies. Democracy, on the other hand, is a way of living—material and spiritual—which should make possible the actual realization of that boasted fullness of life, liberty, and equality of opportunity.

America, Mme. President, has been preoccupied with the problems of achieving the benefits of the Democratic way of living for the generations of adults. It has sadly neglected the measures that scientific investigation has now made available to promote corresponding benefits for our children, as well as for posterity.

The purpose of the bill I present herewith is to carry out the idealistic plan of the thinkers in the educational world and to make real their laudable ambitions for a better America.

I ask that the bill may be printed in the RECORD and referred to the Committee on Education and Labor.

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

The bill (S. 4070) to establish a joint congressional committee on education, welfare, and law, was read twice by its title, referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

A bill to establish a joint congressional committee on education, welfare, and law

Be it enacted, etc., That there is hereby established a joint congressional committee to be known as the Joint Committee on Education, Welfare, and Law (hereinafter referred to as the committee), and to be composed of the two ranking members from the majority political party and the two ranking members from the minority political party of the Senate Committee on Education and Labor and of the House Committee on Education. The committee shall elect a chairman from among its members. The portion of the committee on the part of the Senate remaining in office as Senators shall, during the recess of Congress, exercise the powers and discharge the duties conferred by law upon the committee.

SEC. 2. The committee is authorized—

(1) to make such investigations pertaining to education, welfare, and law as may be assigned to it by the Congress;

(2) to assemble and correlate the testimony of experts in connection with such investigations;

(3) to report to the Congress or to the appropriate committee of the Congress the results of, and its findings of fact with respect to, the investigations so assigned to the committee, together with its recommendations for legislation;

(4) To facilitate voluntary cooperation with the Congress by churches, universities, colleges, public schools, nonprofit-making organizations of professional men and women, philanthropic institutions, welfare institutions, research bodies, patriotic societies, nonprofit-making service agencies, and citizens;

(5) To continue the investigations authorized under Senate Resolutions Nos. 74 and 196, Seventy-third Congress, agreed to June 12, 1933, and April 20, 1934, respectively; and

(6) To accept and administer, subject to the approval of the Congress, funds donated for making investigations on the part of the committee in carrying out the purposes of this act.

SEC. 3. (a) For the purposes of this act the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, to employ such stenographic, clerical, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers approved by the chairman.

(b) Subpenas shall be issued under the signature of the chairman and shall be served by any person designated by him. The provisions of sections 102, 103, and 104 of the Revised Statutes shall be applicable with respect to any person summoned as a witness under the authority of this resolution, in the same manner as such provisions are applicable with respect to any person summoned as a witness in the case of an inquiry before a committee of the Senate.

SEC. 4. (a) The committee is further authorized, for the purposes of this act, to appoint a temporary advisory board composed of three members, each of whom shall hold office until January 3, 1941; except that any such member appointed to fill a vacancy in such board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Such board shall cease to exist upon the expiration of the terms of the original members thereof. Each such member shall receive a salary to be fixed by the committee not in excess of $12,000. It shall be the duty of the board to consult with the committee in carrying out the purposes of this act, and to perform such advisory and other duties as the committee may require of it.

(b) The committee is further authorized, when the board appointed pursuant to subsection (a) shall cease to exist, to provide for appointment of a permanent advisory board composed of not less than three nor more than nine members, each of whom shall hold office for a term of 7 years; except that any such member appointed to fill a vacancy in such board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Each such member shall receive a salary to be fixed by the committee, not in excess of $12,000, and the functions of the permanent advisory board shall be the same as those of the board appointed pursuant to subsection (a).

(c) The limitation with respect to the maximum amount which may be expended for services, personal, professional, or otherwise, contained in any act making appropriations for the contingent expenses of the Senate and the House of Representatives, shall not apply to the salaries of such members or to the compensation of any personnel detailed to the committee pursuant to section 5.

SEC. 5. The executive departments, independent establishments, and agencies of the Government are authorized and directed to cooperate with the committee in carrying out the purposes of this act. Such departments, establishments, and agencies are authorized to detail to the committee, at such times as they may be available, such of their personnel as the committee may need to carry out such purposes. The salaries of such personnel shall, for the period of their detail to the committee, be paid out of the funds available for the expenses of the committee.

EXHIBIT A

AMERICAN COUNCIL ON EDUCATION,
Washington, D. C., December 28, 1935.

Hon. ROYAL S. COPELAND,
Chairman of the Senate Committee on Crime and Criminal Practice,
United States Senate, Washington, D. C.

MY DEAR SENATOR COPELAND: The joint committee of the American Council on Education and the Education and Law Conference is advised that the forthcoming report of the Senate committee may contain proposals designed to strengthen the efforts of the schools to mature positive citizenship qualities in every pupil. The joint committee understands that the Senate committee expects the steady evolution of more satisfying forms of political, industrial, and social conduct as a necessary result of an efficient training program for citizenship.

The members of the joint committee have followed in detail the experiences of the United States during the war and since. The committee recognizes that current school practices are framed to develop a type of scholarship that is appropriate for not more than 10 or 12 percent of the population. In order to provide effective education for the whole people, school practices should be framed to meet the needs of the 90 percent who are not primarily scholars. This school situation is more surprising since Americans possess extended knowledge of the significance and importance of individual differences, and since the basic law of all learning, namely, the law of effect, has been scientifically established for over 25 years. The American Council joint committee is therefore glad to cooperate with the Senate committee in developing a program of education that better serves the whole people.

From the point of view of the schools such cooperation with the Senate committee requires that appropriate action be taken to stimulate the schools to assume their full share of responsibility for the evolution of a citizenship-training program that tends to result in the prevention of crime. The responsibility laid on the schools should include continuing investigation of the processes of character building and of maturing habits of constructive citizenship in every individual within these United States. When such responsibility has been developed the profession may be expected to restructure both elementary and secondary education in a way to facilitate the performance of the redefined functions referred to above.

For schooling beyond the secondary school level, a new institution, called perhaps the career institute, seems to be needed. Such a career institute must obviously give students career counselling appropriate to each of their individual differences in stage of development of skills, in maturity of personality patterns, and in individual satisfying results. This institution should be evolved to supply a continuing service of counselling, instruction, record-keeping, and certification of each student's habit patterns, proficiency, and achievement. Its files will be the usual depository of the continuous records of the elementary and secondary schools. It should be the leader and coordinating center of all adult educational activities in its community. Its continuing influence upon the junior high school and the senior high school and its coordinating influence upon the adult system should tend to develop a unity of function which will throughout make a continuous and effective guidance chain. This guidance thus continually promotes the student's own maturity as a constructive citizen.

In collaboration with the medical profession, the educational profession shall concern itself with the maintenance of mental

and physical health through evolving appropriate school activities that promote that result, the responsibility always remaining upon the medical profession for the treatment of mental and physical disease. It is in entire harmony with the history, traditions, and spirit of American life that the responsibility defined by your committee shall rest upon the educational profession. Insofar as the individual members of this joint committee are privileged to represent the profession and may speak for it, as well as for themselves, they accept the responsibility.

With regard to the support needed from the Congress to strengthen the efforts of schools in this new program of education, it is clear that legislators should sponsor a new policy and, operating in harmony with the policy, sponsor a new attack upon the problem of crime prevention and control. Inevitably, in the statement of the new policy the form of the initial statement will need to be reviewed from time to time in the light of the experience derived from attempts to operate under it. Accordingly, the investigations which have resulted in its initiation should continue for a sufficient period to insure that the statement of policy arrived at is a clear record of the policy intended and is so worded as to facilitate the application of the policy in practice.

To realize this conception in practice requires first that Congress pass Senate bill 16, which gives to all school records kept by the school system of the District of Columbia the same privileged status as is now given to medical records. In addition, there should be established by the Congress a continuing Federal agency that collaborates with the Congress in investigations and advises the Congress with regard to policies that are inherent in proposed legislation before such policies are crystallized into laws that affect education and welfare. This Federal agency should facilitate contact and cooperative activities among the Congress, professions, and community agencies. Federal legislation can then be better guided so that it encourages increase of State and local sense of responsibility for education and welfare. Such an advisory council for Congress can be established as an independent agency, like the Interstate Commerce Commission or the Tariff Commission, or the Federal Trade Commission. It should have no administrative or executive responsibilities or duties assigned to it.

The education and law conference, as now constituted, should be continued as such a facilitating agency until such time as a more permanent and more adequate agency may be established. The joint committee believes that the time is now ripe for initiating appropriate legislation looking toward the establishment of such a permanent agency.

The joint committee believes that professional support for this entire program may best be gained by giving adequate opportunity for public review of the procedures and facts upon which the program is based. The joint committee therefore suggests that this result may best be secured if the Senate Committee on Crime and Criminal Practice and on Education and Labor hold a joint hearing before which competent witnesses may testify concerning the soundness and the practical value of the entire program and the practical means for realizing it.

The joint committee submits this suggestion and requests the public hearing without special authority from the American Council as a whole and without the official action of officers of the council. Such authority and approval cannot be given without a meeting of the council and the regular meeting will not be held until May 1936. The spirit of its assignment by the council in its May 1934 meeting makes it appropriate that the recommendations of the joint committee be published and submitted to public discussion and professional review before legislation shall be passed. The joint committee submits this suggestion to facilitate wide publicity and the establishment of a body of expressed public opinion to guide the decision of the representatives of the people in Congress and of the representatives of the profession in the American Council.

The joint committee submits the foregoing outline of essential factors needed in the proposed new program of schooling and of legislation. If this general outline meets your approval, the members of the joint committee will be glad to cooperate with you in formulating the detailed provisions and actions needed to realize the outline in practice.

Yours very truly,

C. R. MANN, *Chairman.*

EXHIBIT B

EDUCATION FOR CHARACTER, OR USING CLINICAL METHODS IN EDUCATION

For centuries "character" has been accepted as the true objective of education. In the United States one of the early ordinances (1787) states: "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." Since then all court decisions in all States justify expenditure of public funds for support of schools because "intelligence and sterling moral character" are essential to everyone in a democracy. The practical result of this national aspiration is that a greater proportion of the population now attends school or college here for more years than is the case in any other country.

The rapid spread of American schools to include all is evidenced in the steadily increasing intelligence of the people. With regard to "sterling moral character" the results are less obvious. For some years the statistics of crime have shown an upward trend. The costs of courts, of jails, and of police are mounting. Hence, in 1929 President Hoover established the Wickersham Commission on Law Enforcement to determine the facts and causes of crime and draw courageous conclusions which the public would understand and support. Their report states that the Commission finds it impossible to determine the causes of crime, because social science is in transition. To adopt any of the current theories of criminality would only emphasize some phase of current thought. To develop the potentialities of each of the current theories would confuse the public and get no useful action. One of the 13 volumes of this report is devoted to prohibition.

Shortly after the publication of this report of the Wickersham Commission the United States Senate appointed a special Subcommittee on Crime and Criminal Practice, with Senator ROYAL S. COPELAND as chairman. The new committee sought to stimulate public action toward elimination of antisocial conduct. The committee found that social scientists, though they differ widely in their theories concerning the causes of criminality, are in substantial agreement as to the practical action which may be taken in each specific case of antisocial conduct. This distinction between the theories of criminality and the practical action that cures antisocial conduct gives the Copeland committee a sound basis on which to proceed.

The testimony presented before the committee by experts in the fields of education, medicine, and criminology shows that most criminal careers begin in childhood. As is well known, tendencies toward antisocial behavior of any individual child are observable and may be recorded. Diagnosis of such a behavior record by a competent educator makes it possible to distinguish symptoms that indicate normal healthy growth from those that indicate abnormal antisocial tendencies. Such observed symptoms give school authorities the data needed to determine what school treatment will promote normal, healthy growth and what treatment is needed to prevent abnormal children from developing habits of antisocial conduct. By such competent diagnostic treatment of each individual's needs, the school becomes an educational center where everyone gets health-giving treatment. Such treatment of children by schools is called the clinical method of education, because of its analogy with the clinical methods of medicine.

The chairman of this United States Senate Subcommittee on Crime and Criminal Practice is a trained physician with wide experience in public-health service. He has seen the beneficial results that come to the people when public-health officials use the clinical methods of medicine for the general welfare. On this experience with physical health he bases his expectation that school services will correspondingly improve when school authorities evolve corresponding clinical methods in education. From the educator's point of view, the evolution of such clinical practices in schools offers practical chances to increase the benefits that come from scientific studies of teaching techniques, of testing instruments, of behavior records, of individual differences, of rates of promotion, and of many other pertinent school factors.

The public schools in the District of Columbia are authorized by the Congress to begin the evolution of this clinical method of education. Unfortunately, the name first given to this enterprise was "character education." Hence many felt that it is subversive of long-established habits and traditions. Others opposed it because it seemed to them to transfer to the school a vital responsibility which really belongs to the home and the church. Home and church, however, well know that the chief obstacles they encounter in their efforts to help children develop "sterling moral character" arise from the adverse experiences which come to children in school and in other activities of daily life. The schools now have their chance to help the public learn from experience how clinical treatment of children in school enhances the essential services of both home and church in the matter of personal character.

From the evidence submitted to it, Senator COPELAND's Committee on Crime and Criminal Practice estimates that about one-fourth of our national income is extorted each year from the American people by criminal practices. So widespread are these practices that the term "racketeering" is now universally applied to them. The rapid evolution of clinical methods in education is therefore of vital practical use to all the people. The germ of this evolution has been planted in Washington by the Congress. Its normal healthy growth is now progressing with congressional approval. Thus does the Congress "promote the common defense and the general welfare" by encouraging the development of the "intelligence and sterling moral character" that are necessary to good government.

C. R. MANN.

FEBRUARY 19, 1936.

TARIFF EQUIVALENT TO AGRICULTURAL PRODUCERS

Mr. CAPPER. Mme. President, I have introduced today a bill, Senate bill 4071, providing for the payment of tariff-equivalent benefits to producers of surplus farm crops on that part of their production which is required for domestic consumption in this country. The subject is of such importance that I wish to make a short statement setting forth the purposes of the proposed legislation.

This measure is not intended as a substitute for the soil-conservation program, to which I was glad to give my support. I believe in a national soil-conservation program and in making conditional grants of Federal funds to those who cooperate in such a program.

The bill I have introduced is, I believe, both constitutional and economically justifiable. The measure is similar to a

bill that has been introduced in the House by Representative CLIFFORD HOPE, of Kansas. it is based on what has been called the domestic allotment plan, plus a formula for determining the tariff equivalent to which farmers are entitled on products which they must sell at world-price levels.

I believe it has been demonstrated that commodities produced in exportable surplus quantities are sold inside and outside the United States at prices determined by world market demands.

Except when upheld by artificial support or during occasional years of scarcity, our wheat, cotton, hogs, and tobacco have been sold at world-price levels. The growers of these commodities have been compelled to buy at higher than world-price levels, levels protected by protective tariffs.

This measure I am introducing proposes a means by which the growers of these commodities sold on world-price levels may be given benefits equivalent to the increased prices these growers pay for American goods which benefit from tariff protection.

The equalization-fee and export-debenture plans were proposed to attain this result indirectly. But both those plans depend upon a foreign market that will take our surpluses of wheat, cotton, hogs, and tobacco. Such foreign markets do not today exist. The controlled-production plan in the A. A. A. was intended to raise farm prices through holding down production to the point where the law of supply and demand would have forced parity prices for farm products. Before we had learned whether or not the A. A. A. plan would work the Supreme Court of the United States, I regret to say, declared the program unconstitutional.

So we face this situation, so far as these major farm crops produced on a surplus basis are concerned. Production control is banned by the Supreme Court. Foreign markets do not exist at the present time to an extent that will take care of these surpluses. Unless and until we have foreign markets for these surpluses, the equalization-fee plan and the export-debenture plan fall short of meeting the situation. That means these farmers must sell in an unprotected, low-price market based on world-price levels, but they must buy in a protected high-price market, at virtually the world price plus the amount of tariff protection.

Mme. President, it is estimated that some 200 things which the farmer buys—including services—are sold him at prices around 25 percent higher than world prices.

This bill proposes that the Tariff Commission find the average cost added by tariff protection to the prices the farmer pays. Then that added cost—which, as I said, has been estimated at 25 percent; it may be more, it may be less—would be paid to the growers of these major surplus-produced crops through a subsidy in the proportion of their total production required for domestic consumption.

Let me give an example. Suppose the Tariff Commission finds that the farmer pays an extra 25 percent on what he buys, because of the protective tariff. Domestic wheat requirements are approximately 600 million bushels a year, or a little more, I believe.

Suppose the production were 800 million bushels. Then six-eighths, or three-fourths, of an individual wheat grower's production would be presumed to be required for domestic consumption.

The grower who produced 1,600 bushels of wheat, if this bill were enacted, under such a finding by the tariff commission as to tariff costs, would then be entitled to a subsidy from the Treasury of the United States of 25 percent of the market price on three-fourths of his crop.

Now let us further suppose the price of wheat were $1. Then this farmer would be entitled to a subsidy of 25 cents a bushel on three-fourths of his 1,600-bushel wheat crop, or 25 cents a bushel on 1,200 bushels.

Mme. President, I believe this bill is constitutional, is economically justifiable, and would get results. I hope full hearings may be held upon it, to develop its good and bad points, and that it will receive earnest and fair consideration. It seems to me at least meritorious enough to entitle it to that fair and earnest consideration.

I ask unanimous consent to introduce a bill to increase agricultural purchasing power and provide for the payment of the tariff equivalent benefits on that part of the production of certain farm commodities which is consumed within the United States, and for other purposes.

The PRESIDING OFFICER. The bill will be received and referred to the Committee on Agriculture and Forestry.

(See Senate bill 4071, introduced by Mr. CAPPER today, under the heading "Bills and Joint Resolutions Introduced.")

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mrs. LONG in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Commerce, reported favorably the nomination of Commander James L. Ahern to be captain in the Coast Guard, to rank as such from October 7, 1935; also the nominations of sundry officers in the Coast Guard.

Mr. ASHURST (for Mr. McCARRAN), from the Committee on the Judiciary, reported favorably the nomination of Ralph L. Emmons, of New York, to be United States attorney, northern district of New York, vice Oliver D. Burden, whose term expires February 27, 1936.

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the following nominations:

George D. Andrews, of Pennsylvania, to be State director of the Public Works Administration in Pennsylvania; and

Kenneth W. Markwell, of Tennessee, to be State director of the Public Works Administration in Tennessee.

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

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the calendar is in order.

THE JUDICIARY

The Chief Clerk read the nomination of Annette Abbott Adams, of California, to be assistant special counsel, employed to prosecute proceedings to assert and establish the title of the United States to sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian, within the exterior limits of Naval Reserve No. 1 in the State of California, and to prosecute any suit or suits ancillary thereto or necessary or desirable, under the provisions of Public Resolution No. 6, approved February 21, 1924.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

FEDERAL ALCOHOL ADMINISTRATION

The Chief Clerk read the nomination of Capt. Wilford S. Alexander, of Meriden, Conn., to be Administrator.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NATIONAL EMERGENCY COUNCIL

The Chief Clerk read the nomination of Donald Renshaw, of California, to be State director, California.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

WILLIAM DRISCOLL

The Chief Clerk read the nomination of William Driscoll, of Pittsburgh, Pa., to be collector of internal revenue for the twenty-third district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

MARTIN O. BEMENT

The Chief Clerk read the nomination of Martin O. Bement, of Buffalo, N. Y., to be collector of customs for customs collection district no. 9, Buffalo, N. Y.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read sundry nominations in the Public Health Service.

Mr. ROBINSON. I ask that the nominations in the Public Health Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

WILLIAM J. FARLEY

The Chief Clerk read the nomination of William J. Farley, of Connecticut, to be State director of the Public Works Administration in Connecticut.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the Army nominations go over for the present. The Senator from Massachusetts [Mr. WALSH] on his return next week wishes to make a statement regarding one of these nominations.

Mr. WALSH. I thank the Senator from Texas. I appreciate his courtesy. I am compelled to be absent from the Senate for several days.

The PRESIDING OFFICER. The nominations will go over.

RECESS TO SATURDAY

The Senate resumed legislative session.

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

The motion was agreed to; and (at 2 o'clock and 45 minutes p. m.) the Senate took a recess until Saturday, February 22, 1936, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 20 (legislative day of Jan. 16), 1936

PUBLIC WORKS ADMINISTRATION

Henry H. Ferguson, of Oklahoma, to be State engineer inspector for the Public Works Administration in Oklahoma.

UNITED STATES DISTRICT JUDGES

Arthur F. Lederle, of Michigan, to be United States district judge, eastern district of Michigan, vice Charles C. Simons, appointed circuit judge.

Robert N. Pollard, of Virginia, to be United States district judge for the eastern district of Virginia, an additional position authorized by the act approved August 2, 1935.

POSTMASTERS

ARKANSAS

Thomas C. Hagins to be postmaster at Fordyce, Ark., in place of R. M. Jordan. Incumbent's commission expired January 22, 1935.

James F. Rieves to be postmaster at Marion, Ark., in place of J. F. Rieves. Incumbent's commission expired February 5, 1936.

Gladys L. Hobgood to be postmaster at Monette, Ark., in place of Wilford Flannigan. Incumbent's commission expired December 18, 1934.

CALIFORNIA

James M. Hayden to be postmaster at Delano, Calif., in place of J. H. B. Speer, resigned.

Walter A. Filer to be postmaster at Fellows, Calif., in place of J. H. Smithey, resigned.

Mary G. Newby to be postmaster at San Quentin, Calif., in place of E. H. Conroy. Incumbent's commission expired July 3, 1934.

Algera M. Rumsey to be postmaster at Saugus, Calif., in place of A. M. Rumsey. Incumbent's commission expired February 9, 1936.

John J. Blaney to be postmaster at Weaverville, Calif., in place of J. J. Blaney. Incumbent's commission expired February 9, 1936.

DISTRICT OF COLUMBIA

Vincent C. Burke to be postmaster at Washington, D. C., in place of W. M. Mooney, transferred.

CONNECTICUT

Francis T. Green to be postmaster at Naugatuck, Conn., in place of W. E. Brown. Incumbent's commission expired January 9, 1936.

Patrick J. Goode to be postmaster at New Haven, Conn., in place of C. W. Birely. Incumbent's commission expired July 1, 1934.

FLORIDA

Burton H. Rawls to be postmaster at High Springs, Fla., in place of R. E. Murphy, resigned.

Ethel L. Hadsock to be postmaster at Newberry, Fla., in place of N. J. Lewis. Incumbent's commission expired January 9, 1934.

Arthur W. Newett to be postmaster at Leesburg, Fla., in place of L. A. Morris. Incumbent's commission expired February 14, 1935.

Edward R. McKenna to be postmaster at Palm Beach, Fla., in place of Lola Miller. Incumbent's commission expired January 22, 1936.

GEORGIA

Charles L. Adair to be postmaster at Comer, Ga., in place of C. L. Adair. Incumbent's commission expired February 5, 1936.

John L. Callaway to be postmaster at Covington, Ga., in place of J. L. Callaway. Incumbent's commission expired February 5, 1936.

Irene W. Field to be postmaster at Monroe, Ga., in place of I. W. Field. Incumbent's commission expired February 5, 1936.

Andy G. Clements to be postmaster at Rhine, Ga., in place of J. M. Brophy. Incumbent's commission expired January 25, 1936.

Olen N. Merritt to be postmaster at Ringgold, Ga., in place of J. B. Saunders. Incumbent's commission expired January 7, 1936.

Estelle S. Peacock to be postmaster at Rochelle, Ga., in place of Baxter Sutton. Incumbent's commission expired January 7, 1936.

HAWAII

John I. Silva to be postmaster at Eleele, Hawaii, in place of J. I. Silva. Incumbent's commission expired February 9, 1936.

Manuel J. Carvalho to be postmaster at Makaweli, Hawaii, in place of M. J. Carvalho. Incumbent's commission expired February 9, 1936.

IDAHO

Herbert L. Spencer to be postmaster at Paris, Idaho, in place of H. L. Spencer. Incumbent's commission expired January 7, 1936.

ILLINOIS

L. Janet Merkle to be postmaster at Brocton, Ill., in place of B. W. Gillis. Incumbent's commission expired February 25, 1935.

Mayme F. Brooke to be postmaster at Matteson, Ill., in place of M. F. Brooke. Incumbent's commission expired February 9, 1936.

Loy Bagby to be postmaster at Olmsted, Ill., in place of H. F. Britt, resigned.

Mary J. Sheridan to be postmaster at Thomson, Ill., in place of H. L. Rawlins. Incumbent's commission expired February 6, 1934.

INDIANA

Cassius W. Cottingham to be postmaster at Sharpsville, Ind., in place of C. D. Richards, resigned.

James E. Purkiser to be postmaster at West Baden Springs, Ind., in place of B. M. Miller. Incumbent's commission expired January 22, 1936.

Dorothy B. Schirr to be postmaster at Westville, Ind., in place of E. H. Imes. Incumbent's commission expired January 22, 1936.

IOWA

Dee C. Batten to be postmaster at Chariton, Iowa, in place of H. C. Copeland. Incumbent's commission expired January 27, 1936.

Mark R. Doud to be postmaster at Douds, Iowa. Office became Presidential July 1, 1935.

George T. Shanley to be postmaster at Webster City, Iowa, in place of K. R. Weston. Incumbent's commission expired February 5, 1935.

KANSAS

Mattie L. Binkley to be postmaster at Brewster, Kans., in place of M. L. Binkley. Incumbent's commission expired February 5, 1936.

Henry F. Schmidt to be postmaster at Dodge City, Kans., in place of Nelson Crawford, transferred.

James B. Doyle to be postmaster at Herington, Kans., in place of D. W. Naill. Incumbent's commission expired January 22, 1935.

Wilbur Rothe to be postmaster at Otis, Kans., in place of V. F. Walker, removed.

MASSACHUSETTS

George G. Henry to be postmaster at Ashfield, Mass., in place of G. G. Henry, deceased.

John J. Downey to be postmaster at Blackstone, Mass., in place of J. J. Downey. Incumbent's commission expired February 9, 1936.

Richard F. Pender to be postmaster at Dalton, Mass., in place of W. L. Tower. Incumbent's commission expired January 27, 1936.

Arthur I. Maguire to be postmaster at East Walpole, Mass., in place of A. I. Maguire. Incumbent's commission expired January 9, 1936.

James B. Kennedy to be postmaster at Greenfield, Mass., in place of C. H. Slocomb. Incumbent's commission expired January 27, 1936.

J. Francis Megley to be postmaster at Holbrook, Mass., in place of J. F. Megley. Incumbent's commission expired February 9, 1936.

James E. Harte to be postmaster at Lee, Mass., in place of L. C. W. Foote. Incumbent's commission expired January 27, 1936.

Charles H. McCarty to be postmaster at Lenox, Mass., in place of Edmund Spencer, resigned.

Wilfred J. Tancrell to be postmaster at North Uxbridge, Mass., in place of W. J. Tancrell. Incumbent's commission expired February 9, 1936.

Francis G. Fanning to be postmaster at South Lee, Mass. Office became Presidential July 1, 1935.

Edward J. Sammons to be postmaster at Westfield, Mass., in place of G. D. Roe. Incumbent's commission expired January 27, 1936.

MISSISSIPPI

Romie Green to be postmaster at Amory, Miss., in place of Romie Green. Incumbent's commission expires May 10, 1936.

Andrew J. Roper to be postmaster at Saltillo, Miss. Office became Presidential July 1, 1935.

MISSOURI

Edwin A. Williams to be postmaster at Boonville, Mo., in place of J. L. Esser. Incumbent's commission expired February 9, 1936.

Bailey F. Brooks to be postmaster at Caruthersville, Mo., in place of P. L. Horner. Incumbent's commission expired December 20, 1934.

William P. Carskadon to be postmaster at Dalton, Mo., in place of R. W. Cox, removed.

Clare Magee to be postmaster at Unionville, Mo., in place of F. J. Boesche, resigned.

NEBRASKA

Patrick F. Leonard to be postmaster at Anselmo, Nebr., in place of C. J. Sittler. Incumbent's commission expired February 21, 1935.

Gustav A. Koza to be postmaster at Clarkson, Nebr., in place of G. A. Koza. Incumbent's commission expired February 5, 1936.

Gretchen Wohlfarth to be postmaster at Diller, Nebr., in place of V. D. Hill. Incumbent's commission expired February 4, 1935.

Edmund J. Barrett to be postmaster at Lawrence, Nebr., in place of E. J. Barrett. Incumbent's commission expired February 5, 1936.

Kitty Hennessy to be postmaster at Platte Center, Nebr., in place of M. E. Gleason. Incumbent's commission expired December 18, 1934.

NEVADA

James L. Denton to be postmaster at Caliente, Nev., in place of J. L. Denton. Incumbent's commission expired February 5, 1936.

NEW JERSEY

John L. A. Gorman to be postmaster at Dumont, N. J., in place of Frank Hill. Incumbent's commission expired June 24, 1934.

Walter D. Finch to be postmaster at Mahwah, N. J., in place of W. D. Finch. Incumbent's commission expired February 9, 1936.

Thomas E. Downs, Jr., to be postmaster at South Amboy, N. J., in place of W. S. Dey, removed.

NEW MEXICO

Wilson D. Campbell to be postmaster at Belen, N. Mex., in place of T. B. Baca. Incumbent's commission expired February 4, 1931.

Verda J. Speight to be postmaster at Hot Springs, N. Mex., in place of N. A. Keithly. Incumbent's commission expired June 4, 1934.

NEW YORK

Alberta J. Webber to be postmaster at Atlanta, N. Y., in place of G. W. Unger, Sr. Incumbent's commission expired January 22, 1935.

Hattie D. Lyon to be postmaster at East Setauket, N. Y., in place of H. D. Lyon. Incumbent's commission expired January 18, 1936.

Frank P. Morstatt to be postmaster at Garnerville, N. Y., in place of F. P. Morstatt. Incumbent's commission expired January 27, 1936.

Walter E. Slattery to be postmaster at Lima, N. Y., in place of W. G. Vary. Incumbent's commission expired December 8, 1934.

John P. Samascott to be postmaster at Loudonville, N. Y., in place of A. G. H. Bryan. Incumbent's commission expired December 8, 1934.

James F. Cronin to be postmaster at Portville, N. Y., in place of H. C. Holcomb, resigned.

E. Edward DeCamp to be postmaster at Smallwood, N. Y. Office became Presidential July 1, 1935.

Edward N. Skinner to be postmaster at Westfield, N. Y., in place of V. B. Card, deceased.

NORTH CAROLINA

Emma P. Chambers to be postmaster at Warsaw, N. C., in place of B. S. Wilson. Incumbent's commission expired January 22, 1935.

Charles N. Dobbins to be postmaster at Yadkinville, N. C. in place of W. E. Rutledge. Incumbent's commission expired January 28, 1934.

NORTH DAKOTA

Genevieve Gregor to be postmaster at Dawson, N. Dak., in place of Genevieve Gregor. Incumbent's commission expired February 9, 1936.

William C. Ney to be postmaster at Max, N. Dak., in place of A. E. Reimers. Incumbent's commission expired March 8, 1934.

Clarence B. Stinson to be postmaster at Warwick, N. Dak., in place of C. B. Stinson. Incumbent's commission expired February 9, 1936.

OHIO

Earl C. Stiwald to be postmaster at Amherst, Ohio, in place of E. E. Foster. Incumbent's commission expired January 7, 1936.

Charles J. Sartor to be postmaster at Elyria, Ohio, in place of R. B. Lersch. Incumbent's commission expired January 7, 1936.

John F. McGonagle to be postmaster at Junction City, Ohio, in place of P. H. Clark. Incumbent's commission expired February 20, 1935.

William L. Zeis to be postmaster at Port Clinton, Ohio, in place of G. A. Fisher. Incumbent's commission expired January 7, 1936.

Minerva D. Case to be postmaster at Powell, Ohio. Office became Presidential July 1, 1935.

OKLAHOMA

James W. Kincaid to be postmaster at Glencoe, Okla., in place of R. C. Mayfield. Incumbent's commission expired April 28, 1934.

Lawson Race to be postmaster at Hunter, Okla. Office became Presidential July 1, 1935.

Edwin N. Clow to be postmaster at Mulhall, Okla., in place of G. M. Johnson. Incumbent's commission expired April 28, 1934.

Floyd A. Rice to be postmaster at Strong City, Okla., in place of F. A. Rice. Incumbent's commission expired February 5, 1936.

OREGON

Margaret M. R. Calendine to be postmaster at Cascade Locks, Oreg. Office became Presidential July 1, 1935.

Thomas B. Hoover to be postmaster at Kinzua, Oreg., in place of A. R. Barnes. Incumbent's commission expired December 18, 1934.

Mary A. Hollister to be postmaster at North Bend, Oreg., in place of L. B. Chappell. Incumbent's commission expired January 22, 1936.

PENNSYLVANIA

John N. Backenstose to be postmaster at Schaefferstown, Pa., in place of J. N. Backenstose. Incumbent's commission expired February 10, 1936.

James F. Farr, Sr., to be postmaster at Sheffield, Pa., in place of M. H. Shick, resigned.

Thomas F. McBride to be postmaster at Upland, Pa., in place of E. H. Gilpin. Incumbent's commission expired June 20, 1934.

SOUTH CAROLINA

Samuel Oscar Capell to be postmaster at Easley, S. C., in place of H. W. Garrison, removed.

SOUTH DAKOTA

Sylvester Eisenman to be postmaster at Marty, S. Dak., in place of Sylvester Eisenman. Incumbent's commission expired February 9, 1936.

TENNESSEE

Joel F. Ruffin to be postmaster at Cedar Hill, Tenn., in place of J. F. Ruffin. Incumbent's commission expired February 5, 1936.

TEXAS

Antonia R. Garcia to be postmaster at Benavides, Tex., in place of A. R. Garcia. Incumbent's commission expired February 5, 1936.

Edith M. Bursey to be postmaster at Brackettville, Tex., in place of E. M. Bursey. Incumbent's commission expired February 5, 1936.

Whittaker Downman Bains to be postmaster at Brookshire, Tex., in place of Chessell Gra, removed.

Eugene Webb to be postmaster at Corrigan, Tex., in place of Eugene Webb. Incumbent's commission expired February 5, 1936.

Clyde T. Martin to be postmaster at Hubbard, Tex., in place of A. M. Huddleston, resigned.

Clara C. Redford to be postmaster at Johnson City, Tex., in place of C. C. Redford. Incumbent's commission expired February 5, 1936.

Joseph F. Wiles to be postmaster at Olton, Tex., in place of J. F. Wiles. Incumbent's commission expired February 5, 1936.

Charles B. Myers to be postmaster at Poteet, Tex., in place of C. B. Myers. Incumbent's commission expired January 8, 1936.

Andrew J. Bushong to be postmaster at Rankin, Tex., in place of A. J. Bushong. Incumbent's commission expired February 5, 1936.

Frank P. McCabe to be postmaster at Rio Hondo, Tex., in place of D. P. Rounds. Incumbent's commission expired January 13, 1935.

VERMONT

Douglas C. Montgomery to be postmaster at East Arlington, Vt., in place of D. C. Montgomery. Incumbent's commission expired February 9, 1936.

WEST VIRGINIA

Roscoe B. Holmes to be postmaster at Raleigh, W. Va., in place of R. B. Holmes. Incumbent's commission expired February 1, 1936.

WISCONSIN

Gilbert W. Kaepernick to be postmaster at Iron Ridge, Wis., in place of I. W. Volkmann, removed.

Emma C. Andrews to be postmaster at Manitowish, Wis. Office became Presidential July 1, 1935.

Wilfred J. Woulf to be postmaster at Niagara, Wis., in place of Hannah Goodyear. Incumbent's commission expired January 28, 1934.

Esther B. Clausen to be postmaster at Woodworth, Wis. Office became Presidential July 1, 1935.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 20 (legislative day of Jan. 16), 1936

ASSISTANT SPECIAL COUNSEL

Annette Abbott Adams to be assistant special counsel under the provisions of Public Resolution No. 6, approved February 21, 1924.

FEDERAL ALCOHOL ADMINISTRATION

Capt. Wilford S. Alexander to be Administrator of the Federal Alcohol Administration.

NATIONAL EMERGENCY COUNCIL

Donald Renshaw to be State director of the National Emergency Council for California.

COLLECTOR OF INTERNAL REVENUE

William Driscoll to be collector of internal revenue for the twenty-third district of Pennsylvania.

COLLECTOR OF CUSTOMS

Martin O. Bement to be collector of customs for customs collection district no. 9, Buffalo, N. Y.

PUBLIC HEALTH SERVICE

Edward C. Ernst to be senior surgeon.
Peter J. Gorman to be senior surgeon.
Dr. Thorburn S. McGowan to be assistant surgeon.
Edwin H. Carnes to be surgeon.
Franklin J. Halpin to be surgeon.
Gregory J. Van Beeck to be surgeon.

William C. Parker to be dental surgeon.

Joseph M. Dalla Valle to be passed assistant sanitary engineer.

PUBLIC WORKS ADMINISTRATION

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

POSTMASTERS

PENNSYLVANIA

Edward C. Bishop, Cresson.
Lawrence J. Welsh, Jeddo.
James Uhler Fetherolf, Nazareth.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 20, 1936

The House met at 12 o'clock noon.

The Rev. Armin Haeussler, pastor of the St. Lucas Evangelical Church of Evansville, Ind., offered the following prayer:

Our Loving Father, unto Thee shall all flesh come. Have respect unto the prayer of Thy servants, and hide not Thy face when we call upon Thee.

We thank Thee for the hard, gray days of life as well as the sunlit days; for adversity as well as prosperity. We praise Thee for integrating everything into Thy eternal pattern. Help us to think of things temporal in terms of the eternal.

Lead us increasingly into the blessings of the more abundant life.

We thank Thee for the discoveries which are leading us into richer, fuller living. We thank Thee for our national heritage; help us to be true to our finest traditions and noblest ideals, and to continue every good work begun by our forefathers. Save us from repeating the mistakes and sins of the past. May the hearts of our citizens be knit together more and more in the bonds of a truly cooperative commonwealth. Save us from hypocrisy and the fate of those that have a name that they live but are dead. Prosper our officials, both high and low, in their leadership and service of the people. Guide them and us through all perplexities. Bless the influence of this Nation throughout the world. Help us to make constructive contributions to the social processes of the age, that Thy will may become increasingly dominant in our hearts and lives.

And unto Thy name shall be the praise and the glory and the dominion now and forever. Amen.

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

BROADCASTING AND THE AMERICAN PUBLIC

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a broadcast by Federal Communications Commissioner George Henry Payne.

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

There was no objection.

Mr. BOYLAN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following interview with the Honorable George Henry Payne, Federal Communications Commissioner, last Saturday night, February 15, 1936, over the Columbia Broadcasting System by the news commentator, Boake Carter, on the subject of "Broadcasting and the American Public."

Mr. CARTER. Just what is the Federal Communications Commission?

Commissioner PAYNE. The Federal Communications Commission is a body of seven men created by Congress at the suggestion of President Roosevelt for the purpose of regulating interstate and foreign traffic in communication by wire and radio so as to make available to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges. It is paid for by the United States Government.

The work of the Commission is divided by law among three divisions:

First. The Telegraph Division, which has the power of regulation of the domestic and international wire companies and those radio companies in the telegraph business;

Second. The Telephone Division, which has the power of regulation of the telephone system and systems in the United States; and

Third. The one in which you are most interested this evening, that which has the control in the United States over broadcasting.

As the law states section 301 no one in this country can "operate any apparatus for the transmission of energy or communications or signals by radio * * * except under and in accordance with the Communications Act and with a license * * * granted by this Commission under the provisions of this act."

So you see, Mr. Carter, the law gives this Commission great power, but it specifically states:

"SEC. 326. Nothing in this act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."

In this connection I might also state, however, that the law specifically states that, "No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication."

Mr. CARTER. How is it, then, Commissioner Payne, when the law is as specific as you say, that there is so general an impression that censorship by the Communications Commission does exist?

Commissioner PAYNE. I believe this is due, Mr. Carter, to the fact that censorship is exercised by the owners of radio-broadcasting stations in this country. And, mark you, this is one of only two countries in the world where private ownership practically controls all of the broadcasting.

Mr. CARTER. You say that the broadcasting companies exercise censorship over what goes over the ether?

Commissioner PAYNE. Yes. Much of it is proper, just, and even admirable. It is necessary, for instance, for the private corporations controlling radio to see that, as far as possible, in accordance with the law, nothing indecent or profane is broadcast. It is certainly proper for them to exercise censorship to see that improper or illegal advertising does not take place. I am speaking only my personal views when I say that I think it is proper censorship for them when they endeavor to curtail liquor advertisements and announcements, even though it is now legal to sell liquor in this country.

On the other hand, I do not think it is proper censorship to censor speeches or such material as news comments, with the purpose of favoring any political party or political candidates, or to coerce anyone speaking in an editorial capacity.

Mr. CARTER. Then you believe that news events should be absolutely uncensored and that a news commentator like myself should be free to comment editorially on the day's news, free to express my own opinions, in adherence to the best poker language, "Calling them as I see them, letting the chips fall where they may and playing no favorites"?

Commissioner PAYNE. Absolutely and without question. The discussion of news matters without prejudice, with courage and with the restraint that every honorable man naturally imposes on his own expressions is one of the most useful functions that broadcasting can perform.

Mr. CARTER. In the preservation of honest, free speech, should not recognized and experienced news commentators' editorial policies be their own—within, of course, the restraints of law and common decency—regardless of policies which might be dictated to them by private control?

Commissioner PAYNE. I cannot conceive of anyone so ill informed as to the history of our Democracy and the necessity of honest, free speech, as you say, who would dare to stand for any other policy than that of uncontrolled and uncensored news commentating. In the course of our lives we have all heard people complain that such-and-such an editorial represented a biased view or that the editor was prejudiced, and such criticisms there will be always, as long as human beings are what they are. But that there should be any policy, either by the Government or by those owning stations, permitting dictation on news commentators' views is unthinkable.

Mr. CARTER. Is there not danger that the Federal Communications Commission is endowed with too much power, in view of the fact that it licenses broadcasting stations every 6 months? Might not this power be extremely dangerous in the hands of unscrupulous men?

Commissioner PAYNE. The Commission certainly has enormous power, which, like every governmental power in the hands of men without conscience, might be a great menace. Fortunately, the broad interest in the subject means that the public has been and is daily becoming aroused to the importance of seeing that the power is not abused and the law is administered fairly, honorably, and with conscience. It is the indifference of the public frequently that is as much to blame for the break-down of government or its corruption as the venality or weakness of men. Many believe that the Federal Communications Commission has so important a duty and such lofty possibilities for service that it may eventually become regarded, like the Interstate Commerce Commission and the Federal Trade Commission, as a tribunal where the public will be assured that there will be fairness and not fa-

voritism and where the decisions will be made without regard to politics, partisanship, or personal prejudice or advantage.

Mr. CARTER. Then, Commissioner Payne, I take it you mean a sort of radio court of appeals, where the public can be assured they will get a square deal? In the heat of a political campaign is it not possible that the pressure from one side or another will be too heavy for men to resist?

Commissioner PAYNE. I am not holding that human nature is perfect—yet—but remember that the new method of communication, the radio, arouses an interest in more people than have ever been interested or aroused at one time in the history of the world. If we sincerely believe in our democratic form of government and majority rule, that means that a greater number is going to be informed, with a greater number determined to be fair and a greater number that are going to be intolerant of unfairness or misuse of power. The law specifically says that there shall be fairness in the division of time among candidates for office. It is possible that further legislation may be needed to see that this is done. The English system, where the broadcasting is under the control of a corporation dominated by the government—which permits no advertising—takes care of this political situation in what would seem to be an admirable way. It turns over to the political committee so much time which they allot among themselves.

Mr. CARTER. Mr. Commissioner, it has been suggested by some, that inasmuch as American broadcasting is operated for private profit, time should be sold to political parties rather than being given to them, on the grounds that it would then continue to preserve the profit motive. What do you think of that suggestion?

Commissioner PAYNE. Mr. Carter, I think it would be a dangerous practice, because the political group, which could raise the most money and is willing to pay the highest prices, would be the one to gain the most time on the air to present their views. And this would be unhealthy and not in the interests of giving every political group an equal opportunity to have their say.

More desirable, I believe, is the present practice—that of giving time for the discussion of important public issues—and what more important public and political issue is there than an election? After all, the ether belongs to the people, and they have a right to say that a certain portion of it should be dedicated to them without the element of profit-making. It isn't going to be easy to work out a plan by which everybody is going to be satisfied. The fundamental of political advancement is disagreement and is the opportunity for those who disagree to be able to express themselves.

It was the late John J. Ingalls, of Kansas, who said that "purity in politics is an iridescent dream." Harmony or complete agreement in politics or political discussion is too near stagnation to be conceivable.

Mr. CARTER. Then, there should be only one interest kept in mind by those of us in the radio business, and that is the public interest. Do you not agree?

Commissioner PAYNE. Let us keep in mind always what you so frequently refer to as Johnny Q. Public. It isn't what the politicians want: It isn't what the parties want—they are only instruments of your friend, Mr. Johnny Q. Public, and too often are not the best instruments. His welfare, the welfare of the great American people, their progress, their enlightenment, their happiness, their relief from burdens, unfair and overwhelming—that must be our sole object. Honest, free, frank discussion is a right. Knowledge kept from them approaches very closely to their betrayal.

Let me read you my favorite quotation in this regard—memorable lines that they are, by John Stuart Mill:

"All the grand sources of human suffering are in a great degree, many of them almost entirely, conquerable by human care and effort, and though their removal is grievously slow, though a long succession of generations will perish in the breach before the conquest is completed, yet every mind sufficiently intelligent and generous to bear a part, however small and unconspicuous—will draw a noble enjoyment from the contest itself which he would not for any bribe in the form of selfish indulgence consent to be without."

GOVERNMENT LOBBIES

Mr. SEGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a broadcast delivered by my colleague the gentleman from New Jersey [Mr. LEHLBACH].

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

There was no objection.

Mr. SEGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech of Representative FREDERICK R. LEHLBACH, of New Jersey, delivered over the network of the National Broadcasting Co.'s system, from Washington, February 18, 10:45 to 11 p. m., eastern standard time. Mr. LEHLBACH spoke on Government Lobbies.

Last summer, when the death-sentence clause providing for the destruction of public utilities holding companies was under consideration in Congress, a great hullabaloo was raised by the administration about a public-utilities lobby. Accordingly, both Houses of Congress designated committees to investigate this iniquity.

After painstaking examination, the only evidence of lobbying activity by the holding companies developed was the fact that the officials of these companies called to the attention of the security holders and employees of the companies and their affiliates the danger of losing their investments and their jobs in the event of the passage of this legislation, and urging them to protest to their Representatives in Congress. I know of no law preventing trustees from reporting to their beneficiaries the status of their investments, nor have I information that the right of petition guaranteed by the Constitution has been abridged. There is evidence that the agents of one company in their zeal sent messages of protest without the knowledge of alleged signatories, but there is no evidence that this practice was general or that other companies indulged in it.

But how about the administration? How about the right of the legislative body to function independently without pressure or coercion by the Executive? How about the administration lobby? We have proof of one group sent to the Capitol to infest the Houses of Congress, and by any and every means to secure votes for the death sentence, which Congress in its considered judgment had already rejected.

This lobby consisted of Thomas C. Corcoran, of the Reconstruction Finance Corporation; Benjamin B. Cohen, National Power Policy Commission; Oswald Ryan, Federal Power Commission; John A. Rowe, Jr., Reconstruction Finance Corporation; Dosier A. De Vane, Federal Power Commission; Charles West, Department of the Interior; and Joseph P. Cotton, Reconstruction Finance Corporation and a member of a New York law firm with which President Roosevelt was formerly associated. The activities of members of this outfit included advising the committees of Congress handling the legislation with respect to the demands of the administration; participating in meetings of Representatives to map out the strategy to be employed to secure votes; writing letters purporting to emanate from Members of Congress to their colleagues and securing the signatures of Members to such letters; drafting radio speeches to be delivered by Members of Congress as their own; soliciting votes in the lobbies surrounding the House while the voting was in progress; invading the Speaker's lobby while the House was in session in violation of the rules; using the office of the Democrat Whip as a base of operations; making special arrangements with the telephone company so that their calls would not show on the bills of Members. Charles West, who, as a former Member of the House, had the privileges of the floor, carried on this work in the cloak room of the House and on the very floor itself. Had any other group other than these officials of the administration attempted to lobby for legislation in this manner, the country would have rocked with the scandal.

All this was surely bad enough, but this administration lobby actually tried to trade Public Works projects for votes for the death-sentence clause. Such action would seem unbelievable, but we have the specific example of the Passamaquoddy project in the State of Maine.

Let us examine this project, not only because the administration tried to use it for buying votes in Congress for the death-sentence clause, but because it is a typical example of the inexcusable waste and extravagance in the expenditure of the President's $4,889,000,000. The project consists of the construction of a dam to impound the tidal water in the bay in order that its flow and ebb may be used to create hydroelectric power. The cost of the project is estimated at $36,000,000. This plan has been examined and reexamined many times in the past, and in each instance the foremost engineers of the country have reported that the project was not feasible in that the cost of the dam would make the cost of the power so created prohibitive for commercial use. But the State of Maine votes in September in the elections next fall, while the rest of the country votes in November. So the $36,000,000 had to be planted there notwithstanding the fact that it was sheer waste.

Furthermore, in order to run the plant after it was constructed, the State of Maine would have to set up an agency to take over the electric power created and distribute it. This the State of Maine has heretofore refused to do, and it is increasingly apparent that it will not do so. Well-informed observers are of the opinion that consequently the actual construction of the dam will never be undertaken and that the present work going on there is to fool the people of Maine and to waste the money.

The present work carried on there is the building of a settlement to house the relief workers who are not going to build the dam. Recently the Government advertised for bids for furnishings of the homes the relief workers are not going to occupy. In the remote contingency that workers will occupy these houses, they will certainly lead a more abundant life than most of us can afford to do. The furnishings are to be in colonial style. The furniture must be of dull, old-fashioned maple, and the all-wool blankets on the beds must be pastel green with wide taffeta rayon bindings, 80 by 60 inches, and weighing 2¼ pounds each. The puffs to go over the blankets must be of the down of ducks covered with sun-fast rust sateen. The fireplaces must harmonize with the colonial style furnishings. In each reception room there must be two grandfather clocks striking chimes on the hour, half hour, and every quarter hour, with dials of silver. The love seats, davenports, wing chairs, coffee and card tables and hilltop and butterfly tables must be in colonial style, and also the old-fashioned pewter candlesticks. The floor lamps must be the Cape Cod style with soft yellow shades, and the

paintings for the walls must be by recognized masters. The workingmen and workingwomen of the country do not live in surroundings like these, but for a generation to come they must earn by the sweat of their brows the money to repay in taxes the many billions of dollars thrown away by the New Deal, of which this Passamaquoddy is a typical example.

You think this Passamaquoddy project is a sole exception and not typical of the insensate spending orgy now going on? Well, let's look at the dog pound in the city of Memphis, Tenn., for the building of which $25,000 of W. P. A. money has been allocated. I saw some days ago in the New York Sun a reproduction of the architect's sketch of this dog house, and I certainly wish I could live in as handsome a building as the Memphis dogs will occupy. The dogs will have individual pens with fresh bedding every day, exercise runways, shower baths, and every other imaginable comfort of home. I am told a generous sum has been allotted to teach the people of Illinois to play checkers. It will cost a pretty penny to wipe off the walls of our public buildings throughout the country the smears daubed thereon by alleged work-relief artists. In New York the administration started a project for unemployed writers. A group of radical writers, who have never been employed and never will be, promptly organized a union, or what may better be termed a soviet, and laid down the rules and regulations under which they would deign to accept the Government's money. Their first demand was that the person selected by the Government to administer this writers' project be fired, and a complacent administration promptly fired him. Soon there will be let loose upon a helpless and nonresisting public a flood of barnstorming companies composed of alleged unemployed actors, who will probably kill whatever opportunities are left for legitimate private theatrical enterprise.

It is apparently impossible to get a single cent of W. P. A. money if its expenditure will be of real use to anyone, but no scheme is fantastic enough to be rejected by the W. P. A., provided, always, that from the expenditure of the money entailed nothing useful will result. The motto of the administration seems to be "billions for waste but not one cent for value."

Maj. Gen. Johnson Hagood, an officer of the United States Army, of good judgment and abundant common sense, has dubbed W. P. A. relief funds "stage money" because you can pass it around but cannot get anything out of it in the end. The general calls attention to the fact that for a few hundred thousand dollars you could mend the leaky roofs and the defective plumbing and rehabilitate the dilapidated tinder-box shacks in which the Government houses our Army at the various Army posts, but the New Deal refuses to allocate one single cent of the billions of Works money for such a sensible and useful purpose. Twenty-five thousand dollars for the dogs in Memphis, millions for workers' palaces at Passamaquoddy that probably will never be occupied, but not one cent to keep a tight roof over the boys who wear Uncle Sam's uniform.

This load on the American people cannot now be avoided, but 4 years more of it will most certainly wreck the country. The billions gone and still going cannot be retrieved, but surely the American people are saying, in the words of that grand old Democrat, Andrew Jackson, "By the eternal, we'll stop it in November."

THE TOWNSEND PLAN

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of House Resolution 418, passed on yesterday, to investigate the Townsend plan, and also to incorporate certain testimony given before the Committee on Finance of the United States Senate on the turn-over tax.

Mr. SNELL. Mr. Speaker, reserving the right to object, what is the nature of the testimony referred to?

Mr. SWEENEY. Testimony presented to the Committee on Finance of the United States Senate May 20, 1921, by many merchants of this country on the turn-over tax.

Mr. SNELL. Is it very long?

Mr. SWEENEY. No; and I think it will be very enlightening for the House to have the information.

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

There was no objection.

Mr. SWEENEY. Mr. Speaker, yesterday, February 19, 1936, the House of Representatives authorized an investigation of the activities of what is termed old-age-pension schemes directed primarily at the so-called Townsend plan. It is assumed that a similar resolution authorizing the payment of a sum of money estimated at $50,000 will be considered by the House to permit the committee in charge of this investigation to start its deliberations.

As an advocate of the McGroarty bill, which embodies the Townsend philosophy, I join with the proponents of this measure in inviting such an investigation.

The Townsendites have nothing to conceal in this unparalleled evidence of strength in support of their movement that is sweeping the Nation and demanding a change in our present economic conditions through the creation of legislation that has for its purpose—

The promotion of the general welfare to assure permanent employment and social security for all and to stabilize business conditions through an assured definite and constant circulation of money and credit by the National Government, and for other purposes.

We do not believe the demand for an investigation is in good faith, and we maintain that the appropriation of any large sum of money for this purpose will be a criminal waste of the taxpayers' money. If there are any serious irregularities in this, the greatest of all old-age-security movements, then we invite investigation and the exposé of those responsible for the same.

Complaint has been made because millions of our people join Townsend clubs by paying an intial fee of 25 cents and 10 cents monthly dues thereafter. Mr. Speaker, it is no concern of this or any other legislative body what dues people pay in this or any other organization. Would it not be more fitting for the Congress of the United States to investigate the Crusaders, the American Liberty League, and the Carnegie Foundation? These organizations are instrumentalities of great wealth and privilege. They are invariably arraigned against any improvement in our social or economic order unless it insures them the right to maintain the private control of money and the destinies of the Government, be it city, State, or national.

Mr. Speaker, I helped to conduct a survey of the poorhouses and almshouses in the State of Ohio, 15 years ago, in an effort to interest the electors of that State in the old-age-pension movement. Time will not permit me to narrate the rotten and damnable conditions our committee found in these prisons, and I use the word advisedly, where inmates were incarcerated solely for the crime of growing old and coming to the winter season of their life, penniless and in want. The exposé of these conditions in Ohio and various other States hastened the day when old-age-pension laws became a fact, instead of the institutional care administered heretofore, and which had been the accepted standard of care of the indigent aged. The institutional care method of the indigent aged was inhumane to say the least. Those in charge of its administration, in many States, were politicians who cared more for the graft they could exact from the funds allocated to maintain these institutions than they did to administer humane treatment to the inmates. Today, over 32 States have old-age-pension laws. The Federal Government, thanks to the present administration, has recognized its obligation to its aged citizens. It has, through the medium of the Social Security Act, embarked on a policy of recognizing its responsibility in assisting the various States in providing for old-age security.

Mr. Speaker, the Federal Government, in matching its $15 per month for each individual within the various States who qualify for old-age-pension laws, will not solve this problem. The combined amounts, while preferably better than institutional care to the beneficiary, does not provide a decent standard of living for our qualified old persons. It scarcely is enough to keep body and soul together. The Townsend plan aims not only to insure comfortable declining years for those who have given the best of their lives to society, but affords the means of employment to millions now desperately in need of the same. The plan of an annuity not to exceed $200 per month to those persons over 60 years of age, with the mandate that the same be spent each month, will create a purchasing power necessary to our economic life. It will take, in the first instance, out of gainful employment, over 4,200,000 individuals now over 60 year of age, who are employed, making way for younger men and women to take their places. It has been estimated that a 2-percent transaction tax on an annual 1,300 billion dollar turnover will yield $26,000,000,000 per year. Government statistics disclose that there are approximately seven and one-half millions who are eligible to benefit by this legislation, which would require annually about $18,000,000,000. A surplus of $8,000,000,000 each year would, in less than 4 years, wipe out the national debt, estimated in 1934, at $30,000,000,000. The great World War left us with a staggering debt of $43,765,000,000, exclusive of $12,000,-

000,000 due from our Allies on the war debt and reparations. The depression has cost the Federal Government many more billions of dollars and still we have approximately 11,000,000 persons out of work.

Let us face the fact, and not pretend to believe that we can borrow ourselves out of debt with money that is nonexistent. The Townsend philosophy is a people's movement, and once the people become aroused nothing can stop the advance of social justice. Objection after objection will be raised by those who classify this movement as fantastical, unsound, and its supporters as foolish and crackpots.

It is my humble judgment that Dr. Francis E. Townsend has interested a sufficient number of farmers, small businessmen, professional groups, and the working classes of this Nation to insure a hearing before the Congress of the United States on the important subject of adequate old-age security.

This movement has convinced our people that the majority rule is still in existence. Heretofore we had observed that this was a Government of the people, by the people, for the privilege classes.

One of the objections to the Townsend plan is that it will pyramid taxes through the transaction turn-over tax, and that this will bring about chaos and high prices, which will result in an orgy of inflation destructive to the financial and business structure of our Nation. I append as an argument against this charge the data presented before the United States Senate Committee on Finance, May 20, 1921, when the question of the 1-percent turn-over tax was considered before that distinguished body.

The following tables are copied from a hearing held before the Committee on Finance, United States Senate, May 20, 1921. Mr. Meyer D. Rothschild, representing the jewelry interests of the United States, testifying on the effect on retail prices of the imposition of a 1-percent "turn-over" tax, stated:

ON GRANULATED SUGAR (FURNISHED BY SEEMAN BROS., OF NEW YORK)

	Tax at 1 percent
1. Raw sugar, if bought by refiner from importer (if the raw sugar is imported direct by the refiner, as it usually is, the total tax would be reduced to $0.685 on 100 pounds granulated, or 2.74 percent of selling price to consumer), 110 pounds, at 16 cents, $17.60	$0.176
2. Refined granulated sugar from refiner to wholesaler (based on 10 pounds' loss in refining), 100 pounds, at 21 cents, $21	.210
3. Wholesaler to retailer (based on $1 per 100 for gross profit and 50 cents per 100 for average freight from refinery), 100 pounds, at 22½ cents, $22.50	.225
4. Retailer to consumer (based on $2.25 per 100 for gross profit and 25 cents per 100 for average freight from wholesaler), 100 pounds, at 25 cents, $25	.250
Total tax on 100-pound price for consumption	.861

Tax on 1 pound, selling at 25 cents, $0.00861, or 3.44 percent of the price to consumer.

ON BREAD (COMPILED BY MR. WILLIAM C. CORNWELL, EDITOR OF THE BACHE REVIEW, FROM INFORMATION OBTAINED FROM VARIOUS WHOLESALE AND RETAIL DEALERS IN NEW YORK CITY. PRINTED IN THE BACHE REVIEW, APRIL 1920, SPECIAL EDITION)

In estimating the effect on the price of a loaf of bread, the tax would be levied first when the wheat leaves the producer; second, when it leaves the miller; and, third, when it leaves the retail grocer or the baker. Prices and taxes would be as follows:

	Taxes
When it leaves the farm, 1 bushel of wheat would be sold for, say, $2	$0.02
When it leaves the miller, 4½ bushels of wheat to the barrel, with flour averaging $12 per barrel, would make 1 bushel of wheat in flour worth $2.67	.0267
When it leaves the baker, a barrel of flour makes from 260 to 270 loaves of bread. One bushel of wheat is two-ninths of a barrel of flour. This would make 60 loaves to a bushel of wheat. Figuring these 60 loaves at an average of 8 to 9 cents per loaf, price would be $5.10	.0510
This would make the total tax on all sales of a bushel of wheat, from flour to bread	.0977

This tax is 2 percent of the price paid by the consumer.

This tax thus far—approximately 10 cents—is the total price to be added to the 60 loaves of bread on account of the 1-percent tax on sales progressively from the farm to the consumer.

This total tax if passed along is so small—amounting to less than one-sixth of a cent per loaf—that it could not be added to the price per loaf to the consumer. It would probably be passed on by the miller and be paid by the baker, but would be such an infinitesimal reduction from his profits that he would be almost totally unaffected.

These calculations are based on only three sales, from farmer to consumer; but if one or two more sales of the wheat take place it would still leave the tax at a small fraction of a cent to the loaf.

Further than this, it is stated that bakers do not bake half the bread used. Many domestic users buy flour from grocers and make their own bread. This further reduces the individual tax.

ON BEEF (PRINTED IN THE BACHE REVIEW FOR APRIL 1920, SPECIAL EDITION, FOUNDED UPON FIGURES FURNISHED BY ARMOUR & CO.)

In the same way the tax result on beef may be estimated as follows:

Result on steer killed July 17, 1919, lot 301

Cost of live animals and expense in killing and disposing of resulting products:	
Live weight, 1,202 pounds, at $16.34 per hundredweight	$196.41
Expense and labor buying, killing, driving, yarding, feeding, refrigeration, etc	8.85
Cost of selling (branch house expense), 86 cents per 100 pounds	6.10
Freight to branch house, 710 pounds, at 69 cents per 100 pounds	4.90
Total cost	214.26
AMOUNTS RECEIVED FOR PRODUCTS SOLD	
Fats, 85.8 pounds, at $18.81 per 100 pounds	$16.14
Hide, 78 pounds, at $32.71 per 100 pounds	25.51
Offal, edible and inedible, at 41 cents per hundredweight, live weight	4.93
Dressed beef, 720 pounds less shrink 10 pounds, net 710, at $23.99 per hundredweight	170.33
Total selling price	216.91
HOW THAT TAX WOULD AFFECT THE CONSUMER	
If we analyze these figures, we find that the cost to the packer of 1 steer would be $196.41; the tax of 1 percent, to be paid by the farmer or the seller, would accordingly be	$1.96
Following up the 720 pounds (net 710) pounds of dressed beef, the selling price of this would be $170.33; on which the tax paid by the packer would be	1.70
The total tax which might be added to the beef, first by the farmer and then by the packer, would thus be, when the beef reached the retailing butcher	3.66
Dividing this tax up among the net 710 pounds of dressed beef, we find that the tax on each pound would be	.005
If the butcher sold the beef at, say, an average, all cuts, of 40 cents per pound, his tax would be four-tenths of a cent per pound, or two-fifths of a cent	.004
The total tax thus far, if added to the price to be paid by the consumer, would thus amount to	.009

which is a little less than 1 cent a pound on beef. This includes all taxes from the farm to the packer, to the butcher, and to the consumer, and comes to 2¼ percent of the price paid by the consumer.

ON PORK (PRINTED IN THE BACHE REVIEW FOR APRIL 1920, SPECIAL EDITION, FOUNDED UPON FIGURES FURNISHED BY ARMOUR & CO.)

We have obtained also from official sources figures on the cost of hogs and hog products and have estimated the tax which, under this plan, would be levied from the time the animal was sold by the farmer until the various products reached the consumer.

Result on hog, Oct. 17, 1919

Live weight, 306 pounds, at 14.3 cents	$43.76
Expense and labor, buying, yarding, driving, killing, feeding, refrigeration, etc	4.59
Total cost	48.35
Value of products resulting from hog	
Hams, 14 percent of live weight, 42.84 pounds, at 20½ cents	$8.78
Bacon and fat backs, 31 percent of live weight, 94.86 pounds, at 21¼ cents	20.16
Shoulders, 12½ percent of live weight, 38.25 pounds, at 22½ cents	8.61
Lard, 8 percent of live weight, 24.48 pounds, at 29 cents	7.10
Leaf lard, 3 percent of live weight, 9.18 pounds, at 29½ cents	2.71
Other products, 4.02 percent of live weight	1.44
Total	48.80

72.52 is the percent of marketable products to live weight.

HOW THE TAX ON SALES WOULD AFFECT THE CONSUMER

If we analyze these figures, we find the cost to the packer of one hog would be $43.76; the tax of 1 percent to be paid by the farmer or the seller would accordingly be	$0.44

HOW THE TAX ON SALES WOULD AFFECT THE CONSUMER—continued

Following up the approximate 217 pounds of consumable products of one hog, the selling price of this would be $48.80, on which the tax paid by the packer in selling this would be	$0.488
The total tax which might be added thus far, first by the farmer and then by the packer, would be, when the hog reached the retailing butcher	.928
Dividing this tax through the 217 pounds of consumable products we find a tax on each pound of	.0043
The tax thus far on the 217 pounds of consumable products is, as we have seen, about 93 cents, or at the rate of less than one-half of 1 cent on each pound. If the butcher sold the pork products at retail prices, he would receive about $107, on which his tax would be about one-half of 1 cent per pound, namely	0.0049
The total tax, if added to the price to be paid by the consumer, would in all amount per pound to (Which is a little less than 1 cent a pound on pork and pork products, or 1.87 percent of the price paid by the consumer.)	.0092

ON A SUIT OF MEN'S CLOTHING RETAILING AT $40 (FURNISHED BY MR. WILLIAM GOLDMAN, OF NEW YORK, AND REVISED AS OF MAY 1, 1921)

	Tax at 1 percent
1. Raw wool in the grease, value about $2.45	$0.0245
2. The wool dealer has the wool scoured and sells it to the spinner, at say $2.80	.0280
3. The spinner converts it into yarn and sells it to the cloth manufacturer, for say $3.50	[1].0350
4. The cloth manufacturer weaves it into cloth, which he sells for about $2.62½ a yard, 3⅓ yards	.0875
5. Trimmings, linings, etc., have a value of about 50 percent of the value of the cloth and have gone through the same processes of conversion as the wool has to the finished cloth. The tax on these would, therefore, be 50 percent of the sum total of the foregoing taxes, or	.0875
6. These materials are converted into a suit of clothes by the manufacturer, who sells it for $27.50	.2750
7. The suit is sold at retail for $40	.4000
Total tax on price for consumption	.9375

Or 2.34 percent of the price to the consumer.[2]

[1] More than 50 percent of all cloth does not go through the process of spinning (the third step in the foregoing table). The majority of cloth used is known as wool goods, which is carded at the mill which conducts all the processes from raw wool to finished cloth.

[2] The percentage has been reduced from that shown in the original estimate made a year ago. This is due to the fact that raw materials are now abnormally low.

ON A SUIT OF OVERALLS AND JACKET RETAILING AT $8—STANDARD 2.20 INDIGO DENIM (FURNISHED BY SWEET-ORR & CO., INC.)

	Tax at 1 percent
1. Cotton in the bale, 4½ pounds, at 40 cents; overall, $0.90; jacket, $0.90	$0.0180
2. Spinners and weavers; denim, 7½ yards, at 44 cents; overalls, $1.65; jacket, $1.65	.0330
3. Dealers in trimmings: Pocket drill, overall, $0.1100; thread, overall, $0.0500; jacket, $0.0425; buttons, overall, $0.0250; jacket, $0.0350; buckles, overall, $0.0103; totals, overall, $0.1953; jacket, $0.0775; grand total	.2728
The imposed tax on these items added from the source will probably total 2½ percent, or	.00682
4. The overall manufacturer sells the garments to the retailer at, overall $3, jacket $3	.06000
5. The retailer sells the garment to the consumer for, overall $4, jacket $4	.08000
Total tax on price for consumption	.19782

Or 2.47 percent of the price to consumer.

ON A PAIR OF MEN'S SHOES RETAILING AT $7 (FURNISHED BY R. P. HAZZARD, OF GARDINER, MAINE, JAN. 11, 1921)

	Tax at 1 percent
1. Rawhide, raw material, etc., $1.56	$0.0156
2. Tanner sells leather for $2.82	.0282
3. Leather and findings are sold, $3.13	.0313
4. Manufacturer sells pair of shoes to jobber, $3.88	.0388
5. Jobber sells to the retailer, $4.67	.0467
6. Retailer sells to consumer $7	.0700
Total tax	.2306

Or 3.3 percent of the retail price to the consumer.

ON A PAIR OF HEAVY SERVICE GLOVES RETAILING AT $2.25 PER PAIR (FURNISHED BY A PROMINENT MANUFACTURER OF GLOVES)

	Tax at 1 percent
1. Raw horsehide value as sold to tanner by rendering company, or hide dealer, about $0.32	$0.0032
2. Tanning materials sold to tanner $0.10	0.0010
3. The tanner converts the hide into leather and sells to the manufacturer, $0.70	.0070

ON A PAIR OF HEAVY SERVICE GLOVES RETAILING AT $2.25 PER PAIR (FURNISHED BY A PROMINENT MANUFACTURER OF GLOVES)—continued

	Tax at 1 percent
4. Supplies sold to the manufacturer: Thread $0.015, canvas $0.025, binding $0.010, $0.05	$0.0005
If the goods were sold by the manufacturer to the jobber before reaching the retailer there would be an added step entailing an additional tax of $0.05, making the total tax to the consumer $0.2478, or a shade over 3 percent of the entire selling price.	
5. 1 pair gloves sold by manufacturer to jobber, $1.25	.0125
6. 1 pair gloves sold by jobber to retailer, $1.65	.0165
7. 1 pair gloves sold by retailer to consumer, $2.25	.0225
Total tax on price for consumption	.0632

Or 2.8 percent of price to consumer.

ON A YARD OF TAFFETA SILK RETAILING AT $2.25 (FURNISHED BY A PROMINENT SILK MANUFACTURER)

	Tax at 1 percent
1. Raw silk thrown, value about $0.6564	$0.0066
2. Cost of dyeing $0.1652	.0017
3. The silk manufacturer winds, warps, and weaves the dyed silk which he sells for about $1.45 per yard	.0145
4. The retailer sells this material for $2.25 per yard	.0225
Total tax on price for consumption	.0453

Or 2 percent of the price to the consumer.

ON A RUBBER TIRE, 30 BY 3½ CORD TIRE, RETAILING AT $35.10 (FURNISHED BY MR. HORACE DE LISSER, PRESIDENT OF THE AJAX RUBBER CO.)

	Tax at 1 percent
1. Crude rubber used at importation cost, $5.35	$0.0535
2. Raw cotton used as imported, $3	.0300
3. Raw cotton used, domestic growth, 40 cents	.0040
4. Imported into yarn, $4.20	.0420
5. Domestic cotton into yarn, 80 cents	.0080
6. Yarn into fabric, $5.50	.0550
7. Yarn into fabric, $1	.0100
8. Miscellaneous pigments, 70 cents	.0070
9. The above materials converted into tires by the manufacturer, who sells them to the franchise dealer, $28.45	.2845
10. Franchise dealer sells them to the dealer, $29.90	.2990
11. Dealer sells them to consumer, $35.10	.3510
Total tax on price for consumption	1.1440

Or, 3.259 percent of the price to the consumer.

In some instances the manufacturer sells direct to the consumer; this eliminates the 1 percent on 5 and 6.

In other cases the manufacturer sells to the retail trade; this eliminates the 1 percent on 5.

ON 32-INCH COTTON TISSUES RETAILING AT 45 CENTS

(Taken from Galey & Lord's pamphlet entitled "Federal Taxes and the Farmer")

	Tax at 1 percent
1. Cotton, 1 5/16-inch (1⅔ pounds), sale by grower to factor at 31 cents, $0.51	$0.0051
2. Cotton, 1 5/16-inch (1⅔ pounds), sale by factor to spinner at 33 cents, $0.55	.0055
3. Yarn (1 pound), sale by spinner to weaver at 95 cents, $0.95	.0095
4. Dyes and supplies other than yarn, $0.20	.0020
5. Cloth (10 yards), sale by weaver to jobber at 26 cents, $2.60	.0260
6. Cloth (10 yards), sale by jobber to retailer at 31 cents, $3.10	.0310
7. Cloth (10 yards), sale by retailer to consumer at 45 cents, $4.50	.0450
	.1241

From this table we learn that although the cotton passed through seven hands in the course of its manufacture into cloth and distribution, and paid a sales tax each time, yet the total tax represented but 12.4 cents on $4.50 worth of cotton cloth, or, as stated, less than 3 percent. The question is, Can we bear to know that such a tax is included in the price we pay for what we buy, or would we prefer to continue to have something like 23 percent taken from us in a disguised form?

This data was in support of the 1-percent turnover tax and received careful consideration by the Committee on Finance of the United States Senate of that day. I submit that the facts presented should allay the fears of those who present the argument that pyramiding of this nature would be destructive.

I am certain that many of us are conscious of present economic conditions that deny to thousands of young men and

women each year who graduate from our colleges and universities the opportunity to enter the fields for which they were specially trained. We know it to be a fact that many of these young persons, trained for the law, medicine, engineering, and various other arts, professions, and sciences, are compelled in many cases to use the pick and shovel and other forms of manual labor to secure an existence.

The Townsend movement will help to erradicate these conditions, and by the creation of a tremendous purchasing power, vital to our very existence, will, in a measure, meet the challenge of the machine age—that man sooner or later must find a solution.

STATEMENT OF REPRESENTATIVE EMANUEL CELLER IN OPPOSITION OF ACTORS' ALIEN BILL, H. J. RES. 414

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the actors alien bill.

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

There was no objection.

Mr. CELLER. Mr. Speaker, I am definitely opposed to House Joint Resolution 414, called the "Actors alien bill", now under consideration before the Committee on Immigration and Naturalization of the House of Representatives. This bill would preclude entry of any actor or actress unless she or he were of distinguished merit or ability, i. e., were a star, and then only after reciprocal arrangements have been made with the countries for entrance of our national actors under a sort of mutual exchange. We have had trade reciprocity agreements on potatoes, onions, and beans, but never have we had them on humans, never have we had them concerning the drama. Next we will be trading a Gladys Cooper for two American tap dancers, or a Katherine Cornell for two Swiss yodelers, or Charles Laughton for a couple of ham jugglers. Then we have an exchange of George Bernerd Shaw for a dozen "pulp" magazine writers a la Laura Jean Libby.

Instead of encouraging the drama, we would thus place restrictions upon it. In Europe, they subsidize theaters, appoint poet laureates, and pension dramatists and actors. We tax admission. Now, we would seek to put the drama in a strait jacket and hamstring casting directors seeking particular actors to play particular parts.

The American consul, under this bill, could not visa the passport of any actor unless he or she be of distinguished merit or ability. How in thunder he could determine that is beyond me. He could not put the actor on the scales and weigh ability or merit. No American consul anywhere is thus gifted enough to determine something so intangible.

Furthermore, many of the various actors and actresses in our dramatic history were merely persons, undistinguishable from many others who came to this country. They are no longer persons. They are now personalities distinguished on the stage and screen. I cite Lynn Fontaine, Marie Dressler, who unfortunately is now dead, Charlie Chaplin, Lionel Barrymore, and Leslie Howard. Under this bill they would have been excluded. What a sad abysmal loss their exclusion would have been to the American drama and to the American screen.

One of the reasons why American films are so preeminently famous throughout the world is because they are so international in character. That is why American films are sold all over the world. Frankly, these pictures are the greatest salesmen we have. They advertise to the best advantage American goods, dresses, clothes, and shoes. The success of such pictures results in the employment of literally thousands of other employees engaged in the production of the picture.

What is the evil that this bill seeks to repel? There is no invasion to the American stage by foreign actors. When I testified before the Immigration Committee on February 5, I stated that there were 31 plays running in New York. Of these, there are only seven in which one or more British or Canadian actors or actresses were employed. They were Call It a Day, Pride and Justice, Ethan Frome, Libel, Victoria Regina, Jubilee, and Lady Precious Stream. In those 7 productions there were less than 20 British or Canadians out of probably more than 500 actors and actresses all told. Let us take the play Call It a Day. It contains several prominent British actors in the cast—Gladys Cooper, Phillip Merivale, and Lawrence Grossmith. It is a play about English family life. Take these British actors out of the cast and replace them with Americans endeavoring to portray purely English life and manners, and the play would be a dismal failure. Libel concerns an English courthouse with decidedly English barristers, judge, and jury. It is as utterly British as Cheshire cheese. American actors would be decidedly miscast.

Films like Mutiny on the Bounty, Captain Blood, and Cavalcade contain many British in the cast, but those films made more money for the American producers in the British Empire than in America—thus giving employment to thousands and thousands of Americans. Last year the play Wind and Rain was produced in New York. It dealt with students at Edinburgh University. The effect of the play depended altogether on the presentation of the atmosphere of a Scotch boarding house. Most of the actors producing that atmosphere were not of distinguished merit or ability. They would have been barred by this bill. The effectiveness of this play would have been destroyed because it was a play of atmosphere—not of plot. Journey's End was a play concerning British Tommies in the trenches. It was a drama essentially of British character. The passage of this bill would have made proper presentation of Journey's End impossible.

It is interesting to note that the British Ministry of Labor is most liberal in permitting entrance of American actors and actresses. The British Embassy informs me as follows:

> In regard to the legitimate stage, no American actor or actress has been refused a permit during the past 3 years, whereas the number of admissions has been considerable. In vaudeville performances and cabaret the number of American entertainers refused admission does not amount to 30 during the same period, as against a total of about 1,800 admissions.

There is, therefore, no need for this ridiculous legislation.

SUPREME COURT DECISION ON THE T. V. A.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Supreme Court decision on the T. V. A. and to include therein a short statement of my own which I prepared for the press.

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

There was no objection.

Mr. RANKIN. Mr. Speaker, there seems to be a studied attempt in some quarters to mislead the American people as to the real meaning of the Supreme Court's decision on the T. V. A.

Those influences that failed so ingloriously in their efforts to affect the Supreme Court on this vital question, by their flattering propaganda, are now wasting a great deal of ink and air trying to mislead the public as to just what the Court did decide, and what that decision really means.

I attended every meeting of the Supreme Court while this case was being considered. I heard all the arguments and examined all the briefs in the case, and, as a lawyer, I was convinced, from the beginning, that the T. V. A. would be upheld.

Knowing that, owing to the part I have played in the passage of the T. V. A. legislation, I would be called upon for a statement as soon as the decision was rendered, I had that statement prepared many weeks before the decision was handed down.

When the Chief Justice finished reading his masterful and exhaustive opinion in the case and we were quietly leaving the court room, I passed over to the representatives of the press the statement which I had prepared weeks before, and which read as follows:

> The Supreme Court's decision on the T. V. A. is most gratifying. I have never doubted the ultimate outcome of this litigation. I have never had the slightest doubt of the constitutionality of the T. V. A. Act.
>
> The prosecution of this lawsuit on the part of the Power Trust, under the guise of representing a few minority stockholders, was an insidious attempt to mislead the Supreme Court of the United

States on one of the most vital questions that has ever come before that tribunal.

It was an attempt to induce the Supreme Court to turn over one of America's greatest natural resources to an organized group of selfish interests, and to shut the door of hope in the faces of the American consumers of electricity, who are now being overcharged a billion dollars a year for electric lights and power, to say nothing of the vast amount of money that has been filched from unsuspecting citizens through the sale of worthless watered stocks.

We may now move forward with our program to reduce electric light and power rates to the present consumers and to electrify every farm home in America.

Mr. Speaker, that decision amounts to a new declaration of independence for the consumers of electric lights and power. It has saved for them that great wealth of hydroelectric energy in our navigable streams—the greatest natural resource in all the world outside of the soil from which we live.

The principles laid down by the Supreme Court in this case not only apply to Wilson Dam at Muscle Shoals but they apply to all the other dams now being constructed by the Government or its agent, the T. V. A.

No one has ever denied the right of the Government to construct these dams to improve navigation and to control floods. Chief Justice Hughes quoted from Chief Justice Marshall to show that—

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.

He quotes from a former decision of the Supreme Court, in which it is said that for the purposes of improving the navigation of our navigable streams—

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.

The Court left no doubt of the right of the Federal Government to construct and maintain these dams on navigable streams wherever the question of navigation is in the least involved.

Even counsel for the power companies, in their oral arguments before the Supreme Court, admitted that Congress had the right to construct and operate these dams for the purpose of improving navigation and controlling floods. Chief Justice Hughes, in the T. V. A. opinion, said that—

The power of falling water was an inevitable incident of the construction of the dam. The 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.

That statement is clear and convincing; nothing could be plainer.

In other words, since the Government has the right to build a dam on a navigable stream, the electric power in the falling water, which the Court says is "an inevitable incident of the construction of the dam", comes into the "exclusive control of the Federal Government." This mechanical energy of the falling water being—

Convertible into electric energy * * * the electric energy thus producted constitutes property belonging to the United States.

That pronouncement inevitably applies to all the dams now being constructed, or in contemplation by the Federal Government, or any of its agents, on any navigable stream where the question of improvement of navigation and controlling of floods is involved.

This electric energy, which the Court has declared to be the "property of the United States", can be disposed of, as the Court points out, just as can any other property belonging to the Federal Government, and the Court points out further that the right of the Government to dispose of governmental property is expressly conferred by section 3 of article IV of the Constitution of the United States.

The only question about the Government's power to sell or dispose of electric energy then was whether or not it is in such a form that it can be disposed of. The Court disposes of that proposition with these words:

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.

But the complainants argued to the Court that, assuming that this electric energy generated at the dam did belong to the United States, the Congress would have authority to dispose of it only to the extent that it was surplus energy necessarily generated in the course of making munitions of war or operating the works for navigation purposes; that the remainder of available energy must be lost or go to waste.

The Chief Justice answers that argument in the following ringing words:

We find nothing in the Constitution which imposes such a limitation. * * * 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.

* * * The United States owns the coal, or the silver, or the lead, or the oil, it obtains from its lands—

Says the Chief Justice—

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.

How much stronger could the Court have made it? How in the world can the attorneys for the power companies misunderstand this plain language of the plain-speaking Chief Justice of the Supreme Court.

But it was argued by the attorneys for the power companies that the Government did not have the right to build or purchase transmission lines to carry this energy; that it must sell at the switchboard, where their client was the only customer prepared to receive it.

The Chief Justice answers that argument in the following language:

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.

Then the Chief Justice proceeds to shatter the glass house of the complainants in the following unmistakable language which sums up the gist of this lawsuit:

Certainly—

Says the Chief Justice—

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.

In other words, the Supreme Court has sustained the right of the Federal Government to build these dams on navigable streams and to generate the electric power inherent in the flow of those streams. It is declared that this power is the "property of the United States" and can be disposed of just as could any other property belonging to the United States; and that the Government had the right to purchase these transmission lines, or to do whatever else was necessary to be done in order to transport this power to the market.

This decision sustains everything that has been done or is being done by the T. V. A., so far as the construction of dams, the purchasing or building of power lines, the generation, sale, and transmission of electric energy are concerned.

It is a complete victory for the Government and for the consumers of electric light and power for all time to come.

Now let us electrify every farm home in America at T. V. A. rates!

THE DUFFY COPYRIGHT BILL, S. 3047

Mr. DEEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a radio talk made by myself last night.

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

There was no objection.

Mr. DEEN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following radio address delivered by me over the red network of the National Broadcasting Co., Wednesday evening, February 19, at 10:30 eastern standard time:

Ladies and gentlemen, there is pending before the United States Senate for consent to ratification the International Copyright Convention, to which convention approximately 40 of the leading countries of the world are parties, including all of the English-speaking nations. The essential purpose of the convention is to furnish protection to authors, composers, and producers of literary, musical, and artistic productions from infringement.

In 1931 the convention was before the Senate for consideration. Hearings were held on the entire copyright situation by the Senate Committee on Patents in 1931 and by the Committee on Patents of the House of Representatives in 1931 and 1932.

In 1934 a subcommittee of the Senate Committee on Foreign Relations conducted hearings. At the request of the Senate Committee on Foreign Relations, the interdepartmental committee on copyright, named by the Departments of State and Commerce, and the copyright office in the Library of Congress undertook the work of assisting and cooperating with Members of Congress in the preparation of appropriate copyright legislation which was deemed necessary and essential prior to further consideration of the International Copyright Convention by the Senate.

The Copyright Convention in revised form was again transmitted to the Senate on February 19, 1934, with the request from the President of the United States that the advice and consent of the Senate to adherence thereto on behalf of the United States should be accorded. After consideration by the Foreign Relations Committee of the Senate, the committee reported to the Senate the Copyright Convention Treaty on April 18, 1935, and it was approved by the Senate on April 19, 1935, without a dissenting vote, but a few days later it was placed back on the Senate calendar to await legislation from the Senate Committee on Patents. After hearings which gave all persons who had any objections to the bill as introduced an opportunity to be heard, and after careful consideration by the committee, the Duffy bill, S. 3047, was reported to the Senate by the Committee on Patents, and the bill was passed by the Senate without a roll-call vote on August 7, 1935. The Senate now proposes to approve the copyright convention as soon as appropriate action is taken by the House of Representatives.

As a member of the Committee on Patents of the House of Representatives, to which the Duffy bill has been referred, I am advocating prompt and favorable consideration of this legislation. Doubtless the House of Representatives will wish to make a few amendments designed to improve the bill, but in its essential features the bill seems to fulfill the outstanding needs of copyright legislation.

Under the provisions of our existing copyright laws there is a minimum statutory penalty of $250 for infringement, with a maximum penalty of $5,000. I contend that the owner of the copyright should be justly compensated in case of infringement. This is a property right guaranteed under the Constitution; however, there is no more justification for minimum damages of $250, irrespective of the loss or damage done, than there is for a minimum penalty of $250 in case of a collision between two automobiles.

Because of the unfairness of this provision of existing law, public sentiment has not been in sympathy with its enforcement. Federal courts have therefore found it exceedingly difficult to enforce the provision of minimum damages. The Duffy bill eliminates this provision and leaves it discretionary with the courts to determine the minimum amount of damage or liability in case of infringement.

The bill provides that the Federal courts shall award sufficient statutory damages to prevent infringement and such as may be just, proper, and adequate, in view of the circumstances of the particular case.

The maximum penalty is changed from $5,000 to $20,000. This is deemed appropriate in view of the increased value of copyrighted works. It should be emphasized that under these provisions of the Duffy bill larger benefits will accrue to producers, composers, and authors.

One of the outstanding features of the bill consists in what is generally referred to as the "right of divisibility"—that is, the copyright may be divided so that the sale of the right for one purpose does not include the right for any other purpose. Although it is possible under existing law to secure the right of divisibility by private contract, such procedure as is required under existing law is unsatisfactory. The proposed law specifically recognizes that an author can sell book rights to a publisher, serial rights to a magazine publisher, motion-picture rights to a producer of motion pictures, dramatic rights to a dramatist, etc. This will result in larger remuneration to authors, producers, and composers.

Subsection (d) of section 1 of the act of 1909 is amended by adding: "That the right to produce a motion picture shall include the right to exhibit it." This provision is added to prevent an author who has sold motion-picture producing rights from contending that he is entitled to prevent the picture from being exhibited.

Under existing law, the right of registration of unpublished manuscripts is permitted only in a very limited number of cases, for a period of 28 years, renewable for a like period of time. The Duffy bill provides for a single term of 56 years and permits the registration of manuscripts of all kinds.

Under the present copyright law, a photographer may copyright a photograph which he has made of a person and the person cannot publish or permit his friends to publish his own photograph. The Duffy bill corrects this ridiculous situation by inserting in subsection (c) of section 62 of the act, as amended by section 28 of the bill, as follows: "Copyright in the photograph of a single individual shall not be had except with the written consent of the person photographed."

In order to protect their interests, many producers of literary and artistic works years ago formed an organization which is appropriate and indispensable—just as are organizations among those who labor and among farmers. A large percentage of the song writers and composers of this country maintain an organization known as the American Society of Composers, Authors, and Publishers, to which have been confided the performing rights of their music. This organization has grown strong and powerful in its operation. The presence in the law of the inflexible provision requiring the courts to award not less than $250 for each infringement, regardless of the damage done or loss sustained, is a sort of legalized subsidy to this organization in the form of a supercharge or extraordinary bargaining power, frequently resulting in high license fees and often in double license fees to those who desire, as consumers, to use copyrighted works.

Whenever a work in which it holds performing rights is broadcast, the broadcaster remunerates the copyright owners, usually by a fixed percentage of the advertising returns of the broadcast. After a broadcasting company has paid the organization for the right to broadcast copyrighted music, there should be no further charges, either to the affiliated radio stations or to the consuming public who have radios or receiving sets; however, under the provisions of our present copyright laws as enacted in 1909 and now stand on the statute books, every owner of a radio in the United States which is used for the least possible commercial purpose is liable for the minimum damages of $250.

In other words, every drug store, dry-goods store, furniture store, hardware store, grocery store, barber shop, bootblack stand, cafe, restaurant, hotel, boarding house, beer parlor, amusement and dance hall, newsstand, and any and all other commercial places of business where radios and receiving sets are maintained and through which copyrighted music is received, are subject to damages of not less than $250 for each infringement on a copyrighted piece of music, unless they have obtained a license from the copyright holder. The minimum penalty or damage of $250 furnishes copyright owners a basis for bargaining with consumers, with the result that the charge to the consuming public is almost prohibitive.

Proprietors or managers of these places of commercial business have no way of knowing whether or not music is copyrighted. Under the provisions of existing law if they receive copyrighted music over their radios in their places of business they can be sued in the Federal courts, and the judges of which have, under the law, no discretion with respect to the minimum damages which are fixed at $250 for each infringement. If a radio in a drug store, or any other place of business, by way of illustration, receives 25 pieces of copyrighted music in 1 day, then the minimum amount of damage would be $6,250. This would be rather expensive music for one store in 1 day.

How can a proprietor or manager know when to cut off his radio in order not to infringe on a piece of copyrighted music? He has no way of knowing. The broadcasting companies cannot be blamed, because they have already paid the copyright holder for the right to broadcast the music.

A recent and concrete illustration of what occurred in New York City on February 3 will serve to show the seriousness of the present situation. Damages in the amount of $670,000 were asked by the Remick Music Corporation in a suit filed in United States District Court against the Columbia Broadcasting Co. The Remick Music Corporation contends that the song, "That Old Fashion Mother of Mine" was broadcast over a network of 66 stations, and the song entitled "Some Sunny Day" was broadcast over a network of 68 stations. The Music Corporation is asking the maximum penalty of $5,000 each for the 134 stations or a total of $670,000 for the two songs.

Of course, the Remick Music Corporation has no definite way of knowing or proving what commercial places of business had their radios tuned in to receive these songs. It is therefore difficult and practically impossible for the company to single out and name individual places of commercial business and undertake to collect damages, hence the suit is filed against the Columbia Broadcasting Co., even though the broadcaster had paid or will pay for the right to broadcast the two songs.

Granting that there was infringement, the amount of damages asked for is absurd, but it impressively illustrates the essential and absolute importance of needed revision and amendment of our existing copyright laws. Since the broadcaster pays for the right to broadcast copyrighted music it is nothing less than pyramiding of fees to require affiliated stations and consumers by means of receiving sets in their places of business to pay for it again. This is wrong. It would be equally wrong for a manufacturer or owner of a patent on a manikin or model of the human body to undertake to collect additional fees or charges on his product from proprietors of dry-goods stores, after these places of business had purchased the manikins or models on which to display their merchandise. This supercharge in the form of a license or penalty of $250 will, if continued, destroy the source of consumption of musical and dramatic works.

Because of this condition, it seems clearly evident to me that the time has come when Congress should speedily and quickly enact legislation to correct this situation. I have read and studied carefully Senate Report No. 896 from the Committee on Patents, also Senate Executive Report No. 4 from the Committee on Foreign Relations; also the Duffy bill, S. 3047, and after due consideration I am convinced that the Duffy bill should be promptly and forthwith enacted into law. There is every reason

why the international copyright convention, if agreed to by the Senate and made effective by participation on the part of the United States, will do justice to authors, composers, and producers. Likewise, provisions of the Duffy copyright bill, when enacted into law will be fair to authors, composers, and producers and, at the same time, will be most beneficial to the consuming public.

Article I, section 8, of the Constitution empowers Congress, "To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

The convention for the protection of industrial property comprising patents and trade marks was established and signed originally at Paris on March 20, 1883. The United States has been a party to this convention for the protection of industrial property rights since 1887. The convention, of course, has been revised from time to time and our patent laws have also been revised and amended accordingly. This protection provided for on behalf of the United States for the owners of patents and trade marks is highly essential and important. It is equally important that the same protection be given producers in the literary and artistic fields.

The United States has become a great exporter of books, magazines, musical and artistic productions, and the rights of American authors, producers and composers should be safeguarded by the Federal Government against infringement in foreign countries.

Two months of the present session of Congress will soon have passed and no action on the part of the Committee on Patents of the House of Representatives has been taken on the Duffy copyright bill or on any other copyright legislation. No hearings have been held by the Committee on Patents of the House of Representatives, either at this session or during the session of 1935. In my humble judgment and opinion, prompt and immediate consideration should be given this matter by the committee. Meritorious legislation should never be pigeonholed, but should be considered and enacted or defeated on its merit or lack of merit. I sincerely believe you will join me in the hope that the Duffy bill should forthwith and promptly be considered and enacted into law.

Thank you.

PERMISSION TO ADDRESS THE HOUSE

Mr. STUBBS. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes out of order.

Mr. JONES. Mr. Speaker, I am sorry, but a number have made such requests of me, and we have requests for twice as much time as we have available, and I hope the gentleman will not press his request.

Mr. STUBBS. I shall not press it, Mr. Speaker.

CONSERVATION OF AGRICULTURAL LAND RESOURCES

Mr. JONES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3780) 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 pending that I ask unanimous consent that the time for general debate be extended not to exceed 4:45 o'clock this afternoon, the time to be divided and controlled as stipulated in the rule.

Mr. SNELL. Mr. Speaker, reserving the right to object, does the gentleman expect to go any further today with the bill than general debate?

Mr. JONES. I expect to go no further today than to offer some corrective amendments about which I think there will be very little controversy. Aside from this we will go over until tomorrow for the offering of general amendments.

Mr. SNELL. The gentleman expects simply to start reading the bill today?

Mr. JONES. We shall probably read the bill, and then I shall offer three or four corrective amendments, and if there is any particular controversy over them we will rise, and the bill will be left open for general amendment tomorrow.

Mr. SNELL. The entire bill will be open for amendment tomorrow?

Mr. JONES. Yes.

Mr. HOPE. Mr. Speaker, I presume the understanding will be that the additional time will be equally divided and controlled between the gentleman and myself?

Mr. JONES. Yes; I embodied that in my request.

Mr. BOILEAU. Mr. Speaker, reserving the right to object, will the gentleman tell the House what he proposes to do with reference to the so-called La Follette amendment put on the bill in the Senate?

Mr. JONES. I have not gone into that as yet.

Mr. BOILEAU. Is it the present intention of the chairman to include that as one of the perfecting amendments?

Mr. JONES. No; that is not my present intention. I have not gone over that amendment. I expect to go over some additional amendments tonight.

Mr. BOILEAU. Then, as the matter stands at the present time, those who are interested in that amendment will be required to offer the amendment and make a fight for it?

Mr. JONES. So far as I know.

Mr. BOILEAU. Unless the chairman changes his mind.

Mr. JONES. Unless I change my mind; and I may say that I have not gone into the amendment.

Mr. SNELL. As I understand, the bill will be open for any germane amendment tomorrow?

Mr. JONES. Yes.

The SPEAKER. The gentleman from Texas moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3780; and, pending that, asks unanimous consent that general debate be continued on the bill and be confined to the bill, and be concluded not later than 4:45 this afternoon, the time to be equally divided and controlled between himself and the gentleman from Kansas. Is there objection?

Mr. TAYLOR of South Carolina. Mr. Speaker, reserving the right to object, is it the hope of the chairman at that time to begin the reading of the bill under the 5-minute rule or to begin reading the bill for amendment tomorrow?

Mr. JONES. It is the intention to begin the reading of the bill and to offer a few of what I hope will be noncontroversial amendments. Then the Committee will rise, and the bill will be open for amendments generally tomorrow.

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

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3780, with Mr. FULLER in the chair.

The Clerk read the title of the bill.

Mr. JONES. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman and colleagues, I regret that within the time allotted to me I will not have an opportunity to discuss this measure as fully as I would like to discuss it insofar as it may affect the producers of principal crops grown in my State.

I do not flatter myself to believe that I shall be able to employ language which will give additional force to the pressing necessity for the speedy enactment of this measure. I desire, however, to make a few brief observations and to remind you of the uncertainty which has existed in the farm homes of the country since the invalidation of the Agricultural Adjustment Act, and of the further fact that since January 6 the public mind, generally, has been greatly agitated. The circumstances press heavily upon us for the enactment of a valid and an adequate substitute for the Triple A. While I believe that this act is a valid substitute, if, indeed, it can be called a substitute, frankness requires me to state that in my opinion it is far from an adequate substitute.

Notwithstanding the Supreme Court decision, I can contemplate with some degree of satisfaction the success achieved under the Agricultural Adjustment Act. I know that it was an honest and sincere effort to furnish the farmer with the machinery which would enable him to gain control of his own business and to become the master of his own household. I know that it brought happiness to the hearthstones of the farm homes of my State, and the farmers of North Carolina are grateful to this administration for its efforts in their behalf. While no one would suggest that the Triple A was perfect, yet even its critics must admit that it worked well while it was working and accomplished its immediate objectives, to wit, the wiping out of price-depressing crop surpluses, the restoration of balanced production and of the

farmers' purchasing power. Because of it we do not have a rural economic crisis today such as we had 3 years ago.

While I do not find myself in accord with the political and economic philosophy of the majority opinion in the Butler case, I accept that opinion as the law of the land. I have no quarrel with the Court, nor with our system of government. I still believe that it is the best system yet to be devised by the mind of man. While I have confidence in the Court, likewise I have an abiding faith in the final judgment of the American people, who, after all, constitute "the court of last resort." In this democracy the people are supreme, and they alone have the right to review decisions of the Supreme Court. As to a review of the decision in the Butler case, I am willing to leave that to the judgment of the people and to the necessity and wisdom of the future. As a lawyer, I attach, perhaps, more than ordinary sanctity to the Constitution, but, in my opinion, our Constitution, our laws, and our institutions should go hand in hand with the progress of the human mind. The Constitution was written by men for the welfare and protection of the people; it should never be weakened, and may God forbid that it should ever be destroyed. If, by amendment, it can be strengthened, then it is our duty to amend it. But that is a matter for the future; we are not amending the Constitution. No judicial decision should be considered an immutable interpretation of the organic law.

We may not at all times agree with the decisions of the Supreme Court, but I predict that the day will come when we will thank God for the Court and its powers. It is a vital and a necessary part of our great system of government. But certainly the Supreme Court's decision in the Triple A case has not relieved us of the duty and the responsibility of attempting to deal with what we consider a national problem of great magnitude, if we can deal with it within the framework of the Constitution.

While I am willing for the States of the Union to remain clothed in the glorious garments of sovereignty, I am unwilling to regard the agriculture problem as merely a problem of local concern. The fallacy of the statement that it is only local, and not national, is more fully realized when we study the bill now under consideration.

I am sure that from the standpoint of immediate relief to the farmer this bill will not be nearly as effective as was the Triple A. From the standpoint of immediate relief, I am frank to state that it is even a poor substitute for the Triple A, but at the same time it is considered the best that we can enact under the present circumstances, and I am sure that it will mean much to the welfare and happiness of those whom I have the honor to represent and to the people of the Nation as a whole. While it is not what the farmers want, I anticipate with confidence that they will embrace it as another conscientious effort to afford relief to agriculture.

What the farmers want is control. They know that unless they are able to control production or increase consumption no farm program will succeed. They know that surplus crops depress the price of their commodities, and they are sick and tired of producing surpluses which the world does not want and cannot buy. The theme song in all agricultural programs in recent years has been, "Without control no farm program can succeed." In other words, the farmer wants equality for agriculture. That is the cry of every farmer and every farmer's friend. It is the beautiful pledge and promise of every party's platform, and yet it is only a hope, the consummation of which is devoutly to be wished. Equality for agriculture shall yet be achieved and the blessings and burden of Government shall yet be fairly and equitably distributed. In the language of that great Democrat who adorns the White House, "We shall not retreat."

If by remaining in session we can devise a better plan than the one under consideration, a more effective plan for aiding the stricken farmers of the Nation, I for one am willing to stay here until the end of the year.

The Triple A was predicated upon the idea that the Federal Government had a right to control production, prevent surpluses, and thereby conserve the fertility of the soil. This bill is predicated upon the idea that the Federal Government has the right, working through the agencies of the States, to preserve the fertility of the soil and, as an incident thereto, to control, remotely, the production of great surpluses which are wasting, depleting and destroying the fertility of the soil.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. COOLEY. I yield.

Mr. FITZPATRICK. Will they take this acreage out of production if the bill is passed?

Mr. COOLEY. I think that this bill contemplates a change in the method of farming and not control.

Mr. FITZPATRICK. And that will reduce production, will it not?

Mr. COOLEY. That, I understand, will be one remote effect of the program.

Mr. FITZPATRICK. And the consumers will have to pay more for the necessities of life.

Mr. COOLEY. That might be one of the natural results, but not necessarily so.

Then you may say: "You are attempting to do indirectly what you were prevented from doing directly." That is not at all necessarily true. The control of the production of a particular agricultural commodity, or of particular agricultural commodities, may be considered as a local matter and yet, at the same time, the conservation of the fertility of the American soil, a national natural resource of first importance, may still be considered a problem national in its scope, and one with which the Federal Government may deal. Certainly, when we think of soil fertility we cannot think of it as anything else but a problem which is as national in its scope as is the very Nation itself. The snow, the wind, the rain, the flood waters, and the sunshine know no State lines and respect no State rights. Well do we remember how within the last 12 months the high winds of the West swept with force and fury across State lines in great clouds, carrying upon its wings the fertile soil of Oklahoma and landed it even upon the very dome of this Capitol. Yet men say that this soil erosion and wind erosion and these dust storms are but local problems. When the heavy rains come in the hills and mountains and sweep down through the canyons and gorges with tremendous force and volume, dashing across State lines, gathering momentum and power as they go, carrying within the bosom of its flood waters the fertile soil of a State; across the lines of other States and on into the Gulf or the sea, who is willing to say that this is a local problem? Who can say that the flood waters which sweep down from the mountains of New Mexico, down through the panhandle of Texas, is a local problem? Who would suggest that the police power of a State could say to the flood waters of the Mississippi, "recede, you have no right to enter this Commonwealth; you are a local problem of your own State"?

Our very civilization depends upon the soil. Are we, as a nation, helpless to protect it? Shall we sit supinely by and permit America to join the decadent parts of China and Asia Minor, once opulent and magnificent, but now stripped of their fertile soils and buried in the dust-destructive exploitation of resources? I need not argue this question further.

We are told by those who know that the dust storms of May 1934 swept 300,000,000 tons of fertile topsoil off the great wheat plains of the West; that 400,000,000 tons of soil material are washed annually into the Gulf of Mexico by the waters of the Mississippi; that generally water and wind erosion together each year remove more than 3,000,000,000 tons of topsoil. They tell us that 100,000,000 once fertile acres of farm land, equal to Illinois, Ohio, Maryland, and North Carolina combined, have been essentially destroyed for profitable farming; that another 125,000,000 acres are seriously impaired; and that another 100,000,000 acres are threatened—all belonging to the best farm lands of the United States.

This, in dollars and cents, we are told, means an annual loss to the landowners of the Nation of not less than $400,000,000. They tell us that the cumulative loss may be conservatively stated as already not less than $10,000,000,000, and that if the wastage is not stopped in another 50 years

the cumulative loss will reach the staggering figure of twenty-five or thirty billion dollars.

Men and Nature must work hand in hand. The throwing out of balance of the resources of Nature throw out of balance also the lives of men. The ruthless exploitation of our land resources must cease. Men cannot continue to violate basic arrangements which Nature will not tolerate. On December 19, 1935, the Secretary of the Interior transmitted to the President a report entitled "Little Waters: A Study of Headwater Streams and Other Little Waters." This report deals comprehensively with a great national problem, and I commend it to the careful consideration of every man, woman, and child interested in the conservation of a great national resource—the fertility of American soil. In my opinion this report should be made available to every student of agriculture and every farmer in the country.

The Triple A was declared unconstitutional because:

First. The act invaded the reserved rights of the States.

Second. The processing tax therein provided for was levied upon one group, the processor, for the benefit of another group, to wit, the farmer, and was not levied for the general support of the Government, and was in advance appropriated to the uses of the statute.

Third. The money so extracted was used to purchase compliance with contracts, binding upon the growers who had signed them, a compliance which the Congress was powerless to command.

Fourth. The regulation sought was not, in fact, voluntary, for that the power to confer or withhold unlimited benefits is the power to coerce or destroy.

May I point out that in the proposed act no processing tax is provided for or levied?

And, further, may I suggest that the proposed act provides for no contract of any kind or character which in any way might be binding upon the farmers of the country?

And, last, may I say that the farmers, and all of them, are footloose and free to do as they please, and no one can penalize them.

Now, let us consider a few statements in the opinion in the Triple A case. What did the Court mean by the following language?

> We are not here concerned with a conditional appropriation of money, nor with a provision that if certain conditions are not complied with the appropriation shall no longer be available. By the Agricultural Adjustment Act the amount of the tax is appropriated to be expended only in payment under contracts whereby the parties bind themselves to regulation by the Federal Government. There is an obvious difference between a statute stating the conditions upon which moneys shall be expended and one effective only upon assumption of a contractual obligation to submit to a regulation which otherwise could not be enforced.

What did the Court mean by the following language, none of which is in any way necessary or pertinent to the decision?

> We are not now required to ascertain the scope of the phrase "general welfare of the United States" or to determine whether an appropriation in aid of agriculture falls within it.

Is it not clear that the Court intended to suggest that under the general-welfare clause of the Federal Constitution we could make grants of Federal funds in aid of agriculture?

Is it not clear that the Court intended to suggest that we could, in the absence of contracts binding upon farmers, make conditional appropriations, with provision that if certain conditions are not complied with the appropriation shall no longer be available?

Does not this bill seek to use the power of the general-welfare clause of the Constitution?

Does it not make conditional appropriations of money, with provisions that if the conditions are not complied with the appropriation will no longer be available?

With processing taxes, binding contracts, and coercion out of this bill, why are we not following the "pathway of the law" within the framework and provisions of the Constitution?

In this day of legal triumphs and defeats and 5–4 decisions, not even the best constitutional lawyer in the country can assure us that any act of Congress is or is not constitutional.

It is not easy for men to divorce themselves from their economic and political philosophies. No man is infallible, but all men may be honest; and we are justified when we act upon honest convictions and beliefs as to the constitutionality of proposed legislation. I believe that the conservation of soil fertility is a national problem, and that this act is constitutional, and I hope it will pass.

The bill under consideration amends the Soil Conservation Act reported by our Committee on Agriculture and enacted into law April 27, 1935, by inserting after section 6 of the original act the provisions of this bill and designating the next section as section 7, and sets out the purposes of this act as:

First. Preservation and improvement of soil fertility.

Second. Promotion of the economic use of land.

Third. Diminution of exploitation and unprofitable use of national soil resources.

Fourth. Provision for and maintenance of a continuous and stable supply of agricultural commodities adequate to meet domestic and foreign consumer requirements at prices fair to both producers and consumers thereof.

Fifth. Reestablishment and maintenance of farmers' purchasing power.

The first part of the bill relates to a temporary plan which is considered as an emergency measure, to be in operation only for the years 1936 and 1937.

The second part of the proposed legislation has to do with the establishment of a permanent plan which, in my opinion, will be of great benefit to agriculture. The permanent plan begins on January 1, 1938, and will provide for Federal grants of money to the States to enable each State to carry out its new program for agricultural rehabilitation. The respective States will have from now until January 1, 1938, to work out their own program and to pass necessary farm legislation in order to be eligible for Federal grants. In the meantime, the temporary program will operate as a stopgap and enable us in some degree to hold the gains made under the Agricultural Adjustment Act.

Three of the five general purposes I have heretofore mentioned relate to both the temporary and permanent features of the bill. The temporary program gives the Secretary of Agriculture the right, under certain conditions, to grant aid to and make benefit payments to agricultural producers as individuals to January 1, 1938. After the permanent program begins all aid granted by the Federal Government will be in the form of Federal grants to the respective States, made upon certain conditions laid down by the Secretary of Agriculture. Upon the Federal grants the States, in turn, will deal with the individual farmers.

Under the temporary plan the Secretary of Agriculture will deal directly with the farmer, through his authorized agencies, carrying out the purposes of the temporary plan, which are:

First. Preservation and improvement of soil fertility.

Second. Promotion of the economic use of the land.

Third. Diminution of exploitation and use of national resources.

This is obviously strictly a land-conservation program and has no reference whatever to particular agricultural commodities or to farmers' purchasing power. Taking it another way, the farmers are to be paid benefits based upon:

First. Their treatment or use of their land, or a part thereof, for soil restoration, soil conservation, or the prevention of erosion.

Second. Changes in the use of their land.

Third. A percentage of their normal production of any one or more agricultural commodities designated by the Secretary of Agriculture which equals the percentage of the normal national problem of such commodities required for domestic consumption.

If the Secretary determines that the farmer has cooperated and complied with the purposes, the conditions, and the requirements of the program, he can make benefit payments to the farmer in proportion to the extent of the land so used and treated by the cooperating producer. There is, as I have before stated, no contract which is binding on anyone. The

farmer can cooperate or not, as he pleases. He can either take it or leave it.

I am anxious for this bill to be passed as early as possible, to the end that the Secretary may make his calculations and announce his program, setting forth definitely the conditions of the appropriation, to the end that the farmers may know how to proceed with their planting. If the farmer must in the fall show that he has complied with the conditions, certainly he has a right to know before the crop is actually planted with just what conditions he is expected to comply.

The success or failure of this program, of course, depends largely upon the rules and regulations prescribed by the Secretary of Agriculture and the manner of its administration. Necessity requires that in the administration of this program the Secretary of Agriculture be granted broad power and wide discretion, and as much as I would like for the bill to spell out the duties and provide for a yardstick to be used in the administration of the law, it would be obviously quite difficult for anyone other than an expert, familiar with all of the various phases of agricultural activity, to provide a yardstick of great value. We can only hope that the conditions of the grant will be reasonable and that the act will be wisely, fairly, and impartially administered.

Under the permanent features of the bill, of course, the State plan proposed must conform to the purposes of this act and be approved by the Secretary of Agriculture before the State can secure Federal aid. In determining the amount of money to be apportioned to any State, the Secretary must take into consideration:

First. Farm population of the State.

Second. The value of agricultural commodities produced in the respective State during a representative period.

Third. The acreage and productivity of land adapted to agricultural production in the respective State during a representative period.

Of course, if the State fails to adopt a proposed and satisfactory program suitable to the Secretary of Agriculture, or, after adopting a program, fails to administer it properly, the Federal aid provided would no longer be available. Surely no agricultural State will fail to accept the benefits provided for in this bill.

Those opposing this measure have denounced it as a fraud, a subterfuge, and camouflage. In my opinion, it is a bold, courageous, and substantial effort to deal with a very fundamental national problem. If the proposed method of dealing with this great problem is declared unconstitutional, then I am frank to state that it appears that it will be almost impossible to provide for the passing of any benefits on to the farmer or to enact legislation that will directly benefit those who till the soil or own and control the lands of America. [Applause.]

Mr. TOBEY. Mr. Chairman, I rise in opposition to this bill. As a member of the committee I signed the minority report.

I have great respect for the ability and character of the chairman of our committee and regret that I cannot go along with him in his views on this bill.

This bill is not the handiwork of the House Committee on Agriculture, however; it was drawn up outside, then laid before us, and we then made minor changes in it. We asked for but could not have public hearings on it, and only the Secretary of Agriculture and his Administrator appeared before us for a short period. This is not as it should be. It is the function of our committee to draft its own bills pertaining to agricultural administration, but we have never once done so in my memory. Always the administrative bureau which is to administer and enforce the law drafts and shapes the very bills which are to control its operations. It is a vicious, unsound scheme of things, and I cannot approve such practice.

Mr. Chairman, I hold this bill is largely a subterfuge; that it was drawn up to circumvent the recent Court decision.

It is called the Soil Erosion Act, but the original bill of that title, which this bill amends, is only being used as a vehicle to carry on the ideas and aims of the Department of Agriculture.

We have made soil-erosion appropriations for many years in Congress. Last year the amount appropriated was $27,000,000, but if this is an honest-to-God soil-erosion bill, does not it strike you as strange that the amount should be jacked up from $27,000,000 in one session to $440,000,000 in the following session? That disparity alone proves that the bill is not what it is claimed, and had the Supreme Court not made the decision which it did on the A. A. A. there would have been no material increase for soil erosion this year and we would have heard little of that subject.

To me the temporary part of this bill is a specious attempt to get around that decision.

I do not intend to be unkind, but I feel that it would be within the truth if, to the title as printed on the face of this bill, there should be added this clause, "and to continue the flow of Government checks to the vast voting agricultural population in the hope and expectation that they will support the Democratic national ticket on November 2 next", but that, Mr. Chairman, would be using language to convey thought and not to conceal it.

The outstanding objection that many of us had to A. A. A. was the concentration of such vast power in the hands of the Secretary of Agriculture. In making this statement I have no thought of personalities, but of the office itself.

If that was an objection to the original A. A. A. and its amendments, it constitutes a stronger objection to this bill which grants to that official even greater centralized powers, giving him the power to spend approximately one-half billion dollars of the people's money, in payments or grants to farmers, with no limitations as to how the money should be spent. I know of no instance where greater authority has been given.

A byproduct of the unusual, unsound procedure which has been followed the last few years, is the development of a state of mind and lust for power which, to me, constitute danger signals, and I offer one incident which came up in our committee while the bill was being read.

In that part of the bill which is now section 14 (then sec. 11), it stated that "notwithstanding any other provision of the law the action of any officer or employee in determining the amount of or in making any payment under this bill should not be subject to review or audit except by the Secretary of Agriculture."

By this we were asked to empower the Secretary of Agriculture to make cash payments to farmers of approximately one-half billion dollars, with no check or audit to be had of these payments except by him or his department. Stop and think what that implies. Such action would be akin to amending the banking laws of the country, so that no bank examiner could audit the accounts or books of any cashier, but that the bank officials themselves should be the only reviewing or auditing agency. Or amending all accounting laws covering fiduciaries, so that no trustee, executor, or administrator of an estate would be obliged to have his accounts reviewed by the courts, but instead the said executor, administrator, or trustee need only satisfy himself as to the accuracy or honesty of his actions.

It is a sobering thought that we have a state of mind existing in a great department of government which would allow it to even suggest such a thing, let alone to ask that it be written into the law.

I offered an amendment to strike out this provision and to leave the matter of audit with the Comptroller General, where it ought to be, and finally this change was made.

But, Mr. Chairman, I was not then wholly satisfied, because I was curious to know what public servant possessed so abnormal a mind as to believe that only the Secretary of Agriculture should audit the payments of one-half billion dollars which the same Secretary of Agriculture was to make. So I asked the representative of the legal department appearing before our committee, who requested that this language should be a part of the bill, but he refused to tell me. Your guess is as good as mine; but danger signals are flying over the Nation when such attempts are made by any department head to thwart the sound practice of audit and to arrogate to himself such unprecedented powers.

I am not a lawyer, but believe that the temporary feature of this bill at least is unconstitutional and runs athwart the decision, and that the Secretary and his assistants still cherish the philosophy of control of production and scarcity and aim to use this bill to those ends.

They are attempting to make production control incidental to soil conservation and thus placate the Court.

Inwardly apprehensive as to its constitutionality, they salve their fears by the thought that no one will bring suit to test the matter in the courts, there being no tax provision embodied in this bill.

Mr. Chairman, the dairy industry is the principal farm industry in the section of New England which I represent. I believe that this bill is fraught with danger to that industry. Confronted with a surplus condition for many years, heroic efforts have been made to maintain a balance between production and consumption, and the dairy industry has been helped by marketing agreements.

But this bill threatens to undo recent progress by the dairy farmers and is a menace to their welfare. Under this bill, payments will be made out of the Federal Treasury under the guise of soil erosion. Land now producing cotton, wheat, corn, and tobacco will be taken out of production, and in place of these crops these acres will be planted to legumes and grasses and other forage crops. Cattle will be turned onto these lands to feed and there will be a greatly increased production in dairy products and livestock. The picture is well given in the report of the gentleman from Wisconsin [Mr. BOILEAU] and in our minority report which I signed.

A statement which clearly points out the injustice which would accrue to our dairy farmers is made by the National Cooperative Milk Producers' Federation. I quote:

> Only a small percentage of dairy farmers will be eligible for the benefits provided for in this bill. Dairy farmers have in the past and are continuing to practice a type of farming which promotes soil conservation and prevents soil erosion. They already have a system of rotation in effect which provides for the production of grasses and forage crops and thus they will be unable to make shifts in their production which would entitle them to benefit payments.

As a matter of fact the Secretary of Agriculture and the administrator came before our committee and stated that a great part of this land would be used for production of grasses and legumes, and that the farmers accepting this arrangement would receive subsidies for changing over; but they also admitted that thereby dairy and livestock production would be materially increased and that the program of this bill would encourage livestock production in areas now used exclusively for other types of farming.

We of the minority oppose any program which will result in dislocation of agriculture in this country and oppose any Government program which has for its purpose the payment of a subsidy to one group of farmers at the expense of another group engaged in honest agricultural pursuit.

Some proponents of this legislation state that there is no compulsory control of production, but that it is purely voluntary. Admitting that, the Court cited the voluntary feature by stating in its decision:

> But if the plan were one of purely voluntary cooperation it would stand no better so far as Federal power is concerned. At best it is a scheme for purchasing with the Federal funds submission to Federal regulation of a subject reserved to the States.

I believe this statement applies to the bill before us.

Under this bill the Agricultural Administration will advise the farmers of the terms and conditions upon which payments will be made to them. When, as, and if, the farmer accepts that offer and terms, I hold that it constitutes a contract.

In conclusion, this is the greatest delegation of power, in my judgment, that has been made since 1933. We are shortly to raise by taxation one-half billion dollars, approximately, to provide for the payments authorized in this bill, to be placed in the hands of the Secretary of Agriculture, and the only limitations controlling him are confined to what the Congress sets forth the object of the bill to be. He has the sole power under section 11 to make such rules and regulations as he sees fit.

This bill is weak in that it makes no provision to assure the consuming public that they will have adequate supplies of food products and that there will not be a rising tide in the prices of farm products through continuance of the policy of scarcity.

I yield to no one in my interest in and sympathy with farmers' problems. For years my family and I lived on a New England farm and made our living therefrom. I have run the gamut of experience incidental to that life. I stand ready to cooperate earnestly and conscientiously for a constructive farm bill which will give needed aid and benefits to our farmers under a long-term program to be given ample and immediate hearings before the duly constituted committees for that purpose; but I am opposed to being put in a position where I am told that I must vote for this bill, as there will be no other farm-aid bill coming before the House.

I am not going to swallow legislative monstrosities under threats or in the interests of political expediency.

Believing this bill to be unconstitutional, I do not propose to vote for it or any other bill which appears that way to me merely because there is no way for it to be brought before the Supreme Court.

I regret having to speak against this legislation. In taking the position I do today I part company with some of my good friends whose viewpoint is dissimilar to mine, but I can only be true to my convictions.

I am opposed to this bill because it is a subterfuge; because in my judgment the temporary part of it is unconstitutional; because it delegates vast and unprecedented powers to one Federal agency; because I believe it will crucify the dairy farmers of not only my section of New England but the whole Nation over; and because there is pending in our committee other farm legislation, which has not been granted any hearings whatsoever, which, could it become law, would, in my opinion, unquestionably be constitutional and would give the farmers of the Nation genuine relief and betterment. [Applause.]

Mr. JONES. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire [Mr. ROGERS].

Mr. ROGERS of New Hampshire. Mr. Chairman, it is with much embarrassment that I follow my distinguished colleague from New Hampshire [Mr. TOBEY] and take issue with him on the matters before this House in connection with this bill. I had the honor to serve with him in the Legislature of New Hampshire, and I have known him as chief executive and Governor of the old Granite State. I cannot use the language which he uses about politics, crucifixions, subterfuges, and monstrosities, and all those things in connection with this bill; and, while he says he has lived on a farm and is not a lawyer, still he believes the bill to be unconstitutional. I accept the charge of having been for 20 years a lawyer. For all my life, however, I have lived on an old farm in the State of New Hampshire. It is still my home and my mother's home; and I believe, in the interest of agriculture in New England and throughout this country, that we ought to pass this measure, and that it will stand the test of constitutionality. [Applause.] Who is in favor of this bill? Why does not my colleague tell you, as I now tell you, about a letter under date of February 13, written by the president of the New Hampshire Farm Bureau Federation, George N. Putnam, a man known and respected throughout the old Granite State, who is now serving his twentieth term as president of that Farm Bureau Federation, which has a membership approximately of 2,000? What does he say in regard to this bill? I quote his words, as follows:

> I have not had an opportunity to discuss with you the provisions of House bill 10835 of Chairman JONES of the Agricultural Committee, which I understand will be before the House very shortly.
>
> I feel that this measure is worthy of support. I believe it meets the objections of the Supreme Court contained in their decision on certain provisions of the Adjustment Act, and I believe the long-time provisions of the bill will be helpful to those

engaged in agriculture not only in New England but in all sections of the country.

In its permanent feature it provides for the development of a program by State authorities and the carrying it out in cooperation with the Federal Government. This I think is a desirable feature and will give an opportunity to our agricultural college and extension service to develop a program under one or more basic points to be considered that will be of help to the farmers of New Hampshire, and will be in accordance with sound agricultural practice.

I hope you will give your support to the measure.

I read in the RECORD of yesterday's proceedings that these remarks perhaps were engineered by Mr. O'Neal, the president of the American Farm Bureau Federation. Mr. Chairman, his letter was written on February 18, while the letter I just read to you is from a man who for 20 years has been president of the New Hampshire Bureau Federation, and it was written on February 13. I ask you, on behalf of the welfare of the farmers of New Hampshire and New England and of the country generally, to place your endorsement upon the legislation now pending before you. [Applause.]

In conclusion, let me quote the letter from Edward A. O'Neal, president of the American Farm Bureau Federation, dated February 18, 1936, expressing the Federation's endorsement of the bill now before us:

To Members of the House of Representatives:

The Jones bill (H. R. 10835) amending the Soil Conservation Act of 1935, as reported by the Committee on Agriculture, carries out in the main the recommendations of the American Farm Bureau Federation and has the endorsement and active support of our organization.

Among the commendable features of the bill, we are particularly gratified to note it provides that the agencies to administer the plans evolved by the States and approved by the Secretary of Agriculture shall be, in the main, the land-grant colleges and committees or associations of agricultural producers organized for such purpose; also that this measure places responsibility upon the States to effectuate plans for carrying out the purposes of the act, thereby giving full recognition to the sovereign powers of the States and providing for the full utilization of the powers of both governments upon which the citizen is entitled to rely. The bill gives full opportunity for the cooperation of State and National Governments in carrying out National, State, and regional programs which will enable farmers to use sound farming practices.

It is hoped that all Members of the House of Representatives will vote for the bill without material amendments, in order that it may conform to what we have asked for, and that its benefits may become quickly available.

Very respectfully,

EDW. A. O'NEAL, *President.*

Mr. HOPE. Mr. Chairman, it is my hope that this bill can be discussed and acted upon on a nonpartisan basis. Farm legislation has too long been a political football in this country. A problem of such tremendous importance and one which is purely a matter of economics should be kept entirely out of partisan politics. I realize that this is a very difficult thing to do. As far as the Committee on Agriculture is concerned, I think I am entirely correct in saying that it has considered all farm legislation from a purely nonpartisan standpoint. I do not think there has been a great deal of partisanship in recent discussions of farm legislation in the House. Nationally, however, political parties have insisted on playing politics with farm legislation. I need only make a brief reference to the matter to remind you of this. A few years ago we had a Farm Board. It was not a howling success, yet it did some good, and by means of its operations we learned a great many things. One of the principal things we learned was that it is impossible to increase or stabilize farm prices without some control over supply. The Republican Party being in power while the Farm Board was in existence, it perhaps took this lesson to heart more seriously than the Democratic Party, and as a result of the Farm Board experience and at the suggestion of many, both in and out of politics, who had given consideration to the farm problem, the Republican platform for 1932 contained this language:

The fundamental problem of American agriculture is the control of production to such volume as will balance supply with demand. In the solution of this problem the cooperative organization of farmers to plan production and the tariff to hold the home market for American farmers are vital elements. A third element equally as vital is the control of acreage under cultivation as an aid to the efforts of the farmer to balance production.

Also the following:

We will support any plan which will help to balance production against demand and thereby raise agricultural prices, provided it is economically sound and administratively workable without burdensome bureaucracy.

Now, of course, since politics is politics, in a campaign year the Democratic politicians thought it would never do for them to have the same views on agriculture as the Republicans. In any case, the unpopular activities of the Farm Board offered too good a subject for political criticism to be overlooked, so the Democratic Party's platform contained this language:

We condemn the extravagance of the Farm Board, its disastrous action which made the Government a speculator of farm products and the unsound policies of restricting agricultural production to the demands of domestic markets.

The Democratic platform also contained the following language under the list of policies favored by the party:

Extension and development of farm cooperative movement and effective control of crop surpluses so that our farmers may have the full benefit of the domestic market.

The enactment of every constitutional measure that will aid the farmers to receive for their basic farm commodities prices in excess of cost.

Even a casual glance at the planks in the two platforms will disclose that the Republican theory was one of reducing and controlling production, while the Democratic theory was opposed to the control of or reduction in production, and favored some efforts to control crop surpluses after they were produced. Furthermore, the Democratic platform expressly condemned the Farm Board policy of attempting to raise or stabilize farm prices by means of commodity loans.

What happened is enough to give a good laugh to anyone who is interested in the humor of politics. The Democratic Party won the election. It in effect adopted the policy of controlling production so as to balance supply and demand as expressed in the Republican platform. It furthermore put into effect the Farm Board policy of making loans on farm commodities at prices above the market, with the result that the Government today has more cotton on its hands than the Farm Board ever dreamed of having, and the Farm Board's lending policy on wheat has been duplicated by this administration's policy of making loans on corn. Fortunately for the administration conditions for making loans on corn were much more propitious than the conditions under which the Farm Board made its loans on wheat. On the corn loans they had the benefit of declining production, and an increase in prices, whereas the Farm Board was faced with increased production and declining prices. Had it not been for the disastrous drought of 1934 the loans on corn would likely have been just as disastrous from a financial standpoint as the Farm Board's attempts to stabilize wheat prices.

Now, any ordinary reasonable person would naturally suppose that after the Democrats adopted the Republican farm policy that the Republicans would feel pretty good about it and would proceed to lend their cooperation and even say, "I told you so." That, of course, would have happened anywhere except in politics. The question being in politics, it seems the only thing the Republicans could do was to decide that the policy which they had previously approved immediately became a bad policy when the Democrats put it into effect, and we have heard up and down the land Republican orators denouncing the Republican policy of 1932 and berating and condemning the Democratic Party for putting it into effect. All over the land we heard Republicans representing industrial districts in which the producers of industrial products had the good sense to quit producing when their warehouses were full, denouncing the Republican policy of 1932 and the Democratic policy of 1933, 1934, and 1935 as being an economic monstrosity, a program of scarcity, and something that no decent nation in its senses ought ever have done. That condemnation continued until January 6, 1936, when the Supreme Court held the Agricultural Adjustment Act unconstitutional.

For several months prior to the Supreme Court decision prominent Republicans, among them several who at the

present time are considered aspirants for the presidency, suggested as an alternative to the A. A. A. a program of soil conservation, not as a complete solution of the farm problem, of course, but as one which ought to be embraced in any program looking toward the rehabilitation of agriculture. Former Gov. Frank O. Lowden, of Illinois, who is perhaps the Republican Party's most noted authority on the farm question, has suggested a program of soil conservation and soil-erosion control which is very similar to the one embraced in the bill which we are considering today. Long before the A. A. A. decision, Frank Knox, of Chicago, prominently mentioned as a Republican presidential candidate, outlined a farm program, the most prominent feature of which was payments to farmers for taking land out of the production of surplus crops and planting it to soil-building or soil-erosion preventing crops. Governor Landon has included soil conservation as one of the chief means by which he would rehabilitate agriculture. Former President Herbert Hoover and Senator DICKINSON have made the same suggestion. In fact, this whole idea of soil conservation has been discussed publicly much more by Republicans than by Democrats—one reason of course being that a lot of Republicans thought it would never do for the Republican Party to endorse their brain-child, the A. A. A., because it had been adopted by the Democrats, and therefore they had to suggest something different. The soil-conservation program appeared to them to be a constructive alternative.

However, what do we find the situation to be today? Just about the same as it has been. Now that the administration is offering a piece of legislation which is based upon soil conservation, a lot of Republicans appear to think such Democratic endorsement has contaminated the pure and holy idea of their party spokesmen, and they are doing their best to find excuses for being against the present measure.

There are many things which can be said against this bill. There are many who honestly think that there is a better approach to the situation. I, myself, have some doubts and misgivings as to how this bill may work out in actual practice. It is going to be difficult to administer. I can see how those who represent dairy sections may have some apprehension as to what the effect of this legislation may be on the dairy industry, although I believe that their fears are exaggerated. I repeat that there are basic and fundamental arguments which can be made against this bill. Yet I do hope that we can consider it today and tomorrow as a piece of economic legislation—not as something for the Democrats to laud to the skies and for the Republicans to kick around. Whatever the final vote on this bill may be, I trust that no Democrat will vote for it simply because it is a Democratic measure or that no Republican will vote against it for the same reason. The farmers are getting tired of that sort of thing. They feel that their problems are of enough importance to be considered from a nonpartisan and economic viewpoint, and they are not going to put much confidence in any political party which considers them on any other basis.

Mr. ANDRESEN. Will the gentleman yield?

Mr. HOPE. Yes; I yield briefly.

Mr. ANDRESEN. Has the gentleman heard any Republican criticize the soil-conservation features of this measure? In the Committee on Agriculture has not every Republican been for the soil conservation?

Mr. HOPE. I think that is true. I think the minority report mentions soil conservation as being a very desirable objective, but, of course, there has been a great deal of criticism of the bill as a whole.

Mr. ANDRESEN. As a whole, only from the dairy angle, wherein it is sought to plant grasses and legumes to feed livestock and dairy cattle on the land conserved. It is the method and the motive back of it that is being criticized and not the conservation of soil.

Mr. HOPE. I think that is a very fair statement. The gentleman will recall that I mentioned that myself.

Mr. BIERMANN. Will the gentleman yield?

Mr. HOPE. I yield briefly.

Mr. BIERMANN. The assistant Republican leader on yesterday [Mr. MARTIN of Massachusetts] denounced the whole thing from stem to gudgeon.

Mr. HALLECK. Will the gentleman yield?

Mr. HOPE. I yield.

Mr. HALLECK. As a matter of fact, the plan has been denounced by some of the gentlemen on the Democratic side; is that not true?

Mr. HOPE. Yes.

Mr. KNUTSON. Will the gentleman yield?

Mr. HOPE. I yield.

Mr. KNUTSON. Is it not true that in the other body the fight against this very bill was led by some very active Democratic Representatives from New England?

Mr. HOPE. I think it is true that in the other body the consideration of the bill was largely from a nonpartisan standpoint, and I am only expressing the hope that that will be the case here; that it will be argued and voted upon purely on its merits as an agricultural measure.

Mr. RYAN. Will the gentleman yield?

Mr. HOPE. Yes; I yield briefly.

Mr. RYAN. Does not the gentleman feel that it is immaterial whether the criticism or support of the bill comes from one side of the aisle or the other, so long as the farmer gets this benefit?

Mr. HOPE. Yes.

Mr. CULKIN. Will the gentleman yield briefly?

Mr. HOPE. Yes; briefly.

Mr. CULKIN. Does not the gentleman believe that any plan of farm relief should include every type of farming?

Mr. HOPE. I do.

Mr. CULKIN. This bill does not include the dairymen.

Mr. HOPE. I would not go so far as to say that. I think possibly it may be harder to put it into effect as to the dairy industry than as to some other branches of farming. I will agree with the gentleman to that extent.

Mr. PIERCE. Will the gentleman yield further?

Mr. HOPE. I yield.

Mr. PIERCE. Is it not a fact that the bill covers all types of farmers if the Secretary so concludes?

Mr. HOPE. It does. There are no basic commodities under this bill. It covers every type of farming.

Mr. MOTT. Will the gentleman yield?

Mr. HOPE. Yes; I yield briefly.

Mr. MOTT. I take it the gentleman is not of the opinion, as has been expressed by some, that this bill is largely a political trick on the part of the administration to fool the farmer? The gentleman does not believe that?

Mr. HOPE. No; I do not believe that.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. HOPE. I yield.

Mr. JENKINS of Ohio. Can the gentleman state briefly the difference between this bill and the Hope bill?

Mr. HOPE. I will if I have time. I have some remarks that I want to make, and then if I have time I will compare the two measures.

Mr. GIFFORD. Will the gentleman yield further?

Mr. HOPE. I yield briefly.

Mr. GIFFORD. Following the remark of the gentleman from Oregon [Mr. MOTT], will the gentleman take some little time to explain that this bill is not really a subterfuge, but that it is really constitutional?

Mr. HOPE. I am going to discuss that a little later on. I am going to discuss that very question.

Mr. SNELL. Will the gentleman yield further for a short question? I dislike to take too much of the gentleman's time.

Mr. HOPE. Yes; I yield.

Mr. SNELL. The gentleman said it could apply to the dairy industry or to that part of the country engaged in dairying or producing largely dairy products. In what way could it possibly be of any definite benefit to the dairy interests?

Mr. HOPE. It can be of the same benefit to the dairy interests that it can be to any other branch of agriculture. That is, I assume the dairy farmers are just as much interested as other types of farmers in building up their soil and conserving their soil resources. They, however, to a greater extent than any other group of farmers, have been doing this very thing.

Mr. SNELL. I was going to bring that out.

Mr. HOPE. This will give them an opportunity to come in under a program and receive some Government help in doing what they have been doing right along.

Mr. SNELL. Can the gentleman from Kansas tell me what possible chance the dairy farmer in northern New York, for instance, has of getting any benefit directly from the Federal Government under this bill?

Mr. HOPE. I assume he can get the same benefit any other farmer gets if he has the same type of land. If he has land to plant with soil-building crops, he can receive from the Government the same benefit payments any other farmer receives for that purpose.

Mr. SNELL. The gentleman says, and it is also brought out in the report, that they already rotate their crops to a certain extent to conserve the soil as much as possible.

Mr. HOPE. They do.

Mr. SNELL. They are not able to diversify their agricultural interests as do the people of the Middle West; they are confined almost entirely to dairying in my section of the country, whereas in the Middle West and West they produce dairy products and other basic commodities as well.

Mr. HOPE. I said a moment ago in response to a question that I believed it would be hard to administer this bill so that the dairy farmer would get the same benefit from it that other classes of farmers will get. I think this is a fair statement of the situation.

Mr. MOTT. Mr. Chairman, will the gentleman yield for a question along this line?

Mr. HOPE. Yes.

Mr. MOTT. How will the fruit grower and the nut grower benefit under this bill?

Mr. HOPE. I do not know whether we could make this bill applicable to that type of farming or not. I doubt very much if it can be done. They, of course, are still taken care of under the original Agricultural Adjustment Act through the marketing agreement provisions which I understand in some instances have been very helpful.

Mr. MOTT. But no fruit grower or no nut grower in the State of Oregon, I may say to the gentleman, is in favor of that provision of the A. A. A.; they are all against it.

Mr. HOPE. I do not know anything about that. I simply know the provision is there and that it has been helpful in the case of some commodities.

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

Mr. HOPE. I will yield this once, but I cannot yield further.

Mr. CRAWFORD. Based on the gentleman's study of this question over a long period of time, does the gentleman know of any program which has been recommended by either the Democratic or the Republican platforms which could be carried out in a practical manner without the Secretary of Agriculture having broad power with reference to benefit payments?

Mr. HOPE. No; I do not. Frankly, I do not see how it could be done.

There are serious and fundamental objections to the present bill. However, in considering it we must keep in mind that by reason of the Supreme Court decision we are necessarily limited in what can be done. Undoubtedly, if under the Constitution Congress had unlimited authority to deal with agriculture as a national problem, we would have a bill far different from this one. This bill frankly recognizes the impossibility of attempting to control or stabilize production nationally and expressly provides that those provisions of the measure which directly concern production control shall become effective only after the period of Federal administration is passed and the States have taken over the problem. Among the more serious objections to this measure might be mentioned—

First. It will be very difficult to administer.

Second. It may further increase the problems of the tenant and sharecropper.

Third. Its ultimate effect will probably be to increase production.

Fourth. It may result in serious dislocation between different branches of agriculture and may increase the production of dairy products, beef cattle, and sheep more rapidly than such production can be absorbed by the country.

Fifth. No serious consideration has been given to the long-time phase of the program and neither the committee nor Congress has any information as to the workability of the State plan which is to go into effect as fast as the States can take it over, and must be in effect prior to January 1, 1938.

The question of constitutionality has also been raised, but I believe the bill in the form in which it was reported by the House committee to be constitutional. In arriving at this conclusion we must, of course, assume that conservation of our natural resources is a national problem and that the Federal Government can undertake any legitimate activities to promote conservation. We have assumed during our entire history that the Federal Government did have this power, as witness Federal activities in the way of reclamation, of national forests and national parks, flood control, and the Soil Conservation Act passed last year, to which the present legislation is an amendment.

By referring to the objections which I have outlined above, it will be seen that most of them deal particularly with administration. In other words, there is a fear that the administration of the act may result in some of the consequences enumerated. The answer to those questions, of course, can only be made after the act has been passed and its administration has been undertaken. The question is whether this bill—the only bill affecting the general agricultural situation which we will have before us during this session—shall pass. There are some of us who believe that there are other and better methods of handling the situation. Does that fact, however, and the fear of improper administration justify those of us who want to see something done for agriculture in voting against the bill? I think not. I do feel very strongly that before the permanent plan embodied in this bill goes into effect that extensive hearings should be held and all proposals involving a permanent solution of the problem should be considered. Certainly we should not start out on a plan which includes the taking over of this problem by the States without a very thorough consideration of what is involved and the problems which will have to be met if that plan is adopted. However, we have the assurance of the chairman of the Committee on Agriculture that hearings will be held and consideration will be given to other permanent plans and that the questions involved in State control will be gone into thoroughly.

As to the matter of administration, I do not share the fears of some of my colleagues. I have enough confidence in those who will administer this act to feel that they will carry it out in such a manner as will be most beneficial to agriculture as an industry. I think I am justified in this confidence by the way in which the Agricultural Adjustment Act has been administered. Frankly, if all other New Deal activities had been administered as well, we Republicans would have a lot less campaign thunder next fall. I, therefore, am going to support this legislation—not because it is necessarily the best that might be enacted, but primarily because it is the only bill which we have before us or will have before us at this session. I consider it most important that an agricultural program be continued. Irrespective of whether this bill meets the situation or not, there can be no doubt but what we must meet the great problems of soil erosion and soil depletion by a constructive attack national in scope. To that extent the bill has the support of every economist, and every student of farm problems. To that extent I think I am safe in saying that it has the support of organized farmers generally, although as far as I know only one national farm organization, the American Farm Bureau Federation, has announced its active support of the measure. The bill will at least enable the Agricultural Adjustment Administration to continue with its program of farm rehabilitation and in the next session of Congress it will be possible to reconsider the problem and make such changes as are necessary in this legislation or write legislation which will better meet the situation. I urge that in the interim Members of Congress, economists, farm leaders, and the 6,000,000 or more American farmers give their most serious thought and study to the question so that the Congress

which meets next January may have the benefit of their views and suggestions. [Applause.]

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

Mr. HOPE. I yield.

Mr. GIFFORD. The gentleman injected some political philosophy in his discussion of this question. I wanted to add to his remarks, that under the so-called "do nothing" Hoover administration we spent almost $500,000,000 in an attempt to help the farmer. May I interject this thought in the form of a question? He did nothing to subvert or side-step the Constitution, did he?

Mr. HOPE. I think that is a correct statement.

Mr. GIFFORD. He tried to uphold the Constitution, which he swore to uphold. I would like to ask the gentleman if he can call to mind how many Democratic salesmen there are in the State now interested in the administration of this measure?

Mr. HOPE. I presume the gentleman refers to county agents in the extension service and county committees who are administering locally the wheat, corn, hog, and other programs.

Mr. GIFFORD. I am referring to a statement made by a friend of the farmer, Mr. Peek, who states that there are from 140,000 to 150,000 salesmen in the State and they want to get it through.

Mr. HOPE. Well, I will tell the gentleman that a lot of those salesmen in the State of Kansas are Republicans. [Applause.]

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

Mr. HOPE. I yield.

Mr. MAPES. The gentleman has made a very effective and interesting talk. He stated during the course of his discussion that practically all economists approved the soil-erosion and soil-conservation features of this bill. The gentleman from New Hampshire [Mr. TOBEY] made the statement that the appropriation for these two features in former years had been something like $27,000,000 but that this bill contemplated an appropriation of $500,000,000; and he reached the conclusion that this feature of the bill is to be used as a subterfuge to carry out the other provisions, especially crop control.

I would like to get the gentleman's opinion, and, if I may, I would like to ask two questions in one. The gentleman has discussed the constitutional question. Does he think this bill sets up a sufficient standard by which to guide the Secretary of Agriculture in working out a plan to make the bill constitutional? I would also like to ask the gentleman what he thinks of this voluntary plan being circumvented by farmers who do not come under it and who increase their production when they see somebody else is decreasing production? Will not the two forces work against each other?

Mr. HOPE. That is a rather large order. I do not know whether I can answer the question in my remaining time or not.

As to the matter of appropriations which the gentleman mentioned, of course, this bill carries none; but the Senate has passed a bill, which also passed the House, that included an item of $440,000,000. Presumably that is to be used for carrying out this act.

Mr. MAPES. As far as this bill is concerned, the field is wide open?

Mr. HOPE. That is true. The appropriation for soil erosion last year constituted, I believe the gentleman said, $27,000,000. That, of course, is for soil erosion. When you get into soil conservation you are getting into a very much larger field and are embarking upon a much greater program than was contemplated under the soil-erosion program of last year. A great deal more money than $27,000,000 could be spent, of course, on soil erosion alone in any one year and many times that amount in the broad field of soil conservation.

[Here the gavel fell.]

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

Mr. MAPES. Is it not true that a large part of this money is not going to be used for soil erosion and soil-conservation purposes?

Mr. HOPE. No; I do not believe that is a fair assumption. Of course, that may depend upon what the definition of "soil conservation" is. The program, as I understand it, and the only program offered under this bill for the 2-year period, is that land will be taken out of the production of some other crop and put into soil-building crops. That constitutes a soil-conservation program, according to my definition.

Mr. MAPES. Does the gentleman think that the Secretary of Agriculture or the Government can get a sufficient number of farmers to cooperate in any program of that kind to make it effective?

Mr. HOPE. That is something I cannot answer. I think it can be done. Of course, it depends entirely on the cooperation of the farmers.

[Here the gavel fell.]

Mr. JONES. Mr. Chairman, I yield such time as he may desire to the gentleman from Indiana [Mr. CROWE].

Mr. CROWE. Mr. Chairman, conservation and utilization of the soil resources, the preservation of our forests, the preservation of fish and game are the greatest steps toward a future prosperity of the whole Nation that can be undertaken. A nation is ultimately rich or poor according to the value of its fields, forests, mines, and rivers. Deplete a given section of the earth, and the once prosperous towns and cities soon die and decay, therefore Senate bill 3780, which is now being discussed, is one great step toward bringing and keeping this Nation prosperous.

Short-sighted industrialists, greedy money lenders in the large centers are not alone obsessed with a desire to have all the money there is in the world, but their vision is short. They lack foresight and understanding. If they had knowledge and understanding, they could readily see that their values shrink and the Nation becomes bankrupt when you bankrupt the farmers. Nevertheless, the contemptible greed of the powerful interests in the big centers is not excusable. This Congress would be remiss of its duty if it failed to enact this or other suitable legislation with which to replace the A. A. A., which was declared unconstitutional by a majority opinion.

Many Members of Congress, as well as millions throughout the country, were much more impressed with the minority report than the majority report of the decision on the A. A. A. For myself, I believe that I know that the interest and welfare of the farmer is for the general welfare. The welfare of the farmer is for the general good and well-being of the Nation.

The ruin of the farmer came about by a shortage of the circulating medium, money, shortly following the World War. A systematic program of calling the loans of the farmer and home owner and a lessening of the circulating medium forced down prices on the commodities of the farm, which started a vicious cycle. First, indebtedness; next, a loan from the bank. This followed by a mortgage on the farm; that followed by foreclosure. At the same time, the farm prices went to the lowest in the history of the Nation and to the lowest of which any records have been kept. For instance in Indiana, the best corn obtainable sold as low as 8 and 10 cents a bushel, wheat 35 cents a bushel, hogs netted the farmer, at his farm, around 2 cents a pound; all other farm commodities in proportion. Tobacco sometimes did not bring the expense of market handling charges. All the while the protected market from which the farmer had to buy maintained high prices. For instance, the binder, which sold for $115 when wheat was $1.25 a bushel 25 to 30 years ago, sold for $187.50 when wheat was 35 cents a bushel. All other things the farmer bought in the protected market cost him in proportion. This vicious cycle utterly destroyed the farmer's purchasing power. When that power was destroyed it stopped the progress in the factory and mill, and labor was at once thrown out of employment. The spiral went down and down until in the year 1932, the greatest distress this country has ever known fell like a pall throughout the entire Nation. In the year 1932 farmers had practically no value whatever because a farm, like everything else, only has a value if it can pay its tax and upkeep

and give some return on the investment. When there is no return on the investment, the value goes down to zero.

Evidence that the A. A. A. and the farm program had a lot to do with general prosperity as well as prosperity to the farmers we saw in prices of the product of the farm, the principals in my State being corn, which rose from 8 and 10 cents a bushel to as high as 75 and 85 cents; hogs, which were at a low of $2 and slightly over, have ranged from $10 to $12; wheat, that was 35 cents a bushel, has been around $1 a bushel for many months. To those who complain—and when I say this I mean principally the propagandists which originate in the big money centers who shed crocodile tears for the man who has to buy the product of the farmers—I want to say to you that I well recall the days when you could go to any store in the land and buy the finest pound loaf of bread for 5 cents and wheat was selling at $1.25 a bushel; but, mind you, when you went into the store when wheat was 35 cents a bushel you then paid 9 cents for the loaf of bread. Tell me, please, how you figure that giving the farmer a fair return for his product is in any way imposing on the workingman who pays for that product? Reduce the exorbitant profits of the processors of food products, not all of which but many of which are responsible for the wide spread between the price the farmers receive and the price labor pays for the finished product.

As a further evidence that the welfare of the farmer is general welfare, I cite you to the value of the common stocks on the New York Stock Exchange of June 1932, which were of a value of approximately $13,000,000,000. January 1936 those same stocks are worth today $40,000,000,000, an increase of wealth of $27,000,000,000. Likewise, preferred stocks which were $3,000,000,000 in June 1932 have a value of six and one-third billion dollars in January 1936; and all other values, farms, homes, business property, factories, and what not have grown in like amount in value; and millions of people have secured employment and millions have received food, raiment, and shelter, who were in distress and hungry before any farm legislation was given the Nation.

Some surprise seems to be manifested in some quarters because of concern over a Supreme Court and other rulings on farm legislation which has been enacted. On that, I desire to say that the person who would not be concerned over the fate of legislation in which he is interested and which he knows is for the common good and the general welfare would not be worthy of a membership and a place in this great House of Representatives, which is known the world over to be the greatest legislative body in the world. For myself, I intend to support any and all just, fair, and equitable legislation which is in the interest of the farmer and in the interest of the general welfare.

Industry lives and has lived since the foundation of our Government in a protected market. The farmer must be placed on a parity with industry. If a protected market is necessary for business, I submit it is imperative for the farmer. We who have the interest of the general welfare at heart insist that agriculture be given what is justly due it, and we do not intend to leave anything undone toward securing equitable, just, and fair legislation for the farmers of the United States. [Applause.]

Mr. JONES. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. COFFEE].

Mr. COFFEE. Mr. Chairman, first I wish to pay my respects to the very able chairman of the Agricultural Committee, who has probably been confronted with more plans and panaceas to cure our agricultural ills than has any man in the United States. I have a high regard for his fairness and sound judgment. He has promised to consider other legislation that may help correct many maladjustments confronting agriculture which may not be helped by the bill under consideration.

I am supporting this measure because I believe in soil conservation and because I have hope that it will offer some temporary relief to agriculture until better and more definite measures can be fashioned.

Under the provisions of this bill the farmer can be paid to conserve the fertility of his soil until markets for his products can be provided. The protection of our domestic market for farm products and the expansion of foreign markets for our agricultural surpluses are essential if the farmer is to be permitted to obtain his fair share of the Nation's income.

Our national prosperity and the security of our democracy depend largely upon the prosperity of our basic industry, agriculture, upon which approximately 30 percent of our population depends for a living. The loss of our foreign markets for wheat, cotton, and pork products is largely the result of retaliation from foreign countries to the passage of the iniquitous Hawley-Smoot Tariff Act, which tended to industrialize this country at the expense of agriculture. The loss of these markets contributed largely to the collapse of agriculture. This lost purchasing power in turn curtailed the domestic market for industrial products, with a consequent reduction in employment.

In the short time I have let me point out the serious problem confronting particularly the Wheat and Corn Belts and its relation to our national welfare.

What has happened in the case of wheat? We normally export about one-third of our production and during the period 1925 to 1929 had 21.8 percent of the world's export trade, since which time our percentage has declined continually until last year we had but 4.2 percent of the world's export business; in fact we imported more wheat than we exported. A favorable season this year will produce an exportable surplus. We should fight to regain the United States' proportionate share of this export trade. In doing so it is highly essential that the domestically consumed portion of this crop shall not be forced to the world level in moving the exported portion into the competitive channels of world trade. The hole in our wheat tariff wall which allows feed wheat to come in with only a 10 percent ad valorem duty should be plugged.

The problem confronting the corn-hog producer is almost analogous. During the period of 1925 to 1929 we exported 49.5 percent or one-half of all the pork products exported by all the nations of the world. We now have only 15 percent of that world trade. We have lost approximately 1,000,000,000 pounds of our exports of pork products.

We normally supplied approximately 65 percent of the pork products consumed on the English market, while now we are permitted, under an English quota, to supply less than 8 percent of that market. The business was given principally to Denmark through trade agreements between those two countries. Some effort should be made through bilateral trade agreements to regain our proportionate share of this market.

What has happened during the last 5 or 6 years in the Corn and Wheat Belts? The farmers, in an effort to eke out an existence, have had a tendency to shift part of their production to dairy cows, potatoes, rye, oats, barley, garden truck, and to every other commodity which they could raise, in the hope that some of them would show a profit. This tendency will affect adversely all of these commodities unless export markets can be secured for the major surplus commodities.

The same problem that has affected the Corn Belt confronts the cotton States of the South.

In my State of Nebraska 72 percent of the farm income is derived from the sale of livestock or livestock products. No industry has suffered more during this depression than the livestock industry. For example, during the last 15 years the cattle producers have had but 5 years of profitable prices when feeder cattle could be sold at a price above cost of production. Those years were 1926, 1927, 1928, 1929, and 1935.

The hog producers have had a similar experience during the long period since 1920. The price of livestock has determined largely the price of corn and other feed grain.

There is a market in the United States for all the beef we produce, provided competing imports are restricted, and provided pork prices are not demoralized by lack of a market. The price of pork affects the price of all competing food products, including beef, fish, poultry, and eggs.

According to the Bureau of Agricultural Economics, the number of fall pigs in the Corn Belt is said to be about 40

percent more than a year ago. The reports as to conditions for spring farrowing indicate a 24-percent increase above last spring. This indicates the necessity for renewed efforts to regain some of our proportionate share of the foreign markets.

Contrary to general belief, the loss of foreign markets has not been so serious to the South as it has been to the North. Our percentage of the world exports of unmanufactured tobacco has really increased from 41.9 percent, 1925 to 1929, to 51.4 percent in 1934. Cotton exports dropped from 65 percent of the world exports, 1925 to 1929, to 49 percent, 1934 and 1935. A strong upward tendency has recently been shown. While the decline in cotton exports is of serious concern, let us compare the percentage of loss sustained by cotton with the percentage of loss sustained by pork and wheat in the United States share of world trade. In this connection I draw your attention to some significant statistics which I will insert in the RECORD at this point:

United States exports of leading agricultural products, 1920–35

Year ending Dec. 31	Wheat, including flour [1]	Wheat (grain)	Tobacco (leaf)	Bacon, [2] hams, and shoulders	Lard [3]	Cotton, running bales [4]
	1,000 bushels	*1,000 bushels*	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*	*1,000 bales*
1920	311,601	218,287	467,662	821,922	612,250	6,111
1921	359,021	280,058	515,353	647,680	868,942	6,385
1922	235,307	164,692	430,908	631,452	766,950	6,015
1923	175,190	98,533	474,500	828,890	1,035,382	5,224
1924	241,454	166,302	546,555	637,980	944,095	6,653
1925	138,784	86,526	468,471	467,459	688,829	8,362
1926	193,971	138,275	478,773	351,591	698,961	8,916
1927	228,576	168,307	506,252	237,720	681,303	9,199
1928	151,976	96,290	575,408	248,278	759,722	8,546
1929	154,348	90,130	555,347	275,118	829,328	7,418
1930	149,154	87,774	560,958	216,953	642,486	6,474
1931	125,686	80,311	503,531	123,246	568,708	6,849
1932	82,118	54,879	387,766	84,175	546,202	8,916
1933	26,611	7,983	420,418	100,169	579,132	8,533
1934	36,538	16,970	418,983	83,725	431,237	5,753
1935	16,015	233	381,182	61,691	96,354	5,860

[1] Wheat flour is converted on a basis of 4.7 bushels of grain equal to 1 barrel of flour.
[2] Includes Cumberland and Wiltshire sides.
[3] Excludes neutral lard.
[4] Excludes linters.

Foreign Agricultural Service Division. Compiled from official records of the United States Department of Commerce.

Cotton exports from the United States and from principal exporting countries

[Average 1925–26 to 1929–30 and fiscal years 1930–31 to 1934–35]

Year beginning July	United States	Principal exporting countries [1]	United States as percent of principal exporting countries
	Bales	*Bales*	
Average 1925–26 to 1929–30	8,579,000	13,208,000	65.0
1930–31	7,048,000	11,700,000	60.2
1931–32	8,989,000	12,369,000	72.7
1932–33	8,647,000	12,174,000	71.0
1933–34	8,366,000	13,153,000	63.6
1934–35 [2]	5,066,000	10,335,000	49.0

[1] United States, British India, Egypt, Brazil, Argentina.
[2] Preliminary.

Foreign Agricultural Service Division. Compiled from official sources.

Unmanufactured tobacco exports of the United States and of principal exporting countries

[Average 1925–29 and calendar years 1931–34]

Calendar year	United States	Principal exporting countries [1]	United States as percent of principal exporting countries
	Pounds	*Pounds*	
Average 1925–29	525,232,000	1,252,804,000	41.9
1931	524,472,000	1,217,223,000	43.1
1932	411,159,000	1,036,056,000	40.0
1933	438,936,000	980,639,000	44.8
1934 [2]	440,866,000	[3] 856,897,000	[3] 51.4

[1] United States, Netherland India, Greece, Turkey, Brazil, Bulgaria, Philippine Islands, Cuba, British India, Dominican Republic, Algeria, Paraguay, Hungary, Union of Soviet Socialist Republics, Yugoslavia, and Ceylon.
[2] Preliminary.
[3] Figures not yet available for Turkey, Cuba, and Paraguay, whose exports for 1933 totaled $101,656,000.

Foreign Agricultural Service Division. Compiled from official sources.

Wheat (including flour) exports from the United States and from principal exporting countries

[Average 1925–26 to 1929–30 and years 1930–31 to 1934–35]

Year beginning July	United States	Principal exporting countries [1]	United States as percent of principal exporting countries
	Bushels	*Bushels*	
Average 1925–26 to 1929–30	170,077,000	780,851,000	21.8
1930–31	131,475,000	819,424,000	16.0
1931–32	135,797,000	790,269,000	17.2
1932–33	41,211,000	608,572,000	6.8
1933–34	37,002,000	535,208,000	6.9
1934–35	21,532,000	[2] 511,173,000	4.2

[1] United States, Canada, Australia, Argentina, Bulgaria, Hungary, Rumania, Yugoslavia, and Union of Soviet Socialist Republics.
[2] Preliminary.

Foreign Agricultural Service Division. Compiled from official sources.

Hog products exported from the United States and from principal exporting countries

[Average 1925–29 and calendar years 1932–35]

Calendar year	United States	Principal exporting countries [1]	United States as percent of principal exporting countries
	Pounds	*Pounds*	
Average 1925–29	1,136,856,000	2,297,512,000	49.5
1932	679,229,000	2,247,532,000	30.2
1933	738,156,000	2,037,396,000	36.2
1934 [2]	596,662,000	1,712,289,000	34.8
1935 [3]	191,736,000	1,280,000,000	15.0

[1] United States, Denmark, Netherlands, Irish Free State, Canada, Poland, Sweden Hungary, New Zealand, China, Yugoslavia, Argentina, Estonia, and Australia.
[2] Preliminary.
[3] Estimated.

Foreign Agricultural Service Division. Compiled from official sources.

We included in our amendments to the Agricultural Adjustment Act last year two important provisions which are still intact and which were not invalidated by the Supreme Court's decision. Section 22 provided for the restriction of agricultural imports through the imposition of quotas.

Section 32 sets aside 30 percent of the gross customs receipts, which will amount approximately to $100,000,000 per annum. This sum was made available for the use of the Secretary of Agriculture primarily for the purpose of expanding our domestic and foreign markets. Because of compromises that were necessary the provisions are general, but nevertheless this fund can be used advantageously if confined largely to basic agricultural commodities as defined in the Agricultural Adjustment Act.

Now, let me call your attention to a tendency in connection with imports. It is a startling fact that since 1924 we have been importing more foodstuffs into the United States than we have been exporting. Many of these imports have been subsidized by foreign governments. In the various tariff bills that have been passed in the United States the tendency has been to place a high tariff on industrial products and a low tariff on agricultural products, with the result that we have been industrializing the country at the expense of agriculture. Agriculture is not demanding a general reduction of tariffs, but claims the right to be placed on an equal footing with industry.

The amount involved in the soil-conservation bill will approximate only 6 or 7 percent of the national farm income, and it cannot be considered as a cure-all for the agricultural economic ills. The farmer is not so much interested in gratuities as he is in a profitable market for his produce. The administration is anxious and willing to do everything possible to assist agriculture in this dilemma. In my opinion, two phases must receive serious consideration; first, safeguarding the home market for the domestic producer, and, secondly, the removal of price-depressing surpluses.

Mr. GILCHRIST. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, the preceding speaker took occasion to denounce the Hawley-Smoot bill as indefensible and vicious. You people promised the American people in 1932 that if you were placed in power, you would

repeal the Hawley-Smoot bill. You have a majority of several hundred in this House, you have a 2 to 1 majority in the other body; I ask you, Why have you not made good on your promise to repeal the Hawley-Smoot bill? Why talk about it—act. The people are looking for something besides promises. [Applause.]

[Here the gavel fell.]

Mr. GILCHRIST. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman and colleagues, we have before us the new farm program of the administration. I was born and reared on the farm. My close relatives are farmers. I represent a great many fine farmers.

Approximately 30,000,000 people depend almost entirely upon some form of agriculture for their support. There are more than $50,000,000,000 invested in this industry. The farmers are the great source of wealth of our country. There are few Communists among the American farmers, and I do not know of any farmer in my district who is a Communist. The farmers make up a great group of loyal, dependable, law-abiding, home-loving, God-fearing citizens. They are great promoters of the homes, the schools, and the churches—the three great pillars of our Republic. I am not only anxious to see the farmers of our Nation receive equal compensation with those who toil in industry but I also favor their receiving a return upon their investment equal to that received by those with investments in banks, mines, shops, mills, factories, and so forth. There is no problem so important to the American people as the farm problem. The Nation can only be prosperous if the farmer is prosperous. The farmer is the greatest consuming group of industry. If we build up the prosperity of the farmer we build up his purchasing power and enhance the prosperity of all the people. On the other hand, agriculture cannot prosper if industry is prostrate. The workers and investors in industry are the great consuming groups for the products of agriculture. This problem should be approached without regard to politics. The welfare of the farmers, and our country as a whole, should alone guide us in trying to find a proper solution.

HAS POLITICS AND WILL POLITICS INTRUDE?

Secretary Wallace, of the Department of Agriculture, was sponsor for the A. A. A., the potato tax, and other measures that have been held to be unconstitutional. He is the promoter of the measure now before us. Hon. George Peek, the outstanding farm leader of this country, was the first administrator of the A. A. A. After attempting to carry out that measure, he finally declared it was unworkable, and in the end would do American agriculture more harm than good. He was right. It blew up. Mr. Peek has stated that it is his belief that politics is behind this measure, and that its two main objectives are to continue on the pay roll about 140,000 or 150,000 officeholders, and to make it possible out of the $500,000,000 carried in this bill to place checks in certain farm groups' hands near election time next November. It is a matter of common knowledge now how Mr. Wallace timed the checks that were sent out in the senatorial and congressional election in 1934. My friend from Kansas expresses the belief that there is no politics in this bill. I wish I could share his faith. I might say that his faith in the New Dealers is more sublime than the faith of Abraham, Isaac, and Jacob. [Laughter and applause.]

The New Dealers are determined to reelect Mr. Roosevelt and reelect a Democratic Congress, if money and intimidation can accomplish those results. This is the first administration in the history of this country that has financed its campaigns out of the United States Treasury. You will see plenty evidences of the use of this money in politics before the November election in 1936. We went through an election in Kentucky last fall. I regret to say that never before in my recollection was there so much bribery, intimidation, and fraud in a Kentucky election. It grew out of the tremendous sums of money that were sent to Kentucky, and that would probably result even if it had been in the hands of any other political party. It is the natural and logical consequence of such action. Democrats some day will regret financing political campaigns out of the United States Treasury.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. VINSON of Kentucky. Will my good friend point out to me any specific instance where money was used in Kentucky last year and any instances of fraud?

Mr. ROBSION of Kentucky. I wish to discuss this bill. It would require all the time allotted to me, and more, to detail what I know on that subject. It is now common knowledge that there were letters sent from Washington to the relief people in Kentucky urging them to vote the Democratic ticket, because the letter claimed that the Democratic Party had given the relief people the money. There were letters sent by the Democrats from Louisville to all parts of Kentucky along the same lines; and I saw copies of many letters that were sent by the Democratic campaign chairmen in the counties of my district to the people on direct and work relief in Kentucky urging them to vote the Democratic ticket, and if the Republican candidate for Governor should be elected direct relief would stop. The Democrats knew that the relief would stop anyhow.

Mr. VINSON of Kentucky. There are 20 counties in my district, and I never heard any complaint in my district.

Mr. ROBSION of Kentucky. I am afraid the gentleman was not looking for it.

Mr. VINSON of Kentucky. I think I am as observant as the gentleman himself.

Mr. ROBSION of Kentucky. The relief workers handed it around to the relief clients that they must all vote the Democratic ticket if they wanted relief to continue.

Mr. VINSON of Kentucky. In a good many counties in my district the Republicans are in charge of relief.

Mr. ROBSION of Kentucky. Where?

Mr. VINSON of Kentucky. I can name at least 8 out of my 20 counties.

Mr. ROBSION of Kentucky. If there is any Republican in my district in charge of relief, it is because the New Dealers believe he voted the Democratic ticket, and not because he or she is a Republican. They do permit a few Republicans to work in the ditches. Anyone can see the favoritism and partisanship in the handling of relief and relief work in Kentucky.

Mr. VINSON of Kentucky. Of course, it is better late than never.

Mr. KNUTSON. One of the Washington newspapers reproduced a facsimile copy of a letter sent into Kentucky telling them to vote the Democratic ticket if they wanted to stay on relief.

Mr. ROBSION of Kentucky. I have many letters in my files sent to me last fall. These letters were sent out by Democratic county chairmen of various counties. I know what I am talking about, but I cannot devote more time to the conditions of the Democrats in Kentucky as I desire to speak on the bill before us.

NO HEARINGS

The farm problem is the most important problem that will likely come before Congress at this session. We could not better employ our time than in finding a sane, just, and permanent solution of this problem. The New Dealers crowded through the A. A. A., potato tax, cotton tax, and other measures. They have cost the American people more than one and one-half billion dollars in taxes. It will require $300,000,000 more to carry out the contracts that have already been made with the farmers, and the other day we appropriated the money for that purpose. I voted for it because I thought the Government ought to carry out the contracts that it made with the farmers. Nearly $300,000,000 of processing taxes have been collected and not paid over to the Government. After the A. A. A. was held to be unconstitutional these taxes were adjudged to be returned to the persons from whom they were collected, but they were in the hands of the processors and, in most cases, no doubt, these taxes had been handed on to the people in the higher cost of living. Now the question is how to get these taxes

back to those who paid them. There have already been hundreds of law suits about the A. A. A. and will be thousands of other law suits growing out of it.

After the President had crowded through a "rubber stamp" Congress the cotton tax, the tobacco tax, and the potato tax acts, they appeared so unconstitutional that he, himself, sent a message to Congress and asked Congress to repeal those measures, and they were repealed. So, after 3 years, this beautiful house built of cards by the New Dealers has fallen in ruins, and we have nothing left except about $1,500,000,000 in taxes created and about 150,000 new office holders on the backs of the taxpayers. With this situation confronting us, it seems to me that we ought to use great care in writing this new farm bill. I was surprised to learn that the Committee on Agriculture held no open hearings. Not one of the leaders of the great farm organizations was called before it, no proof was taken down, not even the statement of Mr. Wallace, and his assistant, Mr. Davis, who appeared before an executive session of the Agricultural Committee. We do not know what is in the mind of Mr. Wallace as to how they are going to spend this $500,000,000 that they are preparing to ask for. I have never known of a measure of this importance to be handled in any such manner as that. The Members of Congress and the American people are entitled to have this proposal explained to them before we are called upon to act.

POWER TO DISCRIMINATE AND DICTATE

It is claimed that the main purpose of this bill is to prevent soil erosion and to provide for soil conservation; and we have it from hearsay that this plan of Mr. Wallace is to take some forty to fifty millions of acres of cotton, wheat, and corn out of production and have that land planted to grass, legumes, and alfalfa, and in that way cut down the acreage on cotton, wheat, and corn and make cotton, wheat, and corn scarce in this country; and he will pay these people so much per acre for the land put in alfalfa and grass, but it makes Mr. Wallace an absolute dictator administering this law.

A good Democrat who made a speech for this bill yesterday admitted that there are no limitations on Mr. Wallace in administering this law. There never was an administration in all the history of this country that was so grasping for power as this administration. Their cry has been from the beginning "more money and more power"—more commissions, more bureaus, and more bureaucrats.

Under this measure the Secretary of Agriculture can send his agents over the country, and he and they will be the sole judge as to who will receive the benefits of this money and the amount to be paid per acre. This will help the big cotton planters of the South and the big wheat and corn growers of the West and Northwest, but I am afraid it will be a positive injury to a very great majority of the people in my district, including farmers, other citizens, miners, and railroad workers. This measure will not include stock raisers, fruit growers, poultry raisers, tobacco growers, dairy business, sheep, cattle, hogs, and truck gardeners. These items of agriculture amount to a great deal more than cotton, corn, and wheat. We produce no cotton in my district. We consume more than 100 times as much wheat as we produce, and we consume at least 3 or 4 times as much corn as we raise.

The dairy people and stock raisers of the Nation are up in arms against this measure, because Mr. Wallace has said that that particular group of farmers that may be selected by Mr. Wallace and his assistants to put their lands in grass and be paid for it can at the same time produce cattle, sheep, hogs, and provide feed for dairy cows. The dairy and stock people say that this will cause a great surplus of meat and dairy products and will bring down the price of cattle, hogs, sheep, lard, butter, and milk. In my district the farmers get their big money from raising cattle, hogs, sheep, and tobacco, and the housewives get their cash for themselves and families from the sale of butter, milk, poultry, and eggs, so this measure will work a hardship on the farmers of my district and the small benefits they may get from cutting out some wheat and corn will be greatly overbalanced on account of the other features, while the working people and other people of my district will be hard hit because of the increase in the cost of living for cotton goods, flour, corn, and meal.

I favor a farm program that will give relief to all branches of agriculture, treat all of the farmers of our Nation alike, and I favor a farm program that will be permanent. It is admitted that this measure is a makeshift proposition. In fact its main purpose, in my opinion, is for the 1936 election. A great many constitutional lawyers in the House and Senate, who are friends of agriculture, contend that it is unconstitutional. Of course this will be pushed through Congress, and $500,000,000 will be turned over to the New Dealers. The money will be spent or obligated by the next November election, and then, after the election, this measure will go to the Supreme Court and, under the rulings of the A. A. A., will be held unconstitutional. I have been informed that the National Grange, believed by many to be the greatest farm organization in this country, and the Farmers' Union and many other great farm organizations are opposed to this measure. They do not think it is a solution of our farm problem.

DESTRUCTION VERSUS CONSERVATION

President Roosevelt, when he was a candidate for President in 1932, declared it was foolish to think about restoring prosperity on the farm by limiting or having a cut-out system of farm production. He said in substance that scarcity could not produce prosperity, and he pledged himself that no such policy would be inaugurated in his administration. We all know how flagrantly that policy was disregarded and repudiated. Under the A. A. A. and other measures, 7,000,000 head of hogs were burned, killed, or destroyed; 10,000,000 acres of cotton were plowed up; wheat, corn, tobacco, and other crops were plowed under and destroyed; and we took more than 40,000,000 acres of good, productive land out of production, at a total expense to the American taxpayers of nearly $1,500,000,000. This administration, at the same time, spent hundreds of millions of dollars on irrigation and reclamation projects with the purpose of bringing millions and millions of acres of unproductive land into production. One policy diametrically opposed the other.

We are told that we are going to bring about prosperity through scarcity—a policy that has never worked out successfully in the 50 centuries of the world's history.

This measure provides that after 1938 this big money is to be cut out and there are to be set up a sort of A. A. A. in Kentucky and each of the other 47 States in order to have any farm program. Instead of having one A. A. A., we are to have 48 A. A. A.'s. They will not put on this 48 A. A. A. business this year because this is an election year and they must have a free hand here in Washington to hand out $500,000,000.

This measure speaks of "conservation", but until the Supreme Court hit the New Dealers, their whole idea was the destruction of stock and crops. Now, however, they give the same thing a new name and call it "conservation." It is the "daddy."

It is conservation so far as the big cotton, wheat, and corn farmers are concerned. It will do very little for the little farmer who produces some wheat or corn, and it is bound to hit the stock, dairy, poultry, fruit, vegetable, and tobacco growers.

In 1933 and 1934 we were destroying and getting rid of our stock. Under this bill, livestock and dairy cattle must be increased so as to eat up this increase of 40,000,000 acres of alfalfa and other grass, and that will create a surplus of livestock and dairy products.

I confess that I cannot understand the farm policy of this administration. We burned and destroyed millions of pigs, we plowed up and destroyed our cotton, wheat, and corn, and yet, as my Democratic colleague said a few minutes ago, we have opened the flood gates to farm products from foreign countries. While we were paying farmers not to produce corn in this country, the imports of corn from foreign countries in 1935 increased 2,500 percent over 1934. While we were paying people to destroy millions of pigs

and hogs in this country, the imports of pork products increased 3,200 percent in 1935 over 1934. While we were destroying our cattle and paying farmers to do so, the imports of beef products increased 6,000 percent in 1935 over 1934.

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

Mr. ROBSION of Kentucky. I am very sorry I cannot yield at this time. My time is very limited.

There were also brought into our country in 1935, 276,324,000 pounds of hides, 256,525,000 pounds of tallow, 158,758,000 pounds of carpet wool, and 69,762,000 pounds of canned meats.

AMERICAN FARMERS' MARKETS GIVEN TO FOREIGNERS

I confess that I cannot understand this strange policy. According to the New Dealers, we have too many acres in production in this country so that we must tax the farmers of my district and the workers and others throughout the country to support a program of destruction and scarcity like this. At the same time our Secretary of State, who is an out-and-out free trader, has made reciprocal trade agreements with many countries of the world. They have opened up our gates and pulled down our protective measures so that this country is now flooded with corn from Rumania in the central part of Europe; wheat, beef, and hides from South America; meats and dairy products from Europe; eggs from China; and textiles and other products from Japan.

I am very anxious to help the American farmers, and the big thing we can do for the American farmers is to preserve American markets for American farmers and not give our splendid markets over to the farmers of every other country of the world. It always has been a Republican policy to protect the American farmer, the American laborer, and American industry.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I am very sorry; I cannot yield. I have just a few minutes left.

You Democrats talk about the bad year of 1932. You say it was the worst.

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

Mr. HOPE. I yield the gentleman 3 minutes more.

Mr. ROBSION of Kentucky. You speak of 1932 as the zero hour of the depression, yet in 1932 this country exported 4,500,000 more bales of cotton than it did in 1935; it exported 95,000,000 more bushels of wheat in 1932 than it did in 1935; it exported 530,000,000 more pounds of animal products in 1932 than it did in 1935. The exports of this country in 1932 greatly exceeded our exports in 1935. In fact, our balance of foreign trade in 1935 was less than it has been at any time in 25 years, and I might say that there was the greatest scarcity of food a year ago than there has been in this country in 43 years, although, according to the recent statement of Mr. Hopkins, Relief Administrator, we have more than 20,000,000 people that still need relief from the Government.

Is not it amazing that we continue to destroy food and the necessaries of life when we have 11,401,000 unemployed workers in this country and more than 20,000,000 people hungry and cold?

No nation ever had prosperity with scarcity. Wealth is not plucked from bushes or trees. It comes from the product of our factories and farms and the earnings of our people.

The dairy farmers are denouncing this bill. They insist that this 45,000,000 acres that is to be cut down on cotton, wheat, and corn and put into alfalfa and other grasses must not be used for the purpose of pasturing cattle, sheep, and hogs, or for the purpose of feeding the dairy herds. These acres, too, must lie idle.

So there you go. If the cotton farmers are entitled to a scarcity, why should not the stock farmer; and if the wheat farmers are entitled to a scarcity, why should not the dairy farmers; and if the corn farmers are entitled to a scarcity, why not the tobacco farmers?

It has been well established that it would require 50,000,000 acres of productive land in this country to produce the corn, wheat, meat, and other farm products sent into this country from foreign lands in 1935, together with our cut-down on exportations for 1935, and it means something to this country not to use 50,000,000 acres of good land. That means unemployment for millions and millions of farmers and farm hands. The Cotton Act alone put 500,000 tenant cotton farmers of the South on relief or on the highways looking for homes and work.

Let us in a proper and effective manner, without favoritism or politics, develop a real program of conservation of our soil and work out a helpful, permanent program for all branches of agriculture and save this great American market for farm products of American farmers, and let this program be substantial, helpful, and permanent, and not a mere makeshift for the election year of 1936.

I know the needs of the farmers and the people generally in my district. This measure, as it now stands, will hurt them instead of help them. I trust that this bill may be amended so as to do justice to each and all the various groups and classes of agriculture. [Applause.]

Mr. JONES. Mr. Chairman, I yield such time as he desires to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Chairman, there are dangers in this bill, as just pointed out by the gentleman from Kentucky [Mr. ROBSION]. But, after all is said and done, is it not the best bill that we can get to aid the farmers of the country? We cannot get everything that we would like to have. I am sure there are many of us who would like to revise this bill, but we have to take what we can get under the limitation of the Supreme Court opinion. And I sincerely hope that no one will be actuated by partisan motives in the consideration of this legislation. Because the gentleman from Kentucky happens to subscribe to the Republican faith is certainly no reason why he or any other Member of the House should oppose this legislation. Its benefits will accrue to Democrats and Republicans alike. I assure him that if his party will offer a better bill which will stand the acid test of the Supreme Court, I will support it.

As one who has given much thought and consideration to this farm program prior to the introduction of the bill, and during its consideration, I must confess that I approach this subject with mixed thoughts of elation and misgiving. Ever since the Supreme Court, by divided opinion, held the A. A. A. unconstitutional, those of us who appreciate that agriculture is the backbone of this Nation have been seriously concerned about some substitute legislation to take its place.

We realized in the outset that no legislation that could be enacted would be satisfactory to everyone concerned. In fact, there are times when I seriously doubt that any legislation can be enacted which will permanently assist the farmers of this country. To begin with, the question must be approached from the national rather than a local point of view. Those of us who hail from the South and are interested in cotton principally must appreciate that the wheat farmers of the North and West, the tobacco growers of the South, the potato growers of practically all sections of the country, and the corn producer of the South and West must also be taken into consideration.

Under the Bankhead bill, the Kerr tobacco bill, and other similar laws, we found that many inequalities and injustices were wrought in the administration of the law and that much dissatisfaction prevailed as a result thereof. It is my hope that many of these inequalities and injustices may be obviated in the administration of this law which the Congress is about to enact.

Of one thing, however, we are certain, and that is that whatever may be our misgivings about the administration of this law, something must be done, because we realize that the farmer faces an acute situation and that a national emergency exists.

There are those from the manufacturing East and the great metropolitan centers who are opposed to this legislation in the interest of the farmer, and who would be opposed to any other legislation of a similar nature, or which had for its purpose Federal assistance for the agricultural interests of the country. They are concerned chiefly, if not solely, with the interest of the manufacturer. For many years in this country these sections and these interests

have profited at the expense of the farmer through a tariff system. They have grown wealthy at the expense of the agricultural sections. Under a highly protective tariff system they have been given a tariff on their manufactured products on the theory that the American manufacturer was to be protected against the products of a similar nature produced in foreign countries by cheaper labor. Under this system the farmer, and especialy the southern farmer, has produced his cotton without any benefits, such as the benefits of the tariff system to the manufacturer. He has been forced to hoe his own row, so to speak. He has been forced to sell his cotton to the textile manufacturers of the East, who, in turn, converted this cotton into cloth and sold it under the protective-tariff system. As a result, the manufacturers have grown opulent, while the farmers have grown poorer.

The purpose of this and similar legislation, therefore, is to attempt at least to place agriculture on a parity with industry.

Therefore, Mr. Chairman, while this bill falls far short of what many of us had hoped it might be, and notwithstanding the fact that it delegates power and authority to the Secretary of Agriculture, who will administer it, far beyond the power and authority which I should like to see designated to any man; and even though I realize that the power of administration delegated in this bill may result in inequalities and injustices in its administration, I feel compelled to support it because of the underlying principle that it carries of assisting in the equalization of agriculture with industry.

But, Mr. Chairman, I desire to here and now call the attention of the Secretary of Agriculture to the inherent dangers that lie in his administrative power. It is desired that in its administration he will see to it that the small hill farmer receives the same proportionate consideration in the benefits to be derived as the more wealthy bottom land, or delta farmer. Let me also point out to the Honorable Secretary of Agriculture that in this time of highly politicalized conditions in the country, if politics is tolerated in the administration of this law, the whole program is doomed. The average farmer does not desire special privileges at the hand of the Government. He only asks for—and I hope that he may receive under the provisions of this act—equal and fair treatment with his neighbor.

Mr. Chairman, we have seen in the administration of some other laws, which were intended for the benefit of the distressed people of this country, the politicalization of the agencies which were entrusted with their administration. And we have seen, notwithstanding the noble purposes of the President and of the Congress in the initiation and passage of the legislation, that their purposes have been defeated by politics.

In conclusion, Mr. Chairman, may I say that in spite of my misgivings about this bill, I realize that it is possibly the best bill that we could get, limited as we are by the decision of the Supreme Court of the United States and other circumstances existing; and I shall, therefore, support the legislation, my misgivings and apprehensions to the contrary notwithstanding. It is the best we can do. I cannot by my voice and vote turn my hand against the farmers of my district, State, and Nation by refusing to give them the benefits of this legislation because it does not meet with my unqualified approval.

For, whatever objections may be pointed out to this legislation, and I admit that such exist, yet the fact remains that under the provisions of this bill there will be some $500,000,000 distributed among the suffering farmers of America in the next year and a like amount the next year. Their burdens will be lightened to that extent. This enormous sum of money will represent the difference between poverty and comfort for many of the farmers of this country. The benefits derived under this distribution will mean that thousands of farmers in my own State and district will be able to pay their taxes, to save their farms from foreclosure, to send their children to school, and to furnish many necessities and comforts of life that they otherwise might be deprived of. [Applause.]

Mr. JONES. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. CREAL].

Mr. CREAL. Mr. Chairman, answering the gentleman from Kentucky [Mr. ROBSION], who was very much afraid that if this does some good it might have some politics in it, I say to the gentleman from Kentucky that the flood of letters I receive daily from partisan Democrats make this one comment, that this is a strange sort of Democratic administration, when the C. C. C. camps' foremen, and relief workers, and three out of every four holding jobs in this Democratic county are Republicans. I say to you that in my own county, the birthplace of Lincoln, a strong Democratic county, one man whose family had been taken care of when he was looking after the cattle, and then in construction project work, has a wife who was feeding the relief children at the school lunch, and that lady was appointed as Republican woman campaign chairman last November in my county.

As I have said before, in the records of this House, as evidenced by the speeches and the votes of the minority side of this House, the Republican Party is not for the farmer, for the well-known reason that the brains and money of the Republican Party is centered in the New England States whose industry is in another line, and now here comes the only Republican in Congress from Kentucky raising the only voice heard from Kentucky against the merits of this bill. His district for years furnished the largest Republican majority of any one district in the United States. He sees the Roosevelt program as evidenced in the last election breaking up that Republican Gibraltar and it perturbs him.

If a hungry man was fed or given employment by this administration and he felt kindly toward it for so doing he would have a right to vote his thanks if he saw fit.

All the people most all the time are inclined to support those who do something for their welfare. I think this administration has really leaned backward in its effort to show that the purposes of the New Deal is the welfare of the people as a whole and not for political fence building, and in order to fully demonstrate the sincerity of this perhaps more Republicans have been given more positions in some localities than they were justly entitled to according to population, but let us not lose sight of the great object and aim of this bill and all the others in the past, which have come from the administration, that object being to promote the general welfare of all the people.

It was Herbert Hoover who first proposed plowing up every third row of cotton and cutting down every fourth row in the orchard to make production and consumption on equality. The gentleman from Kentucky lifted no voice in protest then but on the contrary supported him. In other words, whether the benefits to farmers from this bill be large, medium, or small, I take it that he is willing to let the bill and the farmers go to hell, for the great fear that it might popularize the present administration. As staunch a Democrat as I am I could never take that attitude on so great a question if it would help the farmer, regardless of whose politics it helped or hurt. Public welfare must always come first. A good slogan is "Seek ye first the welfare of the whole people, coupled with honest and industrious service, and political preferment will take care of itself."

A man can have political principles for general guidance, but they should never so blind him as to cause him to want to deny a public service affecting public welfare, regardless of who takes credit for the good deed. The truth of the matter is if it is something the people want they do not give a rap who gave it to them, and if it is beneficial they enjoy it just the same.

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

Mr. JONES. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. KLEBERG].

Mr. KLEBERG. Mr. Chairman, in 10 minutes it will be manifestly impossible for me to cover my personal views, much less comment on the views expressed by many others on this bill, and with some of whom I disagree. At this juncture I ask unanimous consent to insert in the RECORD an

article by Mr. Edgar W. Smith, vice president of General Motors Export Corporation, entitled "Industry's Alliance with Agriculture." It is a short article, of about two pages, appearing in the January issue of The Nation's Agriculture.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. KLEBERG. I ask unanimous consent at this juncture to revise and extend my remarks by including therein certain statistics and figures.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. KLEBERG. Now, Mr. Chairman, before going into a discussion of the bill, inasmuch as I know I cannot cover the subject in 10 minutes, I want to make this brief announcement that I know is of interest to all Members, and particularly of long-time colleagues of my good friend, the distinguished and able gentleman from Texas, JAMES P. BUCHANAN, chairman of the House Committee on Appropriations, with whom I had a short visit this morning. Mr. BUCHANAN made this statement: "The damn doctors permitting, I will be up there to vote for the farm bill on tomorrow when the vote is taken." This indicates that the gentleman from Texas [Mr. BUCHANAN] has returned closely enough to good health to speak in due and ancient form. [Applause.]

Mr. McCORMACK. Will the gentleman yield?

Mr. KLEBERG. I am always delighted to yield to my distinguished colleague from Massachusetts.

Mr. McCORMACK. Just so the gentleman from Texas may not be misunderstood, when he said "damn doctors", he spoke in a complimentary sense, I assume? [Laughter.]

Mr. KLEBERG. Why, of course. They have done a fine job on him. For your information, our own Dr. Calver was present and laughing at the time.

Now, Mr. Chairman, in going into a discussion of the particular bill before us, I think it would be interesting to note that the article I first asked permission to insert has a definite and direct bearing, under its title, on the situation which in reality is responsible for this legislation. It has a direct bearing on the question of whether or not we are willing at this time to recognize certain pertinent facts with reference to agriculture's erstwhile condition as of a short time ago, and agriculture's earning and buying power as of today.

For purposes of continuity the following table showing registrations of new motor vehicles by States, taken from Automotive Daily News, based on compilations by R. L. Polk & Co., compares 1932 registrations with 1935 registrations by States. A comparison between the registrations in agricultural and nonagricultural States is enlightening. Automobile manufacturers are not alone among industrialists who have profited, along with agriculture, through the increased buying power of the rural inhabitants. There are about 44,000,000 of these; and, of course, this addition to the ranks of consumers, from a national standpoint, has directly resulted in the increased sale of industry's products.

The table follows:

Registrations of new motor vehicles by States

[Source: Automotive Daily News, based on compilations by R. L. Polk & Co.]

State	Passenger cars		Motor trucks	
	1932	1935 [1]	1932	1935 [2]
Alabama	8,375	28,570	1,982	9,870
Arizona	2,529	9,048	566	3,010
Arkansas	7,049	17,828	1,467	7,350
California	70,721	183,534	10,732	29,400
Colorado	10,252	24,129	2,001	6,560
Connecticut	17,578	37,597	3,056	7,050
Delaware	3,182	7,119	597	1,455
Florida	13,936	32,476	2,894	8,400
Georgia	14,153	38,270	2,544	11,050
Idaho	2,109	11,084	673	4,020
Illinois	62,094	169,686	7,863	22,200
Indiana	29,202	86,930	4,849	19,160
Iowa	19,525	63,910	4,154	12,330
Kansas	14,789	47,287	3,119	9,460
Kentucky	14,192	34,256	2,819	9,020
Louisiana	10,627	27,415	1,844	7,350
Maine	7,908	12,920	2,240	4,050

[1] December sales estimated for 20 States.
[2] December sales estimated for all States.

Registrations of new motor vehicles by States—Continued

State	Passenger cars		Motor trucks	
	1932	1935	1932	1935
Maryland	18,097	34,887	2,953	7,000
Massachusetts	50,804	86,924	7,290	14,660
Michigan	60,186	167,442	6,402	20,410
Minnesota	24,626	65,458	4,858	13,080
Mississippi	5,829	18,219	1,476	6,400
Missouri	39,018	74,915	7,645	16,100
Montana	4,039	17,405	1,150	5,960
Nebraska	11,260	34,227	2,108	6,200
Nevada	1,326	3,512	320	1,010
New Hampshire	5,467	9,699	1,152	2,390
New Jersey	48,338	82,253	7,505	13,220
New Mexico	2,334	7,996	817	3,930
New York	148,322	232,748	19,943	36,600
North Carolina	15,280	55,990	3,620	13,720
North Dakota	3,959	12,612	786	3,160
Ohio	64,961	171,650	8,753	23,240
Oklahoma	17,027	48,426	2,594	11,420
Oregon	6,491	23,780	1,451	5,970
Pennsylvania	95,340	189,770	15,618	31,600
Rhode Island	7,958	14,419	1,152	2,150
South Carolina	6,811	23,419	1,213	5,450
South Dakota	4,001	13,531	704	3,035
Tennessee	11,696	37,313	2,031	9,570
Texas	44,594	130,397	8,819	31,950
Utah	2,729	10,825	758	3,560
Vermont	4,062	7,187	972	2,410
Virginia	20,813	45,813	4,105	11,040
Washington	11,471	33,579	2,031	9,570
West Virginia	10,166	26,083	1,844	6,720
Wisconsin	25,410	72,568	4,522	13,100
Wyoming	2,367	6,206	613	2,148
District of Columbia	13,257	29,009	1,368	2,760
Total	1,096,328	2,620,321	180,413	511,118

This is more than a farm bill. When we go back through memory's lane just a short distance we will be carried back to the time when depositors in banks were definitely assured, in the main, by then thought well-groomed convictions that they had lost all they had; when county and State tax delinquencies were so prevalent as to be the order of the day; when citizens in all walks of life found themselves unable to meet their obligations, all of this giving definite and irrefutable evidence of a crisis, not to say anything about the lamentable and desperate picture of American citizens out of employment and without hope. Without a quick-acting bill, without a temporary bill at this juncture, following the decision by the Supreme Court on January 6, invalidating the A. A. A., it should be manifest that it was not only proper but necessary that some stop-gap legislation, having at least a reasonable indication of being able to hold agricultural earning power from a desperate slump downward, was necessary. This stop-gap legislation, of course, was considered as being only possible within the latitude left by the decision of the Court before mentioned. In fact, the real genesis of this legislation is to be found in the above summation and is really what has brought us to this soil-conservation, soil-protecting, and soil-rebuilding bill.

I pause here briefly to call attention to some matters that occurred in debate on yesterday, during which I sat and listened with all attention to statements made by distinguished Members of the House, members of my own committee. I see the gentleman from Minnesota [Mr. ANDRESEN], my able and distinguished friend, just before me. Mr. ANDRESEN made a statement yesterday during the consideration of this bill with reference to the cattle population, from certain figures which he took from the Department of Commerce census, published on January 1, 1935. I quote the gentleman from the RECORD:

> During the last 5 years, from 1930 to 1935, there has been an extension of the livestock and dairy industry throughout the United States. In 1930 the cattle population was approximately 63,895,000 head. In 1935, on January 1, according to the recent census, we find the total is 68,284,000, an increase of over 5,000,000 head of cattle. This increase has taken place largely throughout the Southern States. It has taken place there more so than in the States usually engaged in the production of livestock and dairy products.

Mr. ANDRESEN. Will the gentleman yield?

Mr. KLEBERG. I yield for a question.

Mr. ANDRESEN. The figures that I quoted yesterday came from the agricultural census of 1935 and gave the cattle population as of April 1, 1930, as 63,805,000.

Mr. KLEBERG. That is the figure the gentleman quoted. To my good friend's credit be it said that I am certain he had no intention to misquote or incorrectly quote, through accident or otherwise, but rather a discrepancy between tables was responsible for this error. The facts are, and I quote the figures from the United States Livestock Report of January 1, 1936, released on February 14, that in 1930 there were 61,003,000 head of cattle and calves instead of, as the gentleman stated, 63,805,000, which he has since explained as being the cattle population as of April 1. The gentleman left out the 1934 figures, which were 74,262,000 head, and we find the figures as of 1935, 68,529,000, a reduction of 5,732,000, as between 1934 and 1935; and in 1936 the figures show 68,213,000, thus showing a definite trend downward since 1934 instead of upward, as the gentleman's figures would indicate. The general picture is therefore quite different.

The next question I desire to take up, and to which I shall not have time to do justice, is the question of the amendment so earnestly urged by my distinguished young colleague from Wisconsin, Mr. BOILEAU. I unhesitatingly say with reference to my fine young friend from Wisconsin that if I were as vehemently concerned as he is over the probable disastrous effect to his Wisconsin dairy industry if his amendment is not adopted, I would doubtless feel just as he does. I cannot, unfortunately, become so concerned when I consider, from a personal experience in both the dairy and beef-cattle business, that one of the outstanding lessons to be learned with reference to dairy production, as well as beef production, in pounds of butterfat or beef, or both, is that dairy products, as well as beef poundage, increases at all times when the prices of dairy feed or cattle feed are low. My distinguished young friend forgets that with reference to beef cattle, for instance, 50 percent more poundage in beef can be put on a steer by feeding him corn than by feeding him for the same period of time on grass. Ordinary, average arithmetic would teach us not to view with alarm this piece of legislation as proposed without amendment, nor to believe, as some of my good friends state, that it is a bewhiskered Mephisto in disguise in an effort to regiment and control agricultural production. This in spite of the Supreme Court decision, which, I take it, under the rules of procedure practiced, the established precedents of this body, and the traditions and tenets of our Government, would expect Members of Congress generally not only to respect their oaths to support the Constitution of the United States but, at the same time, to respect the attitude of fellow Members on that question.

On yesterday the gentleman from Wisconsin stated that Secretary Wallace, while editor of a great farm paper in 1921, coined the slogan, "Less corn, more alfalfa, more money." Now, I do not know what my distinguished young friend understood the Secretary to say in person before the committee, but, according to my best recollection—and I was present at the time—the Secretary argued that the taking out of production of acres which clearly were dedicated to the production of row crops, soil deleting crops, clearly used as livestock feed, and the putting of this acreage into grass, could not possibly increase butterfat or milk production, this for reasons too apparent here to discuss. He also, if my memory does not fail me, called attention to the fact that the prices of grain feeds, or other high protein or lactation-producing feeds, affect the poundage in dairy production upward or downward; higher production when feed cost is low, and lower production as feed costs rise higher. The editorial which appeared in the September 23 issue of Wallace's Farmer in 1929, wherein Mr. Wallace suggested the above-quoted slogan, under the heading of "Grow More Clover", is a soil conservation and improvement argument, and reads as follows:

GROW MORE CLOVER

About 1 out of every 60 acres of tillable land in Iowa is devoted to the growing of pure clover, and only 1 out of every 100 acres is devoted to the growing of alfalfa. True it is that 1 out of every 12 acres of tillable land is in mixed clover and timothy. Nevertheless, it may fairly be said that Iowa farm land grows clover only about once in 20 years. We are still mining our soil in barbarous fashion and are holding up the yield chiefly by the use of improved machinery, better varieties, more tile drainage, and improvements of that sort. Such improvements exhaust the soil all the more certainly.

In Iowa we have too long been devoting one-half of our tillable land to corn, one-fourth to small grains, and less than 10 percent to those leguminous plants which have the ability to bring down plant food out of the air. We are still miners rather than farmers.

Never will the time be more favorable to the inauguration of a permanent soil fertility scheme than in the spring of 1922. From the standpoint of permanent soil fertility and immediate prosperity, the slogan during the next 6 months should be, "More clover, less corn, and more money." (Editorial from Wallace's Farmer, Sept. 23, 1921.)

The gentleman from Wisconsin referred to the upward trend of alfalfa acreage in Iowa since 1921, indicating that this trend was responsible for the increase in milk and butter production in Iowa during this period. He also failed to point out the increase in feed-grain acreage in Iowa during this period. From 1921 to 1933 the acreage of the principal feed grains, corn, oats, and barley, increased from 16,900,000 to 18,200,000 acres, or about 8 percent. The acreage in corn, which is by far the most productive feed grain, increased from 10,250,000 in 1921 to 11,849,000 acres in 1932. There was a decline to 11,337,000 acres in 1933, making a net increase in 12 years of about 10 percent. Barley, which is the most productive feed grain in terms of feed per acre, increased from 137,000 acres in 1921 to 586,000 in 1933. This acreage showed a slight decline during the period, but as indicated above, the combined acreage of the three principal feed grains increased over the 12-year period.

My distinguished young friend also failed to point out that although alfalfa acreage increased during this period, there was a downward trend in the total acreage of all hay, and that the total tonnage of hay produced during the last half of the period was 9 percent less than the total tonnage produced in the first half. This should indicate to one with practical information in the dairy business that the increase in creamery butter production in Iowa since 1921 could not properly be attributed to an increased acreage in hay, as was inferred by the remarks of the gentleman on yesterday. We should look elsewhere for the cause of the increase in dairy products. It would be interesting to check the figures during that period applicable to all of the States. The figures brought down to the ends of the years 1921 to 1935, inclusive, are here presented.

Cattle on farms—Milk cows

[In thousands]

State and division	Cows and heifers 2 years old and over being kept for milk cows						
	1929 (end of year)	1930 (end of year)	1931 (end of year)	1932 (end of year)	1933 (end of year)	1934 (end of year)	1935 (end of year)
Maine	138	145	152	154	156	152	147
New Hampshire	78	81	84	85	87	86	82
Vermont	277	288	294	303	295	290	290
Massachusetts	133	132	135	130	134	137	140
Rhode Island	21	21	21	21	22	22	22
Connecticut	105	111	119	121	122	122	123
New York	1,330	1,370	1,411	1,438	1,416	1,321	1,347
New Jersey	118	119	120	122	129	138	139
Pennsylvania	835	860	877	886	895	905	887
North Atlantic	3,035	3,127	3,213	3,260	3,256	3,173	3,177
Ohio	943	962	1,000	1,037	1,065	1,065	1,054
Indiana	702	730	758	786	828	814	781
Illinois	1,026	1,067	1,118	1,159	1,221	1,231	1,169
Michigan	800	832	864	888	912	905	887
Wisconsin	2,015	2,096	2,150	2,182	2,226	2,136	2,136
Minnesota	1,595	1,643	1,708	1,793	1,893	1,776	1,723
Iowa	1,400	1,414	1,471	1,503	1,610	1,580	1,533
Missouri	930	995	1,041	1,080	1,097	1,017	1,017
North Dakota	540	567	624	667	701	596	584
South Dakota	577	589	613	650	675	606	576
Nebraska	680	687	714	768	820	750	720
Kansas	780	811	857	890	967	921	875
North Central	11,988	12,393	12,918	13,403	14,015	13,397	13,055
Delaware	33	33	34	35	35	35	35
Maryland	180	184	186	188	190	192	188
Virginia	375	382	395	409	416	420	412
West Virginia	210	216	241	250	260	262	259
North Carolina	285	314	334	368	378	381	385
South Carolina	158	163	171	182	186	189	189
Georgia	342	352	366	388	411	419	398
Florida	95	99	106	110	119	124	128
South Atlantic	1,678	1,743	1,833	1,930	1,995	2,022	1,994

Cattle on farms—Milk cows—Continued

[In thousands]

State and division	Cows and heifers 2 years old and over being kept for milk cows						
	1929 (end of year)	1930 (end of year)	1931 (end of year)	1932 (end of year)	1933 (end of year)	1934 (end of year)	1935 (end of year)
Kentucky	498	508	538	563	578	590	572
Tennessee	468	493	528	566	584	594	570
Alabama	379	394	422	447	457	459	436
Mississippi	440	468	510	550	590	610	567
Arkansas	372	387	426	494	528	510	469
Louisiana	294	300	312	326	344	353	339
Oklahoma	650	675	730	778	838	798	774
Texas	1,202	1,238	1,334	1,427	1,527	1,466	1,466
South Central	4,303	4,463	4,800	5,151	5,446	5,380	5,193
Montana	193	196	200	210	215	206	187
Idaho	178	190	199	205	214	200	190
Wyoming	72	73	74	75	78	69	69
Colorado	259	260	266	280	300	270	256
New Mexico	69	69	70	72	75	69	70
Arizona	38	40	42	45	46	44	44
Utah	108	111	111	111	115	103	101
Nevada	21	21	21	21	22	21	21
Washington	280	297	310	324	332	345	335
Oregon	229	247	263	268	275	275	261
California	655	655	662	675	675	662	669
Western	2,102	2,159	2,218	2,286	2,347	2,264	2,203
United States	23,106	23,885	24,982	26,030	27,059	26,236	25,622

Jan. 1, 1936, Livestock Report.

Cattle on farms—Heifers

[In thousands]

State and division	Heifers, 1-2, for milk						
	1929 (end of year)	1930 (end of year)	1931 (end of year)	1932 (end of year)	1933 (end of year)	1934 (end of year)	1935 (end of year)
Maine	37	40	39	38	38	33	31
New Hampshire	17	19	20	20	19	17	15
Vermont	58	59	58	58	57	52	50
Massachusetts	20	22	22	22	22	22	21
Rhode Island	3	3	3	3	3	2	2
Connecticut	19	20	21	21	21	21	20
New York	245	237	213	234	248	257	247
New Jersey	16	17	16	17	18	19	18
Pennsylvania	174	165	162	164	176	173	168
North Atlantic	589	582	554	577	602	596	572
Ohio	170	185	190	200	210	200	192
Indiana	141	152	144	143	146	144	137
Illinois	228	240	232	236	236	221	203
Michigan	166	171	169	172	177	177	163
Wisconsin	385	405	415	432	409	376	348
Minnesota	370	370	369	366	376	323	313
Iowa	310	300	285	294	295	275	270
Missouri	200	213	200	195	190	170	173
North Dakota	136	126	133	147	144	87	99
South Dakota	140	151	138	159	141	116	122
Nebraska	141	133	133	152	187	149	149
Kansas	173	159	167	172	174	149	149
North Central	2,560	2,605	2,575	2,668	2,685	2,387	2,318
Delaware	6	6	6	5	5	5	5
Maryland	33	33	32	33	34	34	34
Virginia	55	59	60	58	62	68	68
West Virginia	32	31	33	38	42	43	42
North Carolina	58	67	71	67	71	73	69
South Carolina	32	35	34	35	37	41	40
Georgia	78	84	95	99	108	110	100
Florida	29	30	34	36	37	35	35
South Atlantic	323	345	365	371	396	409	393
Kentucky	84	82	84	86	88	90	93
Tennessee	100	102	105	102	97	97	87
Alabama	105	115	141	144	130	127	122
Mississippi	82	91	101	112	124	123	111
Arkansas	116	131	147	148	144	130	110
Louisiana	49	53	57	62	70	73	69
Oklahoma	132	133	150	178	198	192	180
Texas	228	231	241	274	311	260	260
South Central	896	938	1,026	1,106	1,162	1,092	1,032
Montana	37	39	40	45	48	43	39
Idaho	43	46	47	49	52	51	47
Wyoming	13	13	12	12	16	14	14
Colorado	57	57	59	64	62	57	52
New Mexico	18	18	18	19	20	18	19
Arizona	9	9	10	10	11	11	11
Utah	25	28	28	28	28	27	26
Nevada	6	6	6	6	6	6	6
Washington	62	66	71	81	83	76	78
Oregon	52	54	56	58	60	60	61
California	160	155	152	155	150	155	166
Western	482	491	499	527	536	518	519
United States	4,850	4,961	5,019	5,249	5,381	5,002	4,834

The fact of the matter is best shown by a study of the following figures, which would indicate the southern cow population up; competition with northern dairymen down.

Because of the great deficiency of milk consumption in the South, and the need for more production for home use by poor farmers and families in towns, the rise in the southern dairy-cow population in 1934 did not result in any increase in creamery-butter manufacture. There was in fact a decrease. This is especially significant because the 1934 drought did not strike that area. Many cows were moved into the region from drought areas for feeding.

Note—1933 and 1934 figures are compared because dairy-cow population itself declined in the South in 1935, with further declines in creamery-butter production. The figures show dairy-cow numbers at the end of 1933 and the end of 1934.

State	Number of milk cows in Southern States (thousands of head)			Creamery-butter production (thousands of pounds)		
	1933	1934	Increase (percent)	1933	1934	Decrease (percent)
Georgia	411	419	1.9	3,247	2,043	37.1
South Carolina	186	189	1.6	948	776	18.2
North Carolina	378	381	.8	2,878	2,434	15.4
West Virginia	260	262	.8	454	367	19.2
Kentucky	578	590	2.1	22,029	21,179	3.9
Tennessee	584	594	1.7	17,433	15,795	9.4
Alabama	457	459	.4	2,404	1,838	23.6
Mississippi	590	610	3.4	7,855	7,038	10.4
Louisiana	344	353	2.6	1,879	1,589	15.4

NOTE.—During these 2 years the trend in Wisconsin was exactly opposite to that in these Southern States. Dairy cow numbers decreased from 2,226,000 to 2,136,000, while creamery-butter production increased from 157,933,000 pounds in 1933 to 161,942,000 pounds in 1934. In 1935, with the same number of cows as in 1934, Wisconsin increased creamery-butter production further to 166,113,000 pounds.

Figures of shipments of dairy products indicate that the way for the northern dairy States to get a good market for dairy products is to help the South get some buying power, so it can purchase butter, cheese, and so forth, from the commercial dairy regions. The figures are only indicative because some of the shipments terminating in the South may also have originated in the South, and some originating in the South may also have terminated in the South. Nevertheless, the much greater increase in tonnage of butter and cheese shipments terminating in the South compared to the tonnage of increase in shipments originating in the South indicate that the rise in the South's buying power was accompanied by an increase in southern demand for northern dairy products. (I. C. C. figures.)

Cheese

Revenue freight originated (tons):	
1932	6,385
1933	7,357
1934 (2-year increase, 4,070 tons)	10,455
Revenue freight terminated (tons):	
1932	19,362
1933	20,950
1934 (2-year increase, 6,159 tons)	25,521

Butter

Revenue freight originated (tons):	
1932	20,837
1933	19,633
1934 (2-year increase, 2,893 tons)	23,730
Revenue freight terminated (tons):	
1932	15,749
1933	15,925
1934 (2-year increase, 8,397 tons)	24,146

The decline in southern competition with northern dairymen, which accompanied a rise in southern purchasing power is shown in another way. That is by a consistent decline in butter receipts from the South in the three most important butter markets—New York, Philadelphia, and Chicago. The figures are from the United States Bureau of Agricultural Economics.

Southern total from Southern States (thousand pounds)

	New York (10 southern States)	Philadelphia (7 southern cities)	Chicago (6 southern States)
1932	6,708	5,164	12,267
1933	6,126	3,704	14,557
1934	3,999	1,852	6,940
1935	2,976	2,045	11,063

The conclusion is that the Boileau amendment should be defeated from every point of view. It will do only harm to the northern dairy areas to discourage southern farmers from participating in the soil-conservation program. The South is not interested in commercial dairying. It is interested in the welfare of its people, a revival of their buying power, a continuance of rise in the standard of living which has accompanied the A. A. A. programs, and in sustaining the power to buy the products of northern dairy farms, creameries, and other factories. The Boileau amendment should be beaten.

The bill that we have under consideration is, as a soil-conservation, soil-erosion, and soil-rebuilding bill, entirely incompatible with the Boileau amendment. In many sections of our country, and certainly in the southwestern part of Texas, where I live, agriculture has engaged in a one-crop system. I refer to cotton, a soil-deleting crop, as well as a crop whose production has been more definitely increased by high prices, such as of 1919 and 1920. This one-cropping system wherein a highly soil-deleting crop is involved, provides the best illustration of why the Boileau amendment should not be adopted. Soil rebuilding, in the main, is of first importance in the Cotton Belt. In the Cotton Belt we find few places where alfalfa or other like legumes may be grown satisfactorily. Cotton farming in my home county up until the last 4 or 5 years utilized every acre on almost every farm. Under this program portions taken out of cotton and planted to grass could be utilized to the best advantage by the grazing of livestock (feeder calves or lambs) and thereby refertilizing the soil which cannot be accomplished otherwise save by artificial fertilization, which is known to be ineffective over a long-time period. There are no compulsory features set out in this bill. The Boileau amendment would prevent absolutely the sale of milk and dairy products or any products from livestock pastured or fed on crops or grass to be shifted to soil improvement produced under the measure we are now considering.

The Supreme Court is clearly on record with reference to the production-control provision of the Agricultural Adjustment Act. Mr. Boileau's proposal would tell the farmer, "If you take land out of intensive crops you may not use it if you plant it in grass or hay to graze livestock thereon or sell the products therefrom." This is a still more far-reaching restriction in that it tells the farmer what he may or may not do with the products of his soil. We have had evidence during this debate that some people profess to believe that the prime purpose of this bill is restriction, whereas only with the Boileau amendment could this assumption be indulged. If I believed this measure was an A. A. A. dressed up in false whiskers I could not stand before you and urge its adoption, because of the high value I place upon my oath as a member of this body. I shall vote for this measure because I believe it to be one designed to bring about a genuine soil-conservation program. I am convinced by my own conferences with those who will probably be connected with its administration that it will be administered in the same spirit in which it was drafted. If that be true, I can repeat that, much as I should like never to be divided from my young friend from Wisconsin on any question, I am convinced his amendment has no place in this bill.

In addition to the above reasons I can visualize almost insurmountable difficulties which would attend any real attempt to enforce it. Hundreds of additional employees would be required and in addition thereto an espionage akin to that practiced under prohibition would be inevitable. For instance, in a conference with Mr. Cully Cobb, of the cotton division of the erstwhile Agricultural Adjustment Administration, I was informed that whereas the cotton contracts for 1934 and 1935 contained clauses designed to prevent rented acres from being used to produce crops of other products for sale, that the 1936 cotton contract contained no such provision, and that the prime reason for that change was the fact that restrictions on the sale of products from the rented acres could not be enforced.

Another angle of this question presents itself here, and this is the greatest indictment against the proposed amendment. There are many sections in our country where the home production of food and feed crops should be encouraged with every emphasis in our power. I am aware that no point is placed upon production of food and feed for home use, but this is not near enough. The child of the laborer and workman in southern towns needs milk and fat as a part of his diet as much as do the children of the farmer. The workmen themselves need good food as badly as do the farmers themselves. The amendment would not only penalize certain sections, it would penalize the consumers, whatever their occupation. I believe the South's deficiency in the production and consumption of milk will not be disputed. If there are doubts, figures are available which should dispel them. A recent study by the A. A. A. Consumers Council of Milk Consumption by the moderate- or low-income families with school children in cities over the country show that those in the South lag behind all others in per-capita consumption of milk. The highest per-capita consumption of whole and evaporated milk was 2.71 quarts weekly among those families in the Pacific cities. The lowest was 1.93 quarts in the South Atlantic section. A restricted diet would call for 3 quarts a week. Comparisons of similar figures for families in other sections, including New England, 2.66 quarts; East North Central, 2.38 quarts; West North Central, 2.71 quarts; Mountain, 2.67 quarts; West South Central, 2.33 quarts; East South Central, 2.04 quarts. The result of this deficiency in milk consumption among children is shown in the prevalence of diseases of malnutrition and deficiency in diet in the cotton- and tobacco-producing States. A study of statistics of pellagra and diseases caused by such unbalanced diet are revealing.

Public health statistics show 26 deaths in New York from this disease in 1934, 12 in New Jersey, and 27 in Pennsylvania. During the same year there were 424 deaths from pellagra in North Carolina, 329 in South Carolina, 351 in Georgia, and 230 deaths in Florida. Pellagra is all too common among sharecroppers and tenants in the South. Many pleas have been made in their behalf by public-spirited citizens and legislatures from the North and East. I hope that all of those who have the welfare of the tenant at heart realize that this amendment would intensify his misery by making it impossible to sell the milk from cows grazed on lands devoted to soil-building crops. The tenant and the sharecropper without the Boileau amendment would have his first opportunity to have a grazing patch provided wherein a family cow might graze at low cost and at the same time produce at least a little milk for those who now have none. Since I can remember, southern leaders have generally preached a "live at home" doctrine; and therefore I feel that here we have a proposal which would prevent the South from growing enough of certain vitally necessary foods for its own use, which amounts at least to discrimination.

There are many additional reasons which time does not permit me to here and now discuss with reference to this well-intended amendment supported by the dairy group, but I am candidly constrained to believe that the high order of intelligence of the membership, interested in dairying as I am, would not require a detailed setting out of just what this amendment would do toward restricting the market for dairy cows in those States wherein they are so badly needed for providing a food which is not now available to many of our citizens who now live on or below the poverty line. Shifts in the production of agricultural commodities are inevitable under nature's law and progress, and I see no reason for those, like myself, interested in dairying, to become so terrifically alarmed over the bill if passed without Mr. BOILEAU's amendment. I shall vote against it.

The article referred to by Mr. Edgar W. Smith earlier in my remarks, follows here:

INDUSTRY'S ALLIANCE WITH AGRICULTURE

By Edgar W. Smith

(The author of this article is vice president of the General Motors Export Co. He writes on a subject of paramount importance and speaks from a lifetime of experience. His statements are challenging. How do his conclusions appeal to you?)

The progress we have made in regaining our export markets is a very easy subject to deal with on the movement up to date, because the record is a very clear and convincing one; and while I am going to cite a few figures to resolve any last doubts you may have in your minds, I am going on from there to ask more pertinently what we can do to assure that this progress continues in the future.

The gain in the overseas market for motor vehicles abroad since 1932 has been a gain confined largely to the American-built product. The total market abroad for cars and trucks will be up 88 percent in 1935 from 1932; the market for foreign-source vehicles will be up 69 percent; the market for American-source vehicles will be up 163 percent. In the nonmanufacturing markets, outside of England, France, and Germany, the result is even more striking: The total market will show a gain of 97 percent in the 3 years in question; the market for foreign cars will show a gain of 29 percent; and the market for American cars will show a gain of 146 percent.

Expressed otherwise, in the world as a whole outside of the United States and Canada, the American motor vehicle which had dropped to 21 percent of the total consumption in 1932 will be back again this year to 29 percent; and in the nonmanufacturing markets the increase in this regard will be from 61 percent to 72 percent.

I think we can look back at the progress our industry has made in export since the spring of 1933 with a great deal of satisfaction, and I also happen to think that we can look forward with an equal amount of confidence. This, if it proves to be true, is naturally very encouraging, for an overseas outlet is of great importance to any efficient American industry, and as far as the automotive industry is concerned we are, of course, going to continue to seek all the export business we can get. But, as an individual concerned above all with our domestic welfare in the United States, I am frank to say that I am far more vitally interested in America's farm exports than I am in America's automobile exports.

If that sounds like a trick statement, I have only to remind you that the greatest improvement in our total business in the past 2½ years has come in the agricultural areas right here in the United States. That improvement has come, I think, because, as a consequence chiefly of devaluation of the dollar, the farmer is getting prices for the things he produces which are high enough to enable him to begin buying motor cars and other consumer goods on which the prices have not changed. The better equilibrium between farm prices and manufactured-goods prices resulting from devaluation of the dollar has been of primary importance to our whole industrial welfare domestically, but it is not by any means the whole story in solution of the problem, nor is it the final word on what still remains to be done.

What the farmer has got to do from this point on, with unit prices on his commodities remaining about where they are, is to increase his production to an extent that will still further increase his aggregate income, and make him an even better customer for industrial goods than he is today. He will dare to increase his production to this extent only if he can be sure that he can dispose of the surplus he is capable of producing beyond the needs of the domestic market, and so long as he is unable to export this surplus, and to get paid for it abroad, I feel that we should not be too critical of the crop-restriction program he has been following, especially since industry generally practices crop restriction very relentlessly whenever the demand for its product falls off.

TARIFF AND IMPORTS

But it would be far better economics, and far better for all of us, in a practical dollar-and-cents way, if the farmer were to raise the volume of crops he is capable of raising, and to sell the surplus beyond domestic needs in the markets throughout the world that need this surplus so urgently. He can do this, in the last analysis, only if his foreign customers can find the means of paying for the goods they buy, and they can find this means only if imports of foreign goods into the United States are greatly increased, and such an increase can only occur, from this point on, if tariffs are lowered.

I suppose it is true that if tariffs are lowered and imports increased, a considerable readjustment in our internal economy would have to ensue. I am quite ready to agree that this is true; but the readjustment in question would be far less drastic and far less harmful to the whole national welfare, than the readjustment that will inevitably come if the farmer is unable to raise more crops and export his surpluses. With his export outlets definitely shut off, regimented crop restriction would then become a necessary and enduring evil, and regimentation on the farm would induce regimentation in industry as well, for regimentation, as we can see very clearly if we look at the experience of certain countries abroad, is the natural child of national self-sufficiency and isolation.

IMPORTANCE OF FARMING

The average business man, I am certain, does not realize how important the farmer and his exports are to him; and I am even more certain that the average farmer puts all business men, including ourselves, in the same protectionist boat. We do not belong in the same boat at all—we belong in the boat with the farmer. Beyond convincing ourselves and convincing the farmer of this natural alliance that exists between us, I think it is important that we attempt also to convince the public that this alliance exists, and to let the political leaders know that we are willing, in our own self-interest, to stand behind the farmer and work with him to produce and sell more crops. This means, in a political sense, that the alliance of the efficient industrialist and the efficient farmer would stand strongly in support of the administration's farsighted program for two-way foreign-trade expansion.

Unless that foreign trade is fully regained, our domestic interests and the interests of the farmer domestically will go down in the boat together. We can have a free economy and a stable price structure—which is the interpretation I put upon the term "sound money"—only if our foreign trade is regained. I challenge you to find a case, anywhere, at any time, when isolation did not bring both regimentation and monetary chaos. The obvious answer is united support of the program that is giving the tariff the first businesslike administraton today it has ever had in our history.

A UNITED FRONT

To provide that support, and to combat the destructive propaganda of the isolationists, will demand eventually a united front of all of the elements in the national economy most vitally concerned—the farmer, the industrialist, labor, and the consumer. We can start the movement most advantageously meanwhile, I think, by declaring publicly an alliance with the farmer first of all; and if we succeed, and if a well-founded prosperity follows, as it surely will, I feel equally certain that labor and the consumer will join their support with ours, and that the spectre of high tariffs and isolationism will be banished at least for our generation.

I would look with a great deal of doubt upon the future of our automotive exports, despite their remarkable recovery to date, if I did not think that our farm exports would increase side by side with them, and that our imports would increase sufficiently to substantiate them by providing adequate dollar exchange. I do think that the foreign-trade policy the present administration is following is going to prevail, and I therefore feel very strongly the confidence I expressed previously in our outlook for the future.

But the money is not yet in the bag, and if we realy want to realize on the potentialities that exist for the sale of our motor cars abroad, we have got to do everything we can, practically and politically, to meet the simple economic necessities that confront us. And as a first step in this direction, I suggest again that we establish a working partnership with the man whose interests are so identical with ours, and upon whose prosperity our own prosperity so closely depends—the American farmer.

I am in accord with several statements contained in this article, but particularly may I express the highest commendation for the farsighted vision which prompted the title under which the article is written.

In conclusion, as a Member from the State of Texas, and a realization of general dairying and livestock conditions over the country as a whole from first-hand experience, I can personally state that I feel more concerned over the possible adoption of Mr. BOILEAU's amendment, from the standpoint of a dairyman, than I do over the future of the dairy industry if the amendment is rejected.

May I add that certainly without Mr. BOILEAU's amendment there is little probability that this act would be brought under question by the courts, but if the amendment is permitted I am reasonably sure that action will be brought through the courts shortly after the bill becomes a law, because of the distasteful effect on many who under its operation would feel that peaceful use and possession of their property had been denied them.

Reactions from the farmer who is told that he cannot graze old Beck on acreage taken out of cotton and turned into grass would be immediate and far-flung, and when neighbor Bill came out from town to buy a quart of milk from Farmer John and was told that he could not obtain the same because old Beck had grazed in the restricted garden of eden, other questions would become apparent. The very practical analysis provided in the time it takes to produce a milk cow, as presented by my friend FRED CUMMINGS, of Colorado, yesterday is not to be left out of this argument.

It would be necessary during the operation of the temporary program for us to import from foreign countries enough milk cows to be able to realize Mr. BOILEAU's fears. The total imports of 1935 from Canada, for instance, were less than two-tenths of 1 percent of the total livestock on farms in the United States at the beginning of 1935.

Another interesting phase is to be found in the fact that the importations of cattle during 1935 occurred before the Canadian trade agreement became effective on January 1, 1936, and is a result, of course, of the combined drought conditions of 1934, together with the cattle-buying program of the Government. The figures on Canadian importation, as reported by the Foreign Agricultural Service, Bureau of Agricultural Economics, are as follows: Of the 112,000 cattle

imported from Canada in 1935, about 58,000 came in for feeding purposes; about 49,000 for slaughter; and only 4,493 came in as dairy cattle. The dairy-cattle imports from Canada, 1931 to 1935, inclusive, are as follows:

CATTLE IMPORTS FROM CANADA

All cattle imports from Canada 1931 to 1935, inclusive[1]

	Head		All cattle, total
	Weighing less than 700 pounds	Weighing more than 700 pounds	
1930	15,000	40,000	55,000
1931	17,000	3,000	20,000
1932	5,000	1,000	6,000
1933	1,000	200	1,200
1934	2,700	92	2,792
1935	52,000	60,000	112,000

[1] As reported by Foreign Agricultural Service, Bureau of Agricultural Economics.

Dairy-cattle imports from Canada, 1931 to 1935, inclusive

(From Inspection Reports, Bureau of Animal Industry)

Year:	*Number head*
1930	10,327
1931	3,701
1932	1,391
1933	411
1934	969
1935	4,493

Mr. HOPE. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. ANDRESEN].

Mr. ANDRESEN. Mr. Chairman, I have the highest regard for the gentleman from Texas, as I know that he is an authority on agriculture and many other subjects. But I must call the attention of the House to certain figures. So far as I have been able to learn, the only accurate agricultural census that was taken of cattle was taken under direction of Congress in January 1935, and the one preceding that was taken on April 1, 1930, 5 years before. The figures I gave were the tables of the Department of Commerce, and I believe, of course, we can rely upon these estimates, rather than the estimates submitted by the gentleman from Texas from the Department of Agriculture.

[Here the gavel fell.]

Mr. HOPE. Mr. Chairman, I yield 20 minutes to the gentleman from Iowa Mr. [GILCHRIST].

Mr. GILCHRIST. Mr. Chairman, there was a recent decision of the Supreme Court which convinced all of us that there must be some new legislation for agriculture. The Agriculture Committee, of which I am a member, has worked faithfully during the time that was allotted to it and has finally brought forth this bill. I may say in passing that I have been a practicing lawyer for many years and probably know less about the Constitution than any of you. But I do not join in the diatribes and acrimonious invective accusations that have recently been made about the Court. Perhaps I should do so, because the Court has not always been so kind to me as I thought it ought to be. But I can excuse all of that, because I am a believer in the old Calvinistic theory that whom the Lord loveth He chasteneth.

What about these recent decisions? There was the T. V. A. case. Whatever else may be said for it, it certainly does not prejudice but rather preserves the rights of the poorer people and smaller corporations and of public municipalities as opposed to private monopolies. We had the Nebbia milk case that establishes the rights of the State to fix the price of milk within proper bounds. Certainly no dairyman can complain of it.

The object of the State legislation upheld in that case was to protect the dairyman's price by preventing ruinous price cutting in the retail trade, which would result in forcing the sales loss back on him. Within the past 2 weeks the Court decided the cases of Borden's Farm Products against Ten Eyck and Mayflower Farms against Ten Eyck. These cases upheld the right of small concerns to sell milk at cheaper prices than the big well-advertised concerns. Unless they could sell cheaper they would have no market and that outlet for farmer's milk would be closed or impaired. No farmer should complain of that. Then last week, on February 17, the Court decided Brown against Mississippi. That case protects the liberty of the negro and of every individual by preventing the use of third-degree evidence that has been drawn from him by the lash and the gun and by brutality unparalleled. Certainly no American citizen can complain of that! Americans will never forget the days when a crushed heap of bone and flesh was bound to the wheel and torn to pieces. The rack and the torture chamber may not be substituted for the witness stand. And on February 10 the Court handed down the case of Grosjean against American Press Co. That case guarantees free speech and a free press by striking down political discriminations and burdens designed to curb free expression by newspapers. Surely no humble American can criticize a decision which protects that right. Every one of these decisions has as its result the greater economic, political, and personal freedom of the underprivileged. We need courts to affirm these principles. If we are to have any government other than that which mobs may ordain or compel, we must have judges, just as we must have umpires in a baseball game and referees on the gridiron.

Now, much has been said here about the A. A. A. decision in the Butler case on January 6. You all have it in pamphlet form, I believe. I would not vote for this bill if I believed it to be unconstitutional. I do not so regard it. The decision in the Butler case was based absolutely and alone upon the proposition that the old A. A. A., insofar as it attempted to control agricultural production, had invaded the reserved rights of the States. It was based on nothing else. But the present bill will give that control to the States and will not divest them of it, and therefore it complies with and does not transgress the principles announced in the Butler case. Indeed, it may be said that there was great cogency in the reasoning of the minority in that case, and if you will read the pending bill in the light of that decision, knowing that a respectable minority of the Court was for the old act and knowing that this bill will give over control to the States, then you will be convinced that a majority of the Supreme Court will go along with us and decide that this bill does not so far enter the realm of State control as to be an unconstitutional exercise of the rights which the Constitution gives the Congress of the Federal Government.

The Butler decision was divided into three parts by the Court itself. The first proposition was as to whether the respondents had a right to a day in court. Of course, we are not concerned with that here today. The second point was directed to the contention of the Government that even if the respondents might question the validity of the act, nevertheless their attack must fail because section 8 of article I of the Constitution, which provides that Congress may lay and collect taxes to pay the debts and provide for the common defense and the general welfare of the United States, authorized the contemplated expenditure. But what did the Court finally say about that? On page 9 of this pamphlet it states:

> We are not now required to ascertain the scope of the phrase "general welfare of the United States" or to determine whether an appropriation in aid of agriculture falls within it. Wholly apart from that question, another principle embedded in our Constitution prohibits the enforcement of the Agricultural Adjustment Act. The act invades the reserved rights of the States. It is a statutory plan to regulate and control agricultural production, a matter beyond the powers delegated to the Federal Government.

Having found that the taxing power may not be used as an instrument to enforce regulations concerning those things which are delegated to the States, the Court then propounded the third question, as follows:

> May it (the taxing power), as in the present case, be employed to raise the money necessary to purchase a compliance which the Congress is powerless to command?

Here again the answer to the question is based upon the fact that Congress did not have this taxing power in order to purchase a compliance, because the whole scheme was really and in truth an unconstitutional incursion into the reserved rights of the States. And the Court stated:

> At best it is a scheme for purchasing with Federal funds submission to Federal regulation of a subject reserved to the States.

That is all the Supreme Court really found about the original A. A. A. There are a lot of words and phrases and a great many sentences and arguments, but after all the Court held only that the act invaded the reserved rights of the States in the particulars mentioned, the Court saying:

> The same proposition otherwise stated is that powers not granted are prohibited. None to regulate agriculture production is given; therefore legislation by Congress for that purpose is forbidden.

This present bill does not invade the reserved rights of the States in any way, but on the contrary, it proposes to vote appropriations to the States themselves so that they themselves may put into force a soil-conservation program, and do the other enumerated things set forth as the policy of the bill.

I am inclined to believe that God Almighty had something to do with the scarcity of corn and the consequent high price which was paid for it, and that the Agricultural Administration should in fairness share with Him at least a small part of whatever credit may exist on account of such high price. We should be fair in our discussion. The drought brought on a scarcity and high prices resulted. I am willing to give credit to the Agricultural Administration for whatever it did to bring about high prices for farm commodities. The question for consideration should be, not as to whether prices were higher during the drought than they were before, but as to what share the A. A. A. had in price stimulation. I do know that corn has suffered an enormous decline in value per bushel during the past year. On January 15 last year the Department figures show that it was worth 40 percent more than on the same day this year. I do know that in 1929 the farmers were receiving an income of practically ten and one-half billion dollars, while in 1935 they received an income of only $7,000,000,000. To bring the relative purchasing power of the farm population in 1935 up to that of the nonfarm population would have called for an increase of about 22 percent—from a ratio of 82 to 100—in the 1935 net income of farmers, or about $1,150,000,000 of an increase over what they really received that year.

I also know that labor is out of employment today as much as it was 3 or 4 years ago. The very last figures that came from the Agricultural Statistical Bureau show that the ratio of prices received by farmers to that paid by them, including interest and taxes, still remains 13 to 15 percent below parity. And after all these acts have been in force the farmer is still attempting to run an economic race while at the same time carrying a chain and ball upon his foot of about 15 pounds weight as compared with other industry.

I also know that evictions and foreclosures in 1935 have been unprecedented, and there have been moratoriums in different States. In my State, for example, our moratorium will soon expire. Up till now the legislature has protected these farmers from eviction or sheriff's sales. But this moratorium is based upon the ground of "emergency", and as soon as the emergency is over you will see the sheriff again plying his hammer at the front door of the courthouse and forcing these men and women from their homesteads out into the snows of Arctic winter. Therefore, we must do something for them, and my judgment is that this bill will do something.

We must protect our homes and homesteads. You cannot turn these men out and expect to preserve civilization. If this country wishes to avoid fascism, nazi-ism, and communism, the land in America must be put back into the hands of those who live upon it. A man with a family and a cow, if given absolute and secure possession of a barren piece of land, will convert it into a garden. Give a man a 10 years' lease on a garden and in the end it will become a waste. We want free men and free women. Men are free only in proportion to the distribution of the means of production and in the amount of individual benefit returned from individual effort. We cannot have progress or culture or freedom or happiness when millions of farmers either live, as do the sharecroppers in the South, as tenant serfs, or as millions of others do who are weighed down with mortgages and high interest payments and taxes which the utmost frugality and intensive labor can never meet or pay. We must give the farmer fair prices. You do not have the right to eat his bread unless you are willing to pay him the cost of producing it and unless you are willing to share with him not alone the necessities but the comforts of life and accord to him the beautiful and cultural things as well.

We all now agree that the farmer is entitled to economic equality and that he should no longer be submerged. All parties here in America subscribe to that principle. My own party, the Republican Party, in its 1932 platform announced such a principle. Among other things it said that—

> The fundamental problem of American agriculture is the control of production to such volume as will balance supply with demand.

And it pledged support to any plan which would help to balance production against demand so that our farmers may have the full benefit of the domestic market. Furthermore, this principle was announced by the great leaders of the party many years ago. Governor Lowden, a great Iowan, a great farmer, a great economist, and a great party leader, has proclaimed this doctrine for years, and it has been assented to not alone by party platforms but by outstanding leaders and members of our party.

I supported the Agricultural Adjustment Act because I believed it would bring some relief to my friends upon the farms and homesteads of Iowa, and it did help to do just exactly that thing in a period of distress and despair. In a period of drought and of withering crops it, nevertheless, paid the State of Iowa during the whole course of its administration more than $93,000,000. It paid into the farm homes of every one of the 14 counties which I have the honor to represent on this floor an average of about $1,300,000, and there are still further small payments yet to be made in the final closing up of the A. A. A. As a fair sample or illustration of what it has done, I append a table showing these payments in the Eighth Congressional District of Iowa.

Rental and benefit payments, May 12, 1933, through Dec. 31, 1935

County	Total	Wheat	Corn-hogs	Sugar
Boone	$874,305.48	$2,619.24	$871,686.24	
Calhoun	964,730.43	1,592.96	963,137.47	
Carroll	1,167,488.08	1,761.07	1,165,727.01	
Crawford	1,487,688.33	11,794.91	1,475,893.42	
Emmet	613,152.56	2,216.56	610,936.00	
Greene	953,834.89	629.52	953,205.37	
Hamilton	1,071,296.86	837.35	1,070,459.51	
Hancock	1,001,179.67	179.65	944,723.58	$56,276.44
Humboldt	817,149.60	375.54	816,774.06	
Kossuth	1,757,668.75	177.22	1,700,432.74	57,058.79
Palo Alto	937,477.14	596.89	936,880.25	
Pocahontas	1,034,484.47	1,281.60	1,033,202.87	
Webster	971,029.62	1,514.70	969,514.92	
Winnebago	706,324.31		662,812.49	43,511.82
	14,357,810.19	25,577.21	14,175,385.93	156,847.05

Let no man believe that these farmers were not entitled in equity to the consideration shown in the foregoing statement. The fact is that it was a late and lame attempt to put them upon a parity with other industry such as was promised by all the great political parties and political leaders. This money was paid in recognition of a right. For more than a century agriculture has been paying to the relief and support of industry by way of tariffs and subsidies and privileges. I am glad now to know that wholly aside from devisive party politics we all can now agree that if there are tariffs for one—and there should be—there must be tariff equivalents for all. We join in the support of manufacturing and trade and commerce. Let labor be paid a living wage. We have no moral right to wear a pair of shoes unless we pay the shoemaker the cost of producing them, plus a profit such as will enable him and his family to live according to the standards of a twentieth century civilization. Let us all agree that we must not sit by the warm fire of the winter grate unless we pay the miner full wages for his dangerous and laborious task. But let us all further agree that means must be found within the Constitution and not contrariwise to support agriculture and to bring cheer and comfort and wholesome beauty into the life of the farmer, his wife, and children.

This bill is founded for one thing upon soil conservation and in preventing soil erosion. Good earth is the mother of mankind. Right now the dust storms are blowing away the topsoil of our western plains. The administration of the

program is put into the hands of the States. Everybody must admit that it is of public welfare for us to prevent loss of soil fertility through dust storms and erosions and overcropping. Farmers of the West have been compelled by want and debt and economic submergence, and in order to save their farms and to feed their families, to keep on producing and producing and producing more each year. A farmer on an overeroded and dust-blown and soil-robbed farm knows that he should conserve his land, but he cannot afford the expense of doing it. We are concerned not alone for our present population but for future generations, and one of the soundest plans for farm relief which can be proposed is that of regenerating and preserving our soil fertility.

Long ago this plan was lodged in the minds of agriculturists. Erosion precedes destruction and soil robbing results in ruin. If present practices of prodigality are allowed to continue, the time is not far away, probably within the next 50 years, that the United States will raise food and fiber only for itself and at prohibitive prices. It is a question of time when the United States will find it hard to feed her millions at a reasonable cost. Four or five billion dollars' worth of fertility is being carried down the Mississippi River in each year or being blown away into lakes and mountains and forests. Our western grazing lands are headed toward desert conditions. History records a long line of civilizations that are now extinct because there was no conservation or thought for the future. And this industrial age is headed toward the rocks of disaster unless we retrieve the situation and conserve our resources, and do it speedily. For three centuries we have taken the earth's bounty without making due and grateful recompense. We must not misuse the blessings which God has bestowed upon us. The farmer and the black earth are partners together in the oldest business in this world. He should be a husbandman and not a despoiler. Through billions of years the rock layers have subsided and for eons they have crumbled into dust, and this black dirt has made the people of the United States the busiest and the best living and the best cultured and the most Godfearing people in the world.

Under this bill a new era will come to soil culture. The old pioneer is gone, but he leaves an immortal memory. The early homesteader took and wasted what the new pioneer will receive and conserve. And under this bill the farmers will be permitted to live happily as well as to conserve. Under this bill they will be given some grants in order that they may live themselves, while at the same time they will be assuring life to future generations. Under this bill the States will be given appropriations to preserve the general welfare by conserving and protecting the interests of civilization and of mankind and of God. That is the purpose of it.

I can mention other things that this bill will do. For example, there will be a conservation of agricultural products and grains and fibers. The farmer himself will be allowed to warehouse these products upon his own land and thereby prevent and overcome speculation in his commodities. Heretofore, and in every year, he has been compelled to pay the speculator and the gambler and the man who traffics at the cross-roads vast sums of money. I am proud to remind the Congress that the Iowa law was the first law ever enacted in the United States which contained these wise and working provisions for the warehousing of grains and products upon the farms. I was one of the authors of that law, and I am pleased to know that its benefits have been extended throughout the whole land and that a wise conservation of resources will embrace the opportunities of that legislation. The administration will use that kind of a law so that farmers may not be exploited by those who manipulate the markets and so that farmers will not be compelled to make short sales quickly after harvest and dump their products into a low and glutted market.

This legislation is not perfect. It is perhaps inadequate, but it will do something for agriculture which sorely needs to be done, and that is why so many of us on this side of the aisle are now supporting it. That is why we say that it is exactly in line with the platform pledges and promises of our party. I would like to see other things done. We could well approve the bill of Congressman HOPE, of Kansas, who is the ranking Republican on our Agriculture Committee, for a plan which will give to farmers a grant as a tariff equivalent. It is shown that farmers have to pay 26 percent extra on account of tariffs for 200 items which they buy. Mr. HOPE proposes a grant so as to do what our platforms say we must do and to put agriculture on a parity with industry. He proposes to pay farmers this same 26 percent for basic products which are sold domestically. This plan will undoubtedly not increase production because the farmer will not get any grant for producing more than that which the Secretary will find to be consumed domestically.

We have also the bills of Congressman MASSINGALE, of Oklahoma, and of Congressman EICHER, of Iowa, providing for payment of cost of production for farm commodities. I can join with these gentleman in some of the principles involved in their bills. I have heretofore stated that we must pay at least as much as the cost of production, else we rob the producer.

We ought to give the American market to the American farmer. In 1932, the year before the Triple A was enacted, 344,000 bushels of corn were imported into America from foreign countries, while in 1935 the importations of corn totaled 20,427,000 bushels. I am aware, of course, that the drought had something to do with these importations, but nevertheless the principle stands out. In the first 10 months of 1935 the United States imported approximately $100,000,000 more of food products than were imported in the same period in 1934. This tremendous sum went to foreign farmers and from them to foreign importers and manufacturers. This enormous sum could be used very well by some of the farmers that I know out in Iowa. Their wives could buy some pretty gear with it. In the first 9 months of 1935 $22,000,000 worth of butter was imported into this country. Is that fair to our dairy people?

And so I repeat that we ought to give the American market to American farmers. And there should be excluded from the American market those things which come into competition with American products, even though the competitive product is not precisely the same as the American product. I give you the condition as to blackstrap as an illustration of what I mean. Blackstrap was formerly a waste and garbage which was a menace to the sugar industry in foreign countries. Some bright chap taught the sugar men how to make alcohol from this waste and this garbage, and now the American farmers are compelled to compete with the half-clad peon labor of the West Indies because we continue to allow the sugar interests who own the foreign refineries to control our policies and import almost tax free the material out of which we make our alcohol. It is a bad practice.

The dollar is too high-priced when measured in the terms of agricultural products, because it takes too much of the labor and too much of the industry and too much of the farmers' soil and sunlight in order for him to get his hands upon one of these dollars. In other words, farm products are too cheap. One of the colossal mistakes that we are making is in allowing foreign agricultural importations to come upon our shores and through our customhouses, while at the same time curtailing farm production on our plains and farms and countrysides here at home. In line with this also is the foolish and asinine policy of eliminating one kind of production in one locality and then permitting that same kind of production to be accelerated in another locality. For example, under the A. A. A. we paid the Iowa farmers for taking corn land out of production, and then we went into the South and paid the farmers to put cotton lands into corn production. Can anything be more asinine or foolish? What can you say of or for a policy which votes vast subsidies for irrigation and to bring arid land into use in producing the very crops that already glut the market. What sense is there to such a policy? There are a dozen other things that might be spoken of which would benefit the farmer and which would not harm others. We could purchase forty millions of acres of submarginal lands without any serious dislocation of population. Let us improve credit facilities, make better marketing conditions, expand food consumption by increasing employment, promote new crop uses, and do a hun-

dred other things. This legislation is not just exactly what you would like to have, nor what I would like to get; but, after all, I believe that it will accomplish something and make better conditions for agriculture, for civilization, and for posterity.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield for a question?

Mr. GILCHRIST. I yield to the gentleman.

Mr. WOODRUFF. Does the gentleman agree that one of the fundamental purposes of this bill is the restriction of agricultural production?

Mr. GILCHRIST. Within the Constitution, yes; without the Constitution, no. There is no question but that this bill, in giving this control into the hands of the States, meets every objection that was urged by the Supreme Court. The Supreme Court does say that certain things cannot be done by the Government; but it denounced the old A. A. A. simply and solely because the Government was entering the province of the States, and this bill does not do that. This bill does not do that even temporarily. I believe that even tomorrow or next week the States might take advantage of the act if prepared to do it, and that, so far as the act itself is concerned, it would be legally possible for them to proceed with some kind of soil-conservation program.

Mr. WOODRUFF. Will the gentleman yield further?

Mr. GILCHRIST. I yield to the gentleman for one question.

Mr. WOODRUFF. Is it not the gentleman's opinion that for the coming 2 years at least any control of agricultural production which takes place under this act will be contrary to the provisions of the United States Constitution because it will be done under the direction and under the restrictions of the Secretary of Agriculture?

Mr. GILCHRIST. I do not agree with that proposition, especially in view of the fact that before this bill comes to a vote one word of this act—"shall"—will by consent of the committee be changed to "may"; and with this change there cannot be any question about it, because the States could then at any season use this act in soil conservation and for the purpose which is outlined in section 7 (a).

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield there?

Mr. GILCHRIST. I wish the gentleman would use his own time.

[Here the gavel fell.]

Mr. GILCHRIST. Mr. Chairman, I ask unanimous consent to extend my remarks and include a table showing certain payments under the A. A. A.

The CHAIRMAN (Mr. UTTERBACK). Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JONES. Mr. Chairman, I yield myself 20 minutes.

The discussion has taken rather a wide range. I hope that what I say may be said in a wholly nonpartisan spirit.

I have sat side by side with Members on both sides of the aisle through years of effort on the farm program. I was one of those primarily instrumental in securing the provision of the original bill under which, as far as practicable, it was to be administered by the local county and community committees selected by the farmers. Necessarily, the members of the county unit are elected on a nonpartisan basis. There is not going to be a great army composed of one party or the other, because the farmers select the county and community units.

When I was a boy living in the country, my father, after several years, built an improved farmhouse that was somewhat better than the one in which we had lived. In that building the construction man placed a mantel too close to the fireplace. The house was defective in two or three other instances.

One day, after we had lived in it 2 or 3 years, the fire jumped out of the fireplace, lighted the mantel, and the home was burned.

When the folks arrived home we did not sit around a long time to decide whether we would build another place to live in—for we had to have a place to live. My father asked the carpenter to come the next morning and start building the best home that we could afford for a shelter. Later it was improved, but it was necessary to start without delay.

After years of consideration, we adopted the Triple A. The Supreme Court decided that it had some defects and could no longer be enforced. I think it accomplished a great deal of good. I think every thinking, nonpartisan man in America will admit that it accomplished a great deal. But on account of several defects we cannot use it any more.

Now, the first thing we did when we started to build a new home was to clear away the rubbish and get it out of the way. We have the statement made here in debate that we are trying to destroy the Constitution. I know of no one who wants to destroy the Constitution. It has been in existence 150 years, and practically 150 years from now it will still be going strong. [Applause.]

I remember as a boy, reading a book called "Character Sketches." Probably some of you have read it. It had a chapter on various homely subjects. Among those was a chapter on the Rock of Ages, with an illustration of the rock. On one side of the rock was a weazened, dried-up atheist, who, with a stick, was attempting to pry it over. The stick was breaking and he was grinning because he thought he was accomplishing his aim. But instead of that he was falling over into a pit, and Satan was standing ready with a fork to get him.

On the other side was a little dried-up deacon who was leaning against the rock attempting to prop it up, while the rock itself, strong as Gibraltar, was still in its place.

For ages past the Constitution has been, and for ages to come, will be the strength of millions of people. [Applause.]

The Constitution needs no defense on the part of the professional defenders. It has innate strength. It is strong enough to live and endure as the basic foundation of the American people. [Applause.]

One of the fundamentals of that Constitution—and it was written right in the top of the Declaration of Independence before we had a constitution—is that all men are created equal, meaning that in the application of the laws of the country there should be equality. That was put into the Declaration of Independence before we had a Constitution, right at the top of it, and that principle was carried forward. The whole basic philosophy behind the farm program, behind the farm movement is the injustice of 50 years of discriminations because of a trade-barrier system in which the farmer, in the main, could have but little part. To remedy this injustice is the foundation on which the other farm program was based, and it is the primary effort in this program.

Right or wrong, we have a trade-barrier system that gives a rather lopsided development. Let us clear away some more of the rubbish. It has been said here that we are subsidizing the farmer. In the 16 years that I have been listening to witnesses and talking about this subject, I have never advocated a subsidy for the farmer; but I have advocated restitution, a restoration of the basic philosophy of the Declaration of Independence and the Constitution of the United States. We could have had a lot of hearings when our house burned down, but we did not have any house in which to live. For 16 years I have been listening to hearings, and the committee had a lot of hearings on the other bill. There has been some experience—and I am sure that if we had had hearings we probably would have heard the same people that we have heard heretofore, and perhaps some members of the committee know as much about the subject as they do. If we had asked those people to come here, and I had been given their names, I could probably have shown you 20 or 30 pages of their testimony heretofore given on the same subject. We have written the best farm bill that we can, to at least hold the line and undertake to retain some of the correction of that disparity to which we have already referred in many speeches and statements, both here and elsewhere. I join with the statement made by the master of the National Grange, when he said that he believed in a tariff for all or a tariff for none. [Applause.] When a man grows a bale of cotton or a bushel of wheat, cultivating

the one under the hot June or July sun and harvesting the other under a blazing summer sky, and hauls that wheat or cotton to market in a free country, he has a right, if there is any constitutional right to equality in America, to sell that bale of cotton or that bushel of wheat on the dead level of equality with industry or with any citizen of America. [Applause.]

I do not claim that this bill is perfect. I spent days and nights and weeks poring over its language, with all haste and hurry, consulting with all those I had an opportunity to consult with. Other members of the committee have done the same, and I believe we have a pretty good bill, notwithstanding what some have said about it.

The bill does three things primarily. It provides for a soil-conservation program and a soil-rebuilding program. That cannot be belittled, if you think about conditions in America. For years we have swept over this country like a swarm of devastating locusts, using up our capital structure and imagining we were making money. As a matter of fact, we were destroying our capital and letting it flow into the creeks and rivers and off to the sea. Go read something about the history of China. That was once a very rich country. It had rich soil. It is a very old country. They began to chop down the trees and remove the trees and rocks from the mountain sides and the grass from the mountain sides and began intensive cultivation. And the winds and the floods came and beat upon those mountain sides and that rich soil rushed down, not being held by the rocks and trees and grasses, and flowed into the sea. The mountain sides became barren and then the valleys became overpopulated until what was once a very rich country had become largely poverty stricken. When people become poverty stricken over a long period of time, they begin to lose their character and initiative, and that is the story of China. We have already destroyed nearly 50,000,000 acres of land in America and have endangered 360,000,000 more. If nothing else were done under this 2-year program that is possible until we can get the major program in operation, the entire expenditure would be fully justified. [Applause.]

The measure also provides for a domestic allotment plan. That means that premiums may be paid on that portion of commodities which are grown for domestic consumption. I think what we have provided is strictly in line with a great many plans that have been offered in varying forms, intending to accomplish that same purpose. Then, third, we also provide for expansion of domestic and foreign markets, for finding new markets, and for the removal and disposition of surpluses. In other words, we are building forward into a well-rounded philosophy. That, I think, is an improvement over the old program. The other program may have been necessary as a deck-clearing one, because of the jam into which we had gotten. We are going forward. We should produce all that the market will absorb both at home and abroad. I do not believe in the doctrine of scarcity and never have believed in it, and it is not the purpose of this measure.

The permanent plan, the State cooperative plan, which is an effort in the light of the Supreme Court decision to carry on a just and fair farm program and at the same time rebuild the soil, in which everyone is interested, is provided by the bill. We provide a State cooperative program which, in the light of the decision of the Supreme Court, can be done, and it can go into effect tomorrow. In fact, it will be in effect when we pass this bill. It simply cannot go into operation until the States have acted, and that might take a little time. Under that program the States can fashion, in cooperation with the National Government, or in consultation with the National Government, a program that may accomplish many of the things that were done under the old program. Until that is done, until the States can act, until the program can be builded, we provide that for a temporary period we will have a soil-building program primarily. There are five things, as was discussed by the gentleman from Mississippi [Mr. DOXEY] on yesterday, that may be done under the permanent program.

In order to be sure that we stay within the Supreme Court decision, we limit the temporary program to the three soil-conservation methods, as far as soil is concerned, making them all purely voluntary, and provide for the treatment of this soil in various ways. It will have to be done differently in different sections. It is impossible, by specific provisions, to determine how, in every detail, that shall be done. In some places it will be terracing; in some places a little trenching; in many places contour plowing; in others, strip planting of grasses, strip planting of crops, strip planting of forage, strip planting of various things not to be harvested but to hold the soil. That may be done even in dry areas. Then we have various soil-rebuilding crops that can be planted. It seems to me that that will be a worth-while accomplishment, if we can conserve the soil and thus preserve the source of supply for commodities that are needed for future generations. At the same time we can benefit the farmer by enabling him to build up his land as it needs to be built up, and have him compensated for doing so. Thus we can restore a part of what has been taken away from him under our trade-barrier system.

There has been so much discussion of the so-called Boileau amendment——

Mr. CLAIBORNE. Will the gentleman yield for a question at that point?

Mr. JONES. Yes; I yield.

Mr. CLAIBORNE. The gentleman said something about premiums that were to be paid. Do I understand that the money with which they are to be paid is to come out of the general revenue, or is there some special method by which it is to be raised?

Mr. JONES. The money for this act is to be appropriated out of the Treasury of the United States.

Mr. MAPES. May I interrupt the gentleman to ask a question for information?

Mr. JONES. Yes; I yield to the gentleman.

Mr. MAPES. Will the gentleman give the House some idea of how the soil program can work out to limit the production of cotton, wheat, corn, or any article that may come under this act?

Mr. JONES. I do not think that under the Federal temporary plan that could be done. Of course, production may be indirectly affected by change in the use of land. But the States under the permanent plan would have authority to do it if they desired. When the State plan is enacted, I think the States, by agreeing on a general plan, probably could accomplish that purpose, but I do not think the National Government has authority to do that directly—or at least I am afraid it has not—in the light of the decision of the Supreme Court of the United States. However, I think we can accomplish a great purpose and at the same time, incidentally, be of some benefit along that line.

Mr. MAPES. It is the opinion of the gentleman, then, that this bill does not contemplate that the Secretary of Agriculture will, under the temporary plan, pay out any money to farmers for crop-control purposes?

Mr. JONES. Not directly for crop-reduction purposes.

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

Mr. JONES. Mr. Chairman, I yield myself 10 additional minutes.

Mr. MAPES. I am glad to have the gentleman's opinion.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. JONES. I hope the gentleman will let me finish my answer to the gentleman from Michigan.

Mr. FITZPATRICK. What percentage does the farmer receive of the amount paid by the consumers? There is a great difference in between there.

Mr. JONES. I cannot answer two questions at once. I want to finish with my statement. As I stated to the gentleman from Michigan, they can pay farmers for this soil conservation and soil rebuilding activity. There is also a provision in this bill whereby, under the domestic allotment plan, some premiums may be paid on that part of his production which flows into the domestic market. I think these premi-

ums can be paid directly to the farmer, but they are not paid, primarily, for the restriction or for the reduction of production, but paid on an entirely different basis, which I think we have a right to pay. I think we can also go forward at the same time with the expansion of foreign markets under any of the methods that have been suggested. In other words, this will be supplemental and at the same time the premiums can be paid.

Now, I am sorry I cannot yield further.

Mr. FITZPATRICK. Will the gentleman answer my question, please?

Mr. JONES. I told the gentleman at the time that I wanted to finish my answer to the gentleman from Michigan, and I do not really remember the gentleman's question.

Mr. FITZPATRICK. What percentage does the farmer get compared with the amount paid by the consumer, because in between that there is so much that I think the farmer is entitled to.

Mr. JONES. I agree that that is true, and we are ironing that out as best we can. Of course, some in between is legitimately taken. Nobody can give a definite yardstick on that.

Mr. Chairman, I should like to spend a little time on these other features.

Mr. TOBEY. Will the gentleman yield?

Mr. JONES. If the gentleman will yield me some more time I should be happy to yield.

Mr. TOBEY. One matter puzzles me. The gentleman expressed himself a few moments ago as opposed to the philosophy of scarcity, and he followed that by saying it is not the primary purpose of this bill. Does he imply that it is one of the purposes of the bill?

Mr. JONES. The gentleman wholly mistakes my position. I think a factory would be foolish to build 100,000 automobiles if it could sell but 40,000. I think it would better make some adjustment. I think it is necessary to make some adjustment as we go along until we get a program that can be worked out. There may be other things incidental to the main program, for instance, as appeared from the illustration of the building of a dam, used by one of the Members in his argument. The dam may be built primarily for national defense, but if some other things result from it incidentally I do not think it makes the original purpose invalid. Certainly, however, this program is not being undertaken primarily for that purpose. It is not the purpose in my mind at all as a direct proposition.

I wanted to discuss, for just a moment, the dairy question. The gentleman from Wisconsin [Mr. BOILEAU] is a very loyal, effective, and hard-working Member of the House. I have the highest regard for him, as I do for the other members of my committee. I would not trade my committee for any committee I ever saw; and in the main we get along well together and produce results. I think I am as loyal to my party as any man here, and I do not ask anyone on the other side to be other than loyal to his party; but, in my judgment, this is a tremendous national issue that has taken years to reach the point of legislation. It transcends party lines, and if I cannot get a little beyond that in an effort to work out this program, my service here has been pretty much of a failure.

The Supreme Court says that we cannot regulate production. The gentleman from Alabama read that sentence a while ago. They said that would be an invasion of the rights reserved to the States. If, regardless of its merits or demerits, we included that amendment it would stick out like a knot on a limb; it would make one of the primary purposes of this soil-building measure regulation of production which the Supreme Court says is a right reserved to the States, and the Governor of one of the States, as one did in another matter, might possibly bring the question before the Supreme Court.

I believe we have stayed within the limits of the Court's opinion. The Lord knows we have tried hard enough to do so, and I hope this House will not vote an amendment that would look like slapping the Court right in the face. I think I have been as loyal to the interests of dairy people of America as anybody.

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

Mr. JONES. I yield.

Mr. BOILEAU. Does the gentleman recall the language of section 8 (c), page 7, of the House bill:

> (c) Any payment or grant of aid made under subsection (b) shall be conditioned upon the utilization of the land, with respect to which such payment is made in conformity with farming practices which the Secretary finds tend to effectuate the purposes specified in clause (1), (2), or (3) of section 7 (a).

And then in section (d) it gives the Secretary the further right to designate the changes in the use of land. Is not that absolute control? If the amendment I intend to offer constitutes control, so does the language of the bill.

Mr. JONES. The gentleman, I think, is unduly alarmed in his desire to reach a certain conclusion. Soil conservation and soil rebuilding are the primary purposes of the bill. The methods that may be used all relate to conservation of the soil and the rebuilding of the soil. These objects are made the primary purpose of the bill.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield further?

Mr. JONES. I am sorry I cannot yield. If I had three times as much time as I have I would still be swamped with requests. The gentleman has discussed this pretty thoroughly. I should like to discuss it from my point of view for a little while. I do not want to be discourteous to the gentleman.

The gentleman by his amendment would say that the Secretary shall do what the Supreme Court says he may not do. Does he want to do that? I think it would be rendering the dairy people a disservice, notwithstanding some of their very good friends think otherwise, to add such an amendment, because I think it might endanger the whole legislation, and the Lord knows we do not want to do that. These things will all be subject to correction if any injustice is done.

I want for a minute now to talk about the benefits the dairy people have received. The dairy people have not been mistreated in the farm program, notwithstanding some statements that may have been made to the contrary. Under the old bill we derived money from taxes on various commodities. Processing taxes were not levied on dairy products, yet we spent between $30,000,000 and $40,000,000 on tuberculosis and Bang's disease; we distributed about $23,000,000 worth of dairy products; we spent over $100,000,000 buying cattle, and many dairy cattle were taken out of production.

[Here the gavel fell.]

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

The interests of the dairy people have had particular care in expending this money. A great deal was spent, and I think rightly so. I was for spending it. I want to put in the RECORD at this point a comparison of the prices on a number of products in the years 1932 and 1935, the month of December.

Farm prices

Commodity	Quantity	December 1932	December 1935
Wheat	Bushel	$0.316	$0.961
Rye	Bushel	.211	.40
Flaxseed	Bushel	.828	1.56
Barley	Bushel	.193	.375
Cotton	Pound	.54	.114
Corn	Bushel	.188	.53
Hogs	Hundredweight	2.73	8.72
Beef	Hundredweight	3.41	6.14
Rice	Bushel	.40	.701
Peanuts	Pound	.012	.03
Wholesale milk	Hundredweight	1.26	1.86
Butterfat	Pound	.211	.33
Butter	Pound	.213	.298
SEASONAL CROPS			
Tobacco	Pound	.105	.185
Grain sorghums	Bushel	.191	.509

The prices of all these commodities have increased very materially. Dairy prices have gotten almost as near the parity price as any of the other commodities.

We are going forward in this bill and providing not only for the payment of domestic allotment premiums, but we also provide in section 12, which I penciled myself with my own hand, that any part of this fund may be used for the expansion of domestic and foreign markets, the search for new markets, and the removal and disposition of surpluses.

We are amending another section, section 32 of the amendments passed last year, in such a way that it can function in behalf of both the domestic and foreign increase of consumption. The dairy people I am sure will be cared for. I do not interpret what Mr. Davis and the Secretary said as does the gentleman from Wisconsin [Mr. BOILEAU]. I am sure he gives you the interpretation as he understands it. As a matter of fact, both of these gentlemen assured us that they will use all within their power to see that the dairy people are fairly treated and benefited by this measure. That was stated flatly by them, as the members of the committee will recall. Of course, when they were asked to rule that the farmers must not sell any crops or raise any of these crops, they were not going to be driven into the position of saying they would do what the Supreme Court said they could not do. However, they gave us every assurance that they would handle this in the very best possible manner. I will use all of my effort to see that that is done, and I am sure they will go just as far as they can to protect the dairy interests. I think they will go a little further than they have gone in connection with the others.

Mr. BOILEAU. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Is it not a fact that the Secretary of Agriculture and the Agricultural Adjustment Administrator both stated that practically all of these lands will be used for the planting of grasses and other legumes and livestock would be fed from those products?

Mr. JONES. No; I did not understand it that way at all. They did not say they would not undertake to do the things the gentleman wanted done, but made the point that the gentleman, in his enthusiasm in making the statement that this bill would result in increased dairy production, might be mistaken, in that if you take out 5 acres of corn and put that land into grass there would probably be much less butterfat production.

Mr. BOILEAU. They also said the same thing about tobacco. The gentleman referred to my statement, and that is the only reason I interrupted him.

Mr. JONES. In connection with this question of dairy production, there is an interesting fact I should like to put into the RECORD. Of course, I am not taking into consideration the trend of dairy production before 1933, when the farm program went into effect. However, in 1933, 1934, and 1935 the dairy production tended to go down in the United States. In 1933 the production of creamery butter was 1,762,000,000 pounds. In 1934 the production of creamery butter amounted to 1,694,000,000 pounds. In 1935 it was 1,600,000,000 pounds.

Here is an interesting thing: Dairy production all through the South went down in those 3 years and it increased in Wisconsin. I will put these figures in the RECORD. Of course, I do not object to this increase in Wisconsin, because it is a great dairy-producing State. But the program has not hurt Wisconsin. This land was put into other crops and permitted to be fed on the premises. Of course, they put in the contract it should not be used for commercial purposes. I think that most of this soil conservation will be devoted to noncommercial crops. In fact, I am sure of that. Some of the land will be allowed to go to fallow in certain years, while other land will be plowed and listed in contour fashion. Other land will be planted in strips with a crop to hold the soil together. In other instances grass will be planted, while in still other instances the land will be planted to legumes. I think they can probably require certain action in connection with the treatment of these things. I am sure they will do that as a practical matter.

I want to say to the gentleman that I hope the main program is in effect next year. I hope we shall not have to carry this temporary program for more than 1 year. I hope next year we will have a State program in effect in the various States. Of course, we cannot instruct or require the States to do that. But in working out a uniform program they should do some of the things that are desired by the gentleman in connection with this program. I trust that he will lift up his eyes and look clear across this broad country of ours and see that we have a big task to accomplish.

Mr. Chairman, I believe in the United States Government, in its history, in our institutions, and in our people. Knowing the glory of her past, I have implicit confidence in her future. This is not a perfect plan. It is subject to change. Go down to the Smithsonian Institution and climb into that first automobile that was made, a Haynes, I believe, or a Stevens Duryea. If you tried to drive that car to Baltimore today, you probably would be arrested. Yet they did not run that car into the ditch at the first and discard it because it was not perfect. They improved automobiles from that time on. We are here starting to build a program. It may need some changing. It will be not only in the interest of the American farmer but in the long-range prosperity of this Nation. I hope all of the Members will join with us in an upbuilding program and not a destructive one.

Mr. MICHENER. Mr. Chairman, will the gentleman yield for one question, which is very important?

Mr. JONES. All right; if it will please the gentleman, I yield. Will the gentleman vote for the bill then? Is the gentleman for or against the bill?

Mr. MICHENER. It might depend on how the gentleman answers the question. Does the gentleman believe in the principle of the Boileau amendment, and would the gentleman support it if he thought it constitutional?

Mr. JONES. I will state to the gentleman that I did support a very similar provision in the old program. I do not think it is quite the same here, because I rather think the soil-conservation program should not be handicapped, but should be made more flexible, and I should not want to answer the question definitely. If we had the old program, I would say "yes", but I feel in a soil-building program it is impractical to have payments conditioned in that way. If an old cow broke into a pasture, under that amendment, I think, the farmer would lose all his payments. I do not favor the amendment as drafted here, but I do believe that insofar as practicable they should use this for soil-building crops that are noncommercial in character. I will give the gentleman that much satisfaction.

Mr. KLEBERG. Will the gentleman yield for a question?

Mr. JONES. I yield to the gentleman from Texas.

Mr. KLEBERG. May I ask the distinguished chairman of the committee if it is not true that in the Southland, for instance, without the grazing of acreage taken out of cotton, which is a one-crop proposition with us, we could not rebuild our soil if we were not permitted in some way to use some livestock in connection with it?

Mr. JONES. The question probably answers itself.

I want to assure you gentlemen that, as I have in the past, I expect to work in the interest of the dairy producers and all producers of America, in my State as well as in other States.

Mr. Chairman, I reserve the balance of my time.

Mr. MARSHALL. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. HULL].

Mr. HULL. Mr. Chairman, before proceeding with my comment on this measure, I should like briefly to correct the estimable gentleman from Texas, whom, I am sure, we all regard highly on both sides of the aisle, in respect of some of his statements regarding aids to dairying. The gentleman lives a long way from the dairy districts of the Northwest and, possibly, he is not familiar with what was done by the Federal Government in relation to aiding the dairy-

men with appropriations—for instance, for the purchase of dairy cattle. This purchase was made at a time when the entire Northwest was in a drought, when thousands upon thousands of cattle were starving and many of them dying. The Government did step in, and it spent money in buying dairy cows just as it had also spent money, farther west, in buying beef cattle in order to keep them from starvation; and, if the gentleman from Texas or anybody else regards as aid to dairymen the payment of $9 a head and $10 a head and $12 a head for cows that were ordinarily worth $100 to $150 a head, then the dairymen did get aid; otherwise, they did not.

As for the purchase of dairy supplies for relief purposes, it is true they did buy some; and they also bought cotton. They bought cotton by the carload and shipped it to the centers of Wisconsin and had it made into mattresses. They also bought flour and distributed it among the poor. But here is the odd fact about the purchase of dairy products: Apparently, for the purpose of both relief and for so-called stabilization, the Government did not buy and it has not spent the $50,000,000 that was available. It has not expended that entire sum, but it went out and bought butter from the lowest bidders. In other words, instead of stabilizing the price of butter and dairy products by the purchase of these supplies at cost-of-production prices, as it stabilized the price of cotton by fixing a price, it went in the market and purchased from the lowest bidders and caused a decline in dairy prices instead of an increase.

So, if I had the time, I would go to greater length with respect to what the Government has done for dairying. The fact is that all the purchases made by the Government under the Triple A, or any other plan, have not equaled the amount of dairy products shipped in to us from foreign countries, glutting our markets, and compelling the entire dairy sections to take a lower price for their products. [Applause.]

Mr. Chairman, after 6 years of experiment to aid the general agricultural situation comes another measure designed to improve conditions. In these experiments more than $2,000,000,000 of Federal funds have been expended. That each endeavor resulted in some benefit to portions of agriculture may not be questioned, but with all that has been done, the situation as a whole is not greatly improved. In some sections it is even worse than when the Federal Government first took hold to find a solution of the difficulties.

With farm income some five billions less than at the beginning of the experiments, the farm indebtedness even greater, after hundreds of thousands of foreclosures under which a million or more farmers lost their all, including their homes and their opportunities in life, the annual interest charge upon the indebtedness requires even a larger amount of farm commodities for payment. The causes of farm distress continue unabated, and but little has been done to correct or change them.

While the Government has been spending its billions, raised in part by taxes upon the very farmers whose complaint, among others, is the steadily growing burden of taxation, it has permitted even larger amounts than it has expended in aids and bounties to be sent abroad to foreign countries to purchase farm products, the importation of which not only have served to displace domestic farm production but to glut the principal markets and lower the prices which the farmers must take for those home grown. The protests of dairymen and those engaged in farming lines go unheeded, and their grounds for complaint are augmented by so-called reciprocal trade agreements which are adding to this unfair competition of cheaper producing countries with our own agriculture. All attempts to increase farm income by bonuses, subsidies, application of the doctrine of scarcity, and other such forms of farm relief, will fail of accomplishment so long as this policy is continued.

The present measure is labeled as a conservation plan at once designed to preserve the fertility of our farm lands, prevent erosion, continue the A. A. A. plan of reduction in acreage of several principal crops, and in a general way to evade the ruling of the Supreme Court and carry on the same policy which that ruling upset. It places an enormous sum in the hands of one man, to spend as he shall dictate, and to aid only such portions of the farming population as he alone shall determine upon. It is to be expected that he will, as closely as the law will permit, distribute its benefits among the growers of cotton, wheat, tobacco, and corn as he may please to do, while dairy farmers and others not included in the more favored classes will receive only such consideration as he chooses to give. Whatever he may choose, they will continue to pay for the promotion of the prosperity of the special groups.

The importance of the conservation of the soil is not disputed. Already more money has been spent for soil-erosion work by the C. C. C. than this bill will distribute among the farmers. If Congress desires to appropriate large amounts for such a laudable purpose, it has the power and the opportunity to do so. But to hitch a farm-relief plan to such a broad project, expend the funds for only a portion of the farms while all farms may have need of the process, and indirectly subsidize competition which will tend to reduce the farm income of dozens of States, is quite another matter.

In the six Northwestern States, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, and Wisconsin, lies the greatest dairy district on the continent. More than half the dairy products of the Nation comes from those six States. And 75 percent of their milk is made into butter, cheese, and condensed milk, the principal part of which is shipped to markets beyond the limits of the producing States. These dairy farmers are pioneers in protection of their lands against erosion. These farmers, more than a million in number, have not only developed the most wonderful dairy herds in the world, but they have devoted their acres to feedstuffs for their herds, contributing little, if any, to the so-called surplus of corn and grains. They have developed their pasture and hay lands, rotated their crops, and, in effect, have done all that the present measure calls for in protection against soil wastage.

These same dairy farmers were excluded from any of the benefits distributed under the A. A. A. They paid their portion of the taxes which went out to the three and one-half million farmers who shared in the distribution of the $1,500,000,000. They paid for the benefit of other sections while their own mortgage debts continued to grow, their interest charges increased, and their difficulties of meeting foreign competition went unrelieved. Their mortgage debt alone is about 40 percent of the total of farm mortgages in the entire country.

This bill proposes no aid to them. It is not to be expected that they will receive subsidies for what they have done. Their full acreage is devoted to supporting their dairy herds. They cannot reduce their crop acreages unless they turn to the markets for their animal feedstuffs. So far as their prosperity or farm relief is concerned, they are left entirely out of the picture.

Furthermore, this bill proposes to subsidize the cotton grower and wheat farmer to engage in dairying on the lands which they will be paid to take out of cotton and wheat production. Any farmer in any State has a perfect right to use his acreage as he may choose, to engage in dairying or stock raising as he prefers, but here is a plan to pay him a bounty for engaging in these lines while those who have labored through decades to develop such lines of farming will not receive any compensation. It arrays not only one branch of farming against another but it serves to put many other States on a subsidized basis to compete against a great dairy region by direct Government policy.

That the plan will be carried out on much the same line as the A. A. A. is not to be doubted. It is proposed and will be enacted for that purpose. That the distribution will be about the same is possible. Here I shall insert a table showing the payments made to the farmers of the several States and the branches of farming benefited.

EXHIBIT B. AGRICULTURAL ADJUSTMENT ADMINISTRATION, DIVISION OF FINANCE

Rental and benefit payments made by Agricultural Adjustment Administration through Dec. 31, 1935, analyzed by State and commodity

State	Total	Cotton	Wheat	Tobacco	Corn-hogs	Sugar	Rice	Peanuts
Alabama	$29, 938, 661. 70	$29, 198, 799. 77		$6, 889. 92	$645, 512. 00			$87, 460. 01
Arizona	2, 273, 696. 31	2, 142, 554. 99	$49, 313. 73		81, 827. 59			
Arkansas	35, 313, 740. 02	31, 860, 802. 79	6, 584. 45	775. 66	1, 595, 985. 93		$1, 649, 591. 19	
California	13, 104, 109. 10	2, 465, 349. 85	2, 893, 108. 31		2, 447, 278. 74	$5, 580, 647. 02	1, 717, 725. 18	
Colorado	15, 526, 943. 68		5, 611, 022. 21		3, 823, 943. 13	6, 091, 978. 34		
Connecticut	1, 944, 539. 54			1, 878, 494. 17	66, 045. 37			
Delaware	364, 717. 27		283, 401. 50		81, 315. 77			
Florida	2, 852, 837. 16	835, 256. 57		443, 355. 60	396, 220. 96	1, 178, 002. 03		
Georgia	30, 947, 145. 52	27, 555, 871. 81	16, 582. 47	2, 547, 401. 39	238, 335. 94			588, 955. 91
Hawaii	11, 243, 515. 28					11, 243, 315. 28		
Idaho	12, 138, 628. 81		8, 646, 676. 48		1, 578, 092. 27	1, 913, 860. 06		
Illinois	56, 886, 049. 18	3, 285. 57	6, 700, 477. 19	1, 765. 81	50, 135, 224. 01	45, 296. 60		
Indiana	36, 126. 463. 50		5, 082, 153. 83	388, 983. 12	30, 466, 520. 70	188, 505. 85		
Iowa	93, 292, 030. 60		1, 123, 167. 83		91, 929, 517. 75	239, 355. 02		
Kansas	85, 755, 192. 42	6, 529. 28	64, 646, 607. 32	18, 418. 44	21, 888, 170. 77	225, 467. 61		
Kentucky	20, 631, 910. 04	203, 154. 21	651, 482. 80	14, 306, 778. 73	5, 470, 476. 30			18. 00
Louisiana	29, 549, 383. 54	16, 871, 179. 53			124, 180. 33	8, 585, 410. 40	3, 968, 613. 28	
Maine	6, 065. 00				6, 065. 00			
Maryland	2, 905, 039. 76		2, 102, 061. 75	73, 303. 91	729, 674. 10			
Massachusetts	1, 267, 126. 21			719, 300. 60	347, 825. 61			
Michigan	8, 880, 286. 13		2, 217, 385. 69		4, 084, 199. 04	2, 570, 701. 40		
Minnesota	32, 817, 104. 00		4, 900, 723. 80	93, 080. 07	26, 890, 577. 67	932, 722. 46		
Mississippi	34, 379, 866. 30	34, 279, 625. 75			100, 242. 85			
Missouri	42, 522, 601. 29	5, 277, 584. 36	4, 126, 341. 49	280, 238. 07	32, 834, 304. 31		1, 933. 06	
Montana	18, 733, 470. 82		15, 809, 591. 98		774, 950. 63	2, 149, 923. 21		
Nebraska	37, 634, 849. 86		15, 322, 269. 62		39, 821, 123. 87	2, 491, 456. 37		
Nevada	153, 735. 98		76, 715. 27		77, 020. 71			
New Hampshire	63, 027. 45			12, 640. 39	50, 387. 06			
New Jersey	520, 899. 64		29, 412. 67		491, 486. 97			
New Mexico	3, 684, 740. 92	1, 724, 451. 03	1, 343, 083. 42		609, 977. 12	6, 288. 52		940. 03
New York	569, 601. 44		105, 761. 55	87, 932. 52	375, 907. 37			
North Carolina	30, 731, 379. 44	13, 808, 584. 21	134, 000. 60	15, 017, 275. 83	957, 614. 69			813, 904. 11
North Dakota	41, 270, 711. 28		36, 711, 690. 10		4, 218, 786. 46	340, 234. 72		
Ohio	27, 885, 711. 07		4, 534, 493. 41	1, 790, 519. 98	20, 913, 765. 10	646, 932. 58		
Oklahoma	53, 126, 471. 86	27, 834, 054. 70	18, 244, 627. 38	58. 00	7, 006, 877. 03			42, 854. 75
Oregon	7, 808, 769. 08		6, 807, 716. 29		1, 001, 052. 79			
Pennsylvania	3, 282, 107. 11		640, 031. 06	1, 938, 243. 28	703, 832. 77			
Philippine Islands	6, 645, 182. 79					8, 648, 182. 79		
Puerto Rico	3, 887, 460. 72			2, 307, 432. 63		1, 580, 048. 09		
Rhode Island	6, 319. 49				6, 319. 49			
South Carolina	21, 823, 284. 69	18, 046, 506. 52		3, 221, 464. 95	541, 393. 33			13, 919. 89
South Dakota	31, 831, 366. 56		12, 915, 845. 91		18, 528, 438. 31	337, 061. 34		
Tennessee	19, 263, 792. 28	10, 773, 496. 73	343, 925. 28	3, 650, 875. 99	4, 477, 526. 63			17, 967. 65
Texas	152, 776, 927. 75	109, 858, 721. 66	14, 383, 682. 32		6, 333, 332. 09		1, 815, 153. 11	355, 836. 37
Utah	4, 013, 984. 44		1, 600, 100. 31		272, 069. 51	2, 053, 814. 62		
Vermont	103, 851. 60			13, 351. 51	90, 300. 09			
Virginia	7, 074, 492. 76	770, 208. 71	1, 451, 631. 14	2, 430, 404. 04	1, 914, 857. 36			507, 391. 51
Washington	15, 587, 206. 72		14, 596, 125. 51		92, 386. 98	63, 694. 23		
West Virginia	793, 706. 06		200, 744. 48	175, 363. 56	417, 808. 02			
Wisconsin	12, 127, 606. 29		93, 520. 17	1, 850, 501. 13	9, 696, 303. 94	487, 461. 16		
Wyoming	3, 249, 538. 64		1, 123, 218. 85		626, 410. 45	1, 489, 409. 51		
Total	1, 108, 322, 870. 30	333, 516, 020. 04	255, 624, 669. 37	53, 254, 837. 30	597, 086, 524. 64	57, 088, 394. 20	9, 303, 015. 82	2, 429, 249. 03

The payments from the beginning of the A. A. A. until December 31, 1935, amount to $1,108,322,870. The table does not include the $286,000,000 recently appropriated and now being paid to fulfill contracts entered into. The total number of farms in the country is 6,812,000. The payments were made to 3,800,000 farms, and none was made to over 3,000,000 farms.

Of the total, $333,516,020 went to cotton growers, mainly to those of 12 Southern States. At the same time, the Government "pegged" the price of cotton through loans made by the R. F. C. to the amount of about $270,000,000. It is worthy of comment that the cotton farmers turned from cotton growing to dairying, six States alone adding 175,000 cows to their herds.

The wheat farmers received A. A. A. payments of $255,624,669. There was also an increase of many thousands of dairy cattle in the wheat States in 3 years, while the number of such cattle in dairy States decreased.

The corn-hog raisers received $397,026,684; the tobacco farmers, $57,088,394; rice growers, $9,383,015; and the sugar bounties amounted to $2,429,249.

A comparison by States and sections discloses how unevenly the benefits of the A. A. A. were distributed among the nearly 7,000,000 farmers.

Five States, Texas, Iowa, Illinois, Oklahoma, and Missouri, with a total of 1,446,077 farms, received $378,604,078, more than one-third the total payments.

Eleven States, Indiana, Maine, Massachusetts, Michigan, New York, Pennsylvania, Vermont, Virginia, Washington, and West Virginia, with 1,455,975 farms, received $85,818,508, or less than 8 percent of the total.

Texas, which received $132,776,927, and Iowa, which was awarded $93,292,030, together obtained $226,068,957, an amount greater than the combined receipts of Michigan, Ohio, Wisconsin, Minnesota, and Kentucky, amounting to $102,342,517. Texas and Iowa have 723,044 farms, and the five States mentioned 1,133,500.

The distribution, when shown by the number of farms in each State, shows a wider difference in benefits. In no State were all the farmers included in the payments. On the basis of the total number of farms, Wisconsin, with 199,877 farms, received an average of $60.67 per farm, while Alabama received an average of $109.83, Texas $264.99, Pennsylvania $16.63, and Iowa $420.

The restoration of the buying power of the farmers is conceded to be necessary to a general revival of business. The farm income for 1935 was less than 10 percent of the total national income, though the farmers comprise one-fourth or more of the population. The buying power of all the farmers cannot be greatly improved by taxing 40 percent of the farmers more heavily that 60 percent may receive the benefits. Nor can farming as a whole have improved conditions while competition is encouraged by Government subsidies.

This measure will continue the attempt of the A. A. A. to bring about farm recovery in spots. It will continue to oppress dairy farming in the Northwestern States in particular, and even threatens their great industry, which has been 60 years in building. Whatever may be the desire of the Members from those States to aid the farmers of all other sections as well as their own, they cannot, in honesty to their own farmer constituency, aid in the promotion of a measure which promises aid to other sections at a loss and detriment of their own, even to the point of driving northwestern dairying still farther toward ultimate bankruptcy and destruction.

Two amendments are suggested to the House bill. One would prevent the land taken out of production in cotton

and wheat States being used under the Government subsidy for hay and pasturage for dairy and beef herds. It would serve to minimize some of the dangers to the dairy industry in the Northwest which are plainly threatened in the measure before the House. It should be adopted, but, even so, it will not change the fact that about 35,000,000 more acres will be devoted to legumes, and that those acres will afford continued competition in the future.

The other is the La Follette amendment to the Senate bill, which would provide a dairy marketing program, under cooperative management, through which some of the abuses of price control by speculators might be eliminated. Whether included as an amendment or as a separate measure, that program should be put into being. To the objection that Government funds would be needed for such price stabilization, it may be said that the amount required would be small as compared to the great loans made to stabilize cotton and corn prices.

Wisconsin has one-tenth the dairy cows in the country. Its great dairy production in 1929 amounted to $260,000,000. In 1935, with production as large, the returns were less than half that amount. In fact, Wisconsin's income from dairying in 1935 was less than the amount which the State of Texas received from the A. A. A.

The 11 counties in the district I represent have close to a half million cows. Probably 80 percent of the farm income is from dairying. The price of butterfat is still far below cost of production. Foreclosures of farm mortgages in this great dairy district are increasing in number. Agents of Federal land banks and other Federal credit agencies travel about seeking to obtain collections from farmers who cannot pay. So-called aids for the dairy farmers have been inconsequential in comparison with their losses. Our farmers are not in the situation where they can afford increased taxation to subsidize still greater competition from other sections of the country. Denied benefits under the A. A. A., they will fare even worse under the measure under discussion.

Our farmers recognize that the prices on their butter and cheese are fixed very largely by the importation of such products from foreign countries. Twenty-two million pounds of foreign butter and 52,000,000 pounds of foreign cheese dumped onto markets in which there already was a surplus in storage makes for price-fixing by the speculators.

Instead of complying with our demand for protection against such unfair foreign competition, reciprocal-trade treaties continue to increase importations. The Canadian treaty lowered cheese prices 2 cents per pound, entailing a loss of $6,500,000 to the 60,000 Wisconsin farmers who sell their milk to cheese factories. Another trade agreement which reduced by 29 percent the tariff on Swiss cheese will cost Wisconsin farmers, who provide the milk for two-thirds of the Swiss cheese made in this country, more millions during the life of the treaty and before the injustice of it can be remedied.

Fully realizing the importance of the conservation of the soils of our farms, and desiring to aid in any program for improvement of agricultural conditions which must precede general business recovery, I cannot bring myself to support a measure which not only subsidizes competition which would threaten and destroy the greatest industry in my State and district but which would levy an additional tax burden upon those already greatly overtaxed to provide the subsidy. [Applause.]

Mr. HOPE. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. GOODWIN].

Mr. GOODWIN. Mr. Chairman and members of the Committee, I propose to discuss for a few minutes certain paragraphs of the House bill now before us. Section 7 of the House bill provides that the Secretary of Agriculture shall cooperate with the States by making grants to enable the States to carry out plans for the development of the agricultural program, and then provides that the program of the States shall conform to certain fixed rules which the Secretary of Agriculture may approve.

It provides the agency to administer the plan shall be the land-grant colleges or a State agency as may be approved by the Secretary. No provision is made for a plan which might be proposed by a legislative body of any State as applicable to that State.

Should a State, through its legislative representatives decide that it might be to their best interests to provide that land taken from production should not be used for grazing purposes, it apparently has no authority to do so under this bill. Many States, including the State of New York, would suffer in their milk programs if the lands taken from production in other States are used by other States for the development of a competitive program of milk production.

Section 14 of the House bill provides that notwithstanding any other provision of the law, the action of any officer or employee in determining the amount of or in making any grant of payment under sections 7 and 8 shall not be subject to review except by the Secretary of Agriculture.

Is this not a provision which would eliminate any audit by the Comptroller General or any other checking agency of the Government? While this provision existed under the A. A. A. Act, it would seem that all review is subject only to those spending the appropriation. [Applause.]

Mr. JONES. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. FULMER] such time as he may desire.

Mr. FULMER. Mr. Chairman, I expect to vote for this bill for the same reason that my chairman expects to vote for the bill—that is, it is the only bill we have at this time to vote on and apparently it is the only farm bill that we will have an opportunity to vote on during this session of the Congress. There are a number of important and meritorious bills pending in Congress, bills that many of the Members are interested in and that they would like to have an opportunity to vote upon, but under the rules and because of the attitude of those in charge, it is very apparent, as stated, we will not have the opportunity to vote on these bills.

I am not going to explain this bill, just what it will do and just how it will be administered, for the same reason that others who have spoken on the bill have not explained to any extent the real fundamental purpose and plan of administration. I do not believe that there is a Member of Congress on the floor of this House, including the members of the Agricultural Committee, who can give you any definite information, especially detailed information, as to just how this bill will be administered. I make this statement for the reason that if anything has been said by those who will have charge of administering this bill about its real purpose, it must have been said down in the Agricultural Department. There were no hearings held on the bill, and no one was called in conferences from time to time except our chairman, Mr. JONES.

You will notice, on page 1, section 7, of the bill the declared policy, which shall include—

(1) The preservation and improvement of soil fertility;
(2) Promotion of the economic use of land;
(3) Diminution of exploitation and unprofitable use of national soil resources;
(4) Provision for and maintenance of a continuous and staple supply of agricultural commodities adequate to meet domestic and foreign consumer requirements at prices fair to both producers and consumers thereof; and
(5) Reestablishment and maintenance of farmers' purchasing power.

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

Mr. FULMER. Yes.

Mr. MASSINGALE. I wish the gentleman would inform us whether it was within the contemplation of the committee when they were considering this bill that the benefits flowing from it should be distributed to tenants as well as landlords.

Mr. FULMER. It is not what the committee contemplates or any other Member of Congress; it is what the Secretary of Agriculture decides to do, in that he has full power.

Mr. MICHENER. Will the gentleman yield?

Mr. FULMER. I am sorry, I have not the time to yield further.

The only machinery mentioned outside of the Secretary of Agriculture who will handle the bill on the part of the

Federal Government will be found on the bottom of page 2, as follows:

The agency to administer the plan—

Which will be put into operation under this bill—

shall be the land-grant college or colleges in the State, or such other State agency as may be approved by the Secretary of Agriculture.

This will clearly indicate that the Secretary of Agriculture will have the last word in approving the State machinery, and unless the machinery set up in the State to administer the operations of this bill on the part of the State is perfectly satisfactory to the Secretary of Agriculture there will be no grant to such State. There is nothing in the bill and, as stated, there has been no statement before our committee on the part of those representing the Agricultural Adjustment Administration as to the purpose of the bill except as referred to in section 7, which is to conserve the soil.

In section C, page 2, we find the following:

Any State which submits to the Secretary, prior to such time and in such manner and form as the Secretary prescribes, a State plan to effectuate one or more of the purposes of section (7) shall be entitled to payments, as provided in this section.

You will note from this that the plan to be submitted by the State no doubt will be formulated by the Secretary of Agriculture under rules and regulations that he is permitted to write under section 11 for the administration of the bill.

As a member of the Agricultural Committee and as a Member of the House, I seriously object to the passing of legislation not containing at least some rules and regulations governing the administration of the bill in question. You will find under section 11 of this bill the following:

The Secretary shall prescribe such rules and regulations as he deems necessary to carry out this act.

You can see from this that the Congress is turning over to the Secretary of Agriculture unlimited power and complete authority.

Out of my experience during the past 2 or 3 years, having had an opportunity to observe the manner in which bills and programs have been administered, I am in a position to know that there has been considerable complaint and that the Congressmen have not been able to secure satisfactory adjustment of these complaints. This type of administration in many of the departments is seriously operating against Mr. Roosevelt.

God forbid that we shall return to a Republican administration whose theory of government is to look after the welfare of the well-organized and well-financed groups, on the ground that if they become prosperous these groups will look after agriculture and the wage earners of the country. They were certainly looking after agriculture and the wage earners of the country when the tariff policy was established, giving special benefits to industrial groups without placing farmers on an equal basis.

It is my understanding that Mr. Hamilton, or someone at the time of the establishment of the tariff policy, stated that this type of policy would be the salvation of industry, but unless a bounty were given to farmers, placing them on an equal basis, the time would come that agriculture would be bled to death and its purchasing power would be destroyed, all of which would bring about a collapse of industry. This statement may be a dream of mine. However, this happened prior to March 4, 1933.

No one can object to the various programs suggested by the President. However, as stated, there are many people in my district and in the country who object to the manner in which these bills have been administered and these programs have been carried out.

I am sure that every Member of Congress realizes that it is impossible for the President to pass upon these various rules and regulations written in the various departments and the manner in which bills and programs are administered.

The Bankhead Act was not a bad act if it had been properly administered. Every line of business, including industry, except agriculture, keeps posted as to the trend of affairs and is able to control its production in line with supply and demand. It is my firm belief that until the farmers of this country have been placed in a position to do the same thing, which would naturally give them some control over the prices that they are to receive for their products, it is going to be impossible to place agriculture on a sound basis and on an equal basis with other groups which, as stated, are in a position to control their production as well as fix prices. I believe that every farmer in my district agrees with this statement.

The Bankhead Act had various rules and regulations written into the bill, but many of them were ignored by those who had charge of administering same, and for that reason I am glad I had a part in repealing the law. Listen to this provision in the Bankhead Act—section 7 (a), subsection 3, page 5 of the act states:

The Secretary of Agriculture, in determining the manner of allotment (of cotton) to individual farmers, shall provide that the farmers who have voluntarily reduced their cotton acreage shall not be penalized in favor of those farmers who have not done so.

There are two classes of farmers who come clearly within this provision, many of whom did not receive the benefits of this provision. First, many farmers for the past few years have been cutting down their production of cotton, planting various other crops in line with the advice of the agricultural colleges; second, many small farmers were unable to buy fertilizer, and therefore, their yield per acre was not in line with that of those farmers who were able to buy fertilizer. But this was not considered. Many of these small farmers had to reduce their acreage prior to the operation of the Bankhead Act to secure a seed loan. This was not taken into consideration.

You will note in section 8 of the bill that 10 percent of the cotton allocated to each State shall be deducted from the number of bales allotted to such State for the purpose of taking care of the farmers I have been talking about; also, to take care of the following situation; under section 8, subsection (a):

To producers of cotton on farms where for the preceding 3 years less than one-third of the cultivated land on such farm has been planted to cotton.

This was absolutely ignored in numerous cases.

Subsection (c):

To producers of cotton on farms where for the preceding 5 years normal cotton production has been reduced by reason of drought, storm, flood, insect pests, or other uncontrollable natural cause.

This was also practically ignored. Those who allotted cotton could have taken into consideration the fact that many of these small farmers, as previously stated, could not buy fertilizer which would clearly come under that part of section (c), which states "or other uncontrollable natural causes", which, as stated, reduced the yield per acre to these farmers.

I introduced a bill in January 1935 which would have been helpful to farmers who had been producing from 1 to 5 bales of cotton. But it was voted down in the Agricultural Committee. I introduced practically the same amendment on the floor of the House when the agricultural bill was being considered, and this amendment was also voted down by the Members of the House. This amendment was bitterly opposed by the Department of Agriculture.

I am giving this information so that farmers of my district and of the cotton South will clearly understand my position in connection with this very important matter. I am going to give you just two or three examples of the complaints received by me, quoting excerpts from certain letters addressed to me by farmers in my district. This party lives in Richland County:

Don't understand me to be fighting our President. I am for him. I think he is the best friend that we have ever had. What I am complaining about I know the President does not know anything about. The trouble is with the ones on this end of the line. I only get 5 acres to plow and 170 pounds lint per acre, 850 pounds to plow, less than two bales. My next-door neighbor gets 250 pounds lint per acre, just across the road. I am afraid this kind of treatment will be against our President in next election.

This party lives in my district but operates a farm in an adjoining county. He states:

A tenant of mine cultivates 75 acres of land near Cheraw, S. C. Last year there was planted on this place approximately 35 acres in cotton in the effort to comply with the Government requirements. We reduced that acreage this year to 25 acres. His allotment has been placed by those in charge at six bales. He will make about 15 bales. In talking with a friend similarly situated who has 36 acres in cotton I find that his allotment is 16 bales in a different county. It will be impossible for me or my tenant to clear any money on the allotment of six bales when the balance of the crop has a processing tax of $25 or $35 a bale.

Some of the letters received by me were actually heart rending. Listen to this from a farmer who resides in my home county:

I am a little farmer not planting more than 4 acres of cotton. I was given one bale to sell. I made two little bales. It will take half of one bale to pay rent. I can't pay rent, money borrowed to make my crop, and pay my honest debts. They told me I didn't plant enough to make a contract. I don't get any rent payments. My health is not much and my wife is not able to do but a very little. If you can do me any good, I will appreciate your kindness.

I am quoting from a letter from a leading banker in my district, who is also a large and progressive farmer:

DEAR CONGRESSMAN FULMER: The allotment of cotton for the small tenant farmer should be increased so as to make their living possible. I have a number of tenants, and although I am letting them have their money at the legal rate for the actual time used, I find this year that they are not able to make the grade. You realized that our interest, even eliminating all selfishness, is closely alined with the small farmers, and I very much hope that something may be done to better his condition.

I am now quoting from a State senator:

A great many of the small farmers are finding it impossible to make ends meet with the small quantity of tax-free cotton allotted them.

Listen to this letter received from a farmer who lives in Richland County, who states that he is 70 years old and has been plowing for 55 years, which has been the only means of livelihood:

I am one that has been reduced to rags and the lowest standard of living that I have been up against. I have been allowed this year 665 pounds of lint cotton to a two-horse farm. My Negro tenant got 136 pounds. This is just one instance out of hundreds of others who are in as bad or worse condition than I am. My base acreage was 12 acres. They have cut me to 5, and, as stated, only 665 pounds of lint cotton. My last year's obligations are unpaid, as I only had one bale in 1934. I have seven dependents to support, taxes to pay, fertilizer to buy, all out of 665 pounds of lint cotton, worth about $100, including the cottonseed. One of my neighbors runs a two-horse farm. He was allowed to plant 25 acres and has an allotment of 23 bales. He is a single man with no dependents. Mr. FULMER, I am now 70 years old, and I have plowed 55 years for a living. Please tell me in your answer what the future has in store for us.

With the information I have on this bill, and with the information given me by this party and others about the manner in which the Bankhead bill has been administered, certainly I am not in any position to tell this constituent of mine just what he may expect under the operation of the soil-conservation bill.

Farmers were not permitted to enroll on the relief rolls for the purpose of being certified for work under the operations of the W. P. A. It appears that this organization had a rule whereby those who did not have their names on the relief rolls prior to a certain date could not enroll later on. This prevented thousands of farmers who, because of small allotments of cotton, received under the Bankhead bill, not being able even in a great many instances to pay their obligations, let alone having any extra money to buy clothing, shoes, and schoolbooks, from receiving any relief under the work-relief program of the W. P. A. A great many farmers who were rehabilitated under the rehabilitation program who had to turn in all of their cotton without even being able in a great many instances to pay all of their indebtedness were in the same boat. I tried very hard to be helpful to these people but, as usual, without any results.

I refer to this to show you that this class of farmers are not getting a square deal even at the hands of another branch of government.

I know of one farmer running a 20-plow farm on a sharecrop basis, all of the tenants operating a 1-horse farm except 2 families who operate 2 plows each. This farmer used to produce three to four hundred bales of cotton. He listened to the advice of those who advocated diversified farming and received only 57 bales, less than 3 bales to the plow, in 1935. This farmer was not responsible for the 13,000,000 bales surplus. Neither were the tenants on this farm. If the provisions in the Bankhead bill quoted by me a few moments ago had been given consideration in alloting cotton to this farm, these tenants who did not make enough cotton to pay their obligations and had to sell their other products to pay their debts, would have been given at least 100 bales of cotton. I personally know of another farm in the same section where the landlord continued to plant cotton during the base years—in fact, I believe he increased his production. He was given 200 bales of cotton and $2,000 rental benefits. I have received hundreds of complaints from my district along these lines.

Many of the letters, as stated, were heart rending because, having farmed all of my life and having furnished farmers, being a supply merchant and a country banker, I knew what they were talking about. However, in that I did not have anything whatever to do with administering the Bankhead bill or any other bill, all of which is clearly up to some department or some administrator, upon receipt of these complaints I immediately took the matter up with the county agent, allotment board in the State, and with the Agricultural Adjustment Administration. However, I might just as well have gone to the Governor of Arkansas as far as securing tangible results. Now, that is what I am kicking about, and that is what so many farmers are complaining about.

The following statement contained in a letter received from an outstanding businessman and farmer in my district very clearly indicates the feeling on the part of farmers along the lines I have been speaking to you about:

I understand there is some kind of crop-control movement under way, and would be glad that you have it fixed so that each township have a vote and elect their own committee and not have it pushed down their throats by county agent; and if that is impossible, arrange to have the county agent call the county together and have each township elect their own committee.

In that I understand that the machinery controlling the operation or the administration of this bill will be in the hands of certain agencies and farm associations in the State, I am hoping that the farmers will see to it that they are represented in connection with these organizations and that complete provision will be made for a review of all complaints by a disinterested commission, or board, composed of farmers, in each township in order to see to it that in taking out acreage for conservation and allotting cotton for the purpose of paying benefits under the domestic-allotment plan, that the program will be carried out in such a manner that all farmers, large and small, rich and poor, will be treated alike, eliminating just as much as possible any discrimination whatever.

It will be an easy matter to decide that; we will say South Carolina is entitled to produce 1,000,000 bales in 1936. Perhaps it will not be so hard to divide this million bales between the 48 counties in South Carolina, although it was not properly done under the Bankhead bill.

In a number of counties, because of their location, farmers had to cut down planting cotton after the arrival of the boll weevil because of the seriousness of the boll weevil infestation. However, this was not taken into consideration. Especially was this true in Barnwell County, my district. Now, what are they going to do about allocating cotton to individual farmers so as to make payments thereon under the domestic allotment plan contained in this bill? Will the Secretary use the same basis used under the Bankhead Act? I realize that on account of the decision of the Supreme Court perhaps we cannot write all of these things in the bill. But we could have written them in the hearings, or we could have had some assurance on the part of those who will administer this bill as to just what yardstick will be used in taking out land from individual farms and what plan would be used in allocating cotton under the domestic allotment plan. What are we going to do for renters of farm land under this bill? They do not own any land, and about 50 percent of the farmers of South Carolina are in this class. Many of these farmers are renting and share cropping because they have been robbed in the past by a one-sided tariff policy

and monopolistic price fixing, both on what they had to sell as well as what they had to buy.

The only bill passed by the Congress that proposed to correct this one-sided tariff policy was the Agricultural Adjustment Act which was introduced in Congress by me. This bill proposed to control production by reducing and increasing acreage from year to year so as to bring about a production of cotton in line with the demand, paying certain benefits to farmers to bring about a parity in price for that which farmers produce in line with the prices paid for that which they must buy. Farmers everywhere are for this type of legislation—that is, control the acreage on a fair basis and let farmers sell all the cotton they produce. When the Supreme Court decided that agriculture was a local problem and not a national problem, thereby declaring the A. A. A. unconstitutional, agriculture and 30,000,000 people thus engaged were dealt a death blow.

I am not an attorney. Therefore, I am not in a position to speak on judicial matters. But, out of my practical experience, and with a common-sense view, will state that any man or court that states that agriculture is a local and not a national problem would indicate, regardless of his ability as a lawyer, that his past experience and his past environment plus several other things I might state, have caused him to make a deplorable error which will cost agriculture, labor, and business millions of honest dollars.

In closing, I want to give the actual benefits received by farmers in the eight counties I have the honor to represent, located in the Second South Carolina District, under the operation of the A. A. A. and President Roosevelt's administration.

I find the total benefits under the cotton, corn-hog, tobacco, and cash for cotton option programs that my district received during the years 1933–34–35, $4,720,114.15. There has been a considerable amount of money also going into my district under other programs, relief, Works Progress Administration, and other Federal activities. In the meantime, while I have not any definite figures, at the time of the passage and placing into operation of the Agricultural Adjustment Act there was a quantity of cotton being held by farmers, all of which has been sold from time to time on an advancing market which no doubt would have been sold at 5 cents and 6 cents per pound had not the Agricultural Adjustment Act brought about increased prices, all of which has meant millions of dollars to South Carolina and the South. It is my belief that President Roosevelt has done more for and tried to do more for the South, the great masses of the people, including agriculture and labor, than any other President who has ever had the privilege to preside over this great Government of ours.

I should like to state that I am for the President and hope that he will be reelected, but I want it distinctly understood that I do not approve of many things that are being done by many of those who have been appointed by the President and who are responsible for administering bills and carrying out various programs suggested by the President.

Mr. JONES. Mr. Chairman, I yield now to the gentleman from Oklahoma [Mr. FERGUSON].

Mr. FERGUSON. Mr. Chairman, as one of the few Members of the House actually engaged in farming and livestock raising, I make this observation. I had the privilege of coming into the harbor of New York not so long ago and of viewing the great center of finance and seeing the board of trade in action—trading in securities—and after viewing those two sights, it occurs to me today that this bill is an insurance policy to the financial structure of the Nation, because if we do not preserve the natural resources and the productivity of our soil, the whole financial structure, the whole business structure of the Nation will come tumbling down. [Applause.]

All wealth must have a source and that source is the soil of this Nation. We were tardy in instituting this program, but unless partisan politics obstructs the proper functioning of this program, as proposed in this soil-conservation bill now before the House, it is not too late to insure the well-being of this Nation for future generations. In speaking of partisan politics and in closing my remarks, I wish to inject this thought; that while the gentleman from Kansas [Mr. HOPE] represents an element in the Republican Party that has always favored proper farm legislation, the leaders of the Republican Party and former Presidents of that party have always promised everything in the Republican platform and then vetoed or defeated worth-while farm legislation.

We never had a farm program until we elected Franklin D. Roosevelt, so I am happy to support the members of the Agriculture Committee who have recommended the passage of this bill, and to stand by the President in his effort to give the country farm legislation. I know that this bill helps to balance the scales that have been so long out of balance, helps to put agriculture on an equal footing with industry and is only a step toward the goal of equality between farming and industry that the Democratic Party and President Roosevelt are trying to reach.

As a farmer rather than a lawyer, my first impulse when the A. A. A. was declared unconstitutional was to make farm legislation possible by amending the Constitution. To accomplish this, I introduced on January 10, H. J. Res. 446, which is now before the Committee on the Judiciary. My second impulse was to continue the A. A. A. by reintroducing the processing taxes at the old rates, and to accomplish this I introduced on January 22, H. R. 10502, which is now before the Committee on Ways and Means. I felt then, and still feel, that no one could question the rights of Congress to impose processing taxes as a means of raising revenue. Thus, the A. A. A. could have been continued.

Congress did not choose to take this course. We have before us now a soil-conservation measure. This measure is to promote soil conservation by proper land usage and carries out a principle I embodied in legislation introduced by myself on March 6, March 9, and May 7 of last year. Naturally, since this bill definitely establishes a national program of soil conservation and proper land usage, I am heartily in favor of it. [Applause.]

Mr. JONES. Mr. Chairman, I yield 8 minutes to the gentleman from Illinois [Mr. LUCAS].

Mr. LUCAS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and to include therein certain resolutions from farmers in Menard County, Ill., and a telegram from Earl C. Smith, president of the Illinois Agricultural Association.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LUCAS. Mr. Chairman, the divided opinion of the United States Supreme Court in holding the Agricultural Adjustment Act unconstitutional has temporarily stayed the progress made by Congress in its attempt to permanently establish for agriculture the fundamental American policy of equality before the law.

I speak advisedly when I use the words "temporarily stayed", because the leaders of the best agricultural thought in this Nation, reinforced by unified and organized groups by the thousands, will never surrender the just and necessary economic advantages obtained for agriculture under the outlawed Agricultural Adjustment Act.

THE LONG FIGHT FOR EQUALITY BEFORE THE LAW

It is advisable to recall the long and courageous fight which the farmers of this Nation have waged in behalf of this vital principle. For 12 long years organized agriculture demanded Government recognition upon the theory that the Government should assist and cooperate with the farming industry in creating a legislative policy which would give to the farmer a fair and equitable price for his products in terms of relationship with industry and labor. For 12 long years this economic plea of justification and equality before the law was given little or no consideration by those in control of the affairs of Government, who chose to follow a policy of selfishness and resistance rather than a policy of parity. It was evident that such a policy would affect the price of the basic commodities of agriculture. They gradually declined until in 1932 they reached the lowest price level in all of our history. My colleagues, the failure upon the part of those in power to adopt a progressive policy of equality for the farming industry was in my opinion the

primary factor responsible for the complete economic collapse of not only agriculture, but every other industry in America.

When one reviews that period of struggle and recalls what actually happened, it is difficult to believe that recovery was possible in any line of human endeavor. Farmers were bankrupt, tenants were hopelessly insolvent, factories were closed, credit was impaired, and millions of people were out of employment, all of which brought a peculiar kind of suffering and misery to the American people, the like of which had never been known in God's land of plenty. Mr. Speaker, it was the darkest hour for agriculture in all of our history. That was the picture when the present administration came into power in March 1933, and no Member of Congress can successfully challenge those statements. In the words of Browning, "How sad, and mad, and bad it was." Yes; it was sad, and mad, and bad throughout the agricultural communities of America when we were plunged in the depth of economic darkness with 10-cent corn, 30-cent wheat, and 5-cent cotton, all of which was an insult to diligent and faithful toil. A steady decline in prices for 10 consecutive years resulted in a decline in the gross national farm income from $11,041,000,000 in 1923 to $5,337,000,000 in 1932.

Only a nation of free people could have withstood the shock. Only Americans with courage, faith, and determination could have worried along with such ruthless policies constantly hammering at their door. Diverging for a moment, let me make this observation: I submit that one of the great compensations to come out of the depression was the courage and resolution exhibited by the great majority of American people in every walk of life. Indeed, the great majority of the agricultural group met the danger with coolness and compassion. They battled adversity with true American determination, and notwithstanding the depression and the frequent defeat of their cause, Democrats and Republicans alike, representing agricultural sections, faithfully labored on a plateau above partisan politics for equality before the law. It was such perseverance upon the part of the farmers of America which finally caused the passing of the Agricultural Adjustment Act on March 22, 1933. Yes; it was that day that the Federal Government, for the first time in history, recognized a legislative obligation to the basic industry of America. It was that day that hope saw a star beyond the flickering clouds of gloom. It was that day when equality before the law spoke boldly to the American people, saying:

> From out of the painful row of sighs
> One voice of comfort seems to rise.

And, ladies and gentlemen of the Committee, that voice of comfort was the voice of Franklin D. Roosevelt, because it was immediately following his inauguration that he called the farm groups of America to Washington and told them to write their own legislation to meet the existing emergency and he would sign the bill. In that historical meeting the Agricultural Adjustment Act was formulated by the farmers themselves, acting through their own organizations. It was later approved and defended by the President of the United States on the basis of its fairness to agriculture.

THE FARMERS' POSITION TODAY

It is well at this point in my argument to briefly review what advantages the farmers received under what proved to be later on an unconstitutional program. Time prohibits a lengthy discussion. The benefits can best be portrayed by comparing the total purchasing power of all farmers for the years 1932 to 1935, inclusive. The gross income for 1932, which reached an exceedingly low point, was $5,337,000,000. Under the impetus of the Agricultural Adjustment Act we find the gross income for 1933 in the sum of $6,406,000,000. In 1934 it was $7,266,000,000. In 1935 it was $8,110,000,000. A matter of simple arithmetic tells the story of the tremendous increase in the purchasing power of this great class of American people in the short space of 3 years. I am willing to give the drought some of the credit for the increase mentioned. However, it was infinitesimal compared with the benefits derived through legislative action.

Is it any wonder, with these billions of dollars of increased purchasing power under a program of cooperation, that every leading farm organization in this country, after the Supreme Court invalidated the Agicultural Adjustment Act, should come to Washington and, after a 2-day conference, vote unanimously for the enactment of legislative aid of an effective character in order that the forward-looking policy of agriculture might not be disturbed by that decision? Is it any wonder that these national farm organizations and cooperative groups, representing every major commodity produced in America, are anxious to retain the farm yardage gained in political scrimmage in a game which some people say should never have been played? Is it any wonder that delegates and members of the Illinois Agricultural Association, which has a membership of 63,000, concluded their convention in Decatur, Ill., on January 30, last, with an unreserved endorsement of the temporary agricultural plan as a substitute for the Agricultural Adjustment Act? These manifestations of cooperative action are indicative of the farmers' keen disappointment over the death decree of their first and only legislative program. However, a high tribute must be paid to the farmers because of the sober and calm judgment displayed after the shock. I think this sentiment is aptly expressed by the Honorable Earl C. Smith, president of the Illinois Agricultural Association, and one of the leaders of agricultural thought throughout this country, when, at the close of the Decatur conference, he said that the Farm Bureau "will not resort to support of a constitutional amendment unless a full, exhaustive effort to attain farm parity under present interpretations of the Constitution fails."

That means, my colleagues, that the farmers of Illinois want further examination made of the commerce, welfare, or any other clauses of the Constitution to ascertain the hidden lamps, if any, which will light their way and ease their economic burdens through legislation. I am of the opinion that such a declaration represents the sentiment of this House. It seems to me that every individual who is vitally concerned with agriculture and who believes in the Constitution of the United States is willing to explore every avenue of thought therein, hoping beyond hope that the problem of farm industry may ultimately find permanent relief under the broad spirit of the Constitution, as well as the declaration of governmental principles of human rights which are the cornerstone of this Republic.

THE RECENT SUPREME COURT DECISION

That leads me to a brief discussion of the majority decision in the recent case of United States against Butler, holding that certain provisions of the Agricultural Adjustment Act were in conflict with the Federal Constitution. No question can be raised by anyone as to the benefits received by certain industries under and by virtue of the high protective tariff. In fact, the tariff is the mother of the invalidated Agricultural Adjustment Act. Without the high protective tariff I doubt that this legislation would ever have been attempted. We have frequently said, in defending this law, "A tariff for all or a tariff for none." It is to this phase of the Court's opinion which I shall now address myself. Justice Roberts holds that a tax, as used in the Constitution, signifies an exaction for the support of government, and that the money raised through such tax cannot be taken from one group for the benefit of another group. In other words, it is unconstitutional to tax the processors for the benefit of the farmers, because farm prosperity benefits no one in America but the farmer. The distinguished jurist is far more exacting than the tax when he says:

> We may concede that the latter sort of imposition is constitutional when imposed to effectuate regulation of a matter in which both groups are interested and in respect of which there is a power of legislative regulation.

Why was it necessary to make a contribution of that kind when the question was never argued before the Court? It is evident that the Court was indirectly talking about the protective tariff. Yes, my colleagues, the industries operating behind high tariff walls must be highly elated over that clever clause of obiter dictum. What the justice says indirectly is that the protective tariff is a tax regulated by the

Government, but not in support thereof, from which everyone in America is directly or indirectly benefited, including the American farmer, and therefore the Court gives the tariff by implication its constitutional blessing.

To give the protective tariff in that opinion a coat of legal veneer and to fail to ascertain the scope of the phrase, "general welfare of the United States", or to determine whether an appropriation falls within it, is a paradox which can only be accounted for by delving into the schools of economic philosophy and political thought. I regret to say that it is a sad commentary upon a philosophy so narrow that a question vitally affecting the Nation-wide depressed condition of agriculture should remain unanswered. If they were not called upon to construe the welfare clause within the limitations expressed in the opinion, I ask: Why did the Court ever make mention of the subject matter?

The minority opinion recognized the grave plight of agriculture in this country. It also recognizes the fact that Congress still has capacity to govern. It is a clear-cut, well-written, and understandable opinion. It also specifically says, "the power to tax and spend includes the power to relieve a Nation-wide economic maladjustment by conditional gifts of money." The majority and minority opinions in this extraordinary case are so diametrically opposed that it cannot be definitely said that the legal principles laid down by the majority have been adjudicated for all time to come. It is agreed by many who understand the effect of legal opinions that no decision since the famous Dred Scott case has so affected the orderly affairs of Government. No opinion since the Civil War has been so widely discussed by various groups throughout the Nation. No opinion has heretofore affected one of the major industries of America upon such a wide scale.

AGRICULTURE AS A LOCAL PROBLEM NOT A PERMANENTLY ESTABLISHED PRINCIPLE

In view of the consternation surrounding this decision, let us turn back the pages of history to another crisis and see what Abraham Lincoln said about the Supreme Court, commenting on its decision in the Dred Scott case. In speaking at Springfield, Ill., on June 26, 1857, in reply to Stephen A. Douglas, Lincoln said, among other things, in referring to this decision:

> If this important decision had been made by the unanimous concurrence of the judges, and without any apparent partisan bias, and in accordance with legal public expectation, and with the steady practice of the departments throughout our history, and had been in no part based on assumed historical facts which are not really true; or, if wanting in some of these, it had been before the Court more than once, and had there been affirmed and reaffirmed through a course of years, it then might be, perhaps would be, factious, nay, even revolutionary, not to acquiesce in it as a precedent. But when, as is true, we find it wanting in all these claims to the public confidence, it is not resistance, it is not factious, it is not even disrespectful, to treat it as not having yet quite established a settled doctrine for the country.

Then, again, in Lincoln's first inaugural address on March 4, 1861, when his remarks were directed to the Supreme Court generally, he said:

> 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.

And so today I contend that it is not factious or disrespectful to say that the decision of the Supreme Court making agriculture a local problem in 48 States rather than a national problem may be treated as not having established the settled doctrine of this country. Under no theory can I subscribe to a doctrine which advises me that the wheat which I raise upon my farm is a local problem when I know that the producing, the price, the sale, and the processing of that commodity are all linked in one huge economic national chain. However, law-abiding citizens must respect the opinion of the Court so long as it is the law of the land, but under stress of existing circumstances it is advisable to say that the precedent established in the Butler case in no way embalms the principle for which agriculture is aggressively fighting.

THE FARMERS' PART IN FRAMING THE CONSTITUTION AND BUILDING THE NATION

Let it be said now that the farmers of this Nation yield to no single group in their respect and reverence for the Constitution, which has been our guiding star for a century and a half. Why, my friends, the farmers were in command when America was a scene of revolution. They fired the shots that were heard round the world. The colonists were all engaged in farming when the Constitution was adopted. Obviously, if the founding fathers were born and reared in an atmosphere of agriculture, they were ever solicitous of the fundamental rights and legal privileges of those who were engaged in tilling the soil. It would seem that such environment might have had something to do with the drafting of the commerce and welfare clauses. It has been said that the fathers builded better than they knew. Certainly every intendment should be drawn in their favor in building a lasting foundation for the industry responsible for their existence. The farmers were the body and soul of the Nation in that experimental period, just as they stand in the front ranks today as the best insurance policy for the economic safety of the Nation. And such national confidence has been tremendously augmented through the Agricultural Adjustment Act, because agriculture, under that program, was gradually adjusting itself with the purchasing power of industry and labor. It is unthinkable that we turn back; the law of self-preservation demands that we go forward.

YEARS OF DISCRIMINATION AND ULTIMATE RECOGNITION HAVE UNITED THESE GENUINE AMERICANS IN THE BATTLE FOR EQUALITY

My colleagues, economic torture, culminating in human suffering and misery over a long period of time, leaves an unforgettable pain. No industry can be lashed and torn to shreds through 12 years of maladministration without retaining permanent scars and some wounds which may never heal. So, notwithstanding the indifference of the smug financier from the cultured East, the farmer was completely conscious of the economic void in which he was being gradually regimented under a governmental policy of the most favored few. The farmer was pioneering in a field where the sacred cows of monopolistic greed had been lavishly operating for many, many years. To invade this sanctum sanctorum was an unpardonable trespass upon the rights of privilege in the opinion of the Court, but, my colleagues, every cloud has a silver lining. No single act has been so potent in driving all of the farmers into united thought and action, and today throughout the Nation they are meeting and resolving to stand by their guns in the impending struggle for equality. In the face of subjected pressure and unfair propaganda, as well as the adverse decision of the Court, these true guardians of liberty, and not the slaves of regimentation, move forward with confidence in the full realization that Franklin D. Roosevelt and a friendly Congress are again attempting to sustain for them through legislative action a decent price for the commodities they have to sell.

It is with pride that I place in the RECORD certain resolutions which I have received from eight Democratic and eight Republican farmers of Menard County, Ill., which is a part of the Twentieth Congressional District, which I have the honor to represent. These resolutions are thought-provoking. They disclose an intelligent and comprehensive understanding of the current problems of agriculture. The knowledge of these men of the farm problem is typical of the knowledge of the farmers throughout my district and State, evidence of which has been received by me through other resolutions. The major part of the Menard County action is as follows:

> These resolutions respectfully submitted by a committee composed of one representative from each voting precinct of Menard County, State of Illinois, said committee having been appointed to draft resolutions to be sent to the leaders of organized agriculture, to Members of the Congress, Secretary of Agriculture, and the President of the United States. The appointment of the aforesaid committee was the result of meetings held in each of the aforesaid voting precincts; notices of such meetings having been mailed to the representative farmers of each precinct. The aforesaid committee being composed of eight Democrats and eight Republicans. We, the aforesaid committee, do hereby respectfully submit the following resolutions and we earnestly request that these resolutions be given careful consideration.

Whereas in its own self-restraint and wisdom it hath pleased a majority membership of the Supreme Court to remove from the statute books of the United States certain legislation, to wit: The Agricultural Adjustment Act, by the use of which the people of the United States had been guided to that corner 'round which prosperity was hiding; and

Whereas through the use of the aforesaid legislation for the past 2 years, the aforesaid people of the United States had succeeded in making undoubted progress in dragging the aforesaid prosperity from its hiding and restoring it in an ever increasing degree to its rightful place among all classes of the aforesaid people; and

Whereas this restoration is commonly recognized by a vast majority of the aforesaid people, in spite of the fact that a majority of the public press—that medium through which the news of the country is spread—had been and still is using every effort to conceal this fact; and

Whereas proof of the last statement is to be found by reading the editorial and featural sections of the aforesaid antagonistic majority press, and then turning to the market pages of the same papers and there finding facts which are in direct contradiction to the statement set out in the aforesaid editorial policy; and

Whereas certain selfish and misguided numerically minority groups in this country have in the past few weeks declared it to be their intention to "gang" on those responsible for the policies and legislation which, in our opinion, was solely responsible for the ever increasing return of prosperity to all the people rather than to the aforesaid selfish or misguided minority groups; and

Whereas, after a careful study of the aforesaid Supreme Court decision, it is our firm belief that had as much search been made for a justification of the aforesaid Agricultural Adjustment Act under the Constitution, as was made for justification of the aforesaid majority opinion, then justification of the Agricultural Adjustment Act could have been found. We believe that the grammatical construction of practically all legal documents, including the Constitution, is of such a nature that their interpretation, as Justice Stone points out in the minority opinion, is guided largely by the self-restraint of those who interpret. It is also our belief that the conservation of the soil fertility of this Nation, through the application of the aforesaid Agricultural Adjustment Act, is a policy which promoted the general welfare, since it adjusts the production of agricultural products to such a level as will adequately supply the needs of all the people of the Nation plus such an additional surplus as can be exported at a price level which makes it possible for the farmer to keep his land in an ever increasing state of fertility; and

Whereas we believe that the general welfare of the Nation will be better promoted by thoughtful, unselfish planning for and adjustment to the needs of all the people rather than by the old wasteful, soil-depleting policy of unplanned production which is advocated by those who are in opposition to the policy of the present Secretary of Agriculture: Now, therefore, be it

Resolved, That we, the representatives of organized agriculture in Menard County, Ill., do hereby express our unreserved faith and confidence in the leadership of the Illinois Agricultural Association and the American Farm Bureau Federation; and be it further

Resolved, We wish to extend our sincere thanks and appreciation to those Members of the Congress, Secretary of Agriculture, and the President of the United States, who have been untiring in their efforts in securing during the past 2½ years legislation which is of undoubted value in the return of prosperity to all classes of people; and be it further

Resolved, That since the Agricultural Adjustment Act is now null and void we entreat and admonish these farm leaders, Members of the Congress, Secretary of Agriculture, and our President to continue in their efforts to enact legislation that will assist the farmers of the Nation in uniting in their efforts to adjust production to a needed demand; and

Resolved, That we ask the Congress to enact legislation within constitutional limitation that will meet the present crisis; that if, in their opinion, such legislation is not possible under the Constitution, we ask that such an amendment to the Constitution be submitted to the people as will make it possible to legally protect the agricultural industry of this country.

Signed at Petersburg, Ill., this 15th day of January 1936.

A. E. Hurne, chairman; J. Kennedy Kincaid, Athens, North; J. E. Grant, Athens, South; Otto A. Winkelmann, Atterberry; J. T. Langston, Fancy Prairie; Leo Claypool, Greenview; J. H. Deverman, Indian Creek; Edwin Dorgan, Irish Grove; W. Irving Brown, Oakford; H. H. Denton, Petersburg, East; Clarence C. Stier, Petersburg, North; Arthur B. Robertson, Petersburg, South; Emory Q. Irwin, Rock Creek; E. F. Kleinschmidt, Sandridge; Joe Wagonu, Sugar Grove; Geo. W. Daniels, Tallula.

The most significant and forceful part of these resolutions is the fact that men are willing to adhere to an agricultural policy which is high above the plateau of partisan politics. It is a declaration of firmness and candor by men who belong to both major political parties, but who are willing to submerge party regularity for a principle which means everything to them.

It may be of interest to the Members of the House to know that the ancestors of eight of these farmers were friends of Abraham Lincoln. Lincoln at one time lived in New Salem, which is now located in Menard County. These men have lived their lives under the influence and teachings of that great man. They are honest, industrious, and law-abiding citizens. Their national creed is one of unquestioned Americanism. And yet this is the type of citizen who has been branded directly and indirectly by irresponsible, selfish, and politically minded individuals with socialism, communism, or some other "ism" because they dare pass resolutions in praise of, or openly commend, a Chief Executive who has stood by them in a crisis. Between these farmers out on the prairie of Illinois and the demagogue who cries "socialism" and "communism" at every opportunity let us stand by the farmer. America will last longer if we do. Thomas Jefferson, in a letter to Arthur Campbell in 1797, when discussing the Americanism of farmers, said:

> Farmers, whose interests are entirely agricultural, are the true representatives of the great American interests, and are alone to be relied on for expressing the proper American sentiments.

THE NEW LEGISLATION MUST BE ENACTED IMMEDIATELY TO PREVENT DISASTER

Let us now look to the soil conservation legislation which is pending before the membership of this House as a substitute for the Agricultural Adjustment Act. The inquiry is made as to the necessity of immediate legislation upon this important problem. It is frequently said, "Why cannot the Committee on Agriculture go into long and exhaustive hearings and finally report out a permanent program within the Constitution?" My colleagues, everyone knows that the farmer is depending upon this Congress to right the wrongs he has suffered through the opinion in the Butler case. To delay this relief until the next Congress would strike a deadly blow to all farmers who for the last 2 years have been faithfully cooperating with the provisions of the Agricultural Adjustment Act.

I seriously contend that without a program of some kind disintegration of the policy of soil fertilization and restoration will begin, and every farmer will be competing with his neighbor in the increase of production of basic commodities. We shall once more witness a farmers' marathon in an increase of acreage productivity, from which we know that soil conservation is vitally affected. As an incident thereof, we shall also return to the chaos and disorder we experienced in 1932.

Recognizing this danger, it is now proposed to amend the Soil Conservation Act with a twofold purpose incorporated therein. We propose to meet the temporary emergency by authorizing an appropriation of $500,000,000, which has been passed on in the Senate, to carry out the purpose as expressed in section 8 of the Soil Conservation Act.

SOIL CONSERVATION MAJOR AIM OF THE TEMPORARY PROGRAM

Section 8 is the crux of the temporary program to meet the present emergency. An abstract of that section discloses that the Secretary of Agriculture shall make payments or grants to agricultural producers, based upon treatment of land for soil restoration, conservation, prevention of erosion, changes in the land, or a domestic allotment percentage. In obtaining this information county or community committees of agricultural producers may be utilized, but it is expressly stated that no one has any power to enter into a contract which is binding upon the producers. This provision was written to meet the objection laid down by the Supreme Court in the Butler case. No farmer is required to do anything under this program. He may cooperate with the committee on soil conservation and be rewarded therefor, or he may do as he pleases.

The Federal Government, under this bill, is primarily interested in soil conservation and not in the control of agricultural commodities. Such control is only incidental to the main objective. Obviously, control of production promotes soil conservation and restoration. We saw some 30,000,000 acres taken out of production during the last 2 years, thereby giving that acreage a chance for restoration

through rest, fertilizers, and legumes, even though it was unconstitutionally done.

The fundamental difference between the Agricultural Adjustment Act and the bill before the House is one of objectives, but the consequences so far as soil conservation is concerned are the same. That is the reason for the tremendous increase in the appropriation under the present amendment when compared with that of last year.

THE PROPOSED LEGISLATION PROMOTES THE GENERAL WELFARE

The important question under the Constitution is, "Is soil conservation a national problem or one reserved for the States?" At first blush it would seem axiomatic that if the products of the soil which found their way into the channels of commerce were local instead of national in character, certainly the soil from which the product came would also be a problem reserved for the States under the tenth amendment to the Constitution. But a further study of the many ramifications of soil conservation and erosion has induced me to reach the opposite conclusion. We realize what erosion has done to millions of acres of land in America, to say nothing of the Old World. When the topsoil is lost the farmer is compelled to leave and the land becomes useless for any purpose. Dr. Bennett, of the Soil Conservation Service, says that we have practically destroyed approximately a hundred million acres of formerly cultivated land, and that in addition to that we find that in the neighborhood of 125,000,000 acres of land, much of it now in cultivation, has lost all or the greater part of the topsoil, and many of the farmers operating on this land have been reduced to the state of what practically amounts to bankrupt farming on bankrupt land. Something must be done about this before it is too late. Rotation of crops, resting of land, planting of legumes, and other methods of erosion control are of national concern, viewed in relation to the fast depletion of our soil resources which sustain the life of a nation.

I am certain that the Soil Conservation Act promotes the general welfare of the country, and, therefore, is constitutional. I cannot believe that the Supreme Court will consider soil conservation and prevention of erosion a State problem. From a geological viewpoint, it has taken perhaps millions of years to form the topsoil we use to produce the basic commodities of life. The sun shines on every State alike and has something to do with keeping the soil in a productive condition. The rains come, the winds blow, and the snow falls, making no distinction as to State lines. Rivers throughout the Nation each year carry thousands upon thousands of tons of soil through erosion from one State to another. All of these elements of nature, national in scope, vitally affect the soil and are the factors in soil destruction, erosion, conservation, and restoration.

My colleagues, I do not feel that it is proper to discuss at any length the second part of this bill. It is a plan to pay to the States certain grants through land-grant colleges or some other State agency for soil conservation after the temporary plan has expired. The details of this plan are largely in the hands of the Secretary of Agriculture, and will be worked out at some future date. As to the constitutionality of the second program, there can be no question, although there may be some question as to its workability.

In conclusion, I desire to submit a telegram which I have received from the Honorable Earl C. Smith, president of the Illinois Agricultural Association, in which he endorses this legislation:

CHICAGO, ILL., *February 18, 1936.*

Hon. SCOTT W. LUCAS,
House Office Building, Washington, D. C.:

Informed H. R. 10835 will be taken up for consideration in House tomorrow. Bill substantially embodies position Illinois Agricultural Association and therefore urge your active support this legislation.

EARL C. SMITH,
President, Illinois Agricultural Association.

My colleagues, I submit that parity of agriculture is the paramount issue in American life today. I hope that the Members of this House will follow the action of the Senate by passing this legislation by an overwhelming, nonpartisan vote, thereby answering the prayer of the American farmer for equality before the law. [Applause.]

Mr. HOPE. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, the Supreme Court, in holding the Agricultural Adjustment Act unconstitutional, used these words:

> The act invades the reserved rights of the States. It is a statutory plan to regulate and control agricultural production, a matter beyond the powers delegated to the Federal Government.

Now, it seems very apparent that while this bill is labeled get around or circumvent the language of the Supreme Court one for soil conservation, the main purpose of the bill is to decision in the A. A. A. case. It is a substitute for the A. A. A. proposition under any circumstances. Why not say so outright, rather than to try to label it with some other title, to confuse either the public or the court or somebody? I do not think it has confused this House very much. It is very apparent what the purpose of the bill is.

I want to call particular attention to two or three outstanding features in connection with the preparation of this measure. First, I have asked two or three different gentlemen on the floor why no general hearings were held on a measure as important as this. The only answer I have been able to secure is the statement that they were not held. I think that is about all you can get. There was a demand made on the committee that the agricultural interests and the general public should be heard before a substitute measure for the A. A. A. should be brought into this House. That was declined.

We have heard a great deal at one time or another about gag rule, but there never was a better illustration of it than in the bill that is before us today, considering the manner in which it comes before us. Certainly, the great agricultural interests of the country, whatever line they may be pursuing in agriculture, were entitled to appear before a committee of this body. Now, that is very apparent. I have the highest regard for the gentleman from Texas [Mr. JONES] and his knowledge of agricultural matters, but nevertheless I claim that those who are on the outside of this body, anxious to know what we are going to do, are entitled to a hearing. The present procedure reminds me of the star-chamber methods that the administration is using in relation to reciprocal tariffs. There is a very strong comparison between the methods here employed and those by which the reciprocal tariffs have been negotiated.

Further than that, I want to call the attention of the House to the fact that just as certain as we are sitting here today, that is the way a tax bill is coming in here in a short time. Why has there not been anything before the Ways and Means Committee since we came into session in January? They are simply waiting until the last moment when the gentleman from Alabama [Mr. BANKHEAD] is about ready to move to adjourn sine die, and then you will find a tax measure in your laps, unless the Democratic leaders are afraid of the approaching election.

Mr. BANKHEAD. Now, will the gentleman yield, as long as he has mentioned my name?

Mr. TREADWAY. Yes; so long as I have referred to the gentleman, I will yield?

Mr. BANKHEAD. Upon what does the gentleman predicate that false prophecy?

Mr. TREADWAY. Because it is the way every piece of legislation has come up within the last 3 years. It is the way every tax measure has come up. I am sorry the gentleman was ill when the last tax measure was before us, but how much time did we have to consider that measure?

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield for another question?

Mr. TREADWAY. I yield to the gentleman from Alabama.

Mr. BANKHEAD. I imagine the gentleman would be very much surprised were he to find a tax bill under consideration next week.

Mr. TREADWAY. I would be agreeably surprised. It would be a harbinger of adjournment and an indication of sense on the part of the Democratic Party, too.

Mr. BANKHEAD. We are full of that these days.

Mr. TREADWAY. Yes; but it is shown around here very little.

Another outstanding fault with this measure is the broad and unprecedented discretionary authority handed to the Secretary of Agriculture. I do not think I need express my opinion of that official, but when the Supreme Court, in the A. A. A. case, takes certain authority away from the Secretary of Agriculture and you turn around and place more authority in his hands, I say that is turning the other cheek.

A few moments ago the gentleman from Oklahoma referred to an insurance policy. This is the first time I ever knew that one man could write an insurance policy, and that is what this is. You are assuming that in delegating this authority to the Secretary of Agriculture he will fairly distribute $500,000,000 of the taxpayers' money without a measure, without a yardstick, without any limitation whatsoever. You are passing it to one man who is a failure in the position he now occupies, thanking him for his failures, and giving him $500,000,000 of the taxpayers' money to use as he sees fit, granting and withholding benefits at his discretion. [Applause.] Why, I can see this $500,000,000 being distributed in the next few months with an election approaching. There will be the most rank discrimination shown in buying up the politically doubtful sections of the country that has ever been exhibited in this land, and that is going some.

Under the broad discretionary authority conferred upon him, the Secretary can use the whole $500,000,000 as a campaign chest in States that look as though they may not be in the Democratic column next November. The farmers in Democratic States may not get any of the "gravy" at all. Passamaquoddy will be a piker alongside the way this $500,000,000 will be used by the Secretary of Agriculture.

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

Mr. TREADWAY. No; I am very sorry. The gentleman is a good friend of mine, but I think I can use these 2 minutes better than answering any questions he may ask.

Mr. KOPPLEMANN. I want to remind the gentleman——

Mr. TREADWAY. I beg pardon; I did not yield.

Mr. Chairman, I say that this is a political bill and that it is to be used to influence votes. They seem to have failed in the Passamaquoddy business. It has become so ridiculous they cannot further manipulate the $39,000,000 they had to start with on that project.

Further than that, this bill, as the three gentlemen from Wisconsin have so well shown, discriminates against one class of agriculture for the benefit of another. It must be that the Secretary of Agriculture either expects to buy up some of those midwestern dairy States or else they are absolutely sure they cannot carry them. I do not know which it is and I do not care a whole lot. I do know one thing, however, and that is that this bill has so many bad features that the idea you can fool anybody with the phrase "soil conservation" goes out the window.

I am still trying to find out who wrote this bill. There seems to be a great deal of mystery about its paternity. Is the author ashamed of it? Is he afraid to come forward and take the responsibility for his handiwork? If he is, I do not blame him; I would not want to take the responsibility for it either.

Mr. Chairman, if the administration would cease its policy of tearing down the tariff on agricultural products, and allow our own farmers, manufacturers, and workmen to produce the commodities we need in our home market, the agricultural problem would not be as pressing as it is today. Every dollar's worth of farm products imported from abroad takes just that much of the home market away from the American farmer. There is no reason why we should be consuming the agricultural products of foreign countries when we have more than ample facilities for growing the same products right here.

Similarly, if we would put our own unemployed to work producing the manufactured products we need, instead of encouraging increased importations from abroad, the farmer would find a tremendously increased market here at home for his products. The American workman, when he is steadily employed at standard American wages, is the best customer the farmer has.

The leader of the majority party was kind enough to whisper to me as I started my brief remarks, "Be easy, Allen; take it easy."

Mr. BANKHEAD. No; I said be as reasonable as you know how. [Laughter and applause.]

Mr. TREADWAY. I have been that. I certainly have been most calm and considerate in expressing the opinion I have of this measure.

In conclusion let me say that instead of passing this political farm bill, we should take the farm question out of politics, because it does not belong there. It will not be settled until it is settled right, and this measure is but a hasty, ill-considered makeshift. We should take the necessary time to give careful consideration to the question, after hearing from all interested parties, and then enact a sound, constitutional, nonpolitical bill.

Mr. Chairman, I thank the Members for their attention. [Applause.]

Mr. DOXEY. Mr. Chairman, I yield such time as he may desire to the gentleman from Iowa [Mr. WEARIN].

Mr. WEARIN. Mr. Chairman, if the past 3 years are any criterion of what may be expected in the future, then we have every reason to anticipate satisfactory results from the farm bill now pending before the House in the form of H. R. 10835, even though the mechanics of the measure may not be exactly to everyone's liking. It is necessary that we have legislation to carry on the present reasonably profitable level of farm prices until such time when widening markets and rising wage scales will absorb the total of American farm production, creating a fully normal state of affairs.

Even the opposition to this bill will admit that the United States is a surplus-producing country with respect to many of its major agricultural products, upon which the prosperity of the industry depends. I can imagine a man being opposed to the measure under consideration and in favor of reciprocal trade agreements, or opposed to reciprocal trade agreements and in favor of the pending bill; and I can understand how he might support both of them; but it is inconceivable that he could array himself against the two propositions and in effect say to the American people, You shall not negotiate to dispose of your surplus products in the markets of the world, and you shall not regulate their production or conserve the resources of your soil.

When I say that we have reason to anticipate results I refer naturally to the improved condition of the American farmer with respect to the prices he is receiving for his products today as compared to 1932, when the New Deal won its first victory. At that time corn was selling for 10 cents per bushel, hogs for 2 cents per pound, cattle for 4 cents, wheat for 20 cents, and there was scarcely even a bid for oats. Under the Roosevelt program we have witnessed a rise to 75-cent corn, 14-cent cattle, 10-cent hogs, and dollar-and-a-quarter wheat.

Other farm commodities have risen in proportion. The total farm income in the United States has grown from $5,370,000,000 in 1932 to $8,110,000,000 in 1935, showing a net gain of almost three billions. This condition has been reflected in a declining demand for refinanced farm loans in 1935, as compared to 1934, and a rising demand for production-credit loans, indicating that farmers are in a financial position to begin profit-making investments and feel it advisable to do so.

The improved condition of the American farmers' finances has, of course, been stimulated by the reduction of interest rates on farm mortgages held by Federal financing agencies and sponsored by the Roosevelt administration. You were being charged 5 and 5½ percent on your land-bank loans until the Seventy-third Congress, when the Democratic leadership reduced the charge to 4½ percent the first year, which meant an annual saving of $10,000,000 to our farm population, and followed in the next session with a reduction to 3½ percent for the fiscal year 1935–36, after which the

rate will be 4 percent for the 2 succeeding years. A reduction of 1 percent in interest charges on land-bank loans means an annual saving to American farmers of approximately $20,000,000. Why was not this done during the 12 years of the preceding administration if the leadership at that time is honest now when members thereof urge you to return them to power and see what they will do for agriculture. Let us not forget that we watched them permit it to sink to its lowest ebb in American history during the three terms of their reign.

It is rather amusing now to see all the proposals they are advancing to aid the farmer. It is especially interesting to read the critical editorials of the hostile press and then turn to the front page to find such headlines as "All classes of livestock show substantial advances"; "Cattle values best in 5 years"; "Hog prices not far from normal during past 12 months"; "Last half of year sees lambs soar to highest since 1930"; "Farm land attracts more buyers in 1935"; "Emergency farm financing is past"; "Merchants are optimistic over trade next year"; and "Steel pay rolls near peak year as output expands"—the latter two headlines bring me to the remark that the improved condition of agriculture has had its effect upon other lines of trade and the consumer is beginning to profit, and rightfully so, from the investment he has made in higher-priced food through more jobs made available in the work-relief program and private industry, and a general rise in practically all lines of business.

In December 1935, the National Industrial Conference Board, a nonpartisan private association established in New York for industrial research, stated that unemployment figures showed a decrease of 2.4 percent from the preceding month, and 9.3 percent from December 1934. The board's estimate of unemployment (and it is usually several hundred thousand below that of the American Federation of Labor) was 8,979,000.

In March 1933, the worst month of the panic, the Board's estimate of idle was 13,496,000 and the American Federation of Labor's estimate was 13,689,000. In either event the two organizations are agreed on a substantial reduction effected since 1933. Some of those men are, of course, on Public Works projects. Many others are in private industry, but in either event the worker's self-respect has been preserved, and the local businessmen with whom he does business are the beneficiaries as well as he and his family. In considering the unemployment situation, which has been relieved as a result of the improved condition of agriculture which has stimulated industrial activity, the critics of any method used to relieve it must remember, of course, that it was not created by the party in power but it developed under a previous administration in full and complete charge of every branch of the Government for 10 years and every branch except the House of Representatives for 12 years during which conditions grew steadily worse, so unemployment is an inherited problem as far as the Roosevelt leadership is concerned, coming from those who now criticize our methods of restoring prosperity, the proof of which is in the markets, and who now desire to be returned to power upon the basis of their record from 1920 to 1932.

But when we compare that record to the one made from 1933 to 1936 we can readily justify the claim that agriculture has profited from the New Deal. The December 1935 issue of A Survey of Current Business, issued by the United States Department of Commerce, stated—

> Expansion in industrial pay rolls has been accompanied by a greater than seasonal increase in farm incomes during the heavy marketing season. This, again, has provided the farmer with a considerably larger margin above his fixed expenditures, with the result that retail sales in rural areas have increased very substantially this year.

We may, with good cause, rejoice in the fact that both factory employment and industrial production during the past few months have reached the highest levels in 5 years and that business profits in 1935 increased by about 40 percent over those of 1934. The seasonally adjusted index of industrial production prepared by the Federal Reserve Board advanced in December 1935 to 103 of the 1923–25 average. As stated above, it was the highest level since the spring of 1930. A substantial portion of this improvement can be traced to increased farm purchasing power.

In a like manner it has had its effect in practically every field of business enterprise which shows such a striking degree of improvement under the Roosevelt administration. Wholesale prices have advanced approximately 33 percent; exports have been stepped up to 33 percent; listed stocks have rocketed approximately 134 percent, with many issues far in advance of that figure; bonds have sustained a steady advance that totals in the neighborhood of 22 percent; power production has made an enormous gain of eight and one-half billion kilowatt-hours, in spite of the fact that the utilities bewail the advent of the Tennessee Valley Authority, intended to reduce rates to American farmers and other consumers, and bitterly opposed proper regulation of their activities.

With the American farmers' gradually improving financing condition has likewise come an increase from thirty-nine billion to over fifty billion of total national income. The national wealth that skated to ebb tide under a preceding administration has increased from two hundred and forty-seven billion to over three hundred and twenty-five billion dollars, while the bank deposits have marched from the figure of thirty-eight billion to forty-seven billion plus.

It is true that there have been approximately $7,000,000,000 in emergency appropriations, but in the process of their expenditure and the application of emergency legislation, for which not only farmers but American businessmen who are now condemning Roosevelt and his program clamored in the spring of 1933, the public has profited in improved business conditions that total in the neighborhood of sixty-seven billions, when we take into consideration the increase in national wealth, national income, and additional bank deposits over that period. It should be extremely difficult for anyone to stand on the public platform or speak through the columns of the press in the face of such a commonly recognized business improvement ranging from agriculture to industry, banking, labor, and every other principal line of endeavor and state that the administration of Franklin D. Roosevelt has been anything else than a distinct success.

There are those who insist that the steps we have taken to reestablish business on a sound basis are a departure from the customary procedure and threaten the foundations of American liberty. Let us pause for a moment and consider if that could possibly be true in the light of existing conditions.

A few days ago I met a reactionary on the street, living in a dreamland of long ago when personal liberty could be used to the extent of capitalizing upon the souls of the masses who work for a living with their hands, and who form the foundation of America—past, present, and future. He told me that American agriculture, business, and the public are afraid to go ahead because of the acts of the present administration, as if the conditions I have just outlined did not indicate that they had already gone ahead; but I said to him, "What are they afraid of? Are the American farmers afraid of 75-cent corn, $1.25 wheat, 10-cent hogs, 14-cent cattle, 11-cent cotton, and 18½-cent tobacco as compared to 9-cent corn, 20-cent wheat, 2-cent hogs, 4-cent cattle, 6½-cent cotton, and 10½-cent tobacco in 1932? Are they afraid of having their farms refinanced at a saving of from 1 to 1½ percent in interest charges? Are they afraid of Federal loans on their agricultural products affording them an opportunity to await the arrival of satisfactory market conditions? Are the people afraid of having their bank deposits guaranteed up to $5,000? Are they afraid of the fact that almost a million homes have been saved through the Home Owners' Loan Corporation when private financial institutions failed to come to their rescue? Are they afraid of the fact that poverty and old age are being swept aside by Federal social-security legislation? Are they afraid of having their dealings in securities protected? Are they afraid of having their national wealth increased with a program of self-liquidating public works that have an added advantage of offering employment to men who are out of work? Are they afraid of a power-development program that will put cheap electric-

ity into homes warped with drudgery? Are they afraid of legislation to prevent the overcapitalization of industry that heretofore has resulted in their being fleeced out of millions of dollars for worthless, watered stocks and bonds? Is anyone afraid to have the unemployed of this Nation fed through the productive agencies of the Works Progress Administration or the Public Works Administration until such time as American industry becomes capable of absorbing them? Are either the American people or American business afraid of generally improved economic conditions for farmers and industry since the advent of the New Deal that I have outlined very briefly today, and that is evidenced on the market pages of every newspaper in the United States, be it hostile or friendly to the program?"

As a foundation for this entire structure of improved business and industry we have the business of American farming. I repeat again that much of the present advance is due in part to the fact that the purchasing power of agriculture has increased almost $3,000,000,000 annually in 1935 over 1932. Let us recall that all of the progress outlined has been made in the short stretch of 3 years of the Roosevelt administration, and I repeat that in the light of experience we can readily expect continued improvement of farm and business conditions under the terms of the pending soil-conservation measure.

Mr. DOXEY. Mr. Chairman, I yield to the gentleman from Missouri [Mr. NELSON] 8 minutes.

Mr. NELSON. Mr. Chairman, I have been asked if I expect to support this bill. I do. While the bill is not perfect, as I see it, and while time may show that it needs many changes, my belief is that it is the best bill that the Supreme Court decision and time make possible.

I like the foundation of this bill. One of the biggest problems we have in America has to do with soil saving. Every successful farmer should have two bank accounts, one in his local bank and one in the soil of his farm.

A great many changes have taken place in the last 100 years. A century ago my grandfather, then living in Virginia, started, according to an old notebook I have, with a herd of cattle, crossed them at Harpers Ferry, drove them through Philadelphia and on to New York City, and there sold them on foot. There was no problem of soil saving or soil conservation in that day. For a long time after that if a farmer wanted virgin land he took up 160 acres at perhaps $1.25 an acre.

When he had exhausted the fertility of his soil he got into a covered wagon, took his dog with him, and moved on toward a new West and a new farm. Today there is no new West, no free land. So I am doubly glad that the basis for this bill is soil saving. Incidentally, Mr. Chairman, may I say in this connection that no more worth-while movement than the C. C. C. camps, the soil-building conservation camps, has been suggested under the present administration. I have yet to hear criticism either from a Republican or a Democrat.

If I had my way, and I stated this to the President as well as to the able administrator, Robert Fechner, instead of reducing the number of camps and the number of young men in these camps, I would build them up to full 600,000 and carry on this work of saving soil and saving boys. [Applause.] While digressing somewhat from a discussion of the bill proper, I wish to speak further of the work of the C. C. C. camps, so effective in soil saving.

The Civilian Conservation Corps program, which has now been in operation for about 3 years, was created by an act of Congress approved March 31, 1933, and extended by the Emergency Relief Appropriation Act of 1935. The purposes of this legislation were to relieve acute distress by supplying productive employment primarily to young men whose families were on public relief rolls, to provide for the restoration and protection of our country's natural resources, and to aid in the stimulation of business recovery through supplying a market for large quantities of foodstuffs, clothing, heavy machinery, automotive equipment, and other supplies.

By Executive Order No. 6101, April 5, 1933, the President created the office of Emergency Conservation Work and named Robert Fechner, of Boston, as Director. And a wise selection it has proved to be. In this same order the President directed the War, Interior, Agriculture, and Labor Departments to assist the Director in carrying out the provisions of the act. To make the law effective, a Nation-wide chain of work camps was established in the forests, parks, and fields of the country. By July 1, 1933, camps housing 200 men each had been established in every State. The camps are limited to unmarried men between the ages of 17 and 28, to war veterans who may be enrolled regardless of age or marital status, and to a few local experienced men living in the vicinity of each camp.

The Director of Emergency Conservation Work is responsible for the execution of the C. C. C. program. Four Government departments—Labor, War, Interior, and Agriculture—cooperate in the operation of the program. The Director coordinates the functions performed by these departments through an advisory council composed of one representative from each Department. These council members act as liaison officers between the Director and the cooperating departments.

At the present time there are 2,158 Civilian Conservation Corps camps engaged in forest protection and improvement, park development, and soil-conservation projects in all parts of the country. With an average of approximately 200 men to a camp this means that more than 400,000 young men and war veterans are participating in the C. C. C. program at the present time.

During the time that the C. C. C. has been in operation, camps have been operated at one time or another in more than 3,000 communities. The largest number of camps in actual operation on any given date was 2,652. This peak number of C. C. C. camps was operated during the fall of 1935. The steady stream of letters and telegrams requesting camps, which has poured into the office of the director ever since the corps was organized, is one of the most vivid testimonials of the popularity of the C. C. C. program. Communities everywhere have been eager to have camps located within their vicinity, and have spoken highly of the conduct of the boys and the beneficial effect of the life in the camps.

Up to December 31, 1935, close to 1,559,000 men had been given employment by the Civilian Conservation Corps. About 1,400,000 of these were enrolled men. These enrollees had sent to their dependent families as allotments approximately $250,000,000.

The original strength of the Civilian Conservation Corps was 250,000 men. This was later increased to 350,000 by the addition of war veterans, LEM's (local experienced men) and 50,000 men enrolled in the drought area. During the summer of 1935 the C. C. C. was expanded to more than 500,000 men. Total employment in emergency conservation work from April through November 1935 fluctuated from 389,000 persons to 593,489 persons. These totals included the enrollees as well as the supervisory staffs and all other persons who were given employment as the result of the operation of the C. C. C. program. On April 30, 1935, a total of 391,955 persons were engaged in this work. The strength of the corps reached its peak on August 31, 1935, when 593,489 persons, including 519,000 enrollees, were in the C. C. C. organization. On December 31 there was an estimated total of 516,049 in the corps, including 457,495 C. C. C. enrollees and 58,554 nonenrolled persons. Enrollees, of whom approximately 10 percent are war veterans, consisted on that date of 445,147 C. C. C. enrollees in barrack camps in the continental United States, 8,449 Indians on Indian reservations, and 3,899 men in the Territories of Alaska, Hawaii, Puerto Rico, and the Virgin Islands. Nonenrolled personnel includes men employed in supervisory, technical, clerical, professional, or similar capacities, or who were engaged in the construction and maintenance of camps or other skilled and unskilled labor.

The total obligations through September 30, 1935, were approximately $1,006,500,000, of which more than half was obligated for materials, supplies, shelter, foodstuffs, clothing, equipment, transportation, and so forth. Nearly every type of industry has benefited through expenditures made necessary by the Civilian Conservation Corps program.

The present value of the conservation work completed by Civilian Conservation Corps men, as of September 30, 1935, was estimated at approximately $579,000,000 by the several departments supervising work projects. Among the principal items of work completed up to September 30, 1935, upon which the valuation was based, are the following: 405,402,500 forest trees planted over denuded areas, and an additional 100,000,000 trees planted in the prevention of soil erosion by the Soil Conservation Service; 62,593 miles of new service roads and truck trails constructed through timbered areas, principally for fire protection, of which nearly 60,000 miles were truck trails, and 39,121 miles of new telephone lines built into the Nation's forest and park fire-detection systems; over 1,223,000 man-days were devoted to fire presuppression and more than 2,244,000 man-days spent in fighting forest fires. A total of 44,040 miles of firebreaks were opened up through forested areas; fire hazards reduced over 1,274,201 acres; 2,428 lookout houses and lookout towers constructed in forests and parks for fire detection; forest-stand improvement work completed over 2,094,000 acres; a total of 16,250,000 acres covered in campaigns to control rodent destruction; a total of 5,035,158 acres covered in campaigns to reduce losses caused by beetles, moths, and other insects; tree and plant disease-control work conducted over 4,815,684 acres; 1,635,000 check dams built in gullies to control soil erosion; completion of timber estimating over 25,239,731 acres; and construction of 26,521 vehicle bridges.

The enrolled men have benefited greatly in health and morale due to the outdoor life, good food, regular hours, and steady work which characterize the Civilian Conservation Corps program. Care of the health of C. C. C. enrollees starts at the time of enrollment, as only those men are selected who can stand the work in the forests and who are free from contagious disease. When the enrollees are accepted they are sent at once to camps and are kept under careful medical supervision. Smallpox and typhoid vaccinations are given immediately.

A medical officer is assigned to each camp to look after the health of the young men. Not only does he take care of the sick and the injured, but he is responsible for the sanitation of the camp, the protection of the water supply, seeing that the men get proper food and bathing facilities, providing first-aid instruction, and giving lectures on personal hygiene and disease prevention.

At the present time the men are housed, for the most part, in barracks of either portable or permanent type. Sleeping quarters are carefully heated and ventilated in order to prevent the spread of communicable diseases, especially of the respiratory type. In addition to buildings constructed to shelter the enrollees, mess halls, recreation halls, and administrative buildings are also erected.

Veterinary officers are used to inspect meat and dairy products. These veterinarians inspect slaughterhouses, packing plants, dairy farms, and creameries to see that the food comes from the right kind of places. The food itself is inspected to see that it comes up to specifications and answers sanitary requirements.

The death rate in the C. C. C. has been 2.8796 men per 1,000 per year since the beginning of the corps through June 30, 1935.

A great majority of the enrollees leave the corps better equipped in every way to face the problems of modern life than before their service with the corps. Most of them have acquired new skills which open additional job opportunities.

The cash allotments of enrollees to dependent families have made it possible for many of these families to be entirely removed from public relief rolls. Many other families have been materially assisted. The Department of Labor advises that the ultimate results of emergency conservation work will prove of lasting value not only to the men of the Civilian Conservation Corps but also to the entire Nation.

At present there are five C. C. C. camps in the Second Congressional District of Missouri, located as follows: Carrollton, Carroll County; Salisbury, Chariton County; California, Moniteau County; Moberly, Randolph County; and Kaiser, Miller County.

Since the beginning of the Civilian Conservation Corps program, a total of 11 different areas have been worked upon in the Second Congressional District of Missouri.

In addition to the five camps named above, other camps which have been located in the Second Congressional District include: Salisbury, Charlton County; Lake Ozark, Camden County; Marshall, Saline County; Kaiser, Miller County; and Lake Ozark, Miller County.

Getting back to the bill under discussion, the question has been asked as to why extensive hearings were not held. The answer is that the procedure would have meant a loss of time and largely the threshing over of old straw. If the farmers, deprived of the benefits of the A. A. A., are to be given the benefits of the bill, immediate action is necessary. Spring comes early in the South. Time is an element of great importance.

The Committee on Agriculture, of which I have long been a member, soon after the present bill was drafted, met for several days and made about as much progress as a boy riding on a merry-go-round. Frankly, we did not seem to be getting anywhere. Then, on my motion, Secretary of Agriculture Wallace and Administrator Davis came before our committee and explained their views as to what it was proposed to do under this bill. There was open and free discussion and the meeting proved to be helpful.

Incidentally permit me to make this statement about Secretary of Agriculture Wallace. While I do not agree with all his views, and while I may not think all his utterances wise, the country has never had a more conscientious Secretary of Agriculture, or one more wholeheartedly for the farmers of this country. [Applause.]

It has been charged that the amount, some $500,000,000, to be expended under this bill, is a subsidy to farmers. Well, what of it? Grant it! Industry has for many years had a far larger subsidy in the form of a high protective tariff. If there is a willingness to do away with all subsidies, well and good, but until that time comes, the farmer is entitled to his share.

In the debate today much has been heard of crop control. Just here let me say that I believe in prosperity through plenty, rather than in safety through scarcity. This statement does not imply that I am for overproduction. I am not, but our aim should be to produce all that the home market and the foreign market together will profitably absorb. We must work to get back our foreign markets. We must realize that conditions have changed since the World War, and that we are no longer a debtor nation, but a creditor nation. Other countries, in buying what we have to sell, must pay in gold, goods or service. We cannot sell unless we buy. Trading upon a proper basis can be made mutually beneficial.

But getting back to the basis of this bill, soil conservation, we cannot long have a surplus to sell unless we save the soil. In the discussions in the Agricultural Committee, of which I am a member, and on the floor of the House, Representatives from the northern dairy region, notably Wisconsin and Minnesota, have expressed fear that injury may result from the passage of this measure. This uneasiness seems to be based upon disposition of lands taken out of cultivation and put into grasses or legumes. The idea, not well founded, is that if these acres are pastured, it will greatly increase the number of dairy cows. Such will not be the case. An acre of grass provides less feed than an acre of grain. Still, the debate goes on and on. In truth, I have never known as much hunching to get a little milk.

It has been asserted that only the Northern States can produce the best butter. If so, why the fear? Missouri, favored as a dairy State, is not alarmed, and by the way, Missouri produces butter of a very high score and which finds ready sale in the most discriminating eastern markets.

Yes; I am for this bill. As I have said, it is not all that it should be. If I had my way, I would make some changes. It is the best we can get in this brief session of Congress. Something must be done in order that the farm program may go on. We are going to do it, or, in language that every farmer understands, we will "bust a hame strap" in trying.

Mr. DOXEY. Mr. Chairman, I yield the gentleman from Iowa [Mr. BIERMANN] 8 minutes.

Mr. BIERMANN. Mr. Chairman, it has been several generations since the American people could eat all the farm products that the American farmers could produce. If we are to prevent tremendous surpluses from ruining the prices of farm products, a large foreign market will have to be found, or we shall have to curtail farm production, or, thirdly, we shall have to adopt a combination of the two methods.

The oldest citizen in America will agree that the greatest prosperity that the American farmers ever enjoyed in his memory was from 1913 to 1920, inclusive. These were precisely the years in which we had the last Democratic administration. They were precisely the years when we had the freest international trade since before the Civil War, and they were precisely the years when we had the least tariff on farm products. It is also interesting to observe that during these 8 years there was no tariff on wheat, there was no tariff on hogs, cattle, sheep, or corn, and only 2½ cents a pound tariff on butter.

Mr. CHRISTIANSON. Will the gentleman yield?

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

Mr. CHRISTIANSON. The gentleman understands, of course, that Europe was too busy fighting during that period to produce any of those commodities, and that necessarily we had an unlimited market?

Mr. BIERMANN. I am talking now for a vastly expanded trade with these same countries. I may say to the gentleman that those years included a time before the war, a time during the war, and a time after the war. The war lasted 4 years. The farmers' prosperity lasted 8 years. No tariff act and no system of trade, so far as it affects the American farmer, was ever so thoroughly tried as this tariff system before the war, during the war, and after the war.

Mr. CHRISTIANSON. The gentleman recognizes, of course, that we were on the brink of another panic when the war suddenly came along and helped us out?

Mr. BIERMANN. No; I do not recognize that at all.

Mr. CHRISTIANSON. It is economic history.

Mr. BIERMANN. It is not economic history. If the gentleman will look up the prices of farm products he will find they started to rise in 1913 and kept on going up. If the gentleman will get the Drovers' Journal Year Book, which will come out in about a month, he will find my figures substantiated therein.

In 1921 the Republican Party came into power in every branch of the Federal Government. The Republican Party has only one remedy in its medicine chest. That is a high, so-called protective tariff. If the first dose of high tariff does not do any good, the Republican Party increases the dose. If that does not do any good, it increases it still further.

In 1921 the Republican Party enacted a so-called emergency tariff. Immediately farm prices went down.

In 1922 they enacted the Fordney-McCumber tariff, which again raised the tariff rates, and again farm prices went down.

In 1930 they enacted the culmination of all tariff monstrosities, the Hawley-Smoot tariff, which raised the tariff rates to the highest levels in all history. That third dosage of medicine nearly ruined American agriculture, and it is probably the largest factor in the worst hard times that were ever inflicted upon the American people.

If one were to make a graph using one line to show the tariffs and another to show American farm prices, he would find that as tariffs go up, American farm prices go down, and as the tariffs go down, the American farm prices go up. The reason for that is that the American farmers need a foreign market in order to sell their products at profitable prices. High tariffs mean contracted foreign markets and low tariffs mean expanded foreign markets.

I submit a number of figures setting out the exports of the American crude and manufactured foodstuffs for significant years. These figures may be found on page 338 of the 1936 World Almanac.

In 1921, the year in which the so-called emergency tariff was enacted, the exports of crude and manufactured foodstuffs were $1,358,359,000. The next year, they had fallen to $1,046,598,000. That was the year of the Fordney-McCumber Tariff Act. In 1929, the last year before the enactment of the Hawley-Smoot tariff, the crude and manufactured foodstuffs exported from America were $753,894,000. In 1931, the first year after the Hawley-Smoot tariff, they had declined to $373,886,000. In 1933, the total exports of these farm products had declined to $202,975,000. It is a fair statement to say that the Republican tariff policies wrecked the farmers' foreign market and was the largest factor in producing the ruinous farm "surpluses."

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

Mr. BIERMANN. Very briefly.

Mr. CREAL. Since the Republican Party has always known that high tariff makes times better, can the gentleman tell me why they do not make tariffs twice as high and make times twice as good?

Mr. BIERMANN. They tried that in 1930. They made tariffs twice as high and that made hard times twice as bad. [Laughter.]

The Democratic Party, coming into power and inheriting a complete wreckage of every vocation of life in America, and especially the farming business, attempted to reestablish the farmers by two methods. One was to expand our foreign trade, which is a slow and tedious process, and the other was to fit farm production in this country to the market that would consume our farm products at reasonable prices.

I wish I had the time to go into some detail regarding the effects on agriculture of the trade agreements concluded by that great statesman and great Democrat, our Secretary of State, Cordell Hull.

In the trade agreement with Cuba, the American farmers received great concessions in ham, bacon, and other pork products, oats, corn, beans, soybeans, soybean oil, corn oil, canned pork, beef and mutton, lard, and a multitude of other products.

In the agreement with Belgium, most of our farm concessions were for fruits. The same is true of our agreement with Sweden.

Our agreement with Canada gave us favored treatment regarding horses, cattle, sheep, lambs, hogs, fresh beef, mutton, lamb and pork, canned meat and extract, poultry, prepared meats, sausage casings, lard and tallow, eggs, butter, beans, soybeans, buckwheat, barley, corn meal, oats, rye, wheat, wheat flour, straw and hay, and a long list of vegetables, sugar beets, wool, cheese, milk, hides, and other articles too numerous to mention.

Switzerland, before the enactment of the Hawley-Smoot tariff, had bought 90 percent of her lard needs from the United States. Sometime ago she declared an absolute embargo on importations of American lard. By her treaty, effective with the United States February 15, she again agrees to take 90 percent of her lard from us.

Our treaty with Honduras, which goes into effect March 2, will give favored treatment to American hams, sausage, and some other meats, canned tomatoes, corn, peas and asparagus, hams, shoulders, bacon, milk, and butter.

It just so happens that in very few instances do we give any concession on farm products to these countries. Every effort is being made to enlarge the foreign market for farm products. Until the American farmer gets back his foreign market, it is the philosophy of this administration that farm production shall be curtailed, if possible, so that the farmers of America will not be producing more than will be bought at fair prices. That is one of the purposes of this act.

Twenty years ago we had a great road problem in this country. The Republican Party was utterly incompetent to deal with it. They could not put a tariff on roads or a tariff on the laborers on roads, so they were helpless, and we had a hodgepodge of roads over the United States, none of them very good, and 48 different styles of them. The

Woodrow Wilson administration gave us the Federal aid to roads program, under which every road improvement in the United States, in almost 20 years, has been accomplished.

Under this bill the National Government will supply a systematic, Nation-wide soil-erosion program for the United States, just as it supplied a road program for the whole United States under the Wilson administration. Under this soil-erosion program the six and one-half million farm operators in the United States will be working as a great army toward the same objective. Each State will be master of its own administration. Even more than that, the administration of the program in the county and township will be, so far as possible, by committees of farmers elected by themselves.

No one contends that this bill, enacted into law, will cure all the farmers' ills. Probably it will have to be amended from time to time. However, I feel that the farmers of America will appreciate the fact that every possible effort is being made in their behalf.

The News-Herald, of Spencer, Iowa, an independent newspaper, I believe, expresses the situation when it says:

> We hold no brief for the farmers of Iowa, but so far as we are concerned, we will take our chances with the present administration rather than with another which we know in times gone by has never turned a hand to help the farmer in his distress.

[Here the gavel fell.]

Mr. DOXEY. Mr. Chairman, I yield to the gentleman from Virginia [Mr. FLANNAGAN] such time as he may desire to use.

Mr. FLANNAGAN. Mr. Chairman, I am supporting the farm bill, not because I think it is the best farm bill that can be worked out but because it is probably the best that can be worked out under the construction the Supreme Court placed upon the Constitution in the A. A. A. decision.

It is, more or less, a stopgap piece of legislation worked out by the Committee on Agriculture to take care of the farm problem until a better plan can be devised.

More real and intelligent study, in my opinion, has been given to the farm problem during the last 3 years than ever before. The farmers themselves were consulted and, due largely to their cooperation and assistance, we were gradually working out a practical program that produced results. The A. A. A. program was fundamentally sound and was but an attempt to translate into legislation the combined thought of the farm leaders and the farmers themselves. That it was not perfect we all admit, but had the law remained in force, its imperfections would have been gradually eliminated, and in a few years we would have had a practical, smooth-working program.

There are two fundamental principles in the A. A. A. program that we have got to recognize, and sooner or later, if we work out a sound, sensible, practical program, we have got to deal with them directly. The first principle is that the farm problem, the Supreme Court opinion to the contrary, is a national problem and will have to be dealt with directly by national legislation. Neither the Supreme Court, nor any other governmental department or agency, can by edict change the nature of the problem. It was a national problem before the Supreme Court decision and it is still a national problem in spite of the decision and can only be effectively handled by national enactment. The second principle we have got to recognize is that any farm plan that produces beneficial results has got to provide an effective method of controlling crop production. And this second principle should be put in force by National rather than State legislation in order to reduce friction between the States and in order to reduce bootlegging to the minimum.

The tragedy of the whole situation, as I see it, is simply this: The farmers are practically unanimous in agreeing on what the need, know how to get it, yet are precluded by the Supreme Court from accomplishing the desired result by sensible, sound, and direct legislation, and are being forced to resort, more or less, to subterfuge legislation such as we are considering today.

Just one word about this legislation with respect to tobacco: Very little, I am afraid, will be accomplished by this legislation for the tobacco growers. My only hope for the tobacco growers is that supplemental legislation in the nature of compacts entered into between the tobacco States will be passed at the present session. We are working on such legislation now, and I hope it will be the pleasure of this Congress to pass it.

I do not mean to state that much good will not be accomplished by the passage of this bill. I am only stating what everyone familiar with the farm problem knows, that sooner or later we have got to face the facts and deal with the farm problem in the open and by national legislation.

Mr. HOPE. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Chairman, I discussed the pending bill yesterday, and unless I had a deep personal interest in agriculture, not only in my own State but in all the other States in the Union, I would not take the floor again.

I am for parity between agriculture and industry. I do not agree with some of the gentlemen on my own side of the aisle on that. Nor do I agree with the gentlemen on the other side of the aisle on the procedure here attempted. I feel that agriculture is entitled to some economic readjustment by reason of the tariff. However, I do believe that when that economic readjustment comes, it should not be sectional, but should apply equally to all the farm groups in America.

This bill as written, fails to provide for one group. In fact it menaces one group. The bill should protect the dairyman, who of all types of farmers in America is foremost in our civic matters and who is rendering a great service to America in conserving the public health.

The gentlemen on the other side of the aisle, the gentlemen in the Department of Agriculture, when they have not been doing things that menace and prejudice the dairymen, have been shedding crocodile tears in their behalf. Now comes the final act of this hypocritical program, with nothing beneficial to the dairymen, but in fact a bill which aggravates the unhappy condition of the dairyman farmer in America.

The gentleman from Kansas [Mr. HOPE] stated that he had grave doubts as to whether or not the bill would seriously prejudice the dairymen. He is a sincere, able Member and should know. Those of us who represent dairy sections are sure it will seriously handicap our people.

The bill is called a soil-erosion bill or a soil-conservation bill. Of course, it is a fact that the committee seems to forget, and have forgotten from the beginning, that the dairy farmers are the type of farmers that already do necessarily conserve the soil and the fertility of the soil.

Now all the other farmers are to be rewarded for doing what they have done from time immemorial.

What is contained in the bill? The bill will bring into production grasses and legumes on some 25,000,000 to 35,000,000 acres of land.

The history of the past has been—and I care not what statistics are produced or attempted to be produced to the contrary—that under the Triple A cattle increased in five Southern States from 1930 to 1935 over a million in number. I am further told by economic authority that one-half of these were dairy cattle.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield in that connection? That is a rather important statement to make. Could the gentleman give us his authority for that statement?

Mr. CULKIN. I can give the gentleman my authority. My authority is the 1935 farm census, referred to a moment ago by the gentleman from Minnesota [Mr. ANDRESEN].

Mr. BANKHEAD. Does the gentleman know how many of those million cattle were sent in from other sections of the country because of the drought?

Mr. CULKIN. I presume that had something to do with the increase. But out of that situation enough appeared to enable the economists, the men who study these questions for the dairymen group, to say authoritatively—and they have said it in thunder terms to this body and to this side of the aisle and to this committee—that this legislation, unless some such amendment as the Boileau amendment is adopted, will destroy the dairyman in the Northeast and Central West.

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

Mr. CULKIN. No; I am sorry; I cannot yield. Perhaps you gentlemen do not agree to that, but that is the fact. I repeat that this legislation in its present form is a legislative crime, an economic crime. You will unhorse 4,000,000 dairymen, who, with their dependents, constitute a group numbering 15,000,000 people in the United States of America.

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

Mr. CULKIN. I am sorry, but I cannot yield. I say to you gentlemen on this side of the aisle that it is all very well to talk about all men being created equal, but your action here today says that all farmers are not created equal. You have given the dairymen nothing during this administration. That will be analyzed here later on the floor. I shall not go into the figures on that. You have given them nothing, although from the nature of this type of farming the dairyman conserves soil fertility. You have turned over the Treasury to the tune of $700,000,000 to the cotton farmers. I merely mention that in passing. I am not approaching this from a partisan standpoint and I have never voted on this question from a partisan standpoint. Your administration has laid the dairyman on the altar of foreign trade by the so-called trade agreements. My friend from Iowa [Mr. BIERMANN] talked about sending lard to Switzerland. What happened to the dairyman, if you please, under that agreement? Is it the purpose of your party to hold one group of husbandmen in bondage, to write them down to the economic status of the Russian serf under the old regime, while, for political purposes, you exalt others? I hope in justice that this committee will adopt the Boileau amendment when it is offered. It is just as constitutional as the bill. I ask you to read the text of this bill—H. R. 10835—at page 5, subdivision B, line 18. It is as follows:

(b) Subject to the limitations provided in subsection (a) of this section, the Secretary shall have power to carry out the purposes specified in clauses (1), (2), and (3) of section 7 (a) by making payments or grants of other aid to agricultural producers based upon (1) their treatment or use of their land, or a part thereof, for soil restoration, soil conservation, or the prevention of erosion; (2) changes in the use of their land, or * * *.

Then read section C, page 6, line 16. It is as follows:

(c) Any payment or grant of aid made under subsection (b) shall be conditioned upon such utilization by the producer of his land, or a part thereof, as the Secretary finds has tended to further the purposes specified in clause (1), (2), or (3) of section 7 (a).

The Boileau amendment goes no further than these sections. These sections authorize the Secretary to make payments only on condition that certain treatment of the land is followed by the farmer receiving the beneficial payments.

The Boileau amendment provides:

That any payment or grant provided for in the foregoing sections shall be subject to the further condition that no crops intended for sale be harvested from, and no livestock intended for sale, or the products of which are intended for sale, be grazed or pastured on such land.

The adoption of this amendment is in line with the sections above cited, which are part of the committee bill. If the members of the committee are honest and sincere, they will consent to the Boileau amendment. This will protect the dairymen, because these 25,000,000 acres of land to be taken out of production cannot then be used for commercial dairying or commercial cattle raising. The adoption of this amendment will not affect the constitutionality of the bill. I therefore appeal to your sense of nationalism and fairness to support it when it is offered. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOPE. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. WOODRUFF].

Mr. HOPE. Mr. Chairman, I yield to the gentleman from Michigan such time as he desires.

Mr. WOODRUFF. Mr. Chairman, I think it must be perfectly apparent to every Member of this House that the real purpose behind the bill under consideration is to again establish Washington bureaucratic control over agricultural production in this country. Otherwise this bill would not be before us today. The Supreme Court has declared very frankly what can and what cannot be done along those lines.

The temporary provisions of this bill are—and I think anyone familiar with the provisions thereof will agree—unconstitutional, because under these provisions the Secretary of Agriculture proposes to do indirectly exactly what the Supreme Court has stated the Federal Government has no authority to do.

In the decision handed down by the Supreme Court on the Agricultural Adjustment Act the Court stated:

Congress has no power to enforce its commands on the farmer to the end sought by the Agricultural Adjustment Act. It must follow that it may not indirectly accomplish these ends by taxing and spending to purchase compliance. The Constitution and the entire plan of our Government negative any such use of the power to tax and to spend as the act undertakes to authorize.

In speaking of the powers granted to the Federal Government not reserved to the States the Court stated:

The same proposition otherwise stated is that powers not granted are prohibited. None to regulate agricultural production is given, and therefore legislation by Congress for that purpose is forbidden.

The bill under discussion was written with great care, and any cooperation given the Secretary of Agriculture under the bill is, supposedly at least, purely voluntary, and upon this point the Court stated:

But if the plan were one for purely voluntary cooperation, it would stand no better, so far as the Federal power is concerned. At best it is a scheme for purchasing with Federal funds submission to Federal regulations of a subject reserved to the States.

The permanent features of the bill are not as clearly unconstitutional as the temporary features, because the Secretary of Agriculture proposes to exercise his will upon the farmers through the medium of some State agency which he may approve. These permanent features, however, in order to successfully accomplish the ends desired by the Secretary, must necessarily be adopted by all the States in a uniform manner. One can readily understand how difficult it would be to successfully control the production of any crop unless all the farmers in every State growing that crop are induced to cooperate with the Secretary of Agriculture. To believe that this will be possible under this or any other measure is to convict one of a credulity beyond belief.

Section 14 of the bill states that—

Notwithstanding any provision of law, the action of any officer or employee in determining the amount of, or in making any kind of payment under sections 7 or 8, shall not be subject to review except by the Secretary of Agriculture.

All the authority granted to any individual under the provisions of this act are granted to the Secretary of Agriculture. The bill provides that "not more than" $500,000,000 will be placed in his hands to be disposed of as he sees fit under the provisions of the act. The section just quoted states very clearly that any action of his in the expenditure of this vast amount of money shall not be subject to review by any person except himself. The bill, as it was sent to Congress by the administration, placed no limitation upon expenditures whatsoever, but the committee very wisely placed a limitation of $500,000,000 per year upon this activity. Not one penny of this money will be placed in the hands of the farmers unless they obey implicitly the suggestions of the Secretary. Such suggestions will, of course, provide for crop control with a view of reducing agricultural production.

At no time has Congress, even under the whiplash of the present administration, given to any official or any individual the autocratic and despotic powers placed in the hands of the Secretary of Agriculture by this measure.

While the purposes of the bill are supposed to be to promote the conservation and profitable use of agricultural land resources and to prevent erosion, it is perfectly apparent to anyone familiar with the other provisions of the bill that the real purpose back of it is to again establish in Washington a centralized, bureaucratic control over agricultural production. That statement will not be denied by any individual familiar with the facts. If this statement were not true, this bill would not be before the House today.

Can anyone imagine that $500,000,000 would be taken from the people of the United States in taxes in order to teach or induce the farming population to properly rotate crops in order to conserve the fertility of the soil? All the information that can be given to the farmers on this subject has for many years been at their disposal through the facilities of the Agricultural Department without any charge whatsoever. We last year spent $27,000,000 to prevent soil erosion, and that was all that could be efficiently spent for that purpose. These things would seem to indicate that the real reason for the bill being before us is forbidden crop control.

This bill proposes to take out of cultivation 45,000,000 acres of land; it provides that such acres may be planted to such crops as will rebuild the soil, the Secretary of Agriculture, of course, naming the grasses and legumes to be substituted for regular crops.

The possibility of building up in the Southern States, under this Federal subsidy, large dairy activities is very great. Climatic conditions are such in nearly all of that section of the country that farmers cannot compete on even terms in this line with the farmers of Michigan, New York, Ohio, Indiana, Wisconsin, or Minnesota. The subsidy provided by this bill will enable them to overcome any handicap of soil or climate and will add to the difficulties of the dairy farmers now in existence.

In a motion to recommit the bill it will be proposed that when a farmer is paid for not raising one or two particular crops on certain acres of his land he will not be permitted to raise on that land other crops to the detriment of other farmers, and that not more than $2,000 will be paid any farmer under the provisions of the bill. It is well known among the Members that extraordinarily large sums have been granted to individuals and to corporations in the way of benefit payments under the provisions of the Agricultural Adjustment Act. All this agricultural production control legislation was supposed to be for the benefit primarily of the smaller farmers. This motion to recommit will be defeated, of course, as are all propositions here not specifically approved by the administration.

This bill will remain the law only until the Supreme Court has an opportunity to pass upon it, and the proponents of the bill know this to be true.

Just how the administration can continue a policy of crop reduction and at the same time pursue another policy of tariff reduction on agricultural products, which, of course, is bringing about a constant increase of importations of agricultural products which compete with the American products; just how the administration can justify a policy of taking out of production many millions of acres of farm lands now under cultivation, at the same time pursuing construction of irrigation projects in the West, the total cost of which will run into the hundreds of millions of dollars, to bring into cultivation additional millions of acres of now arid land to the further confusion of farmers now undertaking to make a success of the farming industry is difficult to understand. To name only nine of the principal irrigation projects, I will say that the dams at Grand Coulee, Wash.; Friant, Calif.; Kennet, Calif.; Keswick, Calif.; Seminoe, Wyo.; Fort Peck, Mont.; Alcova, Wyo.; Alamagorda, N. Mex.; and Taylor Park, Colo., are costing nearly $400,000,000 just to finance the engineering laid out to date.

These contradictory policies present inconsistencies so glaring as to arrest the attention of all classes of our citizens and demand an immediate return to a sane handling of this great problem.

In view of these things I cannot help but agree with the gentleman from New Hampshire [Mr. TOBEY], who earlier this afternoon stated:

> I do not intend to be unkind, but I feel that it would be within the truth if to the title as printed on the face of this bill there should be added this clause, "and to continue the flow of Government checks to the vast voting agricultural population in the hope and expectation that they will support the Democratic national ticket on Novembert 10, next"; but that, Mr. Chairman, would be using language to convey thought and not to conceal it.

The gentleman from New Hampshire has been a Member of this House since the beginning of the Seventy-third Congress. Prior to coming here he served as speaker of his State's house of representatives. He served as a member and president of the senate of that State; he served as Governor of that Commonwealth. His service here has been such as to mark him as one of its outstanding and one of the least partisan of the membership of this House. The statement I have just quoted cannot be charged to partisanship on his part, but can be charged to the overwhelming evidence which indicates the correctness of his statement.

Now, Mr. Chairman, I fully realize that the agricultural problem in this country is a serious one and that it is of consequence to every element of our population. I maintain that it cannot be successfully met or solved by a policy of surrendering our domestic market to the foreign producer while at the same time reducing production at home. I maintain that this problem cannot be solved by continuing to engage in a policy which extends benefits to only a part of the farming population. I maintain that this problem cannot be solved by continuing to place upon the statute books legislation which is known to be unconstitutional and which the Supreme Court will invalidate at the earliest opportunity.

My hope that the great agricultural industry may be advantaged through legislative enactments lies along entirely different lines. I believe, Mr. Chairman, that American agriculture can be substantially aided by Federal legislation within the limitations of the Constitution of the United States. I believe that legislation can be adopted which would, without reducing agricultural production, give to the American farmer American prices for that part of his crop consumed in this country, and enable him to sell his exportable surplus in the world market in competition with other producers of the world, exactly as is done in the field of manufactured products. That policy has been profitable to the manufacturers; it will, in my judgment, be profitable to the American farmer, provided it is made possible for him to dispose of his products in this way.

I, therefore, ask unanimous consent to extend my remarks in the RECORD and to include, as a part of those remarks, H. R. 10131 and also certain excerpts from the decisions of the Supreme Court.

The CHAIRMAN. Is there objection?

Mr. BANKHEAD. Mr. Chairman, I reserve the right to object. A day or two ago a number of requests were made on this side to extend certain bills in the RECORD and the distinguished minority leader very properly, I think, objected upon the ground that those bills are printed and available to all Members of the House. I do not see why an exception should be made to that principle in favor of the gentleman from Michigan.

Mr. WOODRUFF. I say to my friend that the bill I propose to insert in the RECORD is a companion bill of the one introduced in the Senate by the Senator from Oregon [Mr. MCNARY].

Mr. BANKHEAD. But everybody can get a copy of these bills.

Mr. WOODRUFF. Presenting to the membership of the Committee on opportunity to see what is in the bill, and to see a real answer to this agricultural problem, which you are not presenting in the bill before us at this time.

Mr. BANKHEAD. I do not want to assume full responsibility of objecting. What is the opinion of the minority leader about this?

Mr. SNELL. Mr. Chairman, when I made my objection yesterday I did not call upon him to back me up. I made it on my own authority, and I leave it up to him.

Mr. BANKHEAD. How long is this bill?

Mr. WOODRUFF. Twenty-four pages—a matter of perhaps a page and a half in the RECORD.

Mr. BANKHEAD. I am afraid the gentleman has overreached me, and I shall not object.

The CHAIRMAN. Is there objection?

There was no objection.

The bill referred to is as follows:

A bill to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, to provide for the issuance of export debentures, to secure to farmers a price for their commodities at least equal to the cost of production, and for other purposes

Be it enacted, etc., That (a) the policy declared in section 1 of the Agricultural Marketing Act is hereby reaffirmed.

(b) There shall be considered as a surplus for the purposes of this act any seasonal or year's total surplus, produced in the United States and either local or national in extent, that is in excess of the requirements for the orderly distribution of the agricultural commodity or is in excess of the domestic requirements for such commodity.

(c) The Secretary of Agriculture shall execute the powers vested in him by this act only in such manner as will, in the judgment of the Secretary, aid to the fullest practicable extent in carrying out the policy above declared.

SEC. 2. (a) From time to time, upon request of leading cooperative associations or other organizations of producers of any agricultural commodity, or upon his own motion, the Secretary of Agriculture shall investigate the supply and marketing situation in respect of such agricultural commodity.

(b) Whenever upon such investigation the Secretary of Agriculture finds—

First. That there is, or may be, during the ensuing year a seasonal or year's total surplus, produced in the United States and national in extent, that is in excess of the requirements for the orderly marketing of any agricultural commodity or in excess of the domestic requirements for the commodity;

Second. That the cost of production of any agricultural commodity has been ascertained to be in excess of the prevailing market price secured by growers for such commodity and an estimate has been made for such agricultural commodity as to the part of its domestic production which is needed for consumption; and

Third. That the durability and conditions of preparation, processing, and preserving and the methods of marketing of the commodity are such that the commodity is adapted to marketing as authorized by this section—

then the Secretary of Agriculture, after publicly declaring his findings, shall arrange to secure cost of production for that portion of the commodity sold in the domestic market by means of such plan or plans hereinafter authorized in title I, title II, and title III, and such plan or plans shall continue in operation until such time as the Secretary of Agriculture finds that the conditions so found have been corrected.

ADMINISTRATION

SEC. 3. (a) The Secretary of Agriculture may (1) appoint and fix the salaries of a secretary and such experts, and, in accordance with the Classification Act of 1923 and subject to the provisions of the civil-service laws, such other officers and employees; and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding), as may be necessary for the execution of the functions vested in the Secretary.

(b) For the more effective administration of the functions vested in him by this act, the Secretary of Agriculture is authorized to establish such divisions and offices as he may deem advisable in the Department of Agriculture or in the field service.

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

SEPARABILITY OF PROVISIONS

SEC. 4. If any provision of this act is declared unconstitutional, or the application thereof to any person, circumstance, or commodity is held invalid, the validity of the remainder of this act and the application thereof to other persons, circumstances, or commodities shall not be affected thereby.

GENERAL DEFINITIONS

SEC. 5. As used in this act—

(1) In the case of grain the term "processing" means milling of grain for market or the first processing in any manner for market (other than cleaning or drying) of grain not so milled; and the term "sale" means a sale or other disposition in the United States of grain for milling or other processing for market, for resale, or for delivery by a common carrier occurring during a marketing period in respect of grain.

(2) In the case of cotton the term "processing" means spinning, milling, or any manufacturing of cotton other than ginning; the term "sale" means a sale or other disposition in the United States of cotton for spinning, milling, or any manufacturing other than ginning, or for delivery outside the United States; and the term "transportation" means the acceptance of cotton by a common carrier for delivery to any person for spinning, milling, or any manufacturing of cotton other than ginning, or for delivery outside the United States occurring during a marketing period in respect of cotton.

(3) In the case of livestock the term "processing" means slaughter for market by a purchaser of livestock, and the term "sale" means a sale or other disposition in the United States of livestock destined for slaughter for market without intervening holding for feeding (other than feeding in transit) or fattening, occurring during a marketing period in respect of livestock.

(4) In the case of tobacco the term "sale" means a sale or other disposition to any dealer in leaf tobacco or to any registered manufacturer of the products of tobacco. The term "tobacco" means leaf tobacco, stemmed or unstemmed.

(5) In the case of grain, livestock, and tobacco, the term "transportation" means the acceptance of the commodity by a common carrier for delivery.

(6) In the case of any agricultural commodity other than grain, cotton, livestock, or tobacco, the Secretary of Agriculture shall specify the particular type of processing, sale, or transportation which is to operate.

(7) The term "sale" does not include a transfer to a cooperative association for the purpose of sale or other disposition by such association on account of the transferor; nor a transfer of title in pursuance of a contract entered into before, and at a specified price determined before, the commencement of a marketing period in respect of the agricultural commodity.

(8) The term "cost of production" shall include the costs of labor and interest on investment.

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

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

TITLE I—THE EQUALIZATION FEE PLAN

Marketing agreements

SECTION 101. (a) The Secretary of Agriculture is authorized and directed to enter into marketing agreements with cooperative associations engaged in handling any commodity as to which this title has been made operative or with any corporation created and controlled by one or more of such cooperative associations if in the opinion of the Secretary such association or corporation is financially sound. Each such agreement shall provide either—

(1) For the withholding by a cooperative association, or corporation created and controlled by one or more cooperative associations, during such period as shall be provided in the agreement, of any part of the commodity delivered to such cooperative association or associations by its members. Any such agreement shall provide for the payment from the stabilization fund for the commodity of the cost arising out of such withholding; or

(2) For the purchase by a cooperative association, or corporation created and controlled by one or more cooperative associations, of any part of the commodity not delivered to such cooperative association or associations by its members, and for the withholding and disposal of the commodity so purchased. Any such marketing agreement shall provide for the payment from the stabilization fund for the commodity of the amount of the losses, costs, and charges arising out of the purchase, withholding, and disposal, or out of contracts therefor, and for the payment into the stabilization fund for the commodity of profits (after repaying all advances from the stabilization fund and deducting all costs and charges, provided for in the agreement) arising out of the purchase, withholding, and disposal, or out of contracts therefor.

(b) The Secretary of Agriculture shall provide in any such marketing agreement for financing any withholding, purchase, or disposal under such agreement, through advances from the stabilization fund for the commodity. Such financing shall be upon such terms as the Secretary may prescribe, but no such advance shall bear interest.

(c) If the Secretary is of the opinion that there are two or more cooperative associations or corporations created and controlled by one or more cooperative associations capable of carrying out any marketing agreement, the Secretary in entering into the agreement shall not unreasonably discriminate against any such association or corporation in favor of any other such association or corporation. If the Secretary is of the opinion that there is no such cooperative association or corporation created and controlled by one or more cooperative associations capable of carrying out any marketing agreement for purchase, withholding, and disposal, then the Secretary may enter into the agreement with other agencies but shall not unreasonably discriminate between such other agencies.

(d) During a marketing period fixed by the Secretary for any commodity, the Secretary may enter into marketing agreements with any association or corporation described above, which in his opinion is financially sound, for the purchase, withholding, and disposal of the food products of such commodity, and all provisions of this section applicable to marketing agreements for the purchase, withholding, and disposal of the commodity, shall apply to the agreements in respect of its food products.

(e) The powers of the Secretary under this section in respect of any agricultural commodity shall be exercised in such manner, and the marketing agreements entered into by the Secretary during any marketing period shall be upon such terms, as will, in the judgment of the Secretary, carry out the policy declared in section 1.

(f) The United States shall not be liable, directly or indirectly, upon agreements under this title in respect of agricultural commodities, in excess of the amounts available in the stabilization and revolving funds.

EQUALIZATION FEE

SEC. 102. (a) In order to carry out marketing agreements in respect of any agricultural commodity without loss to the revolving fund, each marketed unit of such agricultural commodity produced in the United States shall, throughout any marketing period in respect of such commodity, contribute ratably its equitable share of the losses, costs, and charges arising out of such agreements with respect to such commodity. Such contributions shall be made by means of an equalization fee apportioned and

paid as a regulation of interstate and foreign commerce in the commodity. It shall be the duty of the Secretary to apportion and collect such fee in respect of such commodity as hereinafter provided.

(b) Prior to the commencement of any marketing period in respect of any agricultural commodity, and thereafter from time to time during such marketing period, the Secretary shall estimate the probable losses, costs, and charges to be paid under marketing agreements in respect of such commodity. Upon the basis of such estimates, the Secretary shall from time to time determine and publish the amount of the equalization fee (if any is required under such estimates) for each unit of weight, measure, or value designated by the Secretary, to be collected upon such unit of such agricultural commodity during any part of the marketing period for the commodity. Such amount is referred to in this title as the equalization fee. At the time of determining and publishing any equalization fee the Secretary shall specify the time during which the particular fee shall remain in effect and the place and manner of its payment and collection.

(c) Under such regulations as the Secretary may prescribe, any equalization fee determined upon by the Secretary shall be paid, in respect of each marketed unit of such commodity, upon one of the following: The transportation, processing, or sale (other than sale by the producer) of such unit. The equalization fee shall not be collected more than once in respect of any unit. The Secretary shall determine, in the case of each class of transactions in the commodity, whether the equalization fee shall be paid upon transportation, processing, or sale. The Secretary shall make such determination upon the basis of the most effective and economical means of collecting the fee with respect to each unit of the commodity marketed during the marketing period.

(d) When any equalization fee is collected with respect to cattle or swine, an equalization fee equivalent in amount, as nearly as may be, shall be collected, under such regulations as the Secretary may prescribe, upon the first sale or other disposition of any food product derived in whole or in part from cattle or swine, respectively, if the food product was on hand and owned at the time of the commencement of the marketing period: *Provided*, That any food product owned in good faith by retail dealers at the time of the commencement of the marketing period shall be exempt from the operation of this subdivision.

(e) In case of the transfer of title in pursuance of a contract entered into after the commencement of a marketing period under this title, in respect of the agricultural commodity, but entered into at a time when and at a specified price determined at a time during which a particular equalization fee is in effect, then the equalization fee applicable in respect of such transfer of title shall be the equalization fee in effect at the time when such specified price was determined.

(f) Under such regulations as the Secretary may prescribe, the equalization fee determined under this section for any agricultural commodity produced in the United States shall in addition be collected upon the importation of each designated unit of the agricultural commodity imported into the United States for consumption therein, and an equalization fee, in an amount equivalent as nearly as may be, shall be collected upon the importation of any food product derived in whole or in part from the agricultural commodity and imported in the United States for consumption therein.

(g) The Secretary may by regulation require any person engaged in the transportation, processing, or acquisition by purchase of any agricultural commodity produced in the United States, or in the importation of any agricultural commodity or food product thereof—

(1) To file returns under oath and to report, in respect of his transportation, processing, or acquisition of such commodity produced in the United States or in respect of his importation of the commodity or food product thereof, the amount of equalization fees payable thereon, and such other facts as may be necessary for their payment or collection.

(2) To collect the equalization fee as directed by the Secretary and to account therefor.

(h) The Secretary, under regulations prescribed by him, is authorized to pay to any such person required to collect such fees a reasonable charge for his services.

(i) Every person who, in violation of the regulations prescribed by the Secretary, fails to collect or account for any equalization fees shall be liable for its amount and to a penalty equal to one-half its amount. Such amount and penalty may be recovered together in a civil suit brought by the Secretary in the name of the United States.

STABILIZATION FUNDS

SEC. 103. (a) For each agricultural commodity, as to which marketing agreements are made by the Secretary of Agriculture, there shall be established in accordance with regulations prescribed by the Secretary a separate stabilization fund. Such fund shall be administered by and exclusively under the control of the Secretary, and the Secretary shall have the exclusive power of expending the moneys in such fund.

(b) There shall be deposited to the credit of the stabilization fund for any agricultural commodity (1) advances from the revolving fund as hereinafter authorized; (2) profits arising out of marketing agreements in respect of the commodity; (3) repayments of advances for financing the purchase, withholding, or disposal of the commodity; and (4) equalization fees collected in respect of the commodity and its imported food products.

(c) In order to make the payments required by a marketing agreement in respect of any agricultural commodity, and in order to pay salaries and expenses, the Secretary may, in his discretion, advance to the stabilization fund for such commodity out of the revolving fund such amounts as may be necessary.

(d) The deposits to the credit of a stabilization fund shall be made in a public depository of the United States. All general laws relating to the embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys of the United States shall apply to the profits and equalization fees payable to the credit of the stabilization fund and to moneys deposited to the credit of the fund or withdrawn therefrom but in the custody of any officer or employee of the United States.

(e) There shall be withdrawn from the stabilization fund for any agricultural commodity (1) the payments required by marketing agreements in respect of the commodity; (2) amounts for such necessary salaries and expenses as the Secretary of Agriculture determines shall be payable from such fund; (3) repayments in the revolving fund of advances made from the revolving fund to the stabilization fund, together with interest on such amounts at a rate of interest per annum equal to the lowest rate of yield (to the nearest one-eighth of 1 percent) of any Government obligation bearing a date of issue subsequent to the time the advance is made by the Secretary of Agriculture, as certified by the Secretary of the Treasury to the Secretary of Agriculture upon his request: *Provided*, That in no case shall the rate exceed 4 percent per annum on the unpaid principal; and (4) service charges payable for the collection of equalization fees.

REVOLVING FUND

SEC. 104. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000,000.

(b) All moneys appropriated in pursuance of the authorization made by this section shall be administered by the Secretary of Agriculture and used as a revolving fund in accordance with the provisions of this act. The Secretary of the Treasury shall deposit in the revolving fund such portions of the amounts appropriated therefor as the Secretary of Agriculture from time to time deems necessary.

EXAMINATIONS OF BOOKS AND ACCOUNTS OF SECRETARY OF AGRICULTURE

SEC. 105. Expenditures by the Secretary of Agriculture from the stabilization funds shall be made by the authorized officers or agents of the Secretary upon receipt of itemized vouchers therefor, approved by such officers as the Secretary may designate. All other expenditures by the Secretary, including expenditures for advances from the revolving fund, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the Secretary. Vouchers so made for expenditures from the revolving fund or from any stabilization fund shall be final and conclusive upon all officers of the Government; except that all financial transactions of the Secretary (including the payments required by any marketing agreement) shall, subject to the above limitations, be examined by the General Accounting Office, at such times and in such manner as the Comptroller General of the United States may by regulation prescribe. Such examination in respect of expenditures from the revolving fund or from any stabilization fund shall be for the sole purpose of making a report to the Congress and to the Secretary of expenditures and agreements in violation of law, together with such recommendations as the Comptroller General deems advisable concerning the receipts, disbursements, and application of the funds administered by the Secretary.

TITLE II. THE DEBENTURE PLAN

ISSUANCE OF EXPORT DEBENTURES

SECTION 201. (a) It shall be the duty of the Secretary of the Treasury to issue to any farmer, cooperative association, or other person on application therefor, export debentures with respect to such quantity of any debenturable commodity or any manufactured product thereof as such person may from time to time export from the United States to any foreign country. The export debenture shall be in an amount to be computed under the direction of the Secretary of the Treasury, in accordance with such regulations as he may prescribe, at the debenture rate for the commodity or product that is in effect at the time of exportation. Any such computation shall be final.

(b) As used in this title the term "debenturable commodity" means any agricultural commodity as to which the Secretary of Agriculture has made this title operative as authorized in section 2.

(c) The issuance of export debentures with respect to any such commodity shall commence and end on the dates specified by the Secretary of Agriculture.

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

(e) The Secretary of the Treasury shall prepare and issue all export debentures. Export debentures issued under authority of this title shall be obligations of the United States within the definition in section 147 of the act entitled "An act to codify, revise, and

amend the penal laws of the United States", approved March 4, 1909, as amended (U. S. C., title 18, sec. 261).

REDEMPTION OF EXPORT DEBENTURES

SEC. 202. An export debenture, when presented by the bearer thereof within 1 year from the date of issuance, shall be receivable at its face value by any collector of customs, or deputy collector of customs, or other person authorized by law or by regulation of the Secretary of the Treasury to perform the duties of collector of customs, in payment of duties collectible against articles imported by the bearer. Title to any export debenture shall be transferable by delivery. In order to prevent any undue speculation in the handling of such export debentures, the Secretary of the Treasury is authorized and directed, under such rules and regulations as he may prescribe, to provide for the redemption of such export debentures from any money in the Treasury derived from the payment of duties collectible against articles imported at a rate of not less than 98 percent of the face value of such export debentures.

DEBENTURE RATES

SEC. 203. (a) Debenture rates in effect at any time with respect to any debenturable commodity shall be one-half the rate of duty in effect at such time with respect to imports of such commodity, except that the debenture rate on the following commodities shall be the amount set forth opposite each such commodity, respectively:

(1) Corn or maize, 7½ cents per bushel of 56 pounds;
(2) Rice, one-half of 1 cent per pound;
(3) Wheat, 21 cents per bushel of 60 pounds;
(4) Cotton, 4 cents per pound; and
(5) Tobacco, 2 cents per pound.

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

IMPORTED COTTON IN TRANSIT

SEC. 204. During such time as this title is in operation as to cotton, regulations requiring that metal tags or other appropriate markings be placed on all bales of cotton produced in foreign countries and allowed transit through the United States for exportation may be prescribed by the Secretary of the Treasury. Every person who violates any such regulation of the Secretary of the Treasury shall be liable to a civil penalty of $100 for each such offense. Such penalty may be recovered in a civil suit brought by the Secretary of the Treasury in the name of the United States.

PENALTIES

SEC. 205. Any person who shall make any false statement for the purpose of fraudulently procuring, or shall attempt in any manner fraudulently to procure, the issuance or acceptance of any export debenture, whether for the benefit of such person or of any other person, shall be fined not more than $2,000, or imprisoned not more than 1 year, or both.

REDUCTION OF DEBENTURE RATES

SEC. 206. In order to prevent undue stimulation in the production of any debenturable agricultural commodity, whenever the Secretary of Agriculture finds that the production of any debenturable agricultural commodity during any crop year has exceeded the average annual production of such debenturable agricultural commodity for the preceding 5 years the Secretary shall proclaim such fact and the debenture rates for such commodity shall be reduced by the percentage hereinafter fixed. Such reductions shall become effective on the date fixed in such proclamation, not less than 60 days from the date of the issuance thereof, and shall remain in effect for 1 year. The term "crop year", as used in this section, means a 12 months' period beginning at a time designated by the Secretary. Reductions in debenture rates under this act shall be made in accordance with the following percentages:

(1) For an increase in production of less than 20 percent, there shall be no reduction;
(2) For an increase in production of 20 percent but less than 30 percent, there shall be a reduction of 20 percent;
(3) For an increase in production of 30 percent but less than 50 percent, there shall be a reduction of 50 percent; and
(4) For an increase in production of 50 percent or more, there shall be a reduction of 99 percent.

DEFINITIONS

SEC. 207. As used in this title—

(1) The term "cotton" means cotton of any tenderable grade under the United States Cotton Futures Act, and which has a staple of less than 1⅛ inches in length.
(2) The term "wheat" means wheat not below grade no. 3 as prescribed by the Secretary of Agriculture under the United States Grain Standards Act.
(3) The term "manufactured product" shall mean any article in the manufacture of which any debenturable commodity is used or consumed.

TITLE III—THE ALLOTMENT PLAN

ALLOCATION OF DOMESTIC PRODUCTION

SECTION 301. The Secretary of Agriculture is authorized and directed to ascertain and make public the part of the domestic production of any agricultural commodity which is needed for domestic consumption. Such portion of any agricultural commodity shall enter interstate commerce at a price per unit of not less than the cost of production of such commodity as ascertained by the Secretary of Agriculture for the year during which such commodity was produced. The remaining, or surplus, portion, if any, shall be exported, withheld from market, or otherwise disposed of as directed by the Secretary of Agriculture, except that it shall not be disposed of in the domestic market. Each delivery of any agricultural commodity as it enters interstate commerce shall be divided in the same proportion as the entire production of such agricultural commodity for the same year is divided.

LIMITATION OF IMPORTS

SEC. 302. To the end that the policy declared in this act may be effectuated, the Secretary of Agriculture is authorized, whenever he finds that the importation into the United States of any such agricultural commodity or its substitutes produced outside of the United States materially affects or is likely materially to affect the sale in the domestic market of such agricultural commodity at a price not less than the cost of production, to proclaim that fact; and thereafter it shall be unlawful to import, directly, or indirectly, any such commodities or their substitutes into the United States.

LICENSES

SEC. 303. From time to time, whenever the Secretary of Agriculture shall find it essential to license the purchase, importation, or storage of any agricultural commodity in order to carry into effect the purposes of this act, he shall publicly so announce; and after the date fixed in such announcement no person shall engage in or carry on any such business specified in the announcement unless he shall first obtain a license issued pursuant to this act. The regulations prescribed pursuant to this title may include requirements with respect to the issuance of licenses, systems of accounts, auditing of accounts to be kept by licensees, submission of reports by them, and the entry and inspection by the duly authorized agents of the Secretary of Agriculture of the places of business of licensees. It shall be unlawful for any licensee to purchase that portion of any agricultural commodity needed for domestic consumption at a price less than the cost of production proclaimed by the Secretary of Agriculture.

PENALTIES

SEC. 304. Any person who, without a license issued pursuant to this section, intentionally or knowingly engages in or carries on any business for which a license is required pursuant to this section, or any person who intentionally or knowingly makes any purchase in violation hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or imprisoned for not more than 6 months, or both.

Mr. HOPE. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman, what few remarks I make in regard to this legislation at this time will be in a temperate and nonpartisan manner. I am entirely in accord with the statements made by several gentlemen, that the agricultural interests of this country are too large a part of our entire economic system to be considered merely from a partisan standpoint. Personally I am 100 percent in favor of the statement made by the gentleman from New York [Mr. CULKIN] when he said that we are in favor, as far as possible, of putting agriculture on an ecomonic parity with all other business and industry in this country. And if we were in control here, we have a program that would be presented for your consideration that I believe is not only constitutional but sound from an economic standpoint and would distribute aid to agriculture in every part of the country and not be as limited and sectional as this one.

I am especially interested at this time in the dairy situation throughout the country. I am keenly disappointed to find another bill presented here which, as far as I can see, does not carry any benefits for the dairy industry, which I think is the largest individual unit in the entire agricultural industry of the country, and in desperate financial condition at the present time.

I have heard several Members make the remark that they will vote for this bill because it is the only bill before the House. In my opinion, this is a poor reason for voting for this bill. We have had 3 years for discussion and consideration of this kind of legislation, and we have known for a long time that this does not protect the dairyman's interests. Yet the majority have again presented a bill that entirely ignores the dairymen, who are numerous in the North and East.

The Committee on Agriculture, in my judgment, has been as entirely forgetful of the financial interests of the dairy farmer in this legislation as it was in the original A. A. A.

legislation. It forgets the extra burden placed on the dairy farmer through the processing taxes, increased costs of feeds and concentrates he has to buy to produce milk, and no direct benefits, and only small, indirect ones, are even suggested in this bill.

In a statement made by the chairman of the committee [Mr. JONES] when the gentleman from New York [Mr. CULKIN] was discussing this measure a few days ago, he said that the dairymen in various ways have received direct benefits to the amount of $100,000,000, and there had been an increase of 50 percent in the price of their products during the time of this program. I have taken the trouble to look up the average wholesale price of butter during this time. That is fairly indicative of all other products of the dairy farm. I find that the average wholesale price of butter in 1933 was 19.96 cents; in 1934 it was 22.98 cents; in 1935, 27.28 cents. By the wildest stretch of the imagination you could not get an increase of 50 percent in the wholesale price of this product.

But there is another element that is entirely separate from anything that is carried in the A. A. A. bill that has had a more important influence on the price of dairy products during the past 2 years. There is not a man in this House but who well knows that the severe drought of the summer of 1934 and the early part of 1935 very materially reduced the production of dairy products, and it was decreased production that affected the price, not the A. A. A. legislation passed by Congress. Also on account of the drought and lack of feed and pasturage, they reduced their herds, which further reduced production. These conditions, with increased business and power to buy, caused the slight increase in price instead of your unconstitutional farm bill.

The gentleman also said at that time that the dairy farmers had received $100,000,000 in direct benefits. I have looked into that as carefully as I could. There are only two ways that I find where it could be said that any benefits under this bill had gone to the dairy farmer. There have been purchases of dairy products for relief by the Federal Government, in the amount of $28,000,000, but it must be understood that is not necessarily, in its entirety, a direct benefit to the dairyman. Certainly it is not on account of the A. A. A. legislation. It would have been necessary to use dairy products to feed the people. Milk and cream are necessities. Someone had to buy these products, and perhaps more of them were sold on account of the Government purchases for relief. Yet by the wildest stretch of imagination you could not imply that this was a direct benefit the farmer received under this legislation. Your favored farmers in the South and West received Government checks, and our farmers helped to furnish the money to make these checks good.

It was further claimed that they had received some benefit through the TB eradication. There has been spent in this country during this time $47,000,000 in this connection, but primarily that was a health measure. That had been started many years ago and to a certain extent it was carrying out a fixed Government program and had nothing directly to do with your A. A. A. measure. On the other hand, in a great many cases it has been a detriment to the dairyman rather than a help, because when his cattle have been taken under this tuberculin test, he has been obliged to replace them with higher-priced cattle, which further added to his financial difficulties. So not one of these are direct, definite benefits to the dairymen as a result of the A. A. A. legislation.

Mr. BANKHEAD. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. BANKHEAD. If the gentleman had been preparing this bill, what would he have put in it to aid the dairyman?

Mr. SNELL. A little later I will answer that question, but I will tell you now one thing I would have done. I would have increased the tariff protection on dairy products, so that the market of America would be, in its entirety, for the American farmer. [Applause.]

Mr. BANKHEAD. Since when has the Committee on Agriculture obtained jurisdiction over tariff matters?

Mr. SNELL. I agree to all of that, but nevertheless the Democratic Party, which is in control of this House, has complete jurisdiction over it, with a 3 to 1 majority, and thus controls all legislation, if it was at all interested in the dairyman, it could at least see to it that he had full benefit of all the American market. [Applause.]

Mr. JONES. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. JONES. The gentleman recognizes that in the cattle-purchase program there was something over $100,000,000 spent, and something over 8,000,000 cattle taken out, and a great many of those were dairy cattle.

Mr. SNELL. A great many of them, yes, but the whole amount under that tubercular proposition was only $47,000,000, and all of these were indirect benefits only.

Mr. JONES. But that was separate.

Mr. CULKIN. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. CULKIN. That purchase of dairy cattle and other cattle was due to the drought?

Mr. SNELL. A large part of it; yes.

Mr. CULKIN. Which involved the dairymen in still greater losses than before.

Mr. SNELL. Much more.

Mr. CULKIN. They got $10 a head for cows that cost $150. Ten dollars is all they received from the Government.

Mr. SNELL. That is very largely the situation, and it left them in greater financial embarrassment than before.

Mr. BANKHEAD. That is all they were worth in many instances.

Mr. SNELL. Mr. Chairman, I am especially interested in the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU]. The only thing we ask under this amendment is that where you pay a farmer raising wheat, cotton, or tobacco, for letting part of his land lie idle he shall not use it for raising other crops or grasses to furnish further competition for the dairy farmer. If there is anything wrong or unfair in our position in this respect, I cannot see it; you certainly should not pay a man for not producing a certain kind of a crop and still allow him to produce something else in which field the competition is just as severe as the one you are trying to help. No sane man can justify your opposition to this amendment, except that you want to favor one class of farmer over another class.

[Here the gavel fell.]

Mr. HOPE. Mr. Chairman, I yield the gentleman from New York 2 additional minutes.

Mr. SNELL. Further answering the gentleman from Alabama, were I able to present a program to this House and have it considered, I would adopt the following:

First. The reciprocal-trade agreements thus far negotiated have operated to the detriment of American agriculture, and therefore the act of the Seventy-third Congress delegating to the President the power to negotiate such treaties should be repealed.

Second. That, due to the tremendous increase in the importation of cheaply produced foreign agricultural commodities, legislation should be enacted so that the American farmer may have full benefit of the domestic market for all agricultural commodities produced in the United States.

Third. We believe in an allotment plan for agriculture by which we will give the producers of surplus farm crops the benefit of the tariff on that part of their production consumed domestically. We also favor a program that will aid agriculture in the reestablishment of foreign markets for surplus farm products.

Fourth. Adequate appropriations should be made in the interests of a sound soil-conservation program, and for the acquisition by the Federal Government for the public domain of marginal lands heretofore used for agricultural production.

Such a program as this would be not only sound economically, but be a basis for sound, permanent policy as opposed to your present proposal, which at its best is only a makeshift program. It has all the defects of the old bill, only you have dressed it up in new language with the hope it will get by the Supreme Court. In giving power to the

Secretary of Agriculture it even goes further than the old bill.

You do not even claim it is anything but temporary; but the time is here now to start a permanent farm policy, and one that applies equally to all kinds of agriculture, and to every part of the country.

Because you have not even tried to do this, but are simply trying to fool the farmer and get a huge campaign fund for the next election, I cannot support this bill. [Applause.]

Mr. DOXEY. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. KERR].

Mr. KERR. Mr. Chairman and Members of the House of Representatives, for more than 10 years the Congress of the United States has sought to find legislation through which it could adjust exchange values between the farmer and other industry and increase the farmers' purchasing power.

At the first session of the Sixty-eighth Congress in 1924, the original McNary-Haugen bill was introduced; there were extended hearings on this bill in both the House and the Senate, and the bill was reported favorably to both Houses. In the House the bill was rejected, and when it reached the Senate Calendar it was indefinitely postponed.

At the second session of the Sixty-eighth Congress, the agricultural relief bill, after exhaustive study by both the Senate and House committees, was reported by both committees favorably, but no action was taken on this legislation by either House.

When the farm-relief bill came up in the Senate in the Sixty-ninth Congress it was rejected, and similar legislation was rejected when it came to the House for consideration.

At the second session of the Sixty-ninth Congress the first McNary-Haugen bill was passed by both the Senate and the House and was vetoed by President Coolidge.

At the Seventieth Congress both the House and Senate again passed the second McNary-Haugen bill and this bill was also vetoed by President Coolidge.

At the Seventy-first Congress, our Republican friends who could no longer resist the demand for farm-relief legislation, passed the Farm Board Act; and the Farm Board created under this act undertook to buy off the market an enormous amount of farm products, which surplus crops in the hands of this Farm Board hung over the market and so depressed prices that its activity proved to be a monumental failure, and the last state of the farmer became much worse than the first.

At the first session of the Seventy-second Congress extended hearings were held by both Senate and House Agricultural Committees in an effort to repeal or amend the Farm Board Act, but Congress at this session took no action in respect to the matter.

At the second session of the Seventy-second Congress the House passed the national emergency bill, but the Senate failed to act upon this measure.

When the Seventy-third Congress convened and the Democratic Party came into control, Congress immediately passed the Agricultural Adjustment Act, and President Roosevelt approved it on the 12th day of May 1933.

This act and its successful administration are familiar to every person in the United States; to deny that the agricultural industry has not been benefited and prices increased nearly 300 percent in respect to most basic commodities, is to admit an appalling obtuseness or a prejudice too dense to understand. You cannot argue against a fact. The Democratic Party demonstrated its ability to help the farmer; the Republican Party failed utterly for 10 years to do so.

The A. A. A. embraced the feature of soil conservation by taking out of cultivation many million acres of land and directing the farmer to plant this acreage in soil-improvement crops, and so crop control and soil conservation naturally, in consequence of the ability of the A. A. A. to increase the farmers' purchasing power, became inseparable and should be considered together in approaching this problem.

It is estimated that in producing our farm crops, we annually take out of our soil $400,000,000 of farm fertility; this exhaustion is fast depleting our farming area. Not to get a profit in consequence of such cost is unthinkable, and even a profit would not justify us in destroying so much national wealth unless we made every effort possible to replace it by caring for our lands. The conservation of our land will always make secure for us a home and destiny unequaled anywhere else on earth. There are said to be 360,000,000 acres of cultivatable land in the United States; 300,000,000 of this has already been affected by soil erosion and decrease in fertility, 100,000,000 of which is almost useless now to grow crops. This waste area can be retrieved, and for our Government not to use every effort to restore it for useful purposes again is nothing less than criminal negligence. It can be done; men can destroy and let go to waste our God-given heritage, but he can also make more fertile the place he occupies on this earth. The lands of England, Belgium, and Denmark are more fertile today than they were when Julius Caesar's legions conquered the British Isles 2,000 years ago.

The proposed bill might not take the place of the A. A. A., but no friend of the American farmer can afford not to support it. The Democratic Party has demonstrated what it can do for this industry, and we should continue to surmount every obstacle which impedes our purpose.

I shall support this measure and every other one which has for its purpose the adjustment of exchange value between the farming and other industries and the increase of the farmers' purchasing power. This must be done in order that we may secure permanent prosperity.

Mr. DOXEY. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. SISSON].

Mr. SISSON. Mr. Chairman, this bill, known as the soil conservation and domestic allotment act, has among its purposes the very worthy ones of soil conservation, the prevention of a continuing waste of our wealth by erosion of soil and other causes. It is proposed to accomplish these purposes by aids in the form of subsidies which will go to farmers whose lands are withdrawn from the purposes to which they are now devoted.

If there were no other purposes to be accomplished or results effected from this bill, I should support it without the slightest hesitation. However, it is admitted—and as I understand, the Secretary of Agriculture himself has stated at least informally—that between twenty and thirty millions of acres of land which now are or formerly have been largely devoted to growing wheat, cotton, and tobacco, will be withdrawn from such purposes, the owners will be paid a subsidy or receive compensation for such withdrawal, and the land may then be used for growing crops which are useful for feeding cattle. The sections of the country affected in this way are mainly in the South, the Southwest, and the West. They are not in the North or Northeast parts of the country. In other words, they are not in the States where dairy farming, the production of milk and its products, is the principal part of our agricultural industry.

In its present form and without amendment the bill will allow these twenty to thirty millions of acres of land in sections which have never been devoted to dairy farming, the production of milk and its products, and where, without aid from the Federal Government, dairying could not now profitably be carried on; to be devoted to dairy farming, to the production of milk and its products, so that by the aid from the Federal Government to those sections, the dairy industry may be built up in these new areas. Thereby, the owners of the land in those sections will be furnished aid by the Government whereby they may go into competition with the dairymen in the North, the Northeast, including Pennsylvania, New York, New England, and the other areas which are now furnishing milk for the great metropolitan centers.

In other words, a new competition will be created for the dairymen farmers of the North and the Northeast, and the misery of our farmers—already bowed with the weight of unremunerative toil—will be added to by this legislation.

I think no one can accuse me or my colleagues from the State of New York on this side of the House with failing to possess a national point of view during the past 3 years of

this administration. We have voted, most of us, for every bill for the relief of the agricultural industry in the South and in the West. We helped you to pass the Agricultural Adjustment Act. We helped you to pass the Bankhead Cotton Act. Personally I have no apology or regret for so doing. I believed then and I believe now that both of those acts and the other acts for the benefit of agriculture were necessary and that they were constitutional. We voted for those measures, although they did not directly benefit the farmers or industrial workers of our sections. I say they did not directly benefit my people. I believe they did indirectly greatly benefit the farmers and industrial workers of our section in that unless and until the prices of agricultural products were brought to a parity with industrial products we could have no real prosperity. And I would have no criticism of this legislation now, even though it does not directly benefit the dairymen, farmers, or industrial workers of my own section, if I did not believe that it will create a new and injurious competition for the long overburdened and the long poorly paid dairymen of the State of New York and other parts of the milk-producing sections. While other branches of agriculture have been directly benefited by legislation of the past 3 years, our dairymen, at least in New York, Pennsylvania, and New England, have received no direct aid whatever, as have the cotton, wheat, hog, and tobacco growers. The only benefits that the people of my section received were in the general increase in prosperity.

I was born and brought up on a farm—perhaps no credit to myself—and at that time had I been permitted to select the place of my nativity, I might have chosen otherwise. I have a great interest in and sympathy for all the farmers of my own State, whose plight and the causes of which I well understand. That plight was caused in some part by the tariff policy of the Republican Party, which, without protecting the farmer, because the tariff on such agricultural products of which there was an exportable surplus did not in its effects protect the farmer at all, but raised the prices of everything the farmer had to buy and eventually cut off a great part of our foreign trade, contributing to the causes of the depression, of lower purchasing power, and consequent unemployment. By reason of this our farmers had to sell in an unprotected market while they bought in a protected market. They sold cheap and bought dear. We are now just gradually beginning to overcome that condition.

In an effort to find out the causes of the dairymen's plight and the causes contributing to it, I helped to secure 2 years ago the passage of legislation providing for an investigation of the great dairy industry by the Federal Trade Commission because I believed that we ought to get at the facts, and then that we ought to pass such legislation as might be commended to our judgment by the results of that investigation to prevent the great distributors of milk, the Milk Trust, from buying from the dairymen at prices below the cost of production, while they, at the same time, made the consumers of milk in our cities pay exorbitant prices and thereby enabled the distributors to pay fabulous salaries to their officers and executives and pay enormous profits to a few. My speech on that subject, which was largely responsible for the securing of that investigation, appears in the CONGRESSIONAL RECORD on March 21, 1934.

I have a duty now to use what little influence I may possess and to use my vote to see to it that Federal aid shall not be used to injure or tear down the great industry of agriculture in my own State.

As has been so ably pointed out and so well proved by my very capable and distinguished colleague from New York [Mr. CULKIN] and the very able gentleman from Wisconsin [Mr. BOILEAU], this bill, if passed in its present form, will further depress the price of milk and dairy products throughout the whole country. If the amendment which the gentleman from Wisconsin [Mr. BOILEAU] has proposed, which provides, in substance, that these 20,000,000 or 30,000,000 acres which are to be conserved under the provisions of this act, may not be used for feeding cattle which are to be for sale, or the products of which are to be for sale, is adopted, then I am in favor of this bill. I am willing to vote and work for any legislation that will be of any benefit to any part of the country, provided that it is not done at the expense of ruining industries in another part of the country. This legislation, unless modified by the Boileau amendment, will, so far as the dairy farmers of the North and Northeast are concerned, tend to undo the benefits which they are just beginning to receive from a return of prosperity under the Roosevelt administration.

For those reasons I shall support the Boileau amendment, and if the Boileau amendment is adopted, I will vote for the bill.

I cannot support the bill without the safeguard afforded by that amendment.

Mr. JONES. Mr. Chairman, I yield the gentlewoman from Indiana [Mrs. JENCKES] 4 minutes.

Mrs. JENCKES of Indiana. Mr. Chairman, all of the Members of the House of Representatives know that I am an Indiana farmer. I know the problems of our farmers from a practical viewpoint. I know the terrible sufferings that our farmers have endured. I also know the blessings that the Agricultural Adjustment Administration brought to the farmers in my congressional district in the great State of Indiana. We must pass this legislation to give relief to our farmers. We must provide a substitute which we sincerely believe will meet all the requirements of the Supreme Court.

A woman's viewpoint is helpful in many discussions. I believe a woman's viewpoint will be helpful here on the floor of the House of Representatives.

I want to leave this thought with the Members of the House of Representatives: No nation can remain a great nation until that nation protects the producers of the food that is consumed by the citizens of that nation. Therefore, it behooves every one of us to provide every possible protection for our American farmer. It is a duty we owe to our farmers; it is a duty we owe to every citizen in our Nation. It will be one of the important steps toward overcoming the evil forces of the depression. [Applause.]

Mr. HOPE. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, the hour is growing late, and there are only a few of us left. We can now have a little pleasant conversation about farming. I may bring you a sense of relief at the outset by saying that I do not intend either to sustain the Supreme Court or to reverse it. I do not expect to discuss the constitutionality of former acts nor of this one. I may find myself in a lone position when I assert I have never had any confidence in the platform of either of the great parties, as thus far expressed, for the relief of agriculture. I did not believe, at the time, it was proposed that the Farm Board under the Hoover administration, directed to peg the price of wheat and perhaps they tried to peg the price of cotton, could possibly succeed, because I was convinced at the time, as I am convinced now, that it was a wretched violation of economic law that simply cannot be put across. Nor am I in sympathy with that provision of the Republican platform of 1932, which has been read into the RECORD today, and which, as I recollect it, proposed crop control. The Democratic Party has taken that plank out of the Republican platform, and I think it is equally wrong. So you can see from what I have said thus far, that in this entire parade everybody is out of step but me.

As has been suggested in debate thus far, this bill labeled "Conservation and prevention of erosion" has actually for its purpose the continuation of crop control. Did it not have that for its purpose it would not have enlisted the interest of the agricultural organizations which it is alleged are supporting the measure. Its real purpose, we have to admit, is to continue crop control under another name, and continue the distribution of Government bounties, subsidies, or whatever we choose to call them, as a reward to the farmer who reduces his crop in accordance with regulations promulgated by the Secretary of Agriculture. In this respect, I think it is on all fours with the A. A. A., which I spoke against and voted against in May 1933, I think it was. I

do not wish to be defiant toward the leaders of any political party, but no matter what administration should propose crop control for this great continental United States, I shall oppose it.

Mr. RANKIN. Will the gentleman yield?

Mr. WADSWORTH. I am sorry, I cannot yield.

Mr. RANKIN. The gentleman, being the leader of his party, I thought we might get an expression from him.

Mr. WADSWORTH. I had nothing to do with writing the platform of 1932.

I believe it utterly impossible in a country the size of the United States, with its infinite variety of climate and soil, customs and habits, for a central government to manage its agriculture. [Applause.] Such a thing might be possible in a country like Denmark, or Holland, or perhaps Belgium, comparatively small in area, with a compact and homogeneous population, with scarcely any variance in climate or soil quality, where everyone knows everyone else and where the standards of living and the customs are uniform generally from border to border.

But in a country like ours, with its millions of acres, and, literally, its millions of farms and its scores of millions of fields upon the farms, for anyone to say that the whole thing can be regimented and controlled is to speak folly. We have tried it. We have tried it under Triple A, and I am not now denouncing this administration for attempting Triple A; in fact, as I recollect it, when it was first put upon the statute books, the President at the White House or in a statement somewhere said, "If it does not work, I shall be the first one to admit it." He said it was an experiment.

Now see what happens when you attempt crop control in a country the size of the United States. The first attempt was with cotton. I know nothing about the raising of cotton, I have had no experience with it at all, but he who runs can read. The cotton acreage and the number of bales were artificially decreased. A most unlooked-for effect was felt instantly. The effect was the throwing out of occupation of thousands and thousands of share croppers, an unexpected result; but now, as we look back upon it, an inevitable result. This had to be taken care of. How? By appropriating more money for relief. Thus nothing was gained and, probably, something lost. Another effect was the partial loss of our export market. I shall not discuss it, but it presents a menacing prospect.

Still another effect from this same cotton control was that the acreage taken out of cotton was put into some other crop and that crop, in turn, had to be regulated; and when that second crop was regulated still more acreage was idle, and that extra idle acreage was put into still another crop, and the Congress said, "Well, we will have to regulate that", and so on down the line until we reached potatoes. It was inevitable.

May I liken the agricultural situation in a country of this size to a toy balloon, we will say. The cubic capacity of the balloon represents the agricultural products of the country. Some one in authority makes up his mind that there is too much of a certain product and something must be done to reduce it in order that the people still left in the business of producing shall be more prosperous. So he takes his thumb and pushes it into one side of the balloon. "Ah," he says, "I have got that fixed." Strange to say the other side of the balloon bulges out. "Gosh," he says, "I didn't expect that", and he runs to the other side of the balloon and takes his other thumb and pushes it into the other side and says, "Now, I have got that fixed; I am going to control this thing." Strange to say the top of the balloon bulges out. So he has to find somebody else with a thumb to push that down. Then the bottom of the balloon bulges out and he has to find somebody with a thumb to push that in. Before you get through with endeavoring to control the crops of all the United States, you will have to have 1,000 thumbs and you will have to attempt to push in every single square inch of the balloon, and the balloon will burst. Now, this is just where we get with crop control, and there is no other answer, as I see it, in a country of this size.

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

Mr. WADSWORTH. In just a moment.

The very fear of the thing I have tried to describe in this inadequate way has already been voiced upon the floor by the representatives of those interested in the dairy industry. This bill proposes to push in certain portions of the surface of the balloon, causing extension on another part of the surface, the dairy part. You cannot figure all these things in advance, but we have had a lesson in three or four crops already of the utter impossibility of pushing the thumb in one side without affecting the shape of the balloon on every other side, and the representatives of the dairy industry seeing what has happened in several directions under the operation of an undisturbed Triple A, are begging us to give them specific protection in this bill.

Now, it will not stop there. If we give them protection in this bill, and I for one shall vote for the Boileau amendment, it will turn out later that other agricultural interests will come before us, saying: "This thing is working against us; you do not know what you are doing; put in another provision and protect us." And you will go on indefinitely along exactly the same road you were traveling under Triple A. True, the element of force is not present in this measure. You cannot put it in. Of course, for force you are endeavoring to substitute persuasion through subsidy—persuasion to obey the plans of the Government, and you are to be persuaded by a sum of money.

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

Mr. WADSWORTH. I yield.

Mr. RANKIN. Did not the distortion of the economic balloon begin with pushing in the thumb of high protective tariffs for special privilege?

Mr. WADSWORTH. It did.

[Here the gavel fell.]

Mr. RANKIN. That is a significant culmination of the gentleman's speech.

Mr. WADSWORTH. Do not take too much for granted. I should like to discuss that very thing with the gentleman. There is no time. We will hire a hall. [Laughter and applause.]

Mr. HOPE. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman, this bill would not be before us today were it not for the fact that the United States Supreme Court has declared the control-of-production features of the Agricultural Adjustment Act unconstitutional. Ever since that decision the Department of Agriculture has been casting about to find a way whereby the unlawful parts of the Agricultural Adjustment Act might be carried on under some guise of legality.

The Soil Erosion Act, passed on April 27, 1935, was finally decided upon as the vehicle to be used in an attempt to do that which the Supreme Court so plainly said the Federal Government could not do in connection with agriculture. The bill before us is not in truth and in fact a conservation and a soil erosion bill. It is an effort to continue the control policy of the Agricultural Adjustment Act.

This bill is divided into two parts; that is, it has a temporary feature and a permanent feature. I have no quarrel with the constitutionality of the permanent feature of the bill. I do, however, feel that the temporary provision is entirely unconstitutional.

The Supreme Court in the Agricultural Adjustment Act decision said:

> The act invalidates the reserved rights of the States. It is a statutory plan to regulate and control agricultural production, a matter beyond the power delegated to the Federal Government.

After holding that the Government could not legally contract with the farmers to reduce their production the Court continues further:

> But if the plan were one of purely voluntary cooperation, it would stand no better so far as Federal power is concerned. At best it is a scheme for purchasing with Federal funds a submission to Federal regulation of a subject reserved to the States.

Now, it seems clear to me that this is a statutory attempt to regulate and control agricultural production, and even though there is no provision in the bill providing that the Government may make any contract or agreement with the

farmer in reference to this control, yet the clear purpose of the bill is to pay to the farmer benefits, providing he takes out of production lands to be designated by the Secretary of Agriculture. I say "takes out of production." I do not mean exactly that, for the purpose is to change from one crop to another—to take certain crops of which there is a surplus out of production. It is true that the words "compulsion" or "control" do not appear anywhere in the bill, yet I challenge anyone to suggest any method whereby the objective of the temporary part of the bill can be obtained without the mind of the farmer and the mind of the Secretary of Agriculture meeting on at least two points: First, as to which land will be taken out of production, or on which land the crops will be shifted; and second, the consideration which the farmer is to receive for making this change. Call this understanding what you will, the effect is that the farmer and the Federal Government have agreed to a certain arrangement whereby the farmer's production and crops are to be regulated, and because of his willingness to do these things he is to be paid money out of the Federal Treasury of the United States. Under the above quotation it is entirely immaterial whether the farmer does this voluntarily or whether it is done through compulsion. For a price he consents to be regulated by the Government.

I concede that aid in soil conservation is a legitimate function under the Constitution, but I deny that so patently camouflaged a proposition as this bill is soil conservation. That which is constitutional, or soil conservation, is here but incident to the main purpose of crop regulation.

Even if this bill were constitutional, I could not vote for it in its present form, because it delegates vast and unprecedented powers to the Secretary of Agriculture, because I believe that it will be ruinous to the dairy farmers of the country, and because it is a makeshift piece of legislation and has not had proper consideration.

We are told by the Committee on Agriculture that no hearings were held on this bill. Minority members of the committee demanded hearings, but this was denied. The only persons permitted to appear before the committee were the Secretary of Agriculture, Mr. Wallace, and the Administrator of the Agricultural Adjustment Act, Mr. Chester Davis. These gentlemen appeared informally. No notes were taken of what they said, and, therefore, only the members of the committee had the benefit of any information given. Now, when we consider the well-known attitude of these two gentlemen and their views as to the only method of treating the agricultural problem, we will at once see the unfairness of any legislation based entirely on such prejudiced information.

On the other hand, who are the known opponents of this legislation? Great consideration should always be given to the national farm organizations in connection with all legislation affecting agriculture. All dairy organizations of which I have any knowledge are absolutely opposed to this bill without the Boileau amendment. The National Farm Union is openly and unalterably opposed. The National Grange is not advocating the legislation. The Washington headquarters of the American Farm Bureau favors the legislation, but the Michigan State Farm Bureau, through its duly constituted officials, has informed every Member of Congress from Michigan that it is absolutely opposed to the legislation in its present form. Now, it seems that the spirit of fairness at least would have suggested that these great farm organizations, with their hundreds of thousands of members, might have had the opportunity of appearing before the committee and giving the committee the benefit of the views of these students of this fundamental proposition. Not a person in Michigan has asked me to support this bill, while many have opposed.

I refuse to be stampeded into voting for any legislation that has had no consideration in committee. The country is opposed to "must" legislation. I realize, however, that any effort to oppose this measure will be futile. There are enough Members of this body today who are still willing to follow blindly. I know that many of you say that this is a farm bill, intended to give farm relief, and that you dare not vote against anything which might be construed as giving aid to agriculture. Personally, during my service in Congress, I have usually voted for the best that I could get for the farmers. The time has arrived, however, when the best that one can get is not sufficient. We need militant advocates, those who will oppose efforts of this type to force through ill-advised, unconstitutional, and ill-considered legislation.

There are large dairy interests in the State which I have the honor to represent in part, and if this law ever does become effective it will militate directly against these interests. While there is no obtainable information from the committee as to just what is to be expected in the way of administration, yet a recent statement by Mr. Orvice V. Wells, Acting Chief of the Planning Section of the Agricultural Adjustment Administration, is enlightening. This report shows that it is the purpose to decrease cotton acreage in the South, but to increase the total crop land in pasture land and in the production of all of the southern feed crops excepting corn. Increases are also recommended for all classes of livestock production in the South.

In the Corn Belt it is recommended that the farmers shift from corn to hay and pasture, and while this might result in a decrease in hogs, yet it would mean a substantial increase in dairy cows and milk production. This is recommended for this section.

In the wheat section increased production of grain sorghums is recommended, while in the northeast section present conditions are to be stabilized at present levels. All increases aim directly at the dairy industry.

Think of the Department proposing an increase in the production of hay, principally in the Lake States and the South, from the normal level of about 68,000,000 acres to 82,000,000 acres, which would yield 115,000,000 tons in place of the normal production of 83,000,000 tons.

He also proposes an increase in the production of alfalfa from 20,000,000 tons to 40,000,000 tons. He recommends an increase in the production of milk from the normal level of 11,590,000,000 gallons to 14,000,000,000 gallons, an increase of two and one-half billion gallons.

Milk is the one monthly cash income for a majority of the farmers in my district, and I would be betraying a trust in voting for legislation that lessens the milk check and demoralizes the dairy industry.

It does not require a wizard to see what this would do to our dairy interests.

The bill contemplates the spending within the next 12 months, and each year thereafter, the sum of $500,000,000 to carry out the purposes of the act. In other words, the farmer is to enter into an agreement with the Department of Agriculture to shift his crops, and he is to receive so much per acre for so doing. Yet, if he grows clover, soybeans, alfalfa, or other legumes, he is to be paid for growing them, and at the same time be permitted to use them or sell them, just the same as he could do if he did not receive a subsidy for growing them.

The dairy interests are insisting on an amendment providing that if the farmer receives this benefit money for changing from soil-depletion to soil-conservation crops he cannot sell the crop so raised on this leased land and cannot use it for commercial pasture in competition with the production of the farmers' acres which are not so subsidized. The fairness of this proposition is conceded by every man on the floor of this House. Yet the proponents of this bill will not permit our amendment because they feel that it might not be constitutional. They promise us in a whisper, however, that it will be the purpose of the Secretary of Agriculture to make some kind of regulations carrying out what we must have, if our dairy interests are not to be destroyed. Suffice it to say that we have had much grief in the dairy industry during the last few years. The production has been such at certain seasons of the year as to ruin the price, and this legislation will absolutely demoralize dairy conditions. We are not willing to chance our industry on any regulation of any czar.

We are told that the intention is to take from twenty to thirty million acres of land out of production of cotton, wheat, tobacco, and corn, and to plant this land with grasses,

clover, alfalfa, and other legumes. Imagine the spectacle of twenty to thirty million acres of these crops to compete with our already overexpanded dairy industry, to say nothing about hay and livestock.

Now, how is this law going to be administered, and where is the money coming from? The bill gives the Secretary of Agriculture absolute despotic power. No limitations whatever are placed upon him. No formula is given to him. No yardstick is suggested. Every paragraph of the bill gives carte-blanche authority to this one individual, and then near the end the bill specifically provides that no appeal shall be taken in reference to any payments made under the act, except to the Secretary of Agriculture himself. The farmer or other person who feels aggrieved by reason of anything transpiring by virtue of this law is estopped from the benefits of the court. After reading the bill through carefully I was almost tempted to make further search to see if the farmer was not even denied the benefit of clergy. There has never been so broad a statute enacted by this Congress. The President has been given broad powers in much legislation during the last 3 years, but this so-called conservation and soil erosion bill is the cap sheaf.

Of course, while the bill provides that the Secretary of Agriculture shall make all regulations for the carrying out of the law, yet as a practical matter, we all know that the Secretary of Agriculture cannot possibly look after all of these matters personally, and as a result the farmer is again being yoked up to be driven about by bureaucrats.

During the life of the Agricultural Adjustment Act, our farmers have learned something about regimentation and control from Washington. I say to my farmers that you have not been anywhere yet, as you will learn if this bill becomes law. Few farmers from my section of the country will be able to profit in comparison with other sections of the country. Our farmers have been practicing crop rotation for years and as a result, the farmer now growing clover, alfalfa, and legumes in proper proportion will not be entitled to any consideration whatever. The only part that he will have in the show is to contribute in taxes so that his shiftless neighbor might be paid for doing that which he has already done at his own expense.

The philosophy of scarcity has not met with the approval of the farmers nor the consumers. A doctrine of plenty, with a reasonable price not only to the producer but also to the consumer, is what we must have. Forget about these experiments that have proven so unpopular and so sterile in the final analysis. Give the farmer a lower interest rate on his mortgage. Cut out a lot of expense between the producer and the consumer. Let us work out a sound system of production and distribution that is equitable and that will give the farmer the cost of production plus a reasonable profit and the consumer a chance to live. This policy of scarcity, that makes necessities of life luxuries, is not American. It is economically, socially, and morally wrong. Stop paying premiums to the farmers for producing less while at the same time permitting the importation of foreign foodstuffs to take the place of the foodstuffs that should be produced on our own acres.

I am glad that we had the Potato Control Act, inasmuch as it was never permitted to go into effect. It did, however, spectacularize just what ideas were motivating those who believed in the principles of the Agricultural Adjustment Act. We want no more of this kind of thing.

It is not possible to revive legislation that has been declared unconstitutional by simply restating its purpose. Bills have been introduced and are now pending before the Committee on Agriculture which should be given a hearing, and an honest effort made to get honest results. Any legislation, the effect of which is to benefit one group of agriculture at the expense of another, is not sound and will not be tolerated. Under this bill the whole program for agriculture would be written by one man without let or hindrance, and now is the time to make the protest. The passage of this bill means a continuation of the large number of employees now administering the Agricultural Adjustment Act. It will add to, rather than subtract from, the total number in the end. More agents, more snoopers, more bookkeeping, more reports, and more discouragement will await the honest farmer who lives on, believes in, and has made possible the family-sized farm of the past. Let us abandon failures and face realities. I shall never consent to let one man or any bureau write a permanent policy for agriculture without this Congress having any knowledge as to what the policy is going to be. Those voting for this bill are authorizing just that thing. We have already surrendered too many of the people's rights. A dictator for agriculture is unnecessary. The A. A. A. has been near enough.

Mr. HOPE. Mr. Chairman, I yield such time as he may desire to the gentleman from Tennessee [Mr. TAYLOR].

Mr. TAYLOR of Tennessee. Mr. Chairman and fellow Members, at the outset I desire to reregister my profound interest in the problems of the farmers of the United States. While I am not a member of the Agricultural Committee, and certainly am not recognized as an expert in the subject of agriculture, I was born and raised on a farm and profess to know something of the difficulties which beset the ordinary farmer of this country. While the district I represent is diversified so far as industry is concerned, we do produce practically every agricultural product. In recent years dairying has become one of the leading industries in my district, and the State of Tennessee ranks fourth in the production of dairy products in the United States; hence, Mr. Chairman, my concern that the dairy industry be safeguarded against a danger which, to me, is evident in this proposal.

During my nearly 18 years as a Member of this body I have supported every piece of legislation designed to improve the condition of the farmers of our country. While we have passed some goods legislation in behalf of the farmers, in my opinion, we have enacted other legislation that has been detrimental to their interests. Something has been said about giving industry a breathing spell. I sometimes wonder if the farmers of this country are not entitled to a breathing spell from crackpot socialistic legislation.

I fail to comprehend the philosophy of regimenting the farmers of the United States, and especially that part of the program which requires him to curtail his crops and the production of livestock, when at the same time our importations of grain and meat products are increasing to staggering proportions. An example of this fallacy is shown in the fact that in 1934 we imported only 399,138 bushels of corn into the United States, whereas during the year 1935 we imported 43,242,296 bushels of corn. The Farmers' Independence Council of America has furnished a table on this subject which is very interesting and very illuminating. With your permission, Mr. Chairman, I am including a table prepared by them showing the increase in the importation of meat products for the first 8 months of 1934 as compared with the importations of the same products for the first 8 months of 1935. They are as follows:

Imports (in pounds)	1934	1935
Beef and veal	136,972	7,115,925
Hams, bacon, etc	547,223	2,395,608
Canned meats	26,215,757	49,770,402
Lard, etc	296,185	10,758,779
Butter	436,695	21,825,263

The United States is one of the greatest agricultural and stock-producing countries in the world. And why we should continue to import, in such staggering amounts, these commodities which we ourselves can produce, at the same time curtailing our own production, is a paradox and incongruity which I fail to comprehend.

Recently we were told that the Government had been returned to Washington. What government, pray tell us? It must have been the one the professors from Cornell, Columbia, and Harvard Universities dug up from the tombs of Egypt. A New Deal government it is called. But it is not a New Deal exactly. The Pharaohs planned the full granary. Greece and Rome distributed free grain. The N. R. A. and the A. A. A. are not new; codes, doles, and subsidies are as old as the institutions of government, and it is a part of their

history that generally they have proved to be a handicap, rather than a blessing.

But we were told that there was an emergency. The President, at one of his almost-forgotten fireside broadcasts promised that if we would "go along", and that should the schemes of his "brain trust" fail, he would be the first to cast the new aside and return to the old. He called it an experiment. And now, while still the echo remains, he says, "It is to be permanent—we planned it that way." Just what has he planned? A bureaucratic, dictatorial government? It might as well be understood now that no one is going to play politics with the farmers' problems. Make no mistake of that. And if he is sending another bill here to add to the human misery of the poor tenant farmer and the millions of consumers to be dictated to by 118,000 bureaucrats, then now is the time for those of us who have a just right to expect a man in high office to keep his promises and stop experimenting with human misery to demand a new deck. We do not want another deal from that old deck, and this time we expect the cards to be dealt above the board.

Mr. Chairman, in my judgment, the bill before us, in its final analysis, is simply a makeshift proposition. It seems to me that it is designed solely to save the face of the present administration, at the expense of the farmers, the consumers, and the taxpayers of this country. It is a feeble effort to evade and circumvent the recent decision of the Supreme Court on the Triple A, and I predict that it will go the way of the late lamented Triple A, if it is not materially amended.

The difficulty with our agricultural legislation for the past 3 years has been the fact that most, if not all of it, has been drawn by the so-called "brain trusters", who hail from the big metropolitan centers and who never experienced the hardships and drudgeries of farm life. These eminent worthies would not know a pack saddle if they met it in the road, and they would not know the difference between a sweat bee and a turkey buzzard. I wonder how long these pseudo-agricultural experts will continue to foist their half-baked theories on the Congress. It seems to me that the measure before us clearly bears the earmarks of those who originally drafted the Triple A, which has been held invalid by the Supreme Court.

In collaboration with some friends of mine who are deeply interested and well versed in the agricultural subject, I prepared and introduced on January 28 last, H. R. 10666, which I propose to offer as a substitute at the proper time. My bill is a 100-percent States' rights bill. I contend that, if enacted into law, my bill will, first, eliminate the bureaucratic evil which to me is one of the greatest menaces to constitutional government; second, that it will take Federal employees out of politics; third, that it will do all that the bill under consideration will do at one-half the cost; fourth, that its administration will be paid for by all classes and not by certain groups; fifth, I contend that it is not of doubtful constitutionality.

My bill, in its essence, is a conservation proposition and contains none of the baneful crop-reduction and processing features which certain administration officials would like to see preserved.

I commend an earnest consideration of my bill to the members of the Agricultural Committee and to the Members of the House generally. [Applause.]

Mr. JONES. Mr. Chairman, I yield to the gentleman from Alabama [Mr. STARNES].

Mr. STARNES. Mr. Chairman, the soil is our greatest natural resource. Conservation of the soil and its proper utilization presents us with our greatest problem. It cannot be solved by carping criticism nor partisan politics. The proper solution of the problem challenges our common sense, our courage, and our devotion to the country. A business or avocation wherein are found 6,812,350 members whose families have a total population of more than 32,000,000 people and with a monetary value of $32,858,844,012 is a business that must be considered in the light of our national interest.

The A. A. A. sought to control production in order to establish a balance between supply and demand and to bring about parity prices and parity income. It had the support of national legislation and the cooperation of the farmer. So ably was it administered that splendid progress was being made toward its goal until it was struck down by Supreme Court "blight." To show its efficacy I submit herewith some statistics which are enlightening. These figures show the status the last year under the old regime, or the Hooverian philosophy, as compared with the last year of the A. A. A. They tell an eloquent story of the progress made by the farmers cooperating with their Government in a unified national program.

1. Farm cash income:	
1932	$4,328,000,000
1935	$6,900,000,000
2. Percent increase in cash income, 1935 over 1932	59.4+
3. Percentage of rental and benefit payments to farm cash income, 1935	6.9
4. Index of average farm prices (pre-war 100):	
December 1932	65
December 1935	108
5. Percent farm prices were of parity:	
December 1932	61
December 1935	90

While we think the minority opinion in the A. A. A. case is logical and unanswerable, we submit to the will of the majority and seek to save the gains made by the farmer and to continue the support of the National Government for this great business.

None can deny the justice of this support. None can deny that without it the farmer cannot be placed on a parity with business and industry. We seek a balanced economic life for our people. Business and industry are permitted to organize and form combines for manufacturing, buying, and selling goods. Subsidies, exemptions, tariffs, and financial support are afforded. This is an established policy with reference to business and industry. We must now extend necessary and proper support of our Government to the farmer. He cannot be expected to produce and sell in an open world market against all competition and to buy in a protected market.

We believe none can deny conserving and utilizing the soil is charged with a national interest. No one has questioned the legality or constitutionality of our soil-conservation program. It is estimated that 50,000,000 acres of land were destroyed by erosion in 1934 and that at least 360,000,000 acres of cultivated lands are threatened with erosion. Such a loss as is being experienced, unless checked, will lead to an increase in cost of production and a reduction of our net income.

This bill offers a temporary plan and a permanent program to accomplish its purpose of conserving the soil. Under the temporary plan the Secretary of Agriculture is given power to make payments or other grants of aid to agricultural producers to encourage farming practices which will result in (1) preservation and improvement of soil fertility, (2) promotion of the economic use of land, and (3) diminution of exploitation and unprofitable use of national soil resources. Under the temporary plan there is no compulsion and no contractual relation binding the producer to any course of action. This temporary plan is for the purpose of giving assistance to the individual farmers until such a time as the States can plan and enact necessary State legislation to meet the requirements of the permanent program. All payments or grants under the temporary plan cease December 31, 1937.

The permanent program provides for Federal grants to the States to enable them to provide and effectuate plans to accomplish any one or more of the following purposes: First, preservation and improvement of soil fertility; second, promotion of the economic use of land; third, diminution of exploitation and of unprofitable use of national soil resources; fourth, provision for and maintenance of a continuous and stable supply of agricultural commodities adequate to meet domestic and foreign consumer requirements at fair prices to producers and consumers; and, fifth, reestablishment and maintenance of farmers' purchasing power. The only limitations placed by the National Government upon the States is that the money must be spent for effectuating the purposes outlined above and to assure proper administration and coordination.

The farmer will be assured of financial support when he removes from cultivation many acres heretofore devoted to production of corn, wheat, and cotton, and places them under cover crops and in legumes designed to prevent erosion and to restore fertility. In this manner millions of acres now marginal and submarginal in nature, or which are being badly eroded for lack of proper conservation, can be restored to a measure of fertility and usefulness. This will encourage diversification and promote a farm program which will lead to self-containment. This is our ultimate goal.

This bill seeks to bring to the farmer a "square deal." It is our hope that it will bring about parity prices and parity income, conserve the soil, and effectuate a diversified farm program that will guarantee the economic independence of the farmer.

To this policy and program I heartily subscribe.

With the passage of this much-desired piece of legislation which we now have under consideration we are confronted with another major farm problem which must be solved before we can reach a stage of genuine self-containment in our farm life; I refer to the farm-tenant problem. With your permission I want to cite some official data furnished me on yesterday by the Department of Agriculture and the Bureau of the Census.

The 1935 Farm Census classified the farm operators by tenure as follows:

Full owners	3,210,244
Part owners	688,867
Managers	48,104
Tenants	2,865,155
Total	6,812,350

Only 47.1 percent of our farm operators were full owners. To emphasize the seriousness of this situation we find a steady and an alarming increase of farm tenants during the past half century and a corresponding decrease of full owners. In 1880 the percentage of tenant farmers was 25.6; in 1930 it was 42.4 percent. The increase by decades from 1880 to 1930 follows:

1880	25.6
1890	28.4
1900	35.3
1910	37.0
1920	38.1
1930	42.4

The figures in my beloved native State, Alabama, are even more alarming. There were only three States with a higher percentage of tenants than Alabama in 1930. During the half century from 1880 to 1930 the number of tenant farmers increased about two and one-half times, whereas the total number of all farms did not double during that period. During the decade between 1920 and 1930 the number of farms operated by full owners declined 21 percent, whereas the number of farms operated by tenants increased 12 percent. The following data with reference to the farm-tenant situation in Alabama are illuminating and the knowledge that the problem is Nation-wide is accentuated.

Year	Number of all farmers	Number of tenant farmers	Percentage of all farmers who were tenants
1880	135,864	63,649	47
1890	157,772	76,631	49
1900	223,220	128,874	58
1910	262,901	158,326	60
1920	256,099	148,269	58
1930	257,395	166,420	65

On March 13, 1935, I had the privilege of introducing the first farm-tenant bill in the House. H. R. 6613 seeks to establish the legislative machinery and the financial support to provide a program for the solution of our farm-tenant problem. Since that date the able and lovable chairman of the Committee on Agriculture has also introduced a bill to accomplish the same purpose. I sincerely hope that at an early date these measures will be enacted so that we may abolish a system of land tenure in America which is leading to peonage for a majority of our farmers.

Give an honest citizen the opportunity to acquire and own his home, and you will note an immediate change in his outlook. He will support and maintain schools and churches for the mental and spiritual development of his family. He will purchase necessities and comforts of life which will add to their social well-being, thereby stimulating business and industry. He will contribute to the support of his Government in a monetary way by paying taxes. To him an established democracy is no longer an ideal but a vital, living reality to be preserved at all costs. [Applause.]

Mr. JONES. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Chairman, gentlewomen, and gentlemen of the Committee, as a farmer from Manhattan [laughter], I wish to say that Manhattan is the oldest borough in the city of New York, and I think we have one small farm, a little truck farm left.

However, my sympathies have always been with the farmer. I have always voted to help him. I have the greatest respect in the world for the noble men and women on our farms. I admire the chairman of the Agriculture Committee and the work that the committee has done. I have listened to the debate, and I was greatly impressed with the 44,444 words [laughter] spoken in behalf of the farmers.

But I heard very little about the poor consumer. I suppose he is buried under the avalanche of words. But when you have production you must have consumption. Farmers may produce everything in the world, but if there is no consumption of their products, no one to eat them, no one to drink the milk or the cream or use the butter and eggs, it does not mean anything to them. So I am concerned about the poor little consumer, who, I fear, lies buried down deep under this torrent of words.

I want to see him protected because, after all, during all of this depression it was not the man or the woman on the farm, but the poor men and women in the tenements of the cities of the country who suffered more on account of lack of proper food; and when the proper time comes I shall offer an amendment in order that the consumer may get a reasonable amount of protection from the high prices of foodstuffs. [Applause.]

No informed person denies that the farmer is entitled to a fair price for his commodities. If he does not get it, he will be unable to buy manufactured products. On the other hand, if his prices are too high, the wage earners of the country will not have the means to buy farm products. My amendment will provide a yardstick to measure and equalize the price levels between the producer and the consumer. I do trust it will be accepted by the House. [Applause.]

Mr. JONES. Mr. Chairman, I yield now to the gentleman from Georgia [Mr. BROWN].

Mr. BROWN of Georgia. The intention of this bill is to give the producer an opportunity to carry on a voluntary reduction and at the same time conserve and rebuild the depleted soil. The prime purpose of the bill is preservation and improvement of soil fertility, promotion of economic uses and conservation of land, and reestablishment and maintenance of farmers' purchasing power.

This bill does not give to the farmers the benefits I should like to see them receive. However, I appreciate the fact that the committee had to report a bill within the limits of the Constitution as set out in the Supreme Court decision on the Agricultural Adjustment Act.

I appreciate also that it is very difficult to pass any legislation of this type to help all classes of farmers in every section of the United States with so many types of soil and such varied climatic conditions.

As I understand, the payments in 1936 to individual agricultural producers will be based upon the acreage that such producer diverts from a soil-depleting crop, such as cotton, to a soil-building crop, such as cowpeas or vetch. It is entirely voluntary, and any producer who desires to do so may at the proper time make application for payment or grant.

In determining the amount of any payment or grant, the Secretary of Agriculture shall take into consideration the

productivity of the land affected by the farming practices of the year with respect to which such payment is made and any act on the part of any producer is purely voluntary.

It is the purpose of this bill that the allotments and grants shall be fair to the small farmer as well as the large planter, and in the administration of the act this purpose should be carried out.

Under the former Agricultural Adjustment Act using the base period from 1928 to 1932 as an index did injustice to several counties in my State, especially those counties where cotton was the only money crop. Many of these counties formerly made from 15,000 to 30,000 bales of cotton in normal years, and under the old A. A. A. allotment plan these counties were held down to 6,000 and 7,000 bales. This, of course, was due largely to the ravages of the boll weevil from 1922 to 1932, and many people, being encouraged by prominent farmers and agricultural colleges, voluntarily reduced their cotton crops. As a result of this situation, many left cotton and planted other crops. Some went into the sawmill business and dairy business. This made the base acreage from 1928 to 1932 very low. Now, the timber is gone, the dairy business was not so profitable in many communities, and no profitable markets could be found for other crops. Therefore a considerable number of farmers did not receive all the benefits of the Agricultural Adjustment Act which were given to people in other sections of the Cotton Belt.

With half the people of the United States dependent directly or indirectly on agriculture for a living, it is a very evident fact that the prosperity of practically every business is dependent on agricultural prosperity. By giving the farmer more purchasing power he can buy more industrial products and industry can pay more wages to employees, who, in turn, can buy more food and clothing.

Farmers have been neglected for many years more than any other class, especially the cotton farmer. All these years he has been forced to sell his products in a competitive market and buy actual necessities in a protected market. The enhancement in price of those things which the farmer must buy is entirely out of proportion to the increase in value of the products of his labor. We certainly ought to correct the disparity existing between the prices producers receive for their commodities and the prices they are required to pay for necessities.

There are about 2,000,000 farmers relying upon cotton as their cash crop. This is true now and has been true for a century. These farmers are scattered in many sections of the country. They have tried to organize and failed. It looks like it is impossible for them to organize and fight for a common cause. I remember the organization of the Farmers' Alliance when a mere lad. My father was a member. I remember this organization failed.

The Government undertook by the Agricultural Adjustment Act to do for the cotton producer what, in effect, it has been doing for the manufacturer. When the farmer buys now he pays the same price he did when cotton was 18 and 20 cents a pound, because the manufacturers of what he buys are few in number and limit the output to suit the market, whereas the farmers are so many and so scattered that it is very difficult for them to agree and limit their output to suit the market. The result is they produce a large surplus.

I take the position that if the manufacturer is to continue to be helped through tariff legislation, then the farmer is entitled to some relief from the Government.

As stated in the beginning, I am not satisfied with this bill, and I am sure a great many of our farmers will be disappointed, but it looks like it is the best we can do at this time under the ruling of the Supreme Court, and it is a step in the right direction for permanent assistance to the distressed farmers.

There are many suggestions from constituents which we should like to place in this bill which would be beneficial, but we are prohibited from doing so by the yardstick laid down by the Supreme Court's decision on the A. A. A.

Mr. JONES. Mr. Chairman, I yield now to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, the objections to the pending farm bill to replace the A. A. A. that was outlawed by a recent opinion of the Supreme Court, have come almost wholly from the Republican side of this Chamber. It is also significant that much of the opposition, as expressed in the debate today and yesterday on the floor of this House, has emanated from New England, sometimes called the industrial East.

The gentleman from Massachusetts [Mr. TREADWAY], with all of the force of his eloquence and satire, unleashed his wrath against this bill, just as he opposed the A. A. A. and other measures calculated to assist the distressed farmers of the country. The able and scholarly gentleman from Massachusetts who would be chairman of the Ways and Means Committee if his party should come into power, and who represents a part of that small area of the United States that owns most of the wealth of the land, an area that has siphoned that wealth from the pockets of the farmers of Oklahoma and other agricultural States, is bitterly and uncompromisingly opposed to the pending farm bill. The fact that this bill is opposed by the gentleman from Massachusetts, who is the champion of the Republican high tariff, a system that is largely responsible for the pitiful plight in which the farmers of America found themselves at the close of 12 years of uninterrupted Republican rule, with its high tariffs and special privileges, is sufficient evidence to me that the pending measure has considerable merit. [Applause.]

Another speech of unusual interest, made a few minutes ago against this bill, came from the brilliant ultraconservative gentleman from New York [Mr. WADSWORTH], who is said to be willing to "accept" the Republican nomination for President or Vice President. The gentleman from New York tells us very frankly that in his judgment the bill is not only bad but so was the A. A. A., which he also opposed. He goes even further than our other high-tariff friend from Massachusetts by advising that there is nothing we can do to solve the distressing farm situation in America. Although admitting that a farm measure might be successful in Norway, it is useless and hopeless for Congress to attempt to solve the farm situation in the United States, according to his ideas and political philosophy.

The pending farm bill is based primarily and fundamentally on the conservation of soil and the restoration of land that has been practically destroyed or seriously damaged by erosion, that gigantic enemy of the farmer. Another feature of the bill is based on what is known as the domestic allotment plan. A third provision is the permanent plan wherein allotments are to be made through the States to the farmers who cooperate with the Federal Government in carrying out a national plan of soil conservation. It provides for full opportunity for the cooperation of State and National Governments in carrying out national, State, and regional programs which will enable farmers to use sound farming practices.

When we take into consideration that more than 50,000,000 acres of land have been destroyed in the United States by soil erosion and more than 360,000,000 acres have been seriously damaged by this giant enemy, it is needless to say that it is high time for Congress to recognize the absolute necessity of a Nation-wide program of soil conservation and the rebuilding of lands that have been damaged by the serious menace of erosion.

It will be recalled that it was only less than a year ago that this Congress first became soil conservation conscious and passed what was known as the Jones-Dempsey bill, establishing a permanent Soil Conservation Service. In the short time of its existence the Soil Conservation Service has given a good account of itself. The hundreds of soil conservation projects that are just now getting under way, as well as the C. C. C. camps, many of which are also combating soil erosion, have made remarkable progress. But these agencies of government, although they have pointed the way toward progress, have actually thus far only touched the surface as compared with the pressing needs of the Nation.

Under the pending bill, it is my understanding that farmers will be paid for terracing their land in some sections, for digging trenches, contour plowing, and strip planting of grasses, crops, and forages in other sections. A real, com-

prehensive, and practical program of conserving the soil will be encouraged in every section of the country as an established policy of the Federal Government. In that respect it is the most far-reaching measure of its kind to promote the general welfare of the citizens of this Republic ever suggested or enacted by any Congress.

I shall not discuss the constitutional question involved in this measure further than to say that in my judgment no court will ever dare to declare it unconstitutional by denying it is for the general welfare or by saying it encroaches upon the rights of the respective States.

I do not pretend to say that I am wholly satisfied with this bill. In fact, I sincerely hope that some amendments that will be offered today and tomorrow will be adopted. I shall not discuss all the proposed amendments at this time. It is my understanding that the chairman tomorrow will offer an amendment protecting the rights of tenant farmers and small producers under the provisions of this act. If he does not, I give notice now that I shall do so. When we take into consideration that more than 62 percent of the farmers of Oklahoma are tenants, many of whom are clamoring for an opportunity to own their own homes, of having some of the comforts of life, and educating their children, this bill must not be passed without a provision protecting their rights and privileges. [Applause.]

There are several other proposed amendments that the membership of this House ought to give very serious and careful consideration. For instance, I should like to vote for the amendment proposed by my very good friend, the distinguished gentleman from Wisconsin [Mr. BOILEAU], but after having heard that the chairman of the committee stated that his proposed amendment is clearly unconstitutional, I do not want to be a party to adding any amendment that will jeopardize this legislation.

Although, as one Member of Congress, I am going to support a number of the proposed amendments, I shall not do as the gentleman from New York [Mr. SISSON] suggests, refuse to vote for the bill unless I get my pet amendments incorporated into the measure.

Agriculture is now at a standstill. The farmers of America are looking to this Congress for adequate and immediate relief. Upon agriculture, the basic industry of all the world, depends the prosperity of our people. If agriculture fails all fail. If and when agriculture prospers, all business prospers. The industrial East should not continue, ostrichlike, to stick its head in the sand and ignore the great agricultural South and West that have made industry what it is today. Those who have been bitterest in their opposition to this legislation have offered no remedy. If we followed their leadership, this Congress would adjourn and we would go home empty-handed so far as farm legislation is concerned.

I predict that when this farm bill is passed and signed by the President that it will mark a new era in the economic life of America. Farmers will take a new lease on life. Business will show an upward trend, and, if it is properly administered by the Secretary of Agriculture and his associates, who are delegated the power and responsibility of administering this act, no Member of this Congress will ever regret having supported the measure. [Applause.]

Mr. JONES. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Chairman, there can be no return of real permanent prosperity in this country until agriculture leads the way.

You cannot destroy the American farmers, drive them into bankruptcy, or into the poorhouse and have national prosperity.

If you want this country to prosper, then the first thing to do is to restore the prosperity of the American farmer. You may be assured that your merchants and manufacturers will not be able to sell him anything if he has nothing with which to buy.

I have listened with interest, as well as amusement, to the remarks of the gentleman from Massachusetts [Mr. TREADWAY], who represents the old stand-pat element in the Republican Party. Whenever he and the crowd with whom he trains begin to manifest an interest in the welfare of the farmers, just before election, they remind me of a bunch of house cats purring around a bird cage.

He represents that school of politics that thinks industry should always benefit at the expense of agriculture, no matter how much the farmers suffer as a result. He is an advocate of that high protective tariff policy through which the American farmers have been robbed and plundered until they reached a condition of desperation and despair in 1932 and 1933 that threatened this country with a devastating revolution. There is no man now in public life who was more responsible for the passage of those tariff acts that brought about the wreck and ruin of American agriculture than the gentleman from Massachusetts [Mr. TREADWAY].

In 1920 his party waged one of the greatest campaigns of deception and misrepresentation ever witnessed on this continent. They coordinated all the elements of dissatisfaction and discontent, growing out of the war, made love to organized labor, and sang their siren songs to the farmer. Organized labor fell for the deception, and the farmers walked into the trap, with the result that their party swept into power by the largest majority they had ever known.

Then began the tragic decade, whose scandals are too well known for repetition. Treason in the Cabinet, Teapot Dome, robbery of the disabled veterans by the very officials appointed to protect them, Cabinet members driven from office by the Senate for corruption, reluctantly dismissed by a Republican President with regrets. One Senator said it was the best Cabinet that money could buy.

So far as the devastating economic effects of their acts were concerned, the Cabinet was no worse than the Congress. While one committed illegal graft, the other made possible the thievery within the law that was perpetrated against the helpless, unprotected farmers of the country, robbing them to fatten industry and to enrich those selfish interests that furnished the campaign funds for the party then in power.

Since the gentleman from Massachusetts [Mr. TREADWAY] would become chairman of the Committee on Ways and Means, if his party should gain control, let me show the farmers what they might expect in the event of such an unexpected disaster.

When his party came into power in 1921 they immediately levied upon the farmers of this country the highest protective tariff ever known in time of peace—a tariff that levied a tax upon everything the farmer had to buy, from the swaddling clothes of infancy to the lining of the coffin in which old age is laid away.

That tariff, from 1921 to 1929, is said to have amounted, on an average, to $4,000,000,000 a year—$4,000,000,000 wrung from the helpless masses of the American people every year, for which they received practically nothing in return. Of that amount $600,000,000 went into the Treasury, while $3,400,000,000 went into the pockets of the beneficiaries of that law.

From $35 to $40 per capita, or $200 per family, on an average, was wrung from the farmers of this country every year. By 1932 the farmer's resources were exhausted and his buying power was gone. The tariff had provoked retaliation abroad and killed our foreign trade. Industry had come to a standstill, and we were swept into the greatest depression of all time.

Now when we try to do something for the distressed farmers, the House is harangued by the criticism of the gentleman from Massachusetts [Mr. TREADWAY], who was one of the main sponsors of the very law that helped to bring about their ruin.

I will tell you what I saw him and his party do in 1921: After imposing a tariff on everything the farmers had to buy, when the Members from the West asked for a small tariff on cowhides, the gentleman from Massachusetts [Mr. TREADWAY] voted against it, and they defeated it on a roll call, for fear the manufacturers might have some of it to pay.

He was willing to place a tariff on everything the farmer had to buy, so long as his manufacturers profited by it, but denied it to him on his hides for fear it would cost his manufacturers a few dollars.

One man in my county took a cowhide to town to sell during the Hoover administration. After he had sold it, he went into a store to buy a hamestring, and he had to pay more for the hamestring than he got for the hide.

Heaven deliver the American farmers from the tender mercies of the Republican old guard, represented by the gentleman from Massachusetts [Mr. TREADWAY]!

I regret to note the attacks that have been made on the southern dairying industry in the course of this debate.

I represent one of the leading dairying districts in the South. It has advantages of which no other territory in the world can boast. With the probable exception of a few small areas in other parts of the South, there is no other country under the sun that can boast of all of the following advantages which prevail in northeastern Mississippi:

First. A 9 months' grazing season.

Second. An abundant rainfall of more than 50 inches a year.

Third. A semitropical climate, which eliminates the necessity for costly barns and long housing periods.

Fourth. A superabundance of dry feed in the form of cottonseed and cottonseed meal and hulls produced on every farm.

Fifth. A lime soil that produces every kind of grazing grass known to the temperate zone.

Sixth. The smallest percentage of tuberculosis among our dairy cattle to be found on the face of the earth.

Seventh. The highest vitamin content in vegetable matter and dairy products to be found in America or anywhere else outside of the Tropics.

Eighth. The highest percentage of iodine in our soil, our forage crops, and dairy products, which prevents the terrible disease of goiter—that horrible malady that is today taking the lives or wrecking the health of so many hundreds of thousands of people in the Northern States.

In addition to these advantages we produce every kind of forage crop necessary to feed our dairy cattle and other livestock, as well as millions of tons of cottonseed and cottonseed hulls and meal. Every bale of cotton contains on an average a thousand pounds of seed.

We have in that southern country, as I said, the smallest percentage of tuberculosis among our cattle to be found on American soil. One leading physician is quoted as having said a few years ago that thousands of people in this country contract tuberculosis every year from eating butter and drinking milk produced from tubercular cows.

Now, since the gentleman from New York [Mr. CULKIN] has taken it upon himself to criticize the southern dairying industry, let us make some comparisons between the dairy products in Mississippi and New York. I have before me a record of the tubercular testing for the fiscal year 1935, which is published by the Bureau of Animal Industry of the Department of Agriculture. It shows the percentage of cattle affected with tuberculosis among those tested in every State in the Union.

I find that in the State of New York it is 7.2 percent, while in the State of Mississippi it is 0.08 per cent—showing that the percentage of infestation is 90 times as great in the State of New York as it is in Mississippi. Anyone eating butter or drinking milk produced by those New York cattle would stand 90 times the chance of contracting tuberculosis therefrom as he would from drinking milk or eating butter produced by the dairy cattle of Mississippi.

If every human being in America were familiar with this fact alone, the market for southern dairy products would be so great we could not supply the demand.

And I might say to the gentleman from Massachusetts [Mr. TREADWAY] that, according to this Government report, the tubercular infestation, among the cattle tested, was shown to be 41 times as great, on an average, in the State of Massachusetts as it was in Mississippi, and her sister Southern States.

In Minnesota and Wisconsin the infestation is shown by this report to be five times as great, on an average, as it is in Mississippi.

Another advantage that our southern dairy products have is that our soil is sufficiently supplied with iodine to prevent our people from contracting the terrible malady of goiter, which is so prevalent in the States along the Great Lakes. Statistics show that more people died from goiter in one of the Great Lakes States in 1931 than died in Mississippi in the same year from typhoid, malaria, and goiter—all three. The disease of goiter is practically unknown in Mississippi, and all the other Southern States, while the record shows that tests among school children in Wisconsin and other Lake States showed infestation ranging as high, in some communities, as 90 percent.

If people in those States where this malady is so common would eat more southern dairy products, southern fruit, and southern vegetables, they could greatly reduce the effects of this disease and could probably eliminate it entirely.

Another advantage of southern dairy products is that they contain more of the vitamin necessary to human health and to the building of bone and sinew, and nerve, and strength, and vitality of children, than those produced anywhere else in the United States.

If these facts were known to the fathers and mothers who are responsible for the lives and health of their growing children, the demand for southern dairy products would be almost unlimited.

The South has become the most healthful section of the United States. Those infectious and contagious diseases, such as typhoid, malaria, and so forth, have been eliminated or reduced to a minimum. The slogan now is "Go South and improve your health."

The gentleman from Wisconsin [Mr. BOILEAU] talks about the "inferior" quality of milk produced in the South. He ought to inform himself on that subject. Southern dairy products are the finest, cleanest, richest, most wholesome and most nourishing to be found in America, if not in the entire world.

The large condenseries that now operate in my district came there from Wisconsin. The agents of one of these companies first came down and investigated everything from the soil to the climate. They counted and tested the dairy cows in the county where the condensery is now located. They found all the conditions which I have just described. They laid off a square foot of ground and analyzed the grasses on it. On that square foot they found 19 different varieties of pasture grass, according to their own report. They were so greatly surprised with these favorable showings that they feared they were too good to be true. So they had a carload of the milk from these cattle shipped to their plant in Wisconsin so that they might condense it and see if it measured up to standard. As soon as they had tried it out, they sent back the following telegram:

A child in that county at 20 years of age ought to weigh a ton.

They found that milk so rich and so valuable from every standpoint that they hastened to construct their new plant in that area. They have not only done a flourishing business from the very beginning, but other condenseries, creameries, and cheese plants have followed their example.

When another of these large condenseries came to my county—from Wisconsin—the managers seemed to be under the same erroneous impression as the gentleman from Wisconsin [Mr. BOILEAU] as to the qualities of southern dairy products. They were utterly astounded, and so expressed themselves, to learn that the milk produced in that locality was of the very highest grade and quality.

The first morning this condensery opened, the manager had a large stack of white cloths placed at the entrance where the milk was received, in order, he said, to strain it through them and show the farmers the amount of trash and dirt contained in each can, and explain to them how to keep their milk clean. After straining milk through those cloths for 2 or 3 weeks, without finding any trash or dirt at all, this manager said that those farmers were the cleanest people about handling milk that he had ever known. He was also from Wisconsin.

One of the big cheese producers of this country has said that the best cheese is made from milk produced by cows that graze in the open pasture, where they can get plenty of green grass. Instead of being of a poor quality, the

cheese made in the Southern States is of the finest quality to be found on earth.

I am tired of hearing the South maligned and misrepresented. It is about time that people were told the truth about the South and about southern products, and especially southern dairy products; and, as I said before, when people know the truth, there will be such a demand for southern dairy products it cannot be supplied.

So I have no apologies, Mr. Speaker, for supporting this bill to give our farmers this measure of relief and to encourage them in diversifying their crops and building up their soil. In my opinion, its benefits will be far reaching. It is an encouraging sign, to say the least of it, for the Government to render our farmers this measure of assistance. They could double it many times, and then not do as much for the farmers as the party of the gentleman from Massachusetts [Mr. TREADWAY] has done for the large industries of the country at the farmers' expense, in the years gone by. [Applause.]

Mrs. O'DAY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and to include therein a letter from my colleague, Mr. DICKSTEIN.

The CHAIRMAN. Is there objection?

There was no objection.

Mrs. O'DAY. Mr. Chairman, under the leave to extend my remarks in the RECORD, I include the following letter written by my colleague, Mr. DICKSTEIN.

FEBRUARY 17, 1936.

Hon. S. O. BLAND,
House of Representatives, Washington, D. C.

MY DEAR MR. BLAND: I trust the following will serve as a satisfactory reply to your letter of recent date, in which you request information relative to the bill H. R. 5921, which is pending before this committee.

The first five subdivisions of section 1 of this bill add five new groups of aliens who, if guilty of the offenses named, would be subject to mandatory deportation. This committee, when deliberating on another bill, gave considerable serious attention to new mandatory deportation provisions quite similar to those proposed by Mr. DIES' bill. But finally the committee reported a bill having certain limited discretionary provisions affecting new groups of deportable aliens. See section 1 of the Kerr bill, H. R. 8163, a copy of which is enclosed.

The sixth subdivision of section 1 of the Dies bill would make deportation mandatory in cases of aliens who do not within a specified period of time try to become citizens. Again this committee has given to this proposal of compulsory naturalization considerable study and there was considerable indication that this principle was quite repugnant to many members of this committee, as applied alike to all aliens. However, several parts of the Kerr bill extend certain relief to specified groups of aliens, and with regard to such aliens the Kerr bill withdraws the relief given and provides for deportation of such of these aliens who fail to try and become citizens after legalizing their immigration status for them.

The seventh subdivision of section 1 of Mr. DIES' bill makes Communists, as such, liable to mandatory deportation. This Committee has already acted on this proposal and another bill by Mr. DIES, H. R. 7120, has been on the Union Calendar of the House since it was reported favorably from this Committee on May 28, 1935. Mr. DIES is a member of the Rules Committee—why does he not attempt to get a rule for the consideration of that measure on the floor of the House?

Section 2 of Mr. DIES' bill, H. R. 5921, reduces the quotas of all countries now having an immigration quota, establishes immigration quotas for countries on the two American continents and rearranges the present law with regard to aliens granted preference status under the immigration quotas. These subjects have been considered by this committee on numerous occasions during the past several years and the most recent advice from the State Department and the Labor Department is, in principal, that legislative reduction of quotas now existing is not now necessary since immigration is exceedingly small, and that the fixing of quotas for countries of the Western Hemisphere is not desirable under the present policy of encouragement for friendly trade relations with those American countries.

Section 3 of Mr. DIES' bill repeals a humane amendment enacted in 1932 to an earlier law, sometimes referred to as the "banishment law", and Mr. DIES would, in effect, reenact the harsher provisions of that banishment law. Under its provisions any alien once deported would be forever barred from returning to the United States unless permission is first gotten from the Secretary of Labor, and if he does come back without that permission he becomes a felon. Congress spoke on this subject when the act of May 25, 1932, was approved. The pertinent part of that act, section 7, Mr. DIES would repeal.

Sections 4 and 5 of Mr. DIES' bill are measures which this committee has acted upon already since they are contained in the Kerr bill (H. R. 8163), which is no. 381 on the Union Calendar awaiting House action. This statement also applies equally to section 8 of the Dies bill, which provision is also in the Kerr bill.

The balance of Mr. DIES' bill is simple administrative authority and provisions therefor, and is of small importance relatively.

You will see, therefore, that all of the provisions of the Dies bill (H. R. 5921) have already had consideration in principle by this committee, and the committee has reported approved conclusions thereon to the House, or has otherwise disposed of the proposals not approved, and no special good purpose would result from further consideration of this bill, either by the committee or by the House.

It is my suggestion that those who are working for the consideration of this bill (H. R. 5921) would be more effective in their efforts to clarify the immigration laws if the same amount of effort were expended in a serious attempt to have considered on the floor of the House, in orderly manner, the bills and resolutions which this committee finally acted upon and reported to the House in order to expedite final action by both Houses of Congress. If Congress refuses to pass any of these measures that is relatively not material—the essential thing is an opportunity for the House to take decisive action on the bills awaiting House consideration.

With kind regards, I am,
Sincerely yours,

SAMUEL DICKSTEIN,
Chairman, Committee on Immigration and Naturalization.

Mr. MAVERICK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and to include a statement of the Southern Policies Committee.

The CHAIRMAN. Is there objection?

Mr. TABER. Mr. Chairman, I reserve the right to object. Is the Southern Policies Committee an outside body or a committee made up of the Members of this House?

Mr. MAVERICK. No; it is not made up of the Members of the House, but I include it in my remarks.

Mr. TABER. I do not think that ought to be done in Committee. I object.

The CHAIRMAN. Objection is heard. All time has expired. The Clerk will read.

Mr. JONES. Mr. Chairman, I ask unanimous consent that the first paragraph of the Senate bill may be considered as read, and the House bill substituted for the Senate bill and printed in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. JONES. Mr. Chairman, I should like to offer two or three amendments.

Mr. MAPES. Mr. Chairman, may I ask the gentleman from Texas a question? Does the form in which he has offered the House bill as a substitute mean that there will be no reading of the Senate bill by paragraphs?

Mr. JONES. That has been dispensed with by consent.

Mr. MAPES. The gentleman will be able to shut off debate on the entire bill at any time after 5 minutes, then?

Mr. JONES. I plan to be reasonably liberal on that. There are only three sections in the bill and I had once thought of having it read by sections, but I think it would be just as well to read it all, and amendments can be offered anywhere in it, and we will take a reasonable time for consideration. I expect to ask, before we get into debate tomorrow, for 40 minutes to be set aside on the so-called Boileau amendment, that is, 20 minutes on each side.

Mr. MAPES. But the gentleman has it within his power to close debate?

Mr. JONES. But I will try to be reasonable on that. I think we will get along better this way.

Mr. TABER. Will the gentleman yield?

Mr. JONES. I yield.

Mr. TABER. Does that mean that this will not be open for amendment?

Mr. JONES. Oh, any amendment can be offered anywhere in the bill. In fact, there will be several amendments offered.

Mr. BOILEAU. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOILEAU. Are we considering the Senate bill or the House bill?

Mr. JONES. The Senate bill; but by unanimous consent I have offered the House bill.

The CHAIRMAN. The gentleman has offered a substitute, which the Clerk has not yet reported.

The Clerk will report the substitute.

The Clerk read as follows:

Amendment offered by Mr. JONES: Strike out all after the enacting clause and insert the following——

Mr. JONES. Mr. Chairman, I ask unanimous consent to dispense with further reading of this amendment and that it be printed in the RECORD at this point.

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

Mr. CULKIN. Reserving the right to object, do I understand the chairman is offering the complete text of the bill as passed by the Senate?

Mr. JONES. No. After the enacting clause, the House bill is offered as a substitute for the Senate bill.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. JONES. I yield.

Mr. JENKINS of Ohio. Is this not what the gentleman is trying to do: He is accepting the Senate bill, but he is offering the House text?

Mr. JONES. We are taking up the Senate bill, but substituting the text of the House bill.

Mr. ZIONCHECK. Mr. Chairman, reserving the right to object, I have what I consider a rather important amendment, on page 7, line 16, of the House bill. When will it be in order to offer that?

Mr. JONES. The amendment may be offered at any time tomorrow before we finish consideration of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. JONES]?

There was no objection.

The matter referred to is as follows:

That the act entitled "An act to provide for the protection of land resources against soil erosion, and for other purposes", approved April 27, 1935, is amended by inserting at the end thereof the following:

"SEC. 7. (a) It is hereby declared to be the policy of this act also to secure, and the purposes of this act shall also include, (1) preservation and improvement of soil fertility, (2) promotion of the economic use of land, (3) diminution of exploitation and unprofitable use of national soil resources, (4) provision for and maintenance of a continuous and stable supply of agricultural commodities adequate to meet domestic and foreign consumer requirements at prices fair to both producers and consumers thereof, and (5) reestablishment and maintenance of farmers' purchasing power.

"(b) The Secretary of Agriculture shall cooperate with States, in the execution of State plans to effectuate one or more of the purposes of this section, by making grants under this section to enable them to carry out such plans.

"(c) Any State which submits to the Secretary, prior to such time and in such manner and form as the Secretary prescribes, a State plan to effectuate one or more of the purposes of this section shall be entitled to payments, as provided in this section, for the year to which such plan is applicable, if such plan is approved by the Secretary as provided in this section.

"(d) No such plan shall be approved unless by its terms:

"(1) It provides that the agency to administer the plan shall be the land-grant college or colleges in the State or such other State agency as may be approved by the Secretary;

"(2) It provides for such methods of administration, and such participation in the administration of the plan by county and community committees or associations of agricultural producers organized for such purpose, as the Secretary finds necessary for the effective administration of the plan; and

"(3) It provides for the submission to the Secretary of such reports as he finds necessary to ascertain whether the plan is being carried out according to its terms, and for compliance with such requirements as the Secretary may prescribe to assure the correctness of and make possible the verification of such reports.

"(e) Such plan shall be approved if the Secretary finds that there is a reasonable prospect that—

"(1) Substantial accomplishment in effectuating one or more of the purposes of this section will be brought about through the operation of such plan and the plans submitted by other States; and

"(2) The operation of such plan will result in as substantial a furtherance of such accomplishment as may reasonably be achieved through the action of such State.

"(f) Upon approval of any State plan for any year, the Secretary shall allocate to such State such sum (not in excess of the maximum amount fixed in pursuance of subsection (g) for such State for such year) as he finds necessary to carry out such plan for such year, and thereupon shall certify to the Secretary of the Treasury for payment to such agency of the State as the Secretary of Agriculture certifies is designated in the plan, and the Secretary of the Treasury shall pay to such agency one-fourth of the amount so allocated. The remainder of the amount so allocated shall be similarly certified and paid in such installments (payable prior to the end of the calendar year) as may be provided in the plan. No such installment shall be certified for payment if the Secretary of Agriculture finds that, prior to the due date of such installment, there has been substantial failure by the State to carry out the plan according to its terms, or that the further operation of the plan according to its terms will not tend to effectuate one or more of the purposes of this section. No amount shall be certified for payment under any such installment in excess of the amount the Secretary finds necessary for the effective carrying out of the plan during the period to which the installment relates.

"(g) On or before November 1 of each year the Secretary shall apportion among the several States the funds which will be available for carrying out State plans during the next calendar year, and in determining the amount to be apportioned to each State the Secretary shall take into consideration the farm population of the respective States, the value of agricultural commodities produced in the respective States during a representative period, and the acreage and productivity of land devoted to agricultural production in the respective States during a representative period.

"SEC. 8. (a) In order to carry out the purposes specified in section 7 (a) during the period necessary to afford a reasonable opportunity for legislative action by a sufficient number of States to assure the effectuation of such purposes by State action and in order to promote the more effective accomplishment of such purposes by State action thereafter, the Secretary shall exercise the powers conferred in this section during the period prior to January 1, 1938. No such powers shall be exercised after December 31, 1937, except with respect to payments or grants in connection with farming operations carried out prior to January 1, 1938, and administrative expenses in connection with such payments or grants.

"(b) Subject to the limitations provided in subsection (a) of this section, the Secretary shall have power to carry out the purposes specified in clauses (1), (2), and (3) of section 7 (a) by making payments or grants of other aid to agricultural producers based upon (1) their treatment or use of their land, or a part thereof, for soil restoration, soil conservation, or the prevention of erosion, (2) changes in the use of their land, or (3) a percentage of their normal production of any one or more agricultural commodities designated by the Secretary which equals that percentage of the normal national production of such commodities required for domestic consumption. In determining the amount of any payment or grant based upon (1) or (2) the Secretary shall take into consideration the productivity of the land affected by the farming practices adopted during the year with respect to which such payment is made. In carrying out the provisions of this section, the Secretary is authorized to utilize county and community committees of agricultural producers and the agricultural extension service, or other approved State and local agencies. In carrying out the provisions of this section, the Secretary shall not have power to enter into any contract binding upon any producer or to acquire any land or any right or interest therein.

"(c) Any payment or grant of aid made under subsection (b) shall be conditioned upon such utilization by the producer of his land, or a part thereof, as the Secretary finds has tended to further the purposes specified in clause (1), (2), or (3) of section 7 (a).

"SEC. 9. The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and methods of accomplishing most effectively the policy and purposes of section 7 (a). Notwithstanding any provision of existing law, the Secretary is authorized to make public such information as he deems necessary to carry out the provisions of this act.

"SEC. 10. The term 'agricultural commodity' as used in this act means any such commodity and any regional or market classification, type, or grade thereof.

"SEC. 11. The Secretary shall prescribe such rules and regulations as he deems necessary to carry out this act.

"SEC. 12. Whenever the Secretary finds that the exercise of the powers conferred in this section will tend to carry out the purposes specified in clause (4) or (5), or both, of section 7 (a), he shall use such part as he deems necessary of the sums appropriated to carry out this act for the expansion of domestic and foreign markets or for seeking new or additional markets for agricultural commodities or the products thereof or for the removal or disposition of surpluses of such commodities or the products thereof.

"SEC. 13. Notwithstanding the foregoing provisions of this act, the Secretary is authorized and directed to provide for the execution by the Agricultural Adjustment Administration of such powers conferred upon him under this act as he deems may be appropriately exercised by such administration, and for such purposes the provisions of law applicable to the appointment and compensation of persons employed by the Agricultural Adjustment Administration shall apply.

"SEC. 14. Notwithstanding any other provision of law, the action of any officer or employee in determining the amount of or in making any grant or payment under section 7 or 8 shall not be subject to review except by the Secretary of Agriculture.

"SEC. 15. (a) This act shall apply to the United States, the Territories of Alaska and Hawaii, and the possession of Puerto Rico, and as used in this act, the term 'State' includes Alaska, Hawaii, and Puerto Rico.

"(b) This act may be cited as the 'Soil Conservation and Domestic Allotment Act'."

SEC. 2. Section 32 of the Agricultural Adjustment Act, as amended, is amended by striking out that part of the last sentence thereof which precedes the second proviso and inserting in lieu thereof: "The sums appropriated under this section shall be

expended for such one or more of the above-specified purposes, and at such times, in such manner, and in such amounts as the Secretary of Agriculture finds will best effectuate the purposes of this section:".

SEC. 3. The unexpended balance of the funds appropriated by the second paragraph of Public Resolution No. 27, Seventy-third Congress, approved May 25, 1934, to carry out section 6 of the act entitled "An act to amend the Agricultural Adjustment Act so as to include cattle and other products as basic agricultural commodities and for other purposes", approved April 7, 1934, and the unexpended balance of the funds appropriated by section 37 of Public Act No. 320, Seventy-fourth Congress, entitled "An act to amend the Agricultural Adjustment Act, and for other purposes", is authorized to be made available for the purposes enumerated in said acts until June 30, 1937. The authorization contained in section 37 of Public Act No. 320, Seventy-fourth Congress, is likewise authorized to be made available until June 30, 1937.

Mr. JONES. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. JONES to H. R. 10835: On page 5, line 16, strike out all after "1938" down through "grants" in line 17.

Mr. JONES. Mr. Chairman, that is simply a clerical correction.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: On page 7, strike out lines 6 and 7, and insert the following:

"SEC. 11. All funds available for carrying out this act shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State Governments as the Secretary may request to cooperate or assist in carrying out this act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I offer a further committee amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: On page 8, after line 5, insert the following new section:

"SEC. 15. The obligations incurred for the purpose of carrying out, for any calendar year, the provisions of sections 7 to 14, inclusive, of this act shall not exceed $500,000,000.

Mr. ANDRESEN. Mr. Chairman, will the gentleman yield? Will the gentleman kindly explain that amendment?

Mr. JONES. This simply limits the amount that can be expended.

Mr. ANDRESEN. For each year?

Mr. JONES. For any one year.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. Mr. Chairman, I have another amendment which I have taken up with the gentleman from Kansas [Mr. HOPE] which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. JONES. Page 9, add a new section, as follows:

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

Mr. JONES. Mr. Chairman, the gentleman from Kansas [Mr. HOPE] and I worked out this amendment.

Mr. TABER. Mr. Chairman, I reserve a point of order on the amendment.

Mr. JONES. I concede the amendment is subject to a point of order, but I wish to make this statement: In five States in the southwestern area tremendous dust storms have occurred in the last few days. Similar damage was remedied a good deal 2 years ago by listing.

The matter has been gone over by the Department. The gentleman from Kansas [Mr. HOPE] has had more to do with the drafting of this amendment than I. It is thought that until the program can be started, some listing would go a long ways toward saving that land.

This money is to come out of funds remaining from the old drought appropriation. The deficiency bill of last spring carried a considerable fund for this purpose—I think, $25,000,000. It looked as though the situation had adjusted itself and we did not provide more money, in view of the amount carried in the deficiency bill.

Inasmuch as the gentleman from Kansas [Mr. HOPE] is more familiar with the facts and circumstances of this amendment, I should like for him to make a statement, if the gentleman will permit.

Mr. TABER. Mr. Chairman, I wish the gentleman would let this amendment go over until tomorrow.

Mr. JONES. I shall be glad to do so.

Mr. TABER. That would give us an opportunity to study it. It has been offered, and I have reserved the point of order against it.

Mr. JONES. I will withdraw it.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

Mr. MAPES. Mr. Chairman, reserving the right to object, I would remind the gentleman from Texas that before going into the Committee the gentleman asked that debate be continued until 4:45 and made the statement that no amendment except perfecting amendments would be offered. Does not the gentleman think that the amendment placing a limitation of $500,000,000 and these other amendments go a little further than perfecting amendments?

Mr. JONES. I did not say "perfecting amendment", I said "noncontroversial amendments", and the gentleman does not doubt the wisdom of that, I hope.

Mr. MAPES. I am afraid the gentleman said "perfecting amendments." I make this suggestion because some Members may have left the Chamber feeling that nothing important would be brought up this afternoon.

Mr. JONES. I may state to the gentleman from Michigan that there is one other amendment to be offered. It will be offered by the gentleman from Massachusetts [Mr. MCCORMACK]. I hope the gentleman will not object to the McCormack amendment.

Mr. MAPES. It is not a matter of personal concern to me; but it seems to me questionable, in view of the gentleman's statement earlier in the day, to offer these rather important amendments.

Mr. JONES. Will not the gentleman let this amendment be read?

Mr. MAPES. So far as I am concerned, I shall not object.

Mr. JONES. Mr. Chairman, I renew my request. I ask unanimous consent to withdraw the last amendment I offered.

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

There was no objection.

The Clerk read as follows:

Mr. MCCORMACK offered the following amendment to the substitute: On page 2, strike out lines 7 and 8 and insert the following: "(5) reestablishment, at as rapid a rate as the Secretary of Agriculture determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the 5-year period 1910–14, inclusive, as determined from statistics available in the United States Department of Agriculture, and the maintenance of such ratio. The powers conferred under sections 7 to 14, inclusive, of this act shall be used to assist voluntary action calculated to effectuate the purposes specified in this section. Such powers shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities."

Mr. JONES. Mr. Chairman, I am going to ask that further consideration of the amendment go over until tomorrow in view of its length and the interest of various Mem-

bers. This has been worked out by several of us, but I should like to have it go over before a vote is taken.

Mr. ANDRESEN. Mr. Chairman, will the gentleman permit two amendments to be read and then held over until tomorrow?

Mr. JONES. I have no objection.

Mr. BANKHEAD. Can they not be printed in the RECORD?

Mr. ANDRESEN. I should like to have them read so that they will be pending.

The CHAIRMAN. The Chair will state that there may be only one amendment pending at a time.

Mr. McCORMACK. Mr. Chairman, the amendment that I offered is the so-called consumers' amendment.

The CHAIRMAN. The gentleman may have the amendment read for information.

Mr. ANDRESEN. That will be satisfactory.

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

There was no objection.

The Clerk read as follows:

Amendment by Mr. ANDRESEN: Page 9, after line 9, insert the following:

"SEC. —. Section 350 of the Tariff Act of 1930, as amended (relating to reciprocal trade agreements), is hereby repealed. No agreement concluded in pursuance of such section shall have any effect after the date of the enactment of this act."

Mr. JONES. Mr. Chairman, I reserve all points of order.

The Clerk read as follows:

Amendment by Mr. ANDRESEN: Page 9, after line 9, insert the following:

"SEC. —. There shall not be imported or brought into the continental United States, during any period beginning on March 1 of any year and ending on the last day of February of the succeeding year, any quantity of any agricultural commodity dutiable under schedule 7 of the Tariff Act of 1930, as amended, in excess of 10 percent of the quantity thereof imported or brought into the continental United States during the calendar year 1935."

Mr. JONES. Mr. Chairman, I reserve all points of order against the amendment.

Mr. McCORMACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCORMACK. As I understand, the amendment which I offered is pending?

The CHAIRMAN. The gentleman is correct.

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent to have read for the information of the House an amendment which I send to the Clerk's desk.

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

Mr. MAVERICK. Mr. Chairman, reserving the right to object, how many of these are going to be filed for information? I have an amendment to offer, and I should like to have mine read for information.

The CHAIRMAN. The gentleman may ask unanimous consent if he so desires.

Mr. JONES. Mr. Chairman, I ask unanimous consent that any Member having amendments prepared now may submit the amendments, and the amendments printed in the RECORD at this point for information without being read.

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

Mr. BURDICK. Mr. Chairman, reserving the right to object, is it the intention of the chairman of the committee to prevent the offering of amendments as the bill is read?

Mr. JONES. Oh, no.

Mr. BURDICK. There will be debate on the amendments?

Mr. JONES. These amendments are simply being submitted for information.

Mr. BURDICK. I withdraw my reservation of objection.

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

There was no objection.

The amendments referred to are as follows:

Amendment offered by Mr. BOILEAU to the substitute amendment: On page 6, line 20, of the amendment, strike out the period, insert a comma and the following: "and any payment or grant of other aid which is conditioned, in whole or in part, upon the growth of soil restoration, soil conservation, or erosion preventing crops on any land, or any change in the kind of crop to be grown on any land, shall be subject to the further condition that no crops intended for sale be harvested from, and no livestock intended for sale, or the products of which are intended for sale, be grazed or pastured on such land."

Amendment by Mr. TARVER: On page 5, line 22, after "producers", insert a comma and the following: "including tenants and croppers."

On page 6, line 8, after "made", insert a comma and the following: "and in determining the apportionment of any payment or grant with respect to any land, the Secretary shall take into consideration the contribution in services of tenants and croppers, and any loss of income sustained by tenants and croppers by reason of changes in the farming practices adopted during such years."

Amendment by Mr. HULL: On page 7, line 16, after the word "thereof", insert the following:

"In carrying out the provisions of this section the Secretary is authorized and empowered to enter into contracts with associations of producers or associations composed of producer associations as defined by the act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act, under which said associations may be designated by the Secretary as the agency to carry out any program authorized by this section, and the Secretary is further authorized and empowered to allot to said associations whatever funds may be necessary to carry out any program authorized by this section."

Amendment offered by Mr. GILCHRIST: On page 5, line 12, after the word "Secretary", strike out "shall" and insert in lieu thereof the word "may."

Amendment offered by Mr. ZIONCHECK: Page 7, line 16, after the word "thereof", strike out the period and insert: *"Provided,* That no export subsidy shall be paid with respect to any agricultural commodity or product thereof unless the Secretary finds that it is not feasible, or practicable, to expand the domestic consumption of such commodity or product by diversion from the normal or regular channels of the domestic trade including purchases for donations to the F. S. C. C."

Mr. ZIONCHECK. Mr. Chairman, this amendment relates to purchases by the Federal Surplus Commodity Corporation and is of great importance to the American consuming public. If this amendment is adopted, it will be a protection to the domestic consumers. It will in no manner have any adverse effect upon the American farmer and producer. To plainly state it, it will assure the American consuming public of having first call on farm products when they are needed for domestic use rather than the dumping process used in foreign dumping. It would give the American consumer, especially the unemployed and the Federal and State relief organizations the right to receive these commodities instead of selling them at a very low price to foreign consumers; for instance, the Surplus Commodity Corporation, selling surplus butter for which it paid 25 cents to foreign concerns at 7 cents. Under this amendment the Secretary of Agriculture would have the right, if we have a domestic demand for this butter, to put it into domestic use rather than dump it in foreign markets at a low price. If this amendment were adopted, savings that could be made by the relief organizations and the Government in supplying to the unemployed people those commodities which now are being sold so cheaply in foreign markets, it would allow the Government to supplement relief in a manner to bring about a greater consumptive use by people who are in need of additional foodstuffs, thereby creating a greater consumptive demand, necessarily shortening the surpluses of these commodities. It would at the same time assist the Department of Agriculture in the maintaining of a decent price level for the producer and a liberal diet for the unemployed.

Circular no. 296 of the Department of Agriculture states that in 1929 we fell short of meeting food requirements of a liberal diet by forty thousand million pounds; that we fell short of meeting a moderate diet by 19,000,000 pounds. This is definite proof that the Secretary should have the powers given under this amendment to do all that he can in the adjustment of domestic consumption by being able to maintain as liberal a diet through domestic use as is possible.

In essence this amendment would require the taking care of all of our people at home—consumer as well as the producer—before subsidies could be given by way of a dumping process to foreign people in foreign nations at a price far below that that our American citizens would be compelled to pay here at home.

This amendment is certainly in line with the program of the National Grange and the Special Legislative Committee of National Cooperatives Council, consisting of the National Cooperative Council, established by farmers' cooperatives to promote their interests, includes 51 cooperative groups with which are affiliated 4,000 farmers' marketing and purchasing cooperatives having 1,450,000 farmer-members. These cooperatives did a business in the 1934–35 season of more than $1,000,000,000.

CITRUS AND SUBTROPICAL FRUIT DIVISION

Calavo Growers of California, Los Angeles, Calif.[1]
California Fruit Growers Exchange, Los Angeles, Calif.[1]
Mutual Orange Distributors, Redlands, Calif.[1]

COTTON DIVISION

American Cotton Cooperative Association, New Orleans, La.

DAIRY DIVISION

National Cooperative Milk Producers Federation, Washington, D. C.[1 2]

DECIDUOUS FRUITS DIVISION

California Fruit Exchange, Sacramento, Calif.[1]
American Cranberry Exchange, New York, N. Y.

GRAIN AND SEED DIVISION

American Rice Growers Cooperative Association, Lake Charles, La.
Egyptian Seed Growers Exchange, Flora, Ill.

LIVESTOCK DIVISION

National Livestock Marketing Association, Chicago, Ill.[1]

NUT DIVISION

California Walnut Growers Association, Los Angeles, Calif.[1]
National Pecan Growers Exchange, Albany, Ga.
National Pecan Marketing Association, Macon, Ga.

POULTRY DIVISION

Idaho Egg Producers, Caldwell, Idaho.[1]
Northwestern Turkey Growers Association, Salt Lake City, Utah.[1]
Pacific Egg Producers Cooperative, Inc., New York, N. Y.[1]
Utah Poultry Producers Cooperative Association, Salt Lake City, Utah.[1]

PROCESSED FRUITS AND VEGETABLES

California Prune and Apricot Growers Association, San Jose, Calif.
Hillsboro-Queen Anne Cooperative Corporation, Baltimore, Md.[1 3]
Sun-Maid Raisin Growers of California, Fresno, Calif.

PURCHASING DIVISION

Consumers Cooperative Association, North Kansas City, Mo.
Cooperative G. L. F. Exchange, Ithaca, N. Y.[2 5]
Eastern States Farmers Exchange, Springfield, Mass.
Farm Bureau Services, Inc., Lansing, Mich.[5]
Farmers Cooperative Exchange, Raleigh, N. C.
Fruit Growers Supply Co., Los Angeles, Calif.
Indiana Farm Bureau Cooperative Association, Indianapolis, Ind.[5]
Mississippi Federated Cooperatives, Jackson, Miss.[5]
Ohio Farm Bureau Service Co., Columbus, Ohio.[5]
Producers Cooperative Exchange, Atlanta, Ga.
Southern States Cooperative, Inc., Richmond, Va.[2]
Cooperative Farm Services, Clarksburg, W. Va.[5]

TOBACCO DIVISION

Eastern Dark Fired Tobacco Growers Association, Springfield, Tenn.
Maryland Tobacco Growers Association, Baltimore, Md.[1]
Northern Wisconsin Cooperative Tobacco Pool, Madison, Wis.
Virginia Dark-Fired Tobacco Growers Marketing Association, Farmville, Va.
Western Dark-Fired Tobacco Growers Association, Murray, Ky.

VEGETABLES AND MELONS DIVISION

Eastern Shore of Virginia Produce Exchange, Onley, Va.[1]
National Fruit and Vegetable Exchange, New York, N. Y.[1 4]

WOOL DIVISION

National Wool Marketing Corporation, Boston, Mass.[1]
Pacific Wool Growers, Portland, Oreg.

ASSOCIATE MEMBERS

Agricultural Council of California.
Arkansas Council for Agriculture.
Farmers Cooperative Council (North Carolina).
Idaho Cooperative Council.
Mississippi Cooperative Council.
Missouri Cooperative Council.
Oklahoma Agricultural Cooperative Council.
Oregon Cooperative Council.
Pennsylvania Association of Cooperative Organizations.
Texas Cooperative Council.
Washington State Agricultural Council.

[1] Units also purchase farm supplies cooperatively.
[2] Units also market poultry products in quantity.
[3] Also markets fresh vegetables.
[4] Also markets citrus and deciduous fruits.
[5] Units also market various farm products.

These are the members of the special legislative committee:

C. C. Teague, chairman, California Fruit Growers Exchange; N. L. Allen, National Fruit and Vegetable Exchange; E. A. Beamer, National Live Stock Marketing Association; Earl W. Benjamin, Pacific Egg Producers; Homer L. Brinkley, American Rice Growers Association; N. P. Hull, National Cooperative Milk Producers Federation; Thomas E. Johnson, Eastern Dark Fired Tobacco Growers Association; Karl D. Loos, California Walnut Growers Association; Quentin Reynolds, Eastern States Farmers Exchange; N. C. Williamson, American Cotton Cooperative Association; John D. Miller, president, National Cooperative Council; Robin Hood, secretary-treasurer, 1731 I Street, Washington, D. C.

The L. P. C. control committee is composed of vegetable growers of the Pacific coast in extending the Federal Surplus Commodity Corporation.

Amendment offered by Mr. MAVERICK: Section 7, page 2, line 1, no. 2: Strike out the wording of said number (2) and insert the following:

"Safeguarding areas involving interstate drainage and its effect upon interstate traffic by water and land, its effect upon floods, the use of bridges, post and interstate roads, and to promote the prevention of soil erosion caused by waters carried into the United States of America from other nations and from various States to each other; and to provide conservation of national natural resources in land, water, plant, and wildlife."

Mr. MAVERICK. Mr. Chairman, concerning the above amendment, my purpose was fully stated in the RECORD of yesterday, but I have only this to say concerning it:

This bill must get over two hurdles: One, the objective must be within the powers of Congress; and second, the means employed must be within the powers of Congress. As the present Soil Conservation Act is written, insofar as its intentions are concerned, it is doubtful that it is within the powers of Congress, at least as it is now expressed.

It seems to me that the above amendment will remove this doubt if the dominant purposes, as stated, and others can be made subsidiary. The objective of the present bill is for the general welfare, not alone of the farmers, but of all the citizens of the United States. Superficially speaking, the individual problems of a farmer in Texas, and the individual problems of a farmer in Missouri, are local problems, but the problems of the farmers as a whole, especially as they concern soil conservation and drainage areas, and the effect of one farm, which is of greater elevation than another, and the effect of farms on each other, are clearly within the general welfare, and within the powers of Congress for direct legislation.

Therefore, in the amendment above, I have attempted to make those purposes clear in order that its constitutionality will be assured. I do not mean merely to include this for the purpose of having something in writing, but to state a constitutional purpose and to thereafter sincerely carry it out.

Amendment by Mr. MAVERICK: Page 6, line 20, strike out the period after 7 (a), insert a comma, and add:

"*Provided*, That the Secretary of Agriculture shall prescribe such rules and regulations as he shall find to be necessary for the equitable distribution of payments between landlords, tenants, croppers, farmer workers, and persons holding any interest under the provisions of this act."

Mr. MAVERICK. Mr. Chairman, concerning the above amendment, Prof. H. Clarence Nixon and Prof. Charles S. Johnson, of the Southern Policy Committee, who are experts on the tenant-farmers' problem, believe that two-thirds of the farmers of the South stand to lose by the new bill as it is now written. The secretary of the Southern Policy Committee, Mr. Francis P. Miller, of Fairfax, Va., made their comments on the bill public today and pointed out that the opinion of these experts was based on the fact that on an average two in three of all the farmers in the Cotton and Tobacco Belts are tenants or sharecroppers. He added that in the light of this situation it was obvious that proposed farm legislation for the South must be judged by what it does to the tenants and sharecroppers, as well as by what it does for the landlords.

The statement prepared by Messrs. Nixon and Johnson declares that—

The farm bill, in the form in which it passed the Senate, threatens greater discriminations against tenants and offers larger advantages to landlords than did the A. A. A. cotton program of 1934–35. The text of the bill shows that the tenant is left out of the picture entirely. An enlightened policy of administration with

reference to tenants may be permissible but is not legally required and would be extremely difficult to enforce. The bill envisages absentee owners as well as other landholders as beneficiaries, to the disadvantage of the tenant tillers of the soil. The improvement of soil fertility, the economic use of land, and crop reduction, as provided for in the bill, are calculated to have directly adverse effects upon tenants without any compensatory benefits.

Share tenants and sharecroppers, who predominate in the South, have no equity in the land, and their technical 1-year tenure limits even their indirect benefits from soil improvement. Little, if any, improvement in favor of tenants may be expected from State plans later to be adopted in the Cotton Belt, for most Negro sharecroppers and many white sharecroppers are nonvoters, and the customary landlord-tenant relations and practice have generally favored the landlord as over against the tenant. If the little fellow has to rely only on appeals to the Secretary of Agriculture, without prior and strict provisions in the nature of legal safeguards, he will be at a severe disadvantage. The bill lends itself to a wide variety of interpretations which can operate to the disadvantage of the farmers who actually work the soil.

The Southern Policy Committee has also been interested, Mr. Miller stated, in securing changes in the administrative procedure of the cotton section of the A. A. A., in view of the fact that that section tended to operate in the interest of only one-third of the cotton farmers—the landowning farmers—rather than in the interest of the whole farm community. Under the auspices of the committee, Messrs. Nixon and Johnson presented evidence regarding the operation of the cotton program at the public hearing held by the cotton section of the A. A. A. at Memphis October 11–12. At that time Dr. Nixon charged that the cotton program as then administered was "a landlord's code." He spoke as an Alabama planter, with 14 tenants on his plantation. Dr. Johnson is one of the authors of The Collapse of Cotton Tenancy, recently published by the University of North Carolina Press.

In further commenting upon the new farm bill, Messrs. Nixon and Johnson said that—

The changes in husbandry anticipated by the new farm bill will inevitably reduce the requirement for farm laborers and threaten to displace more tenants and farmers than the old crop-control program without any of the provisions for benefits of that program. The intention of the bill is to correct the disparity of purchasing power of farmers as a whole, but it takes no account of the distribution of this purchasing power among farmers. In other words, it tends to increase the income of the landowning class and to decrease the income of the entire nonowning class, which represents the bulk of the farm population. The bill is short-sighted in making no provisions for the serious new problems which it creates; it tends to take more account of the land than of the men who cultivate the land.

It is possible for landlords, unless the provisions of the bill are properly interpreted and controlled, to divide their lands in such a manner that tenants will grow cash cotton crops without benefits, while owners grow the feed, seed, and soil-improvement crops which require less labor and yet bring Government benefits. The bill on its face offers no constructive provision which can be utilized for the welfare of the tenant class. It can be justified only if accompanied by the adoption of the principle included in the Bankhead-Jones farm tenant home bill.

At the end of their statements Messrs. Nixon and Johnson asked:

Is there no voice in the Congress of the United States to insist upon a sounder agricultural economy in the South? Is there not a statesman who will insist upon the inclusion in this bill of specific legal safeguards for tenants? Is the planter-tenant cleavage to be allowed to continue until agitation and unrest lead to disintegration and disaster?

Mr. JONES. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FULLER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (S. 3780) 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, had come to no resolution thereon.

SYLVAN M. LEVY

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs be discharged from further consideration of the bill (S. 696) for the relief of Sylvan M. Levy, which was erroneously referred to that committee, and that the bill be referred to the Committee on Naval Affairs.

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

There was no objection.

THE LATE GEN. WILLIAM MITCHELL

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to make an announcement with regard to the death of General Mitchell.

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

There was no objection.

Mr. McSWAIN. Mr. Speaker, on yesterday, February 19, 1936, at 4:45 in the afternoon, death kissed into eternal rest the heretofore restless spirit of William Mitchell, brigadier general of the United States Army, from which he resigned on February 1, 1926. The brilliant and glorious career of General Mitchell as an officer of the United States Army is the proud possession of all our people. Commissioned at the age of 18, at the outbreak of the Spanish-American War, he progressed by rapid strides by reason of his conspicuously efficient discharge of every responsibility placed upon him. I shall not at this time review in detail his remarkably brilliant career. On August 7, 1935, I did give many details concerning the life and military services of General Mitchell, and they may be found in the CONGRESSIONAL RECORD of that date, on page 13160. By permission of the House, I am extending my remarks and printing herewith a portion of what was then said. I call especial attention to the fact that his citation, on which is based the award of a Distinguished Service Cross, is not for a single act of extraordinary heroism in the face of the enemy, but it is for "repeated acts of extraordinary heroism in action at Noyon, France, March 26, 1918; near the Marne River, France, during July 1918; and in the St. Mihiel salient, France, September 12 to 16, 1918. For displaying bravery far beyond that required by his position as Chief of Air Service, First Army, American Expeditionary Forces, setting a personal example to United States aviation by piloting his plane over the battle lines since the entry of the United States into the war."

Mr. Speaker, any soldier may well be proud, exceedingly proud, of being awarded the Distinguished Service Cross, even for a single act of extraordinary heroism in the face of the enemy. But for "repeated acts of heroism", extending through months of daring and dangerous activity, in airplanes by no means too safe and stable, over enemy lines with superior air force, locating strategic and vulnerable enemy positions, and taking back information of incalculable value to the ground forces, it is a combination of daring and heroic conduct unrivaled in military history. The friends of General Mitchell take great pride in his splendid career, all his relatives may properly prize the record of his services as a precious heritage, and his disconsolate widow and orphaned children may find some solace and supreme satisfaction that their names and their lives are forever linked with a man who always put his country's cause first, who risked his life in war and risked his reputation in peace and risked the prospect of great advancement in the Army because of his courage to declare his conscientious convictions on vital problems affecting the national defense.

Mr. Speaker, on this date, when the Committee on Military Affairs met, it was announced that General Mitchell passed yesterday from this earthly life into the great future of immortality, and immediately the committee adopted resolutions of regret for his passing and of sympathy for his family, and I am offering for publication, as part of my remarks, a copy of said resolutions.

Whereas the Committee on Military Affairs of the House of Representatives has learned of the death of Brig. Gen. William Mitchell, United States Army, resigned, in New York City, on February 19, 1936, at 4:45 p. m., and, whereas the said General Mitchell has appeared before this committee on numerous occasions since the World War and has always manifested an unselfish zeal for the cause of national defense, and whereas the said Gen-

eral Mitchell has courageously and patriotically championed the building up of an adequate air force as a most effective and most economical means for promoting the national defense: Now, therefore, be it

Resolved by the Committee on Military Affairs of the House of Representatives, That we record our admiration for the valorous and heroic services of the said General Mitchell rendered to the Army and to the country, in peace and in war, and that we acknowledge our obligation of gratitude to him for unselfishly and vigorously provoking the thought and action of the American people to build up an adequate air force for the defense of the country; be it

Further resolved, That in the death of General Mitchell the Nation has lost a far-seeing and constructive leader of civic opinion with reference to a safe and sane program of national defense; be it

Resolved further, That these resolutions be spread upon the minutes of this committee as a memorial of our respect and esteem for the distinguished public service of General Mitchell, and that the chairman of this committee ask permission of the House of Representatives to extend his remarks upon the life and character of General Mitchell, and to include these resolutions therein, and that a copy of these resolutions, duly certified, be transmitted to the widow of General Mitchell as a testimonial of our sympathy with her in her sorrow.

JOHN J. MCSWAIN, *Chairman.*
ANDREW J. MAY,
CHARLES A. PLUMLEY,
Committee.

Attest:

KENNETH ANDERSON, *Clerk.*

FEBRUARY 20, 1936.

Herewith, Mr. Speaker, is the extract from my remarks of August 7, 1935, that I ask to be printed as a part of these remarks:

As it became increasingly apparent that the United States would have to enter the war, and as very little was being done here to prepare for it, Mitchell applied for duty as an observer in Europe and was sent there in March 1917. He went first to Spain to look over their military establishment and see what they could do in case they went in on the side of the Germans, which seemed possible at that time. While there, war was declared by the United States against Germany. Mitchell immediately proceeded to Paris and reported to Ambassador Sharp for duty. He was assigned with the military observers, Majors Logan and Churchill, who had drawn up an excellent, comprehensive, and thoroughly sound plan for the participation of American troops in France. This plan was followed later.

Nothing had been done about aviation. Mitchell could get no replies to his telegrams to the United States, so he organized an office staff with his own money and contributions from patriotic Americans in France, formulated a plan for training and equipping Americans in Europe, which, if followed, would have enabled us to have excellent air squadrons on the front by August or September 1917. Mitchell's recommendations, which are a matter of record, were sent in April to the United States, as to what equipment should be used by our air forces in Europe. These recommendations were not followed. Incompetent individuals were put in charge of aircraft production, who adopted the entirely unsuitable *DH-4* British airplane as the standard American ship, and the Liberty engine, which had never been proved in war and was worthless for that purpose.

The scandalous method of handling this proposition has been thoroughly gone into by competent committees. The $1,500,000,000 appropriated by Congress was practically wasted, because his recommendations were not followed. The airplanes that Mitchell recommended to be built by the United States had to be obtained in Europe anyway, and when he saw what was going on in the United States he personally made arrangements with Daniel Vincent, in charge of aviation procurement in France, to go ahead and build a surplus anyhow, without authority, otherwise we would have had no airplanes for our men on the front.

In the middle of April Mitchell joined General Petain at Chalons sur Marne and participated in the terrific attacks with huge losses which the French Army suffered at that time. He had numerous conferences with General Petain about the participation of the Americans in Europe. The French, seeing how seriously Mitchell was working on the problem, began assigning officers to him and assisting him with his work in every way possible. Mitchell also participated in an infantry attack with the Sixteenth Reserve French Division, for which he was decorated with the Croix de Guerre, being the first American soldier so decorated. He was also the first regular American soldier to enter into battle against the Germans in this war.

Mitchell flew over the enemy lines on every part of the western front. He became thoroughly familiar with the English organization and system as well as the French, and laid out a complete system and organization for the creation of our air forces. Just as this was coming along well, a complete new group of men was sent out from the United States, without any instruction in the air, with limited knowledge of conditions in Europe, and with no knowledge of war, especially in the air. One learns quickly when on the front against an enemy, and in a few months of actual war service one can pick up more than in a lifetime of theoretical study. This new group placed in command made a terrible mess of all our aeronautical matters in Europe and put us back at least 6 months. Mitchell, however, was kept constantly in command of troops actually serving against the enemy on the front. At Chateau Thierry, American air forces distinguished themselves.

Mitchell was the first man to discover the German bridges at Dormans, on the morning of July 15, 1918, where the Germans crossed the Marne River in their attack. This he reported to General Liggett at First Army Corps headquarters, then flew to Bombom and reported it to General Foch. Mitchell made a reconnaissance alone in a single-seated pursuit ship across the Marne salient from Chateau Thierry to Soissons, and came to the conclusion that there were few German troops opposite Soissons, and so reported to General Foch. As a result, General Foch ordered the First and Second Divisions, United States Army, and the Moroccan Division, French Army, to Soissons, where they attacked the Germans at the shoulder of the salient, causing the withdrawal of their whole army.

Mitchell was then given command of the air forces of the First Army and commanded the greatest concentration of air forces in the history at St. Mihiel, 1,496 ships. The operation of this force was perfectly carried out; the plan of operations, plan of employment, and tactics served as models for subsequent attacks. In addition to the American air units, Mitchell had under him the whole French air division, three Italian squadrons, and the independent British air force under General Trenchard. At the conclusion of the Battle of St. Mihiel, General Pershing wrote General Mitchell the following letter, which was published to his command:

"Please accept my sincere congratulations on the successful and very important part taken by the air forces under your command in the first offensive of the First American Army. The organization and control of the tremendous concentration of air forces, including American, French, British, and Italian units, which has enabled the Air Service of the First Army to carry out so successfully its dangerous and important mission, is as fine a tribute to you personally as is the courage and nerve shown by your officers, a signal proof of the high morale which permeates the service under your command.

"Please convey to your command my heartfelt appreciation of their work. I am proud of you all.

"Sincerely yours,

"JOHN J. PERSHING."

Later operations followed in the Argonne battles. When the Second Army was organized Mitchell was given command of the Air Service group of armies.

The American Air Service was then beginning to form a great force of long-distance bombers designed to attack the center of Germany—Essen and Berlin—in the spring of 1919. Mitchell also proposed and was given permission by General Pershing to draw up plans for carrying a complete division of troops equipped with parachutes, rifles, and machine guns and dropping them behind the enemy lines from airplanes, while attack aviation covered roads in their vicinity until they could form and get together. This would have been carried into effect a short time after November if the armistice had not been affected.

Mitchell participated in the following battles:

American: Cambrai, Somme defensive, Champagne-Marne, Aisne-Marne, Oise-Aisne, St. Mihiel, Meuse-Argonne, defensive sector.

French: Mont Sans Nomme, Mont Cornouillet, Mort Homme, Champagne offensive, Bois de la Grille, Verdun, Malmaison, Noyon.

British: Ypres, Bullecourt.

He took part in the French and British engagements without being ordered or required to do so, in order to become acquainted with the details connected with military operations, both aerial and ground. Mitchell participated in more battles than any officer in the American service during the World War. He now holds the following decorations:

Distinguished Service Cross: Awarded for repeated acts of extraordinary heroism in action at Noyon, France, March 26, 1918, near the Marne River, France, during July 1918, and in the St. Mihiel salient, France, September 12 to 16, 1918. For displaying bravery far beyond that required by his position as Chief of Air Service, First Army, American Expeditionary Forces, setting a personal example to the United States aviation by piloting his airplane over the battle lines since the entry of the United States into the war. Some instances being a flight in a monoplane over the battle of Noyon on March 26, 1918, and the back areas, seeing and reporting upon the action of both air and ground troops, which led to a change in our aviation tactics; a flight in a monoplane over the bridges which the Germans had laid across the Marne during July 1918, which led to the first definite reports of the location of these bridges and the subsequent attack upon the German troops by our air forces. Daily reconnaissance over the lines during the battle of St. Mihiel salient, September 12 to 16, securing valuable information of the enemy troops in the air and on the ground which led to the excellent combined action by the allied air services and ground troops, particularly in this battle.

Distinguished Service Medal: Awarded for exceptionally meritorious and distinguished services. As Air Service commander, first of the Zone of Advance and later of the First Corps, by his tireless energy and keen perception he performed duties of great importance with marked ability. Subsequently, as commander, Air Service, of the First Army, and, in addition, after formation of Second Army, as commander of Air Service of both armies, by his able direction of these vitally important services he proved to be a potent factor in the successes achieved during the operation of the American Armies.

The following are his foreign decorations:

French: Croix de Guerre, with five palms, for exceptional bravery; Commander of the Legion of Honor.

British: Companion of the Order of St. Michael and St. George.

Italian: Commander of S. S. Maurizio e Lazzaro; Italian Cross for Merit in War; Grand Officer, Order of the Crown of Italy.

Very little was known by the ground troops about aerial operations. These were entrusted by General Pershing to General Mitchell's judgment and discretion. The question of command for the spring of 1919 was discussed and it was practically agreed that Admiral Beatty should command all the sea forces, General Foch all land forces, and General Mitchell all the air forces. This probably would have been done had the war lasted. It is believed that General Mitchell was recommended for promotion to a major general slightly before the armistice was signed. After the armistice, Mitchell took the air forces of the Army of Occupation into Germany and established headquarters at Coblentz. There he was visited by the Prince of Wales and others.

General Mitchell was ordered back to the United States to become Director of Military Aviation, in January 1919. He returned by way of Chaumont, where he was one of the seven officers decorated by General Petain with the commander grade of the Legion of Honor and an additional Croix de Guerre.

Before returning to the United States Mitchell with his staff went over the whole front of the American, French, and British Armies, studying it carefully, then into Belgium where they studied the defensive organization of the Germans, both along the coast and inland, their aeronautical organization, the effect of the British air bombardment against the German submarine base at Zeebrugge and how that was organized for defense. Then he proceeded to England, where his old friend, Marshal Trenchard, was in command of the British Independent Air Force. General Mitchell and his staff probably gained more knowledge of all the different parts of aeronautical duty than could the French, Germans, or English, because they were confined largely to their own organizations and did not visit the others so frequently.

Upon returning to the United States General Mitchell was placed on the initial General Staff list. He found aeronautical affairs very much disorganized. The officers who had remained here knew very little about the application of air power beyond that used in primary training schools for pilots. There was great jealousy against anyone who had come back from Europe, and there was intense jealousy on the part of the line of the Army against the rising prestige and power of the air force. This had occurred also in the English, French, and German forces, but hard necessity had taught them what to do. Mitchell immediately reorganized the Service, both tactically and technically.

A great program was laid out looking forward for many years. Technically the immediate construction of airplanes, engines, instruments, and accessories was begun, and a nucleus of technical officers was started. If this program had been carried out, it would have given us airplanes at the present time with a range of 8,000 miles, carrying 4 tons of bombs, with a ceiling of 35,000 feet, and speeds up to 500 miles an hour, with instruments and equipment that would have taken ships through any kind of weather and allowed them to land safely in fogs and storms.

In 1919 Mitchell organized the transcontinental airplane race which showed that aircraft could fly from New York to San Francisco in 24 hours flying time. The air mail, under Otto Praeger, immediately took advantage of what had been learned and an efficient Air Mail Service was laid out, including aids to navigation and accessories. The first airway was organized by Mitchell from Washington, D. C., to Dayton, Ohio.

While all these activities were going on, General Mitchell found time to attend Columbian College of George Washington University, from which he had gone as a junior to take part in the Spanish War in 1899, and had never obtained his degree. By regular attendance at the classes, Mitchell obtained his B. A. degree and was graduated in 1920 as of the class of 1899. General Wood presented the diplomas.

In 1920 Mitchell sent a flight of airplanes under Captain Streett from New York to Nome, Alaska, and back, one of the greatest flights ever made. It was hoped at that time that it would lead to the establishment of air bases in Alaska and that air lines would be extended to that territory. This has not been done up to the present time.

Upon General Mitchell's return from Europe in 1919, preparations were immediately made, on account of what he had observed there, for the attack of battleships from the air. In this he was ably assisted by General Williams, then Chief of Ordnance, who set to with a will to develop the bombs, fuzes, and methods of producing them. Colonel Guidoni, the Italian air attaché at that time, and one of the world's most able mathematicians, also rendered great assistance in estimating the trajectories, time of flight, and penetration in the water when a bomb passed from a rarer to a denser medium. Guidoni later became head of the Italian Air Force and was killed in an accident. It is after him that Guidonia, the new air city of Italy, has been named.

The air units practiced actively in bombing. Targets representing ships were set up on land. Objects were bombed in the water, both stationary and towed at high speed by motor boats. A camera obscura was fixed up in a motor truck which was run at high speed along the roads, and the bombing was done against that, both going straight and turning. Nothing was overlooked that could be done with the equipment available. Mitchell attempted in every way to get target vessels from the Army and Navy without success.

Giving his testimony before Congress, Mitchell stated positively that he could sink any ship afloat with aircraft. The Army and Navy ridiculed this, but Congress passed an act authorizing the President to set aside certain vessels that had been surrendered from the German Fleet to be used for the purpose of bombing. The Navy then attempted to take charge of things. A written agreement was drawn up as to the procedure. The Navy made it just as difficult as possible, putting the vessels so far off the coast that they were almost outside the limits of the cruising ability of the aircraft. However, every class of ship was sunk—submarines, destroyers, cruisers, and two battleships. One of the battleships was the *Ostfriesland*, the strongest ship built up to that time, and probably as strong as any built since. The bomb that sunk the *Ostfriesland* was heard around the world and marked a new epoch in national defense.

The Board observing the bombing tests, under the chairmanship of General Pershing, reached the following conclusion:

"Aircraft carrying high-capacity high-explosive bombs of sufficient size have adequate offensive power to sink or seriously damage any naval vessel at present constructed, provided such projectiles can be placed in the water close alongside the vessel. Furthermore, it will be difficult, if not impossible, to build any type of vessel of sufficient strength to withstand the destructive force that can be obtained with the largest bombs that airplanes may be able to carry from shore bases or sheltered harbors."

At the conclusion of these exercises, there was tremendous agitation on the part of the Navy particularly, to keep the air force down.

Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein resolutions passed by the Committee on Military Affairs today concerning the death of General Mitchell, and also a portion of the remarks made by myself on this floor concerning General Mitchell on August 7, 1935.

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

There was no objection.

UNITED STATES DISTRICT JUDGE HALSTED L. RITTER

Mr. SUMNERS of Texas, from the Committee on the Judiciary, submitted a privileged report on charges of official misconduct against Halsted L. Ritter, a district judge of the United States for the Southern District of Florida, which was referred to the House calendar and ordered printed.

AMENDMENT OF THE BANKRUPTCY ACT

Mr. WILCOX. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk and pass the bill (H. R. 10490) to amend chapter 9 of the act of July 1, 1898, 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.

Mr. SNELL. Mr. Speaker, reserving the right to object, I would like to have the gentleman state in a very few words just what this bill does and what is the situation of the Judiciary Committee with respect to the measure.

Mr. WILCOX. Mr. Speaker, this bill simply extends the life of the Municipal Bankruptcy Act. By the terms of the original act it expired by its own limitations in 2 years. This bill, as amended by the Judiciary Committee, seeks to extend the life of that act until January 1, 1940.

The bill has the unanimous approval of the Judiciary Committee, and I may say for the information of the House that when the act was originally presented to the House in the Seventy-third Congress, it was opposed by the American Bar Association. Since that time the bar association has recognized the necessity for the act and has given its approval to this extension.

The bill does not seek to change or modify any of the terms of the act other than to extend its life to January 1, 1940.

The SPEAKER pro tempore (Mr. COOPER of Tennessee.) Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 79 of chapter 9 of the act of July 1, 1898, 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, be, and the same is hereby, amended to read as follows:

"SEC. 79. Additional jurisdiction: Until January 1, 1945, in addition to the jurisdiction exercised in voluntary and involuntary proceedings to adjudge persons bankrupt, courts of bankruptcy shall exercise original jurisdiction in proceedings for the relief of debtors, as provided in this chapter of this act."

With the following committee amendment:

Page 1, line 9, strike out "1945" and insert "1940."

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 FARMER IS ENTITLED TO COST OF PRODUCTION

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

The SPEAKER. Is there objection?

There was no objection.

Mr. AMLIE. Mr. Speaker, ladies and gentlemen of the House, during the past 3 days the House has had under consideration the so-called soil conservation bill which has as its objective the withdrawal from cultivation of the same number of acres as were taken out of use under the operation of the Agricultural Adjustment Act.

Discussion on this bill has had to do with the terms and conditions under which the land should be withdrawn from cultivation to the end that the particular types of agriculture might receive the benefits, through reduced output, to which they feel they are entitled.

It would seem, therefore, entirely to the point to inquire whether there is in fact a surplus of the various commodities which the bill seeks to curtail.

IS THERE A SURPLUS?

The principal speaker at the annual convention of the American Medical Association last year at Atlantic City was Dr. Walter R. Campbell, of the University of Toronto, an internationally famous physician and an authority on diet. He had this to say:

Twenty-five million of the unemployed in Canada and the United States are in danger of becoming unemployable by eating a relief diet too high in carbohydrates and too low in proteins for reasons of economy. * * * The apparently inevitable degradation from unemployed to unemployable should not be accelerated by a falsely economical provision of foodstuffs.

In August 1935 Dr. Adela J. Smith, director of health education, in a report to the board of education of New York City, made the following statement:

Lack of sufficient food has wasted the bodies and sapped the mental vigor of more than 10,000 school children here until they can no longer keep up with their "better fed" classmates in school work. The condition is particularly great in Manhattan, where one child in every four is malnourished. So weakened are these boys and girls by lack of food that they cannot profit from attendance in regular classes. In fact, thousands of them find going to school too great a physical strain, and have become ill. In the elementary schools alone there are now about 125,000 seriously undernourished youngsters.

A few years ago the United States Health Institute, in cooperation with the Milbank fund, made a study of 2,560 average families in Pittsburgh, Detroit, and Birmingham. The study showed:

Sickness among those whose incomes have dropped sharply since 1929 is 60 percent higher than for those whose incomes have remained approximately the same. The rate of disabling sickness among individuals from families of the unemployed was 39 percent higher than that of the group having full-time wage earners, and 25 percent higher than that of the group containing part-time workers.

Two years ago the Children's Bureau of the United States Department of Labor reported that in certain sections of the country two out of every five school children were suffering from malnutrition.

It would seem from these reports that there are large sections of the American public, possibly in excess of 25 percent, who are actually unable at the present time to avoid the consequences of undernourishment.

MAJORITY OF AMERICANS UNDERFED

A few years ago the United States Department of Agriculture published a bulletin entitled "Diets at Four Levels of Nutritive Content and Cost" (U. S. Department of Agriculture Circular 296, Washington, 1933). The four diets are are follows:

1. A restricted diet, for emergency use, as in floods, earthquakes, and other emergencies where the problem becomes one of simply maintaining life until more adequate provisions can be made. Such a diet runs high in carbohydrates and for an average family would cost about $350 a year. Twelve percent of non-farm families in the United States lived on this diet in 1929.

2. A subsistence diet, which is slightly better than the restricted diet, but does not contain the milk, fruit, and vegetables that people should have in order to maintain health. Such a diet would have cost $500 per family in 1929. Sixty-two percent of the Nation's nonfarm families were compelled to live on this subsistence diet in 1929.

3. An adequate diet, which in 1929 would have cost $800 per year per average family. While this would provide all of the essential food elements, many of the luxuries and delicacies would be lacking. Sixteen percent of our nonfarm families lived on this basis in 1929.

4. A liberal diet, which in 1929 would have cost $950 per year per average family. Only 10 percent of the Nation's nonfarm families enjoyed a liberal diet during the most prosperous year the Nation has ever known.

These statements are based upon the Brookings Institution survey entitled "America's Capacity to Consume", pages 121 to 124.

It may safely be stated that the diet of the farmers as a whole would average somewhat lower than that of the nonfarm population for the reason that even in 1929 the per-capita income of nonfarm families was three and one-half times that of farm families. In the most prosperous year that this Nation has ever known 74 percent of the people lived on a mere subsistence or emergency diet. Since the number of people living on a subsistence or poverty level has increased from 40.6 percent to 63.6 percent from 1929 to 1933, it follows that dietary standards are much lower at the present time than they were in 1929, although no adequate study, such as that of the Brookings Institution, is available for the present period.

It is clear that between 80 percent and 85 percent of the American people today are not able to enjoy the liberal diet or even the adequate diet set up as standard by the United States Department of Agriculture.

INCREASED FOOD PRODUCTION NECESSARY

To provide a liberal diet for all of our people it would have been necessary, even in 1929, to have increased our production of various items as follows:

Meat: In 1929 we produced a total of 15,514,200,000 pounds of meat. A liberal diet for all of the people would have required the production of 17,000,000,000 pounds, or a needed increase of 10 percent.

Milk: In 1929 we produced 46,249,930,000 pounds of milk. A liberal diet for all of the American people would have required the production of 79,550,000,000 pounds of milk, or a needed increase of 75 percent.

Butter: In 1929 we produced 2,141,915,000 pounds of butter. A liberal diet would have required the production of 4,375,000,000 pounds of butter, or an increase of 100 percent.

Fresh fruits: In 1929 we produced 18,277,076,000 pounds of fresh fruit. To have given all of the American people a liberal diet would have required the production of 35,507,972,000 pounds of fresh fruit, or an increase of 88 percent.

Fresh vegetables: In 1929 we produced a total of 37,327,900,000 pounds of fresh vegetables. If we were to have given all of the American people a liberal diet, it would have been necessary to have produced 45,622,995,000 pounds, or an increase of 22 percent.

Eggs: In 1929 we produced 2,581,935,000 pounds of eggs. If we were to have given all of the American people a liberal diet, 4,221,338,000 pounds of eggs would have been required, or an increase of 60 percent.

Likewise, it would have been necessary to have increased our production of cheese by 70 percent, and our production of poultry by 35 percent.

A careful study by the National Survey of Potential Product Capacity financed by the Federal Government about 2 years ago demonstrated that within a period of 5 years the farmers of the United States could meet all of these needed increases.

COTTON PRODUCTION INADEQUATE

A few years ago an independent study was conducted in the city of San Francisco for the purpose of determining the clothing requirements of the professional people of that city. Using these requirements as standard, and assuming that all of the American people would like to wear the type of clothing considered essential and desirable from the standpoint of health, appearance, and comfort, the National Survey of Potential Product Capacity estimated the increase in production of cotton and textiles necessary to meet these standards. Figures covering this and other phases of my remarks may be found in the Official Report of the National Survey of Potential Product Capacity, prepared under the sponsorship of the New York Housing Authority and Work Division of the Emergency Relief Administration of New York City.

The findings of the survey are as follows:

Underwear: Where, for instance, 543,000,000 pieces of underwear were produced in 1929, the liberal budget for all of the American people would have required the production of 757,000,000 pieces of underwear.

Shirts: One hundred and seventy-three million shirts were produced in 1929. The liberal budget would have required the production of 363,000,000 shirts.

Work clothes: One hundred and seventy-two million pieces of work clothing were produced in 1929. The liberal budget would have required the production of 196,000,000 pieces.

Dresses and frocks: Where a total of 206,460,000 dresses and frocks were produced in 1929, a liberal budget would have called for the production of 275,500,000 of these items.

The 1929 production of the items of clothing enumerated here had a retail value of $2,444,050,000. Liberal provision for the needs of the people would have called for the production of $3,477,240,000 worth of these goods. This is, of course, only a partial list of the articles produced out of cotton, which the American people would need if an adequate clothing budget were provided. The survey in question estimated that whereas 45,793,000 acres were devoted to raising cotton in 1929, a good standard of living would have required a total of 54,633,000 acres. Instead, therefore, of reducing cotton acreage in 1935 by 28 percent, decent consideration for the needs of the American people would have dictated an increase of 19 percent.

BUSINESS BLOCKS PRODUCTION FOR NEEDS

Two years ago Relief Administrator Hopkins conceived the laudable notion that, since there were several million people in the country who had no mattresses, who were unemployed, broke, and on relief, and since the Government had approximately 5,000,000 bales of cotton left over from Farm Board days, it would be a good idea to give these unemployed people the opportunity to convert this surplus cotton into mattresses for their own use. As a result, Mr. Hopkins soon had 95 small factories in operation, manned by relief recipients engaged in making about 2,000,000 mattresses for their own needs.

These projects were no sooner well under way than a representative of the mattress manufacturers called on the director in charge of operations and protested against this Government competition with private business.

"But," explained the director, "these people are unemployed, they have no money, they are on relief, they cannot buy mattresses anyway. Why not let them use this surplus cotton for their own use, rather than permit them to sleep on rags and newspapers?"

"But," argued the mattress manufacturers' representative, "you are putting real cotton into these mattresses."

The director admitted that this was true and asked what the manufacturers were using. The manufacturer's representative explained that 95 percent of the mattresses made by the trade were made of cotton linters, a form of cotton waste.

"Is not it a good thing that we put real cotton into these mattresses?" he was asked.

To which the reply was, "No; because the way you are making these mattresses they will last for 15 or 20 years."

"Well," asked the director, "How long will the mattresses last that are made by the trade?"

The manufacturer's representative replied that they were made to last 4 or 5 years; and when asked if it was not desirable to make mattresses so that they will last 15 or 20 years, he replied:

"No; because you are destroying our market for a generation to come. These people who get these mattresses made out of real cotton will be out of the market for our mattresses for a generation to come."

I know that I am violating no confidence in recounting this conversation, because the same facts are contained in an article on the financial page of a publication which calls itself the world's greatest newspaper, the Chicago Tribune, on September 3, 1934. The article bears this headline:

TRADE BODY PROTESTS PLAN TO MAKE REST OF THE IDLE EASIER

The Illinois Manufacturers' Association has protested against manufacture of 2,000,000 mattresses by the Government in connection with relief work, in a letter sent to Gen. Hugh S. Johnson, of the N. R. A., it was announced yesterday by R. E. Wantz, president.

Mr. Wantz said the type of mattresses the Government is having made is a luxury, since it is made of staple cotton which costs three or four times as much as cotton linters used in over 95 percent of the mattresses manufactured for real commerce. He added:

"The mattresses which the Government is supplying will last at least 15 years, and in all probability will be kept in service for 25 to 30 years."

As a result of this protest the Government obligingly abandoned its plans. I understand that there are still two or three small factories making mattresses. The bulk of the unused ticking, according to a newspaper account, was turned over to the W. P. A. actors and play producers to be used as stage props.

I have recounted this attempt of the Government to do a useful piece of work merely to explain what happens whenever the Government attempts to do anything useful. If the unemployed are to be given jobs, but not at useful labor, then obviously no alternative remains but to keep them on projects that have come to be known as boondoggling, or on the straight dole, which has apparently become the program of the spokesmen of the Republican Party.

FARMERS CAN PRODUCE PLENTY

Reference has been made to the National Survey of Potential Product Capacity. The nature of this survey and its findings have been fully set forth in an able speech by Representative BYRON N. SCOTT, of California, in the House of Representatives, on July 1, 1935.

This survey was conducted by 40 or 50 engineers, statisticians, and economists over a period of approximately 8 months. It represents the most careful attempt that has ever been made to determine the actual productive capacity of American industry and agriculture.

This survey arrives at the conclusion that the farmers of the United States could within a period of 4 or 5 years expand their agricultural output along needed lines to a point where a liberal diet could be given all of the American people—a diet which is now enjoyed only by the 15 percent of the more fortunate portion of the Nation's population.

WHAT DOES THE FARMER GET?

The answer to this question can best be given by merely citing the figures of the United States Department of Agriculture on the net income of the farmers in the United States.

In 1930 the average farm income was $641.

In 1931 the average farm income was $396.

In 1932 the average farm income was $244.

In 1933 the average farm income was $437.

In 1934 the average farm income was $510, including A. A. A. payments.

In 1935 the average farm income was $630, including A. A. A. payments.

It is hardly necessary to amplify these figures. The Department of Agriculture, under a New Deal Secretary, is putting out a great deal of literature showing that income during the past 3 years is greater than it was in 1932.

This is quite obvious, and is due primarily to the A. A. A. reduction program and the widespread drought conditions of the past 2 years.

But, after giving the administration all possible credit, the fact remains that $500 a year does not give the farmer cost of production. As a matter of fact, the farmer is little better off under the New Deal than he was under the old deal. While the Federal land bank has made it possible for the average farmer to refinance his debts, it must be remembered that this program was instituted primarily for the benefit of the banks and insurance companies that held the farmers' mortgages.

It is true that New Deal agricultural policies have helped the farmer stay on his farm, but this does not mean that the farmer has begun to get anything like cost of production for his produce. The mere fact that millions of farm families today subsist on incomes of $500 a year is the strongest refutation of the myth that the economic health of the farm population has been restored.

I recently concluded a trip that took me through most of the agricultural States north of the Mason and Dixon's line. While the farmers are grateful for such help as they have received, they do not relish the idea of being paid for curtailing production, nor do they feel that the payment received has been sufficient to give them in any sense the type of living to which they feel themselves entitled. The economic status of the farmers is accurately indicated by the condition of the dwellings in which the farmers of the United States are compelled to live. A study by the Housing Division of the Federal P. W. A. estimates that 5,000,000 farm homes are—

> Of such a character as to endanger the health, the safety, and the morals and interfere with the normal life of their inhabitants.

This means that 75 percent of our farmers are living in houses unfit for human habitation. As a matter of fact, less than 10 percent of our farm homes have baths; only about 12 percent have running water; and only 15 percent have electric lights.

WHAT COST OF PRODUCTION MEANS

By "cost of production" the average farmer has in mind security of tenure on the land. He wishes to be paid enough for the agricultural products which he sells so that he will not be evicted for nonpayment of taxes or interest. There is certainly no reason why the farmer should not be paid enough so that he may maintain his status as a farmer. After all, unless we have another group of people ready to go on the farms and operate them more efficiently or to better advantage than our present farmers, it constitutes a short-sighted policy to refuse to the farmers the security of tenure to which they feel entitled.

By "cost of production" the farmer has in mind that he should be paid enough for feeding the people of the country so that he and his family can live in a modern house fully equipped with all modern conveniences. He has in mind that he should be paid enough to maintain good farm buildings and keep them in first-class condition.

The National Survey of Potential Product Capacity demonstrated that we have the materials, the transportation facilities, and the skilled labor required to construct 1,550,000 six-room dwelling units at an average cost of $6,000 per unit each year. During the past 6 years we have built only about 5 percent of this number of residential units. In other words, for every 1 house that we have built during the past 6 years we could have built 20. During the past 6 years we could have built 5,000,000 farm homes and an equal number of modern city houses for city people now living in slums or other types of improper housing.

When the farmer talks about "cost of production" he has in mind that he should be paid enough for feeding the people of the country so that he and his family can have the type of clothing considered desirable from the standpoint of appearance and comfort by people in other walks of life, such as, for instance, the type of clothing considered desirable by the professional people of San Francisco. As has been intimated, there is no reason why the farmers should not be provided with this type of clothing.

When the farmer talks about "cost of production", he has in mind that he should be paid enough for feeding the people of the country so that he and his family can have necessary medical and dental care and other professional services.

Likewise, the farmer has in mind that he should be able to give his children full opportunity for education; that he should have a good automobile; and, in short, have the time and means for a reasonable amount of leisure and recreation.

All of these things could be readily provided the farmers of the country if the machinery of production were operated at full capacity.

PRODUCTION IS SABOTAGED

For the past 6 years our machinery of production has been operated at approximately 50 percent of actual capacity.

During the past 5 years, according to figures of the American Federation of Labor, which are eminently conservative, we have had an average of 12,000,000 unemployed. In other words, we have been wasting about 24,000,000,000 man-hours a year for the past 5 years each year. Translated into finished goods, these 24,000,000,000 man-hours of labor could have built 5,000,000 modern houses, and an automobile, a refrigerator, and a radio for each of the 30,000,000 families in the United States.

In addition to this, they could have built 10 concrete highways across the continent. They could have constructed 20 Boulder Dams and a schoolhouse for every school district in the United States; and after all this there would still be a surplus of 2.4 billion man-hours a year. This has been the approximate loss each and every year during the past 5 years.

The average American farmer is becoming aware of the fact that there is no physical reason why he should not be given a high American standard of living, or, in his language, "cost of production" for feeding the American people.

For 3 days, Mr. Speaker, we have discussed ways and means whereby the farmer may be given the barest kind of a subsistence in return for his cooperation in reducing present production of agricultural products. I venture the prophecy that at some future date the grandchildren of the present membership of this House will maintain a discreet silence when other children relate how their grandparents may have been inmates of insane asylums or institutions for the feebleminded.

As I have stated, the average farmer is grateful to the New Deal for the pittance that he has received in the way of checks for reducing the production of necessary food and raw materials. This is at least better than producing for even less money, which was the solution offered by the old deal. Nevertheless, the average farmer knows that it is not a solution for the problems of the American people to produce less when more is needed.

In conclusion, I want to state that the New Deal has rendered an invaluable service in educating not only the American farmers but all the American people as to the nature of the economic problems that now confront us. When history comes to record the achievements of this administration, it is my opinion that the most important act of the New Deal will be described as the killing of 6,000,000 little pigs. I make this statement not in the spirit of criticism but because this act has dramatized so effectively the fact that we have left the old age of scarcity and entered the age of potential abundance. The fact of abundance has been made so plain that every citizen can understand it.

Twenty-four billion man-hours of labor may be a term comprehensible to the engineering mind, but not to the mind of the average citizen. The killing of 6,000,000 little pigs, however, and the plowing under of cotton, despite the reluctant cooperation of the mules, carried the lesson of potential abundance to the humblest citizen in the most inaccessible and backward part of the United States.

In conclusion, I want to state that there is only one ultimate solution for the problem of the American farmers—that is, to be paid cost of production for feeding the American people, rather than a mere subsistence for not feeding them.

EMPLOYMENT ON W. P. A. PROJECTS

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, ladies and gentlemen of the House, I am sure that every Member has been impressed with the unfairness that exists in the selection of those to be employed on W. P. A. projects. I do not mean to imply that there is any willful unfairness on the part of the administration, but it is an unfairness which grows up as an incident to the regulations. The regulations provide that only those who are on relief between May 1 and November 1, 1935, should be employed. There are many people who were able to keep themselves off the relief during these months but who were on relief previous to that and who are badly in need of assistance now. The regulation unwittingly gives a premium to those who were on relief and works to the disadvantage of those who were trying to keep off the relief.

The county commissioners of the various counties in my district are very much interested in a program that will modify these regulations and give these other deserving people a chance.

The Commissioners of Athens County, Ohio, which is a very progressive county, and whose board of commissioners are up to date, have adopted resolutions February 10, 1936, which, I think, could well serve as a model for other commissioners in the State. These resolutions ask a change in W. P. A. regulations. The following is a copy of these resolutions, which speak for themselves. I am glad to have them incorporated in the CONGRESSIONAL RECORD so that other organizations interested in this problem may add their influence to the movement to have this matter modified for the benefit of many deserving people.

The resolutions are as follows:

The Board of Athens County Commissioners met in special session with members present: Messrs. Frank Biddle, F. F. Kittle, Frank Minner.

Mr. Kittle moved the adoption of the following resolution:

"Whereas the Federal Government has appropriated and is expending money in Ohio for the relief of unemployed who were on relief between May 1 and November 1, 1935; and

"Whereas the agency chosen to do this work is called the Works Progress Administration; and

"Whereas the original allotment of money to Ohio was to provide employment for 240,000 people, and the number now employed which takes care of all eligibles is 170,000; and

"Whereas we believe that money should be available to take care of the needy and deserving unemployed who were not on relief between the dates mentioned above, and that the regulation now in effect penalizes the man who has tried to help himself and places a premium upon the person who is on relief; and

"Whereas the county commissioners' association, in convention assembled, adopted a resolution determining to ask the W. P. A. administrator in Ohio, Dr. Carl Watson, to make a change in the regulation permitting employment of those in need who are not now eligible; and

"Whereas it is estimated that the number of unemployed in Athens County who should be taken care of under this program is estimated to be 100: Now, therefore, be it

"*Resolved*, That this board of Athens County commissioners hereby agrees to unite with the County Commissioners Association in this action; and be it further

"*Resolved*, That projects will be made available to put these persons in Athens County to work; and be it further

"*Resolved*, That the clerk of this board is directed to send a copy of this resolution to Senator ROBERT J. BULKLEY and Senator VIC DONAHEY and to the Ohio congressional delegation."

Mr. Minner seconded the resolution, and the roll being called upon its adoption, the vote resulted: Mr. Kittle, "yes"; Mr. Minner, "yes"; Mr. Biddle, "yes."

Attest:

MAUDE LOURY,
Clerk, Athens County Commissioners.

NEUTRALITY LEGISLATION

Mr. SHANNON. Mr. Speaker, under privilege of extending my remarks in the RECORD on the neutrality bill I ask unanimous consent that I may be permitted to include therein excerpts from Chief Justice Jay's famous charge to a grand jury while he was presiding.

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

There was no objection.

Mr. SHANNON. Mr. Speaker, on this day Mr. MCREYNOLDS, chairman of the Foreign Affairs Committee of the House, moved to suspend the rules and pass House Joint Resolution 491, extending and amending Public Resolution No. 67, Seventy-fourth Congress—the neutrality resolution.

This was a most important piece of legislation, concerning every family and every home of this Nation. Intelligent and humane parents do not want their children thrown into another war. People will wonder what voice Congress had in this important legislation. Let me briefly tell you.

This measure was brought on the floor of the House, after semiprivate hearings before a committee, and a suspension of the rules was asked for. Now, mark you, there was a most remarkable interlinking of the House rules with this legislation to assure its passage without floor interference of any kind.

The 435 Members of the House were permitted, by the august Foreign Affairs Committee, to vote "yea" or "nay" on the resolution. By voting "yea" a Member would vote for an odious suspension of the rules, under which debate was limited to 20 minutes on the "yes" side and 20 minutes on the "no" side of the question, and amendments were barred. By voting "nay" a Member would be recorded as voting against the gesture toward peace contained in the resolution.

What a situation to confront a Member of Congress. This I call a most offensive method of making laws; and the method is doubly offensive when legislation as grave as this is involved.

A member of the Foreign Affairs Committee had this to say concerning the resolution:

The subject of neutrality is a complex and complicated subject, and the views of those who have given it serious and conscientious consideration [meaning the members of his committee] are entitled to some weight by the membership of the House.

And this Member's committee brings this "complex and complicated" matter before the House and, in its magnanimity, is willing to give the 435 Representatives of the people a total of 40 minutes in which to discuss the bill, without power of amendment. One thing can be said for the Foreign Affairs Committee—there was no neutrality on its part in gagging the House on this legislation.

I want to say that this is farcical legislative procedure. Neither the people nor Congress itself has had an opportunity to study or digest the momentous questions involved in this bill.

The same gentleman referred to this inscription on the walls of the armory in the ancient city of Venice:

Happy is that city which in time of peace thinks of war.

I have an opinion of long standing on this subject of war. The ordinary citizen has nothing to do with the entrance of his country into a war; in fact, he knows very little, if anything, about it when the declaration of war is made. If he does not raise hell before the war starts, he is effectively barred from raising his voice in protest after it starts on the pain of being thrown into jail.

The Foreign Affairs Committee was no doubt sincere in its consideration of this legislation, but my contention is that the entire membership of the House was entitled to pass on this measure; that is, to discuss it fully and openly and to offer amendments thereto. Taking into consideration the hundreds of hours that have been wasted in the House on trivial matters, one wonders why, when a matter of this consequence comes up, the Members are not permitted to have a potent voice in it.

As I see it, nothing can be done now except to leave it in the hands of the President to decide whether or not we will enter a war in the next 14 months. I am afraid that by the passage of this resolution Congress has abandoned its functions absolutely.

In view of the fact that Members of Congress are not given an opportunity to submit their views at the time legislation is acted upon, being, instead, merely called upon to accept or reject a bill in the form in which it is brought before the House under trick rules, I shall take advantage of one of the few privileges accorded to Members of Congress—the right

of extending their remarks in the RECORD—and go somewhat into the history of neutrality declarations in this country.

Commencing with the Citizen Genet case in 1793, when he came here as an emissary of the new French Republic and, among other things, ordered every French consul in the United States to endeavor to condemn such French prizes as might be brought into this country by French cruisers and to fit same out as privateers in our harbor.

It was then that President Washington issued the first neutrality proclamation that our country had known. The Republican Party—afterwards the Democratic Party—took the side of Genet against Washington, and for the first time Washington's popularity suffered a partial eclipse. But Washington stood firm in his conviction that the position of this Nation in world affairs must be one of absolute neutrality, and that it must not take any part in the political quarrels and wars of foreign countries, although he knew that the masses of America were friendly to the new French Republic because of the services rendered by France in the American Revolution.

Chief Justice John Jay, of the Federal Supreme Court, went to Richmond, Va., in May 1793 and instructed a Federal grand jury on the question of neutrality. His charge might well be designated as the great American primer on neutrality. It was a lengthy charge of approximately 5,000 words and was intended to serve as a notice to the citizens throughout the Republic of this Nation's position on the question. Some of the pertinent excerpts from Chief Justice Jay's charge follow:

Gentlemen of the grand jury:

* * * * * * *

The law of nations considers those as neutral nations "who take no part in the war, remaining friends to both parties, and not favoring the arms of one to the detriment of the other"; and it declares that a "nation, desirous safely to enjoy the conveniences of neutrality, is in all things to show an exact impartiality between the parties at war; for should he, when under no obligation, favor one to the detriment of the other, he cannot complain of being treated as an adherent and confederate of his enemy, of which no nation would be the dupe if able to resent it. * * *"

The President (Washington), therefore, has with great propriety declared "that 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."

A celebrated writer on the law of nations very justly observes that "* * * A right of so great moment, the right of judging whether a nation has a real cause of complaint, whether its case allows of using force and having recourse to arms; whether prudence admits, and whether the welfare of the state demands it; this right", he says, "can only belong to the body of the nation or to the sovereign, its representative. It is doubtless one of those without which there can be no salutary government."

* * * * * * *

It is to be remembered that every nation is, and ought to be, perfectly and absolutely sovereign within its own dominions, to the entire exclusion of all foreign power, interference, and jurisdiction * * *.

The people of the United States have exhibited too many proofs of virtue and intelligence to leave room to doubt their continuing to be so guided by their usual integrity and good sense; but in every nation individuals will always be found who, impelled by avarice or ambition, or by both, will not hesitate to gratify those passions at the expense of the blood and tears even of those who are free from blame. * * *

With this historic setting of our neutrality law it is plain what the legislative and executive duties of our Government are to the people and to other nations with reference to neutrality.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PETERSON of Georgia, for the remainder of the week, on account of death in family of a business associate.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 491. Joint resolution extending and amending the joint resolution (Pub. Res. No. 67, 74th Cong.), approved August 31, 1935.

ADJOURNMENT

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until tomorrow, Friday, February 21, 1936, at 12 o'clock noon.

COMMITTEE HEARING

PUBLIC LANDS

There will be a meeting of the Public Lands Committee on Friday, February 21, 1936, at 10:30 a. m., in room 328, House Office Building, for the further consideration of H. R. 10303, National Resources Board.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WALTER: Committee on the Judiciary. H. R. 11098. A bill to provide for terms of the United States District Court for the Middle District of Pennsylvania to be held at Wilkes-Barre, Pa.; without amendment (Rept. No. 2024). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11193) for the relief of John W. Reardon; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (S. 696) for the relief of Sylvan M. Levy; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 11275) granting a pension to Venia Moody; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McSWAIN (by request): A bill (H. R. 11321) to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

By Mr. COLMER: A bill (H. R. 11322) granting the consent of Congress to the State Highway Commission of Mississippi to construct, maintain, and operate a free highway bridge across Pearl River at or near Monticello, Miss.; to the Committee on Interstate and Foreign Commerce.

By Mr. DELANEY: A bill (H. R. 11323) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the founding of the first settlement on Long Island, N. Y.; to the Committee on Coinage, Weights, and Measures.

By Mr. KNUTE HILL: A bill (H. R. 11324) to authorize the Secretary of the Interior to investigate and adjust irrigation charges on non-Indian lands within projects on Indian reservations, and for other purposes; to the Committee on Indian Affairs.

By Mr. TONRY: A bill (H. R. 11325) to permit construction, maintenance, and use of certain pipe lines for petroleum and petroleum products in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DEMPSEY: A bill (H. R. 11326) to amend the Federal Highway Act, approved November 9, 1921, as amended and supplemented; to the Committee on Roads.

By Mr. DOCKWEILER: A bill (H. R. 11327) to exempt from taxation receipts from the operation of Olympic Games if donated to the State of California, the city of Los Angeles, and the county of Los Angeles; to the Committee on Ways and Means.

By Mr. LEE of Oklahoma: A bill (H. R. 11328) to provide for the further development of vocational education in the several States and Territories; to the Committee on Education.

By Mr. UTTERBACK: A bill (H. R. 11329) to supplement existing antitrust acts, to protect the public against combinations in restraint of trade, to prevent unnecessary and wasteful cross hauling of commodities, to restore and preserve purchasing power, and to aid in the prevention of the recurrence of economic stringency, and for other purposes; to the Committee on the Judiciary.

By Mr. GASSAWAY: A bill (H. R. 11330) to amend sections 211 and 245 of the Criminal Code; to the Committee on the Judiciary.

By Mr. BUCKLER of Minnesota: A bill (H. R. 11331) to authorize the sale and conveyance by the Department of the Interior to the State of Minnesota of the southwest quarter northwest quarter section 3, township 159 north, range 35 west, fifth principal meridian, in the State of Minnesota; to the Committee on the Public Lands.

By Mr. CALDWELL: A bill (H. R. 11332) to authorize a refund of taxes on crude petroleum under certain circumstances; to the Committee on Ways and Means.

Also, a bill (H. R. 11333) authorizing a preliminary examination and survey relating to the construction of a canal between St. Joseph's Bay and the Apalachicola-St. Andrews Bay Canal, Fla.; to the Committee on Rivers and Harbors.

By Mr. STACK: A bill (H. R. 11334) to incorporate the Military Order of the Purple Heart; to the Committee on the Judiciary.

By Mr. RANKIN: A bill (H. R. 11335) for the development and improvement of navigation, sanitation, water supply, recreation, transportation, and of electric power on the Potomac River and its tributaries; to the Committee on Rivers and Harbors.

By Mr. WOOD: A bill (H. R. 11336) to provide for the commemoration of the battle of Wilson Creek; to the Committee on Military Affairs.

By Mr. CELLER: A bill (H. R. 11337) to amend the Federal Register Act; to the Committee on the Judiciary.

By Mr. BACON: Resolution (H. Res. 421) to print the opinion of the Supreme Court of the United States involving the question of the freedom of the press as a public document; to the Committee on Printing.

By Mr. SUMNERS of Texas: Resolution (H. Res. 422) for the impeachment of Halsted L. Ritter, United States district judge for the southern district of Florida; to the Committee on the Judiciary.

By Mr. DICKSTEIN: Resolution (H. Res. 423) for the consideration of H. R. 8163; to the Committee on Rules.

By Mr. BURDICK: Joint resolution (H. J. Res. 495) defining the term "gratuity" when used in connection with offsets of the Government against Indian claims, and for other purposes; to the Committee on Indian Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Virginia, urging that Irish potatoes be included on the same basis with other agricultural commodities in any national program for the relief of agriculture; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BLOOM: A bill (H. R. 11338) for the relief of Ruth Radin; to the Committee on Immigration and Naturalization.

By Mr. BEITER: A bill (H. R. 11339) granting an increase of pension to Anna K. Hafner; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 11340) for the relief of Robert Lee Taylor; to the Committee on Military Affairs.

By Mr. BURNHAM: A bill (H. R. 11341) for the relief of Arthur L. Hecykell; to the Committee on Naval Affairs.

By Mr. COOPER of Ohio: A bill (H. R. 11342) granting an increase of pension to Harriet E. Bryan; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 11343) for the relief of Amalia G. Lujan; to the Committee on Claims.

By Mr. EAGLE: A bill (H. R. 11344) for the relief of Houston Foundry & Machine Co.; to the Committee on Claims.

By Mr. GWYNNE: A bill (H. R. 11345) granting a pension to Lydia A. Havens; to the Committee on Invalid Pensions.

By Mr. LARRABEE: A bill (H. R. 11346) for the relief of H. R. Heinicke, Inc.; to the Committee on Claims.

By Mr. LEE of Oklahoma: A bill (H. R. 11347) holding Hugh H. Monroe to have served in the military service of the United States; to the Committee on Military Affairs.

By Mr. MOTT: A bill (H. R. 11348) authorizing and directing the Secretary of the Treasury to reimburse John Brennan for the losses sustained by him by reason of the negligence of an employee of the United States Forest Service; to the Committee on Claims.

By Mrs. O'DAY: A bill (H. R. 11349) for the relief of Sol Silver; to the Committee on Immigration and Naturalization.

By Mr. STEWART: A bill (H. R. 11350) for the relief of Thomas Watson; to the Committee on Claims.

Also, a bill (H. R. 11351) granting a pension to Nettie LaTour Welcome; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 11352) granting an increase of pension to Anna J. Flick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11353) granting an increase of pension to Lydia R. DuBois; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11354) granting an increase of pension to Kate Schnetzler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11355) granting an increase of pension to Catherine Ann Page; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11356) granting an increase of pension to Sarah C. Wythe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11357) granting an increase of pension to Anna M. Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11358) granting an increase of pension to Catherine C. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11359) granting an increase of pension to Margaret C. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11360) granting an increase of pension to Martha Weiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11361) granting an increase of pension to Mary A. Pendergrast; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11362) granting an increase of pension to Carrie A. Eagin; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 11363) granting a pension to Edith Thornton; 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:

10203. By Mr. CARMICHAEL: Petition of C. M. Coleman and others of Athens, Ala.; to the Committee on the Post Office and Post Roads.

10204. By Mr. DARROW: Petition of the Philadelphia Board of Trade, opposing amendment of the fourth section of the Interstate Commerce Act, known as the long-and-short-haul clause; to the Committee on Interstate and Foreign Commerce.

10205. By Mr. HAINES: Petition signed by 51 patrons of star route 10538, Franklin County, Twenty-second Congressional District of Pennsylvania, urging enactment of legislation to extend 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.

10206. By Mr. MEAD: Petition of Harry Grossman, suggesting the Grossman equality plan for national recovery; to the Committee on Ways and Means.

10207. By Mr. MERRITT of New York: Resolution of the National Restaurant Association, in convention assembled in Chicago, October 11, 1935, voicing its objection to the continuance of Government competition with private enterprise in the operation of restaurants, and respectfully petitioning the President of the United States to take immediate steps to have such Government-operated restaurants either discontinued or thrown open to the highest bidder to operate; to the Committee on Expenditures in the Executive Departments.

10208. Also, resolution of Scarsdale Post, No. 52, Department of New York, American Legion, thoroughly endorsing the Dies bill (H. R. 5921), introduced in the Seventy-fourth Congress, designed to correct the immigration laws and preserve the United States to its law-abiding citizens, as essential to public safety; to the Committee on Immigration and Naturalization.

10209. Also, resolution of the National Guard Association of the State of New York, at Syracuse, N. Y., January 18, 1936, that the members of the National Guard Association of the State of New York recommend that the Congress of the United States be requested to enact legislation authorizing an allowance of $35 per month for quarters to each enlisted man of the United States Army detailed to duty with the National Guard as sergeant-instructor while on such duty; and that such payments and also any payments heretofore made for rental of quarters for such noncommissioned officers shall be considered as an allowance to the individual; to the Committee on Military Affairs.

10210. Also, resolution of the Congo Club, of Flushing, N. Y., expressing the belief that additional taxation at the present time is unwarranted, and recommending that the necessary revenue be derived through stringent economies in governmental bureaus and governmental expenditures; to the Committee on Ways and Means.

10211. By Mr. MOTT: Petition signed by Celia A. Warner and 28 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.

10212. By Mr. PATTERSON: Petition of L. E. Bush and 56 other citizens of Montgomery County, Kans., favoring the passage of the Guyer bill (H. R. 8739) for liquor control in the District of Columbia; to the Committee on the District of Columbia.

10213. By Mr. PFEIFER: Petition of William Loughlin Co., Brooklyn, N. Y., opposing a tax on perilla oil as a linseed substitute; to the Committee on Ways and Means.

10214. Also, petition of the Downtown Owners' Committee, New York City, concerning airplane landing field at Governors Island; to the Committee on Interstate and Foreign Commerce.

10215. Also, petition of Congo Varnish Works, Brooklyn, N. Y., opposing the placing of a tax on perilla oil as a linseed substitute; to the Committee on Ways and Means.

10216. Also, petition of Hilo Varnish Corporation, Brooklyn, N. Y., urging support of House bill 10501, providing for a 2-year extension of the National Housing Act; to the Committee on Appropriations.

10217. Also, petition of the National Retail Lumber Dealers Association, Washington, D. C., urging the extension of title I of the National Housing Act (H. R. 10501); to the Committee on Banking and Currency.

10218. By Mr. STEFAN: Petition of 43 citizens of Spencer, Nebr., asking the Congress to enact legislation at this session to 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.

10219. By the SPEAKER: Petition of the United Aircraft Corporation; to the Committee on Rules.

10220. Also, petition of the city of Cleveland, Ohio; to the Committee on Appropriations.

HOUSE OF REPRESENTATIVES

FRIDAY, FEBRUARY 21, 1936

The House met at 12 o'clock meridian.

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

Grant, O Lord, our God, that each Member of the Congress may have some token of Thy thought of him and feel the presence of Thy blessing. Bring near to us some sense of Thy care and of Thy ministry to our needs. O give us inspiration that shall guide and incite us to go forward and follow on to know the Lord. We thank Thee that Thou art the universal Father and with Thee there is neither Jew nor Gentile, bond or free, but all are Thy children in the folds of the Father's heart. Convert us, dear Lord, to humility, to self-sacrifice, to unfailing kindness, and to the love that casts out fear as well as wrath. Grant that our strength and knowledge may be enlisted in behalf of weakness and ignorance. We pray for all churches and all those instruments throughout our land seeking to destroy barbarism and to turn back the streams of crime and vice which so sorely afflict our country. In the name of our Lord. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 1381. An act to amend Public Law No. 249, Seventy-first Congress, entitled "An act to authorize the Secretary of the Navy to dispose of material no longer needed by the Navy";

H. R. 1415. An act to provide for the establishment of the Richmond National Battlefield Park, in the State of Virginia, and for other purposes;

H. R. 1470. An act for the relief of Carl A. Butler.

H. R. 1867. An act for the relief of Orville E. Clark;

H. R. 2110. An act for the relief of W. A. Harriman;

H. R. 2156. An act for the relief of Cecelia Callahan.

H. R. 2157. An act for the relief of Howard Donovan;

H. R. 2165. An act for the relief of Charles A. Gettys;

H. R. 2527. An act for the relief of Mrs. Amber Walker;

H. R. 2923. An act for the relief of Misner Jane Humphrey;

H. R. 3557. An act for the relief of Helena C. VonGroning and Stephan VonGroning;

H. R. 3565. An act to authorize the Secretary of War to effect exchange of certain rights-of-way in Hawaii;

H. R. 3864. An act for the relief of Gladys Robbins;

H. R. 4047. An act granting 6 months' pay to James Zanetti;

H. R. 4084. An act for the relief of Charles D. Jeronimus;

H. R. 4171. An act for the relief of Look Hoon and Lau Hoon Leong;

H. R. 4210. An act for the relief of Anthony Nowakowski;

H. R. 4292. An act to authorize the Secretary of War to grant rights-of-way to the Arlington & Fairfax Railway Co. across the Fort Myer Reservation, Va.;

H. R. 4777. An act to provide for the advancement on the retired list of the Army of Vincent P. Rousseau;

H. R. 4925. An act to authorize and direct the Comptroller General to settle and allow the claim of George P. Money for fees for services rendered;

H. R. 5181. An act for the relief of the Progressive Commercial Co. of Philadelphia, Pa.;

H. R. 5474. An act for the relief of Lt. M. T. Grubham;

H. R. 5525. An act for the relief of George Current;

H. R. 5747. An act for the relief of Gordon McGee;

H. R. 5876. An act for the relief of Elmer H. Ackerson;

H. R. 5916. An act to authorize the conveyance by the United States to the State of Michigan of the former United States lighthouse supply depot, St. Joseph, Mich., for State naval force purposes;