

By Mr. ELLENBOGEN: A bill (H. R. 11754) granting a pension to Henrietta F. Lowry; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 11755) granting an increase of pension to Mary E. Frank; to the Committee on Invalid Pensions.

By Mr. JENKINS of Ohio: A bill (H. R. 11756) granting a pension to Ted Spires; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 11757) granting an increase of pension to Bella J. Roberts; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 11758) for the relief of D. L. Mason; to the Committee on Claims.

Also, a bill (H. R. 11759) for the relief of Arnold Blanton; to the Committee on Claims.

Also, a bill (H. R. 11760) for the relief of Mat Hensley; to the Committee on Claims.

Also, a bill (H. R. 11761) for the relief of Clyde Thorpe; to the Committee on Claims.

Also, a bill (H. R. 11762) for the relief of Lillie Price; to the Committee on Claims.

By Mr. TARVER: A bill (H. R. 11763) for the relief of E. W. Garrison; to the Committee on Claims.

By Mr. THOMAS: A bill (H. R. 11764) granting an increase of pension to Mary B. Kaiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11765) granting an increase of pension to Carrie B. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11766) granting an increase of pension to Catherine Berrigan; 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:

10498. By Mr. CULKIN: One hundred and fourteen petitions from Woman's Christian Temperance Union from various States bearing 5,152 signatures favoring antiblock-booking legislation; to the Committee on Interstate and Foreign Commerce.

10499. Also, petition of 14 residents of Copenhagen, Lewis County, N. Y., urging passage of House bill 8739; to the Committee on the District of Columbia.

10500. Also, petition of the board of trustees of the village of Pulaski, N. Y., opposing Senate bill 3958 and Senate bill 3959; to the Committee on Interstate and Foreign Commerce.

10501. By Mr. JOHNSON of Texas: Petition of agricultural committee, Bryan and Brazos County Chamber of Commerce, and George G. Chance, J. Webb Howell, Percy Terrell, John D. Rogers, John D. Quinn, W. S. Barron, Travis B. Bryan, S. J. Emory, Clarence Moore, Mrs. Lee J. Rountree, F. L. Henderson, and W. C. Davis, all of Bryan, Tex., favoring House Joint Resolution 508, providing for full payment of all excess cotton tax exemption certificates; to the Committee on Agriculture.

10502. By Mr. LAMBERTSON: Petition of H. C. Feller and seven other citizens, all of Leavenworth, Kans., favoring passage of House bill 3263; to the Committee on Interstate and Foreign Commerce.

10503. Also, petition of Pascal Lewis and 16 other citizens, all of Topeka, Kans., favoring passage of House bill 3263; to the Committee on Interstate and Foreign Commerce.

10504. Also, petition of Mrs. L. A. Spencer and 23 other citizens, all of Sabetha, Kans., favoring passage of House bill 8739; to the Committee on the Judiciary.

10505. By Mr. McMILLAN: Petition of patrons of star-route service from Moncks Corner, S. C., requesting increase in 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.

10506. By Mr. O'MALLEY: Petition of the Michigan Park Citizens Association of the District of Columbia, setting forth need for public-school facilities in that area; to the Committee on the District of Columbia.

10507. By Mr. SISSON: Petition urging passage of House bill 8739, a bill pertaining to the prohibition of sale of alco-

holic beverages in the District of Columbia; to the Committee on the District of Columbia.

10508. By Mr. THOMAS: Petitions of citizens of Troy, N. Y., asking passage of House bill 8739, known as the Guyer bill, to restore the District of Columbia to its former prohibition status; to the Committee on the District of Columbia.

10509. By the SPEAKER: Petition of the Oregon State Bar; to the Committee on the Library.

10510. Also, petition of the city of Portland, Oreg.; to the Committee on Rivers and Harbors.

10511. Also, petition of the Association of American State Geologists; to the Committee on Merchant Marine and Fisheries.

SENATE

THURSDAY, MARCH 12, 1936

(Legislative day of Monday, Feb. 24, 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 Wednesday, March 11, 1936, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. LEWIS. I announce the absence of the Senator from Alabama [Mr. BANKHEAD] because of illness, and I further announce that the Senator from New Hampshire [Mr. BROWN], the Senator from Nevada [Mr. McCARRAN], the Senator from Indiana [Mr. VAN NUYS], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GERRY], the Senator from Nevada [Mr. PITTMAN], the Senator from Utah [Mr. THOMAS], and the Senator from Missouri [Mr. TRUMAN] are necessarily detained from the Senate.

Mr. TOWNSEND. I announce that my colleague the senior Senator from Delaware [Mr. HASTINGS] is necessarily absent.

Mr. AUSTIN. I announce that the Senator from New Jersey [Mr. BARBOUR] and the Senator from Iowa [Mr. DICKINSON] are necessarily detained from the Senate.

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

INVESTIGATION OF CAMPAIGN EXPENDITURES IN 1936

Mr. BYRNES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with an amendment to the amendment reported by the Committee on Privileges and Elections, Senate Resolution 225. I ask unanimous consent for the consideration of the resolution at this time.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 225) submitted by Mr. ROBINSON on January 30, 1936, referred to the Com-

mittee on Privileges and Elections, and on February 6 reported from that committee with an amendment, on page 3, line 18, after the word "aggregate", to insert "\$100,000", and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That a special committee consisting of five Senators, to be appointed by the Vice President, is hereby authorized and directed to investigate the campaign expenditures of the various Presidential candidates, Vice-Presidential candidates, and candidates for the United States Senate, in both parties, the names of the persons, firms, or corporations subscribing the amount contributed, the method of expenditure of said sums, and all facts in relation thereto, not only as to the subscriptions of money and expenditures thereof but as to the use of any other means or influence, including the promise or use of patronage, and all other facts in relation thereto which would not only be of public interest but which would aid the Senate in enacting any remedial legislation or in deciding any contests which might be instituted involving the right to a seat in the United States Senate.

No Senator shall be appointed upon said committee from a State in which a Senator is to be elected at the general election in 1936.

The investigation hereby provided for, in all the respects above enumerated, shall apply to candidates and to contests before primaries, conventions, and the contests and campaign terminating in the general election in 1936.

Said committee is hereby authorized to act upon its own initiative and upon such information as in its judgment may be reasonable or reliable. Upon complaint being made before said committee, under oath, by any person, persons, candidate, or political committee, setting forth allegations as to facts which, under this resolution it would be the duty of said committee to investigate, the said committee shall investigate such charges as fully as though it were acting upon its own motion, unless, after a hearing upon such complaint, the committee shall find that the allegations in said complaint are immaterial or untrue.

Said committee is hereby authorized, in the performance of its duties, to sit at such times and places, either in the District of Columbia or elsewhere, as it deems necessary or proper. It is specifically authorized to require the attendance of witnesses by sub-pena or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, clerical and other assistants; and to employ stenographers at a cost not exceeding 25 cents per 100 words.

Said committee is hereby specifically authorized to act through any subcommittee authorized to be appointed by said committee. The chairman of said committee or any member of any subcommittee may administer oaths to witnesses and sign subpens for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee or who appears and refuses to answer questions pertinent to said investigation shall be punished as prescribed by law.

The expenses of said investigation, not exceeding in the aggregate \$100,000, shall be paid from the contingent fund of the Senate on vouchers signed by the chairman of the committee or the chairman of any subcommittee.

All hearings before said committee shall be public, and all orders or decisions of the committee shall be public.

The committee shall make a full report to the Senate on the first day of the next session of the Congress.

Mr. McNARY. My attention was diverted for a moment. I ask, What is the purpose of the resolution?

Mr. BYRNES. Mr. President, I will say to the Senator that it is similar to resolutions which have been adopted in preceding Congresses providing for an investigation of campaign expenditures. The resolution has been reported unanimously by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. McNARY. Is the sum made available by the resolution similar to sums provided by former resolutions on the same subject?

Mr. BYRNES. The amount proposed by the resolution as reported by the Committee on Privileges and Elections was \$100,000, but the Committee to Audit and Control the Contingent Expenses of the Senate reduced it to \$30,000, which is the amount provided in former resolutions of a similar character.

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

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate to the amendment reported by the Committee on Privileges and Elections was, on page 3, line 18, after the word "aggregate", to strike out "\$100,000" and insert in lieu thereof "\$30,000."

The amendment to the amendment was agreed to.

The resolution as amended was agreed to.

Mr. McNARY subsequently said: Earlier in the day the Senator from South Carolina [Mr. BYRNES] offered for the Senate's consideration Senate Resolution 225. Upon reflec-

tion I recall that the Senator from Delaware [Mr. HASTINGS], who is necessarily absent, desired to propose an amendment to that resolution. For that reason I at this time wish to enter a motion to reconsider the vote by which the resolution was adopted.

The PRESIDING OFFICER. The motion to reconsider will be entered.

NON-INDIAN CLAIMANTS OF INDIAN LANDS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a supplemental report relative to non-Indian claimants who were found by the Pueblo Lands Board to have occupied and claimed land in good faith but whose claims were not sustained and whose occupation was terminated under the act of June 7, 1924, which, with the accompanying papers, was referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS

Mr. WALSH presented a petition of the National Fire Protection Association, of Boston, Mass., praying for an increase in the appropriation to develop additional methods for farm fire prevention of existing research studies on spontaneous heating and ignition of agricultural products, which was referred to the Committee on Appropriations.

He also presented a petition of the division of conservation of natural resources of the Massachusetts State Federation of Women's Clubs, praying for adequate appropriations for the control of the dutch elm disease, which was referred to the Committee on Appropriations.

He also presented a memorial of the Massachusetts Forest and Park Association, of Boston, Mass., remonstrating against the construction of a tunnel in Rocky Mountain National Park for irrigation purposes, which was referred to the Committee on Appropriations.

He also presented a memorial of the Women's Trade Union League, of Worcester, Mass., remonstrating against an increase in the appropriation for the National Guard, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by the Great Council of Massachusetts, Degree of Pocahontas of the Improved Order of Red Men of Massachusetts, favoring the enactment of legislation providing for a bureau of alien deportation in the Department of Justice, which was referred to the Committee on the Judiciary.

He also presented a memorial of Past Councilors Association of Massachusetts, Junior Order United American Mechanics, of Haverhill, Mass., remonstrating against the enactment of legislation relating to the deportation of aliens, which was referred to the Committee on Immigration.

He also presented a petition of Elizabeth L. McNamara Auxiliary, No. 23, United Spanish War Veterans, of Malden, Mass., praying for the enactment of Senate bill 3545, to provide travel pay to enlisted men who were held in the Philippines beyond their terms of enlistment in the War with Spain, which was referred to the Committee on Claims.

He also presented a petition of the Massachusetts Society for the Prevention of Cruelty to Children, of Boston, Mass., praying for the enactment of legislation to prohibit certain practices of the motion-picture industry in relation to block booking and blind selling, which was referred to the Committee on Interstate Commerce.

He also presented a petition of members of First Division Chapter, National Council of Officials of the Railway Mail Service, of Boston, Mass., praying for the enactment of House bill 10267, to adjust salaries of supervisory officials of the Railway Mail Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Stockbridge Grange, No. 295, Patrons of Husbandry, of Stockbridge, Mass., remonstrating against the enactment of Senate bill 1632, to regulate commerce by water carriers, which was ordered to lie on the table.

FAIR TRADE BILL—PETITION

Mr. WALSH. I present a petition signed by John Viegas, secretary, New Bedford Retail Grocers and Provisions Deal-

ers Association, New Bedford, Mass., and over 700 other food dealers of southeastern Massachusetts, urging the enactment by the Congress of the so-called Robinson-Patman fair-trade bill, and ask that it lie on the table.

There being no objection, the petition was received and ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, to which was referred the bill (H. R. 3254) to exempt certain small firearms from the provisions of the National Firearms Act, reported it without amendment and submitted a report (No. 1682) thereon.

Mr. COPELAND, from the Committee on Appropriations, to which was referred the bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes, reported it with amendments and submitted a report (No. 1683) thereon.

Mr. WALSH, from the Committee on Finance, to which was referred the bill (H. R. 11365) relating to the filing of copies of income returns, and for other purposes, reported it without amendment and submitted a report (No. 1684) thereon.

Mr. MURRAY, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1871) granting certain public lands to the State of Montana for the use and benefit of the Northern Montana Agricultural and Manual Training School, reported it with an amendment and submitted a report (No. 1685) thereon.

BILLS INTRODUCED

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

By Mr. LA FOLLETTE:

A bill (S. 4254) for the relief of Anna O'Brien and William O'Brien; and

A bill (S. 4255) for the relief of Adolph Micek, a minor; to the Committee on Claims.

By Mr. BACHMAN:

A bill (S. 4256) granting a pension to Henry Watson; to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 4257) to provide that individual income-tax returns may be made under oath or accompanied by a written declaration that they are made under the penalties of perjury; to the Committee on Finance.

By Mr. TYDINGS:

A bill (S. 4258) for the relief of the leader of the Naval Academy Band; to the Committee on Naval Affairs.

By Mr. DUFFY:

A bill (S. 4259) to provide for the establishment of a Coast Guard station at Marinette, Wis.; to the Committee on Commerce.

By Mr. NEELY:

A bill (S. 4260) making Nancy J. Litman eligible to receive the benefits of the Civil Service Retirement Act; and

A bill (S. 4261) for the relief of Charles Tabit; to the Committee on Claims.

By Mr. BONE:

A bill (S. 4262) granting a pension to Harriett Ware; to the Committee on Pensions.

A bill (S. 4263) for the relief of the estate of Ezra Fislerman; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 4264) for the relief of Earl J. Thomas; to the Committee on Commerce.

A bill (S. 4265) to authorize the Secretary of War to set apart as a national cemetery certain lands of the United States Military Reservation of Fort Bliss, Tex.; to the Committee on Military Affairs.

By Mr. TRAMMELL:

A bill (S. 4266) to amend the Social Security Act to provide for aid to transients; to the Committee on Finance.

By Mr. SHIPSTEAD:

A bill (S. 4267) to increase the processing tax on certain oils, to impose a tax upon imported soybean oil, and for other purposes; to the Committee on Finance.

A bill (S. 4268) to establish additional national cemeteries; to the Committee on Military Affairs.

By Mr. NORBECK:

A bill (S. 4269) to authorize the reexamination of the claims of individual Sioux Indians heretofore filed under the act of May 3, 1928, and report to Congress thereon; and

A bill (S. 4270) to authorize the investigation by the Secretary of the Interior of the loss of Indian allotments in certain cases and for a report thereon; to the Committee on Indian Affairs.

CHANGE OF REFERENCE

On motion of Mr. POPE, the Committee on Commerce was discharged from the further consideration of the joint resolution (S. J. Res. 227) to authorize the completion of work contemplated by Executive Order No. 7075, and it was referred to the Committee on Interstate Commerce.

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL

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

On page 3, line 10, to strike out "\$303,960" and insert "\$323,960." On page 69, line 12, after the word "navigation", to insert "and to include waterway improvements investigated by the War Department under specific authorization from Congress and subsequently undertaken pursuant to the Emergency Relief Appropriation Act of 1935."

On page 68, line 20, to strike out "\$138,677,899" and insert "\$158,677,899."

BUREAU OF NAVIGATION AND STEAMBOAT INSPECTION—AMENDMENT

Mr. GIBSON submitted an amendment intended to be proposed by him to 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, which was ordered to lie on the table and to be printed.

ADDITIONAL CLERK UNDER SERGEANT AT ARMS

Mr. McNARY submitted the following resolution (S. Res. 249), which was ordered to lie on the table:

Resolved, That the Committee on Appropriations, or any subcommittee thereof having charge of the preparation of the bill making appropriations for the legislative establishment for the fiscal year ending June 30, 1937, is hereby directed to increase the number of clerks at \$1,800 under the supervision of the Sergeant at Arms and Doorkeeper by one.

INVESTIGATION OF COST OF CERTAIN PELTS

Mr. POPE submitted the following resolution (S. Res. 250), which was referred to the Committee on Finance:

Resolved, That the United States Tariff Commission is directed, under the authority conferred by section 336 of the Tariff Act of 1930, and for the purposes of that section, to investigate the differences in cost of production of the following domestic articles and of any like or similar foreign articles: Dressed or dyed Persian lamb pelts, Russian pony pelts, squirrel pelts, and mole pelts.

HEARINGS BEFORE COMMITTEE ON BANKING AND CURRENCY

Mr. FLETCHER submitted the following resolution (S. Res. 251), which was referred to the Committee on Banking and Currency:

Resolved, That the Committee on Banking and Currency, or any subcommittee thereof, hereby is authorized to sit during the sessions, recesses, and adjourned periods of the Seventy-fifth Congress at such times and places as it deems advisable, to make investigations into all matters within its jurisdiction, and to compile and prepare statistics and documents relating thereto as directed from time to time by the Senate and as may be necessary, and to report in due course to the Senate the result thereof, to send for persons, books, and papers, to administer oaths, and to employ such expert stenographic, clerical, and other assistance as may be necessary; and all the expenses incurred in pursuance hereof shall be paid from the contingent fund of the Senate; and the committee is authorized to order such printing and binding as may be necessary for its use.

SALARIES AND POSITIONS UNDER SECRETARY OF SENATE

Mr. LEWIS submitted the following resolution (S. Res. 252), which was ordered to lie on the table:

Resolved, That the Committee on Appropriations, or any subcommittee thereof having charge of the preparation of the bill making appropriations for the legislative establishment for the

fiscal year ending June 30, 1937, is hereby directed to make the following changes in salaries and positions under the supervision of the Secretary of the Senate, to wit:

Assistant financial clerk: Strike out "assistant financial clerk, \$4,200" and insert "assistant financial clerk, \$4,500";

Executive and assistant Journal clerks: Strike out "executive clerk and assistant Journal clerk, at \$3,180 each" and insert "executive clerk, \$3,180; assistant Journal clerk, \$3,360";

Library and stationery assistants: Strike out "assistant librarian and assistant keeper of stationery, at \$2,400 each";

Clerks: Insert "one at \$3,180";

Strike out "two at \$2,640 each" and insert "one at \$2,640";

Strike out "one at \$2,400" and insert "five at \$2,400 each";

Strike out "four at \$2,040" and insert "two at \$2,040 each";

Strike out "two at \$1,740 each" and insert "four at \$1,740 each";

Insert "two at \$1,860 each";

Strike out "two assistants in the library at \$1,740 each";

Laborers: Strike out "one in Secretary's office, \$1,680" and insert "two in Secretary's office at \$1,680 each";

Document room: Strike out "first assistant, \$3,360" and insert "first assistant, \$2,640";

Strike out "second assistant, \$2,400" and insert "second assistant, \$2,040";

Strike out "four assistants, at \$1,860 each" and insert "three assistants, at \$2,040 each."

SALARIES AND POSITIONS UNDER SERGEANT AT ARMS OF SENATE

Mr. LEWIS submitted the following resolution (S. Res. 253), which was ordered to lie on the table:

Resolved, That the Committee on Appropriations, or any subcommittee thereof having charge of the preparation of the bill making appropriations for the legislative establishment for the fiscal year ending June 30, 1937, is hereby directed to make the following changes in salaries and positions under supervision of the Sergeant at Arms and Doorkeeper, to wit:

Deputy Sergeant at Arms and storekeeper: Strike out "\$4,440" and insert "\$5,400";

Clerks: Strike out "one at \$2,640" and insert "one at \$3,180"; strike out "one at \$2,100" and insert "two at \$2,100 each"; strike out "three at \$1,800 each" and insert "four at \$1,800 each";

Janitor: Strike out "\$2,040" and insert "\$2,700";

Laborers: Strike out "three at \$1,320 each" and insert "two at \$1,320 each";

Skilled laborers: Strike out "five at \$1,680 each" and insert "six at \$1,680 each";

Messengers: Strike out "one at card door, \$2,400 and \$240 additional so long as the position is held by the present incumbent" and insert "one at card door, \$2,400 and \$600 additional so long as the position is held by the present incumbent";

Folding room: Strike out "assistant, \$2,160" and insert "assistant, \$2,400";

Telephone operators: Strike out "13 at \$1,560 each" and insert "14 at \$1,560 each";

Capitol Police: Strike out "captain, \$2,460" and insert "captain, \$3,000."

INVESTIGATION OF LOBBYING ACTIVITIES—INCREASE IN EXPENDITURES

Mr. BLACK, from the Special Committee to Investigate Lobbying Activities, reported the following resolution (S. Res. 254), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution 165 of the Seventy-fourth Congress, first session, providing for an investigation of lobbying activities in connection with the so-called holding-company bill (S. 2796), agreed to July 11, 1935, is further amended by substituting the figures "\$75,000" for the figures "\$50,000", in line 12, page 2, of the resolution.

Mr. BLACK. I desire to state that this resolution is reported by direction of the entire committee appointed under Senate Resolution 165.

BOY SCOUTS JAMBOREE—POSTPONEMENT OF BILL

Mr. COPELAND. Mr. President, on February 20, 1936, the Senate passed 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, and subsequently the House passed an identical bill, which was sent to the Senate, and passed. A motion was entered to reconsider the vote by which the Senate bill was passed, and the House was requested to return the bill to the Senate. The bill has been received, and I now ask unanimous consent that the vote

by which the Senate bill was passed may be reconsidered, and that the bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, is so ordered.

CURRENCY EXPANSION—THOMAS-CAROTHERS DEBATE

Mr. FRAZIER. Mr. President, on March 8, 1936, there occurred a radio joint debate under the auspices of the National Economy League, the question discussed being "Is an expansion of the currency necessary and sound?" The affirmative was upheld by the senior Senator from Oklahoma [Mr. THOMAS], the negative position being taken by Dr. Neil Carothers, of Lehigh University. I ask unanimous consent that the two addresses may be printed in the RECORD.

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

THOMAS-CAROTHERS DEBATE ON CURRENCY EXPANSION

(A radio joint debate under the auspices of the National Economy League, from New York City, on Mar. 8, 1936)

The question discussed was: Is an expansion of the currency necessary and sound?

The affirmative was upheld by Hon. ELMER THOMAS, United States Senator from Oklahoma, and the negative position was taken by Dr. Neil Carothers, of Lehigh University.

For the affirmative, Senator THOMAS spoke as follows:

"This discussion will be in the nature of a debate. Dr. Neil Carothers, of Lehigh University, will join me on this program.

"The following question has been submitted for our answers: Is an expansion of the currency necessary and sound?

"Before attempting to answer the question I must define the issue. The interrogatory presents two questions:

"First. Is an expansion of the currency necessary?

"Second. Would an expansion of the currency be sound?

"The first question: Is an expansion of the currency necessary?

"By an expansion of the currency I do not mean inflation. Inflation means the unwarranted, unjustifiable, and excessive issuance of irredeemable paper currency.

"I do not now and have never favored such a financial policy.

"Knowing the history of nations and the effect of the fluctuation of the value of monetary units upon civilization, I have heretofore and do now condemn inflation as an inhuman crime against the people. However, inflation is no more harmful than deflation. Deflation is the direct opposite of inflation and means the contraction of the amount of currency in circulation.

"By currency I mean gold coin, silver coin, or paper money. By currency I do not mean bank credit. Currency is money. Bank credit is only a substitute for money. While bank credit serves as a medium of exchange and may be converted into money, bank credit is not money. Currency as herein defined measures prices. Bank credit or substitute money does not measure prices.

"The number of currency dollars in circulation, in the main, controls the value of the dollar. An increase in the number of currency dollars in circulation means increasing the supply of price-measuring money units.

"When dollars are plentiful, dollars are cheap; and when dollars are cheap, prices are high. On the other hand, when dollars are scarce, dollars are high; and when dollars are high, prices are cheap.

"The value of money depends upon the number of dollars in circulation.

"If there be those who disagree with the economic principles just stated, then I must leave them to answer, not me but the master financial minds of the thousands of years of recorded history.

"In 1920 money was plentiful—in fact, so plentiful that prices were the highest in decades.

"In 1921 and 1922 prices were lowered by reducing the amount of money in circulation.

"In 1932 money was scarce—so scarce and so valuable that prices were the lowest in generations.

"In 1933 the administration at Washington proceeded to raise prices by lowering the value of the dollar. The value of the dollar in foreign exchange was lowered by reducing the gold content of such dollar. The value of the domestic dollar was and is being reduced through a planned and orderly increase of Federal Reserve notes and a wider use of silver.

"The contraction of the currency just after the World War reduced prices. The expansion of the currency now is increasing prices.

"By expansion of the currency I mean a planned, orderly, and controlled increase in the number of currency dollars in circulation.

"It might be asked: How can we expand the currency in an absolutely safe and orderly manner?

"Under existing law the Federal Reserve System may expand the currency at will through the policy of open-market operations. Under this policy the Federal Reserve banks may enter the open market and purchase bonds and pay for such bonds with Federal Reserve notes. This policy places new money in circulation and thereby directly expands the currency.

"The present expansion of the currency through the issuance of silver certificates presents no problem of currency control. We issue such certificates against newly mined or purchased silver and

the amount of new money placed in circulation is limited and controlled by the amount of silver acquired.

"If money should become too plentiful and prices should rise too high, the Federal Reserve System now holds billions of bonds which could be sold, and thereby any amount of currency may be removed at will from circulation.

"Again I say, currency dollars and not bank credit control the value or buying power of the dollar. The expansion of bank credit will not accomplish the end we seek to attain.

"All must admit that the issuance and placing in circulation of new dollars—be such dollars gold, silver, or paper—will expand the currency, make money more plentiful and thereby cheaper, and the result will be higher prices.

"We had a higher general price level in view when I introduced the monetary adjustment amendment in 1933. The amendment worked. Higher prices are the result of the operation of the law.

"Prices for raw materials and basic American products, while higher than 3 years ago, still are too low to enable producers to pay costs of production and have left a reasonable margin of profit. Until legitimate business shows a reasonable profit, governmental budgets will not be balanced; public borrowing must continue; banks dare not expand their credit; industry must continue to seek Federal loans; and the unemployed must continue to be supported by the Government.

"I contend that an expansion of the currency is absolutely necessary in order to bring about the following imperative accomplishments:

"First. The general price level must be raised sufficiently to permit producers, wage earners, and industry to survive and make reasonable profits.

"Second. Business must be stimulated and profits must be increased in order to make possible the collection of sufficient taxes to balance the Budget.

"Third. The price level must be raised in order to make it possible for banks to renew the policy of making commercial loans.

"Fourth. The price level must be raised prior to any substantial reduction in public relief spending and most certainly before we can stop such spending altogether.

"Fifth. The price level must be raised slightly more before we can possibly have a return of general and permanent prosperity.

"If there be those who disagree with our demand for a slightly higher general price level, then I would call attention to the following facts:

"Today our total tax burden is some \$10,000,000,000 per year. Our total massed interest burden is another \$10,000,000,000 annually; and our total massed debt burden, public and private, is estimated to be \$250,000,000,000. As taxes, interest, and debts increase, the amount of money available to the people must likewise be increased. As taxes, interest, and debts go up, the value of the dollar must come down.

"Those who refuse to recognize and acknowledge the obvious validity of these principles of economics are courting defaults, repudiation, bankruptcy, and disaster.

"Before passing to the second part of the question—Would an expansion of the currency be sound?—permit me to suggest that, as a member of the policy-making branch of our Government, I must consider the money question, not from a theoretical standpoint, not from the viewpoint of any one group or class of our citizens, but from the standpoint of the broad general public interest. However, if I represented a constituency composed of the ultra rich, a constituency owning and operating banks, trust and insurance companies, I would not change my position on the money question in a single particular.

"In order for the holders of bonds, notes, and fixed investments to collect interest and eventually the principal, the debtors must be able to pay. For debtors to pay they must be able to earn profits, and to secure profits the price level at all times must be regulated, adjusted, and maintained in harmonious relationship with the tax, interest, and debt burdens resting upon the people.

"In addition to holding that planned and controlled expansion of the currency is necessary, I contend that such an expansion would be thoroughly sound.

"Let me call attention to the following facts:

"On last Thursday, March 5, we had a total monetary gold stock of \$10,167,000,000. On the same date we had a total monetary silver stock in the sum of approximately \$1,500,000,000.

"On that date our metallic monetary stocks of gold and silver totaled some \$11,667,000,000.

"Our monetary gold stocks amount to almost one-half the monetary gold of the world. Our monetary silver stocks amount to almost one-fifth of all the monetary silver known to exist in the world.

"Against this vast hoard of gold and silver we have in circulation of all kinds of money the total sum of \$5,848,000,000. Tonight we have gold and silver in our Treasury in the sum of almost \$6,000,000,000, which is used neither as money nor as the basis for the issuance of new currency. Our monetary metallic base is sufficient to permit of the issuance of some \$6,000,000,000 of new currency, and each such new dollar would be backed by 100 cents of gold and silver.

"I contend that from the standpoint of financial soundness there would be no obstacle to the issuance of so much new money; however, I have not and do not now advocate the issuance of that much new currency.

"From the beginning of the depression I have demanded, consistently, the restoration of the 1926 general price level. In 1926

business was good; wage earners were employed and the country was prosperous. In that year the dollar was valued, in terms of purchasing power and as measured by the Bureau of Labor Statistics, at 100 cents.

"It is to the value of the 'Coolidge dollar' of 1926 that I wish to have our Government return.

"I am frequently asked as to the amount of new money necessary to be placed in circulation to restore the 1926 price level. No one could answer such a question accurately, and any answer would be only a guess.

"In 1921 and 1922 some \$1,500,000,000 of real money were taken out of circulation and the result was a fall of 50 percent in prices. At this time I do not think it would require so large a sum to accomplish the purpose we have in mind—the restoration of the Coolidge era of prosperity price level.

"In conclusion, using the gold and silver in our Treasury as the basis, those who seek to refute the economic principles controlling the value of money as outlined tonight must argue with the history of nations.

"If it is contended that the expansion of the currency will not raise prices, then why oppose the policy?

"If it is contended that prices can be raised by an expansion of bank credit, then, in 1930, when bank credit was inflated to the highest point in history, why did we not have correspondingly higher prices?

"If it is contended that the general price level is now high enough, then why are budgets unbalanced; why are banks not making loans, and why do we have millions unemployed and other millions on public relief?

"We have tried every form of relief save following through with the monetary-adjustment program. Insofar as we have gone satisfactory results have been secured. Only a short section of the road remains to be traveled.

"The money question is primarily a domestic problem; however, national and international stabilization of currencies must precede permanent world-wide prosperity and economic stability. But before we are ready to consider permanent international stabilization of the dollar in foreign exchange we must regulate and adjust the value of such dollar so as to serve best our own domestic economy.

"Our foreign-exchange dollar with its present gold content is perhaps approximately correctly valued.

"Our domestic dollar—being neither tied to nor redeemable in gold—is more valuable than our foreign-exchange dollar, and it is the excess value in the domestic dollar over the foreign-exchange dollar that we demand should be eliminated.

"Our policy of maintaining a dual-valued dollar is responsible for the enormous influx of gold coming to America. This gold depletes the basis for the stability of the currency of our 'good neighbors' and has forced our Government to build a prison in Kentucky for its protection.

"In order to reduce the value of the domestic dollar to a value comparable to the value of the foreign-exchange dollar; in order to balance the Budget; in order to make it possible for banks to resume the making of commercial loans; in order to reduce unemployment, and in order to check and eventually remove the necessity for public-relief spending, I contend that a slight additional expansion of the currency is necessary and that such expansion will be sound."

For the negative, Dr. Carothers spoke as follows:

"I have been invited by the National Economy League to join with Senator ELMER THOMAS in a brief discussion of this question: 'Is expansion of the currency necessary and sound?' While I did not have the opportunity to know in advance just what Senator THOMAS would say in the broadcast he has just finished, he very courteously outlined for me what he has in mind, and by this courtesy he has enabled us to come together on a concrete issue, without any shadow boxing with the grave matters before us.

"Let me say in advance that I am convinced that Senator THOMAS and I have identically the same aim, that both of us are concerned only with the welfare of our country. I recognize that Senator THOMAS has in the past 3 years played a leading role in the monetary policies of the Nation. My appreciation of the dignity and importance of his position in our country's Government is equaled only by my disapproval of his views on our monetary policy. If I am blunt in my discussion of these views, it is only because of the importance I attach to any proposals that he has presented to you.

"The economic system which supports our more than a hundred million people is the most complicated machine in the history of the world; and in this great, complicated machine, money is the most complex and delicate of all its parts. The first principle of the science of money is that the effects of money changes on prices and prosperity are always different from the surface effects that everybody can see.

"This idea that prosperity can be promoted by expansion of the currency is very old. It was used by John Law 200 years ago, when he explained to King Louis how expanding the currency would make every Frenchman rich, and ended up by making nearly all Frenchmen paupers. It was used by Members of the First Congress of this Nation, the Continental Congress, in favor of an expansion of the currency that bankrupted the war-torn Colonies. It was used again in our Civil War, in favor of an expansion of the currency that would have cost the North the war if the South had not been persuaded by its Congressmen to make a still larger expansion of the currency. It was used in support of the famous inflation law of 1933, which popularly bears the name of Senator

THOMAS himself, under which we have already followed a policy of currency expansion so whole-heartedly that we have destroyed our monetary system.

"This argument for expansion of the currency has been advanced in the United States in every depression since 1860. It is the only economic argument advanced by the advocates of the Townsend delusion. This one notion about money has probably caused more suffering than the belief in witchcraft.

"Let's examine this argument for expansion of the currency. Here it is. A depression is a condition of low prices, slack trade, unemployment, reduced spending, and diminished consumption. These are obviously tragic things, causing heartache and suffering. The way to cure these great evils is to increase spending. You can increase spending by forcing money into circulation. The money, like the music, goes round and round. I almost said: 'Yo, ho.' The money increases demand, stimulates business, and encourages employment. Debtors are relieved. Production is promoted. The depression is ended. Government is the only agency that can print money. It can force it into circulation by boondoggling or by subsidies to favored groups or by supporting a horde of bureaucrats. Therefore, the proper procedure in times of depression is for the Government to pump paper money into circulation. Whatever the excuse for the spending, the plan is always to use the power of the Government to pour out printing-press money, and the argument is always this argument that the money will go round and round and revive business.

"What's wrong with this idea? In the first place it is too simple. It is like those puzzle contests in which the reader thinks he will get a prize for filling in the missing letters in the name of the great city, N-W, Y-K. It's too easy. If this scheme would work there never would be a depression. Just as soon as one started Congress would merely pump out some paper money and the depression would be over. Forget money theory for a moment and consider the fact that no depression in history has ever been ended by the issue of paper money.

"The paper-money argument ignores the plain facts about money. We live in a credit economy, in which circulating money, whether gold or paper, does about one-tenth of our business. The other nine-tenths is done with credit instruments, chiefly checks drawn against bank deposits. These bank deposits grow out of business activity. Thus business activity creates its own currency. There simply is no such thing as not having enough currency to carry on business. What a country needs in depression is not more money but more business activity. And now we come to the most important fact of all. The surest and most vital encouragements to business are these three: Confidence in the future of business, confidence in the soundness of the money system, and confidence in the good sense of the Government.

"The issue of paper money by government in small quantities has no important effect whatever on employment, on consumption, on business. It goes into circulation briefly, builds some useless bridge across a creek, or pays for some lessons in tap dancing, and then goes into banks to swell the deposits. It does not go round and round. It stops right there. All that it has done is to add to Government debt. Our Government has spent, in exactly 3 years, in an effort to stimulate business, the almost incredible sum of \$20,000,000,000, and here we are tonight, 6 years after the depression began, solemnly debating the question whether two billions more will end the depression. Senator THOMAS, coming from Oklahoma and knowing horses, knows what pushing on the reins does. It does not make the horse go. It slows him down or makes him run away. Pumping paper money into circulation is just pushing on the reins. If you issue a little, it does nothing. If you issue a lot, it makes the economic horse run away.

"Let us face here tonight some very unhappy facts, simply because facing them is the only way to save the country from a final disaster. In 1933 this country reached the bottom pit of depression, the low point in economic stagnation. The turning point had been reached. In the spring of that year Congress passed the money law which bears Senator THOMAS' name. This law permits inflation of the currency by every known method. At the time the law was passed this country had 40 percent of all the monetary gold on earth, much more than was needed to meet all public and private debts, much more than was needed to finance recovery. Even before the law was passed the Government had repudiated its solemn obligations both at home and abroad and had confiscated nearly \$5,000,000,000 in gold belonging to private citizens. Since the law was passed we have debased our gold coinage 41 percent and adulterated what is left of our gold standard with a billion dollars in useless silver. The ostensible purposes of this strange program were to raise prices to the 1926 level, to relieve debtors, and to end depression. Do you recall what Senator THOMAS said the bill would do? He said that it would take \$250,000,000,000 from the rich, who had it, and give it to the poor, who did not have it.

"What are the results of this law after 3 years? Has it ended unemployment? There are 10 million still unemployed. Has it ended depression? There are still 20,000,000 persons on relief. Has it raised prices to the 1926 level? General prices have risen just 9 percent since the dollar was debased 41 percent. Has it taken the wealth away from the rich? The rich have become richer in the past 3 years, some of them directly through this devaluation law.

"So much for what this 1933 law to expand the currency has not done. Let's see what it has done. First, it has destroyed our money system. We have no standard money. We have only a

floating mass of nondescript, irredeemable paper money, while there lies in the Government vaults a great mass of idle gold and silver, so dead that the Government is planning to bury it in a hole in Kentucky. Second, it has retarded recovery all over the world by sucking gold from foreign countries badly in need of it, by demoralizing the recovery of foreign trade, and by preventing the international stabilization of currencies on which world peace and world prosperity alike depend. Third, and worst of all, it has set the stage for a calamitous inflation. The failure of the whole money program led the Government to a desperate effort to squander its way out, which has resulted only in a huge burden of debt and a vast accumulation of unused private bank deposits.

"There are \$11,000,000,000 of idle gold and silver in the vaults. Yet the total circulation of money in the country is less than \$6,000,000,000. The difference of five billions measures the gigantic failure of 3 years' effort to expand the currency. All that it has done is to prove once more the elementary principle that business creates currency, not currency business.

"And now tonight we have presented to us a proposal to issue two or three billion dollars of paper money. For 3 years they have taken the horse to water and tried to make him drink, and we are now considering a plan to put a little more water in the tank. And this when there are freely available at any moment that business can use it enough excess reserves and unused bank credit to provide any sum up to a hundred billion dollars. It is proposed to issue this paper money against the gold and silver in the vaults. But that gold is locked up and a new issue of paper money would be merely an unneeded addition to the floating mass of irredeemable paper we now have.

"The mounting Government debt, the swollen bank deposits, and the excess bank reserves make an explosive combination ready to blow up in a headlong inflation. Did you see where a great university has asked authority to change its bond assets to more speculative securities in a last effort to save its endowment from inflation? Do you see the advertisements offering to tell rich men how to protect their fortunes against inflation? The issue of unneeded paper money at this time might easily be the match to set off this explosion.

"Senator THOMAS and I have the same desire here tonight. We both want to see the end of a depression that ought to have been over long since. We both want to see an end to unemployment and distress. We both want to see this country escape the miseries of inflation. But we differ fundamentally as to the policy to achieve these ends. I am going to tell you here how we can end depression and avoid inflation. Have the Government quit spending money like a drunken sailor. Have the Government restore an honest gold-standard currency. And have the Government guarantee to the people that juggling the currency will not again be tried in this Nation. It has suffered enough already."

REGULATION OF IMMIGRATION

Mr. REYNOLDS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Pittsburgh (Pa.) Sun-Telegraph of March 9, 1936, entitled "Control Aliens."

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

[From the Pittsburgh (Pa.) Sun-Telegraph of Mar. 9, 1936]

CONTROL ALIENS!—THE REYNOLDS BILL FOR THE REGULATION OF IMMIGRANTS SHOULD BE PASSED

The bill of Senator REYNOLDS, of North Carolina, requiring the registration of all aliens in this country, a rigid system of selective immigration and the deportation of all undesirables, will appeal to every patriotic and intelligent American as a needed regulation in a very important field of Government responsibility, and should be promptly passed.

The purposes of the bill are several, and each is vital.

It would rid the country of lawbreaking aliens and bar the entrance of aliens who are criminally communistic or associated with any organization advocating the overthrow of our Government by force and violence.

It would also relieve the Federal and State Governments, as well as private charitable organizations, of the expense of maintaining a horde of destitute foreigners in addition to the millions of our own people who are now dependent on our overstrained relief agencies, both public and private.

Another merit of the bill is that it would simplify the problem of finding reemployment for Americans who are out of work by saving available jobs for our own citizens.

The registration and fingerprinting of all aliens in the country would be required, and in addition there would be set up under the bill a system of intelligence tests for admission of immigrants to this country and effective machinery for the prompt deportation of undesirables.

The extent to which the influx of aliens under our present lax administration adds to the burdens of our citizens was revealed by Senator REYNOLDS in his speech in the Senate accompanying the introduction of his bill.

"In 1935", he said, "189,000 aliens of all classes were admitted; in 1934 the number was 163,000; and in 1933, 150,000.

"Each year since 1933", he continued, "we have admitted more and more immigrants in disregard of our millions of Americans who were seeking employment on every hand and in every section of the country."

The Reynolds-Starnes bill is a constructive step in the direction of a solution of our alien problem.

It is infinitely to be preferred to the Kerr bill, sponsored by the Department of Labor.

Unlike the Kerr bill, it substitutes impersonal and legal tests for admission and deportation instead of the discretionary powers asserted by the administration and so liable to abuse.

The Reynolds-Starnes bill does not attempt to deal with so-called deportation hardship cases, which are in part the subject of the Kerr bill.

The much needed power to exclude or expel any person whose presence or activities are inimical to the public interest is, by the terms of this bill, confided to the Executive.

It would be better that this power should be lodged in the courts to insure its impersonal exercise in accordance with the law, and nothing else.

To confer it upon the Executive is, in effect, to lodge it with an Executive subordinate, and to invite abuse through an unwise amplitude of discretion.

The power, however, to exclude or expel undesirables is one which is possessed and exercised by every enlightened nation save our own.

This country is dedicated to liberty, and only those who love liberty and will maintain and defend it, and not abuse it, should be allowed to immigrate to our shores.

In fact, the Reynolds-Starnes bill shows careful drafting and a just appreciation of the grave abuses that have resulted from our weak and vacillating policy with regard to immigration.

It not only points the way to a just solution of this vital administration problem, but travels far along the way of achieving such a solution.

WILL CONGRESS FAIL?—EDITORIAL FROM THE CHARLESTON GAZETTE

Mr. NEELY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the Charleston Gazette of March 5, 1936, entitled "Will Congress Fail?" This editorial was written by a distinguished and beloved former Member of this body, Hon. William E. Chilton.

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

[From the Charleston (W. Va.) Gazette of Mar. 5, 1936]

WILL CONGRESS FAIL?

Life is short, maybe too short. Few men live to see their original thoughts accepted. Socrates, centuries before Jesus, exposed the errors of the old thought, died for the idea that the soul is immortal. The people from whom descended the men and women who now grapple with the problems of life in the United States, lived through centuries when thought was a slave to tyranny, ignorance, and superstition. Copernicus, Galileo, and Roger Bacon, dared not to express the thoughts that later gave us modern machinery and most of the conveniences of home. Yes; any new deal has always been dragged through and over all the rough going that entrenched power could devise. Those who have thought ahead of their day have been made to suffer or die. People have acted like children called upon to swallow castor oil after taking calomel.

Take these thoughts to your study and consider them in connection with human impatience, such as expected Washington to defeat England, when his army was ragged, hungry, and without guns and ammunition. The fellows who are always united to preserve the status quo can always find a plausible reason, and the means for checking for awhile the wagon of progress. Those now seeming only to acquiesce in the demand for relieving the farmer, the worker, and the small-business man, are saying: "Go on and amend the Constitution; if the people want to change it, the Constitution provides the way." Then they look for a roar of "ayes". In the first place, a proposal to amend must receive the affirmative vote of two-thirds of both branches of Congress. That is hard to get even after the subject matter has been fully discussed and considered.

But the proposed amendment is not submitted to the people but to the legislatures of the several States, or to conventions in the several States, "as the one or the other mode of ratification may be proposed by the Congress." The "people" must take their consolation in the words, "We the people of the United States" in the caption. Below those words the "people" are left to "cut in" as, if, and when they may be able to do so.

Draw near and observe that—

1. It requires three-fourths (now 36) of State legislatures or conventions to ratify an amendment.

2. There is no provision for selecting the members of the conventions. Why can they not be appointed? The Tories and their henchmen are always organized to check any progress but their own.

3. It would require, in most of the States, at least 4 years to change the political complexion of both branches of the legislatures of 36 States. The people vote tickets made and alined on partisan issues. It is difficult—almost impossible—to elect State legislators committed to the ratification of a constitutional amendment. There is almost the certainty that other State questions and personal considerations will complicate the election issue; and where one of the leading political parties goes a hundred percent Tory, and seeks to draw the decisions of the courts into an attitude of endorsement of governmental policy, then Congress is challenged, as was the English Parliament under the leadership of Cromwell.

The people cannot turn out a Federal judge as they can a Member of Congress. The framers of the Constitution, however, provided for this contingency of public demand and national necessity on one hand, and an opposition with magnifying glasses looking for constitutional points to delay or obstruct the legislative branch. In England that kind of a clash between the legislative branch and a stubborn king, claiming prerogatives hateful to the people, lost the head of that king and the throne of another; and it delayed, but did not destroy, the onward march of Anglo-Saxon freedom. The acts of Parliament are now the "supreme law of the land" in England.

Congress has the constitutional power to end the present empasse. That power is written in plain English in section 2, article 3, of the Constitution.

But the people are helpless until and unless the Congress shall exercise that power to "protect its prerogative."

No case involving the A. A. A., the N. R. A., or any other economic policy can go to the Supreme Court except an appeal.

This section 2, article 3, of the Constitution is not a stranger to the courts. It has been construed by the Supreme Court to mean exactly what it says:

"In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction." That means that such cases may be instituted in the Supreme Court. Section 2 then provides:

"In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make."

Congresses in the past have made "exceptions" and "regulations" to the exercise of the appellate power, and the Supreme Court has governed itself by these "exceptions" and "regulations."

The cases in which the Court has recognized the power of Congress to make "exceptions" and "regulations" to the grant of appellate jurisdiction have been cited in the House by Congressmen RAMSAY, of West Virginia, and CROSS of Texas—probably by others of which we are not advised.

From the speeches of these Congressmen, we can cite the following cases, 260 U. S. 226; 3 U. S. 321; 105 U. S. 381; 148 U. S. 372; 210 U. S. 281.

What is the matter with the Congress? The people cannot exert their power nor express their will except through the Congress. The Court exercises its power—granted, inferred, or usurped—when opportunity presents itself. Thus the Court's decisions become the "supreme law of the land." What is Congress doing to "protect its prerogative" or being the repository of "all legislative power"? Was the Congress bluffing when it passed the laws constituting the New Deal? If not, why not regulate the appellate power and make such exceptions as may be necessary, at least to avoid the consummation that it is the supreme law of this land that the Congress has no power to help the farmer. Power? Congress has the written grant and needs only the will. If the Congress refuses at this time to exercise its granted power, then the people will decide in November whether that is the kind of Congress they want in Washington.

ADMINISTRATION OF OATH TO SENATORS IN THE IMPEACHMENT TRIAL

Mr. McNARY. Mr. President, I am advised that the junior Senator from Vermont [Mr. GIBSON] desires to take the oath as a juror in the impeachment proceedings.

The VICE PRESIDENT. After a thorough survey of the situation, the best judgment of the Chair is that Senators who have not heretofore taken the oath as jurors of the court should take it after the Senate resolves itself into a court; all Senators who have not as yet taken the oath as jurors will take the oath at that time.

Mr. ROBINSON. Senators who have not taken the oath should take notice now that the opportunity to do so will be afforded when the court convenes at 1 o'clock today.

MEASUREMENT OF VESSELS USING THE PANAMA CANAL

The Senate resumed consideration of the bill (S. 2288) to provide for the measurement of vessels using the Panama Canal, and for other purposes.

The VICE PRESIDENT. The question is on the adoption of the amendment in the nature of a substitute offered by the Senator from North Carolina [Mr. BAILEY] for the committee amendment.

Mr. GORE. Mr. President, I feel almost like apologizing to the Senate for taking any of its time in a further discussion of the pending legislation, but I feel that a duty rests upon me as chairman of the committee to make some further presentation of the subject.

The main points in the controversy have been discussed over and over, time and time again. I shall therefore try to avoid vain repetition, although I do not hope to be completely successful. I shall in the main address myself to the points raised by the Senator from North Carolina [Mr. BAILEY] in his remarks 2 or 3 days ago. I shall try to bring

the discussion back, as it has wandered afield, to the fundamental or to the practical issues which divide the opponents and proponents of the measure.

The practical issue is whether the United States shall regulate and prescribe the tolls which shall be charged and collected on ships transiting the Panama Canal or whether the tonnage and tolls shall be determined by the shipping concerns themselves. That is the practical point involved in the controversy. I should think it unfortunate if the discussion should turn on the use or the misuse of any particular word. Two or three days ago I referred to the pending substitute as a "sham." I find on consulting the dictionary that some of the synonyms of "sham" carry an offensive implication. I disclaim any intention or purpose in my use of the word to convey any such implication. Some synonyms do not carry such an implication, but I withdraw the word entirely, because I wish to eliminate any extraneous questions from debate.

I may not be able to follow the Senator from North Carolina [Mr. BAILEY] in the order of his presentation, but I shall at least begin at the beginning. The Senator from North Carolina stated that he intended to show from the record that, so far as we have any evidence whatever, the shipping interests are supporting the pending legislation. He then added very frankly, "That is a bald statement."

I always like to agree with the Senator from North Carolina, and upon that point at least we are in present agreement. It was a rather bald statement that, so far as we have any evidence whatever, the shipping interests are supporting the pending legislation.

I think, however, there is one other point upon which we will equally agree. That statement is either right or it is wrong. The statement that the shipping interests are supporting this legislation is either correct or it is incorrect. That statement is either supported by the evidence or it is not supported by the evidence. The Senator from North Carolina said that it is supported by the evidence. I say that it is not supported by the evidence.

Not only do I say it is not supported by the evidence, but I say it is contradicted by all the evidence. I undertake to say that so far as the record goes and so far as I have been able to search it, there is not a single witness in all the record to support that statement. So far as I have been able to search the record, there is not one word of evidence to sustain that statement.

This is not a matter of inference or deduction or speculation. It is a matter of fact which can be determined by evidence and by proof, and I shall furnish the proof.

I wish to observe first, however, that it would be strange indeed if every Governor of the Canal Zone for the last 20 years has been urging this legislation, to find that they had, or that they now have, the support of the shipping interests in furthering the legislation.

It would be strange if every Secretary of War since 1914 has urged this legislation to find that the shipping interests have been, or now are, supporting the pending legislation. That would be a revelation.

It would be passing strange if President Wilson was, and if President Roosevelt now is, supported by the shipping interests in their desires to further the passage of the pending legislation.

It is strange that the Senators from the great shipping State of Maine should be here fighting the proposed measure if we should find the shipping interests in their State are supporting this legislation.

It would be strange indeed to find that the Senators from the great shipping State of New York are opposing this legislation while the shipping interests in their State are supporting it.

It would be wondrous strange to find that all Senators from the Pacific Coast States, I believe with one notable exception, are in array against the pending legislation and strange to find that the great shipping interests on the Pacific coast are supporting the measure.

Mr. President, upon what evidence does the Senator from North Carolina base his statement that the shipping inter-

ests are supporting the legislation? He invokes the evidence of two witnesses, Mr. Duff and Mr. Petersen. I send to the desk a salient statement in each one's testimony, which I ask to have read to the Senate.

The PRESIDING OFFICER (MR. CONNALLY in the chair). Without objection, the clerk will read as requested.

The legislative clerk read as follows:

MR. PETERSEN. Mr. Chairman, I would like to say on behalf of the Pacific coast interests that I have represented them here for about 4 years now, and that we are in hearty accord with the suggestions of the Governor of the Canal that there should be a single system of measurement. We have been on record on that, time after time. * * * So that we are all in favor of the single system of measurement and have been for a long time.

MR. DUFF. Mr. Chairman, I merely would say in conclusion, that in reply to what Congressman Denison stated, I do not believe it quite correct to say that steamship companies would never agree to a plan for a single system of measurement. On the contrary, a single system of measurement is considered desirable. But we do protest strongly against any toll assessment under a new system that will increase the present total tolls assessed on American ships.

MR. GORE. Mr. President, the Senator from North Carolina has evidently confused as identical two things that are different. Both of these witnesses declared that they are opposed to the dual system of measurement. The dual system is so indefensible, it is such a self-evident and preposterous absurdity, that neither of those gentlemen was willing to go on record as favoring the dual system of measuring ships passing through the Panama Canal. A dual system which permits the *Empress of Britain* to pass through the Panama Canal, paying \$12,000 less per transit than when she passes through the Suez Canal, did not appeal to these two gentlemen as just; and I will say that Mr. Petersen is a rather audacious gentleman and would not hesitate to defend whatever he thought was defensible. But it does not follow, from the statement that they oppose the dual system of measurement, that they favor and that they are supporting the pending measure, because that is not a fact.

I send to the desk the last hearings held on this subject before the Senate Committee on Interoceanic Canals, and I ask to have the clerk read the marked names as they are numbered—the names of the representatives of the shipping companies and the companies represented.

The PRESIDING OFFICER. Without objection the clerk will read, as requested.

The legislative clerk read as follows:

Statement of W. J. Petersen, Pacific American Steamship Owners' Association of the Pacific Coast.

MR. GORE. Mr. Petersen appeared before the committee not in support of this measure but against it.

The legislative clerk read as follows:

Statement of Ira L. Ewers, McCormick Steamship Co. and Charles Nelson Co., Sudden & Christensen.

MR. GORE. Mr. Ewers appeared in opposition to this measure, and not in support of it.

The legislative clerk read as follows:

Statement of A. J. McCarthy, vice president, American Lines Steamship Corporation.

MR. GORE. Mr. McCarthy appeared in opposition to the bill, and not in support of it.

The legislative clerk read as follows:

Statement of R. R. Adams, vice president, Grace Lines, Inc.

MR. GORE. Mr. Adams appeared, not in support of the bill, but in opposition to it.

The legislative clerk read as follows:

Statement of H. W. Warley, vice president, Calmar Steamship Corporation and Ore Steamship Corporation.

MR. GORE. Mr. Warley appeared in opposition to the measure, and not in its favor.

The legislative clerk read as follows:

Statement of Oliver P. Cromwell, traffic manager, Luckenbach Steamship Co.

MR. GORE. Mr. Cromwell appeared as a witness opposing the legislation, and not supporting it.

The legislative clerk read as follows:

Statement of D. S. Morrison, vice president, Williams Steamship Corporation, and assistant chairman, executive committee, American Hawaiian Steamship Co.

Mr. GORE. Mr. Morrison appeared in opposition to the bill, and not in support of it. He has been doing us the honor to sit in the gallery during this debate.

Mr. BAILEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from North Carolina?

Mr. GORE. I do.

Mr. BAILEY. Will the Senator permit me to read just a few lines from the concluding paragraphs of the majority report of the Senator's committee?

Mr. GORE. Yes.

Mr. BAILEY. I read from page 11, as follows:

This whole subject has been so well summarized in an editorial of the March 1935 issue of the *Marine Review*, a journal devoted to the interests of shipping, that your committee begs leave to quote the following paragraphs from said editorial:

"The Panama Canal rules are the logical standards for assessing the tolls"—

This bill proposes to establish the Panama Canal rules—

"They represent a thorough survey and study of vessel management. They embody the experience of the past. By adopting a single system, using these rules, endless controversy and continual inconvenience are forever eliminated.

"Keeping these rules as the basis, with whatever amendments may be necessary to suit present-day standards and types of ships, and an agreed-upon fair charge per ton"—

Precisely what the Senator contends that this bill does—

"will bring about a solution once for all of this controversial subject which will be satisfactory to all fair-minded men."

That is from the report. I take it that it will not be denied that the *Marine Review* is a journal devoted to the interests of shipping, and it will not be denied that the majority report concludes with the statement from the magazine representing the shipping interests, and quotes it as supporting the proposed legislation.

I am not making any contention here as to the facts. I am simply saying what the evidence is.

Mr. GORE. Mr. President, the *Marine Review*, like the two witnesses referred to, could not make a stand against the discontinuance of the dual system of measurement. I do not think it has any defense. It has few, if any, defenders.

In order further to present the attitude of the shipping interests of this country in respect to the pending measure, while I had not intended to do so, I should like to have read to the Senate the list of witnesses appearing in the House hearings of last year.

Mr. DUFFY. Mr. President, will the Senator yield before the reading begins?

Mr. GORE. Yes; I yield.

Mr. DUFFY. Is not the question that is up here now as to the position of the shipping interests? I think nobody will deny that every representative of a shipping line vigorously opposed the bill, and is still opposing it. The question of shipping interests, however, may be broader than that.

Mr. GORE. Yes, sir; there is no doubt about that. I will say that there may be shipping companies and associations in this country which do favor the pending measure. Those shipping concerns which have not abused the privilege, have not manipulated their structures, have not availed themselves of these devices to reduce their tonnage and to reduce their tolls, might well favor the passage of this measure. It would protect them against unfair competition. My point was, they have not so far appeared and testified before any committee of either branch of Congress, so far as I know.

The PRESIDING OFFICER (Mr. POPE in the chair). Without objection, the list of witnesses referred to by the Senator from Oklahoma will be read.

The legislative clerk read as follows:

Statements of Ira L. Ewers, J. Alex. Crothers, Edward P. Farley, D. S. Morrison, Edgar F. Luckenbach, A. J. McCarthy, R. R. Adams, R. H. Horton, W. J. Petersen.

Mr. GORE. The first list of witnesses, I believe, named 8 different witnesses, representing 13 concerns. I believe there are some 9 or 10 witnesses in the list just read, all of whom represent shipping companies or shipping associations.

Mr. President, we are not left in any doubt as to the position of Mr. Petersen, who, I believe I may say, was one of the star witnesses of the Senator from North Carolina. We are not left in any doubt as to what his attitude is in regard to the pending bill; and I ask that the clerk may read from his testimony on page 41 of the hearings before the Senate committee.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The legislative clerk read as follows:

We would, therefore, suggest the elimination of section 1 of the bill, pass section 2, eliminate section 3, and provide for the appointment of a committee to consider the whole subject matter and report back its findings, and then this committee and the committee in the House could proceed more intelligently than at the present time.

Mr. GORE. Now I ask to have the clerk read as marked on page 43.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The legislative clerk read as follows:

If you insist upon the passage of a bill, pass one that will settle controversies by eliminating section 1 of this bill, thus permitting conditions to remain as they are for the time being and until a committee reports its findings, as provided in section 2.

Mr. GORE. Mr. President, Mr. Petersen is one of the witnesses referred to by the Senator from North Carolina. The Senate has just listened to his statement, read from the hearings. What does Mr. Petersen recommend?

When Senate bill 2288 was originally introduced it contained three sections—1, 2, and 3. What did Mr. Petersen recommend? That the committee strike out section 1, which is the substantive part of the bill; Mr. Petersen recommended that the committee strike out section 3 of the bill, which provided when the different sections should go into effect; and Mr. Petersen recommended that the committee report, and the Congress pass, section 2 of Senate bill 2288.

What was section 2 of Senate bill 2288? It authorized the President to appoint a commission to make a study of the subject and report back. Section 2 of that bill is almost identical with the pending substitute, offered as an amendment by the Senator from North Carolina. In fact, in his remarks the Senator from North Carolina stated that he had taken section 2 of the original bill and had embodied it in his substitute.

Mr. Petersen wished to mutilate this bill, as I see it. He wished to strike out section 1, which is the substantive legislation in this measure. He desired to have the committee report and the Senate pass a measure creating a new commission to make another study of Panama Canal tolls.

Mr. Petersen wished the committee to report section 2 alone, which is now pending in the substitute; but the committee preferred to take the advice and recommendation of the half dozen or more Governors of the Panama Canal Zone. The Senate committee preferred to take the advice and the recommendations of the dozen Secretaries of War, every one since this question arose, including both Democrats and Republicans.

The Senate committee did not respond to Mr. Petersen's recommendation; and I hope the Senate will not now accept the recommendation of Mr. Petersen in the premises but will, rather, rely upon the recommendation of the responsible and constituted authorities of the United States.

Let us suppose that Mr. Petersen's recommendation is adopted by the Senate. Let us suppose that this substitute shall be agreed to and be enacted into law.

What, then, will be our situation with reference to this much-controverted subject? Will the shipping interests acquiesce in the report of this new commission when it shall be submitted?

President Wilson promulgated the existing Panama Canal rules in 1913. They were predicated upon an exhaustive report which had then recently been made, the most

exhaustive and, as high authority has stated, the best report upon the subject ever submitted in any language. This report had but recently been made when President Wilson promulgated the rules for measuring the Panama Canal tonnage and the tolls to be applied and collected for the passage of ships through the Canal.

Were the shipping interests concluded by that? Did they acquiesce in that? Did they accept the recommendations as scientific, sound, just, and equitable? The shipping interests protested the proclamation of President Wilson, and their protest eventuated in the ruling on the part of the Attorney General, which brought all this confusion upon us.

Mr. President, only 4 years ago, in 1932, the Bureau of Efficiency prepared and submitted an elaborate report on the subject of measuring vessels transiting the Panama Canal and on the subject of the proper tolls to be charged. I hold that report in my hand. It covers more than 80 pages. It concludes with a series of recommendations, which I will print in my remarks without taking the time to read.

This report was up to date when it was submitted. Did it conclude the shipping interests? Did they acquiesce in the report? Did they agree that it was modern, and up to date, and scientific, and just, and equitable? Not at all. At the very next session of Congress which convened after this report was submitted another hearing was had in the House of Representatives, and the shipping interests appeared as one man in opposition to the proposed legislation.

Not only that; on the second day of January last year the shipping interests submitted a questionnaire to the Panama Canal authorities. Twenty-nine questions were submitted. An exhaustive and comprehensive reply was made by the authorities of the Panama Canal, and that reply is contained in the House hearings of last year at page 60. The statistical results of that hearing are contained in the last Senate hearing at page 106, covering practically all the controverted points, exhausting the subject.

Were the shipping interests concluded by the answer submitted on the part of our authorities to their own questionnaire? Did they acquiesce in the conclusions? Did they discontinue their fight to control tolls themselves by manipulating their vessels? Not at all.

A hearing was then in progress, and a hearing has since been conducted by the Senate, and in spite of these four investigations, extending from 1912 down to last year, they have persisted in their opposition to the proposed legislation without variableness or shadow of turning.

Mr. President, if the proposed substitute be enacted, another investigation will be held, and the recommendations of the investigating body will correspond in the main with all the other reports, beyond any doubt, and when the new report is submitted will it meet with any more favor in the eyes of the shipping concerns than have these comprehensive reports in the past?

Mr. President, it is not more facts the shipping interests desire to obtain. It is less tolls that they wish to pay. That is their motive; that is their object; and if they can adjourn the day when they will be required to pay just, reasonable, and uniform tolls, they will have scored a victory. If the proposed substitute is adopted, it will not further the final determination of this issue; it will not eliminate an insuperable, obstructing object in the way. It will only mean one more investigation, it will only mean one more report, in our progress toward the *n*th report to be sought and obtained by the shipping interests. As long as they can resort to this method of postponing the day when the dual system shall be abolished, they will escape payment of the tolls which they ought to pay the Government of the United States for using the great facility placed at their convenience at the expense of the people of this country.

Mr. President, I want Senators to look this situation in the face, because there is an anomaly about it which cannot fail to challenge their attention and challenge their interest. The existing Panama Canal tolls measure was enacted in 1912. It fixed a maximum toll of \$1.25 per ton; it fixed a minimum toll of 75 cents per ton. It authorized the President, after investigation, to fix and prescribe an official toll

to be charged and collected at some point between those two limits, between the maximum and the minimum. In his proclamation the President fixed \$1.20 per ton as what was then regarded as a just and reasonable toll. One dollar and twenty cents was the official toll promulgated.

What does the pending measure propose? It proposes to reduce the maximum toll of \$1.25 to \$1 per ton, and the shipping interests are opposed to that. The pending bill proposes to reduce the minimum toll from 75 cents to 60 cents per ton, and the shipping interests are opposed to that reduction.

If the President should accept the recommendation which the Secretary of War has made public, the President of the United States would fix the official toll at 90 cents a ton instead of \$1.20 a ton, the present official toll.

The shipping interests are opposed to reducing the official rate from \$1.20 to 90 cents. Is there not something strange about their opposition to this? Why would the shipping interests insist upon retaining these high rates, instead of laboring in season and out in support of this measure in order to reduce the rates? There is a reason, and that reason grows out of the dual system of measurement as applied to vessels passing through the Canal.

In 1913 the President prescribed the rules for measuring vessels passing through the Panama Canal, and fixed \$1.20 a ton as the official rate. That was challenged by the shipping interests on the western coast, and the Attorney General of the United States held that the phrase "per net registered ton", as used in the Panama Canal Act, did not apply to net registered tons as ascertained under the Panama Canal rules of measurement, but as ascertained under the United States rules of measurement, as they are called.

The Panama Canal rules of measurement are based on the earning capacity of the ship, based on the cargo-carrying capacity of the ship. The United States rules are not. They had been evolved during several generations, with a view not to ascertain the earning capacity of the vessel, but with a view to cutting down the harbor tolls and the port charges in ports where our vessels enter, here and abroad. Because other countries accept our tonnage certificates, by comity we accept the tonnage certificates of the vessels of other countries.

The charges are low, and there has been a sort of competition to exempt this space and that space, and to cut down the tonnage under the United States rules of measurement in order to cut down these port charges and harbor dues.

The rules of measurement are not at all suited to the Panama Canal. When the Suez Canal was first opened, it adopted that sort of system, taking the measurements of different countries as the measure upon which tolls should be levied in transiting the Suez Canal. It was soon found that they were utterly inapplicable; and a different system, based upon the earning capacity of the ship, was substituted. The Panama Canal rules of measurement promulgated by President Wilson in 1913 were based on the same principle in the light of that experience—that is, based on the earning capacity of the ships.

Let us see how this thing works. Let us say that a Japanese ship—and I want to say that Japan was one of the latest offenders in this matter—let us say that one of these new Japanese ships pulls up to the anchorage of the Panama Canal, and she measures 10,000 tons in accordance with the Panama Canal rules of measurement. That is her earning capacity. Under the present rate she would pay \$1.20 a ton, or \$12,000 for passing through the Canal. But she asks that her tonnage be measured by the United States rules of measurement; and, owing to her ingenuity in availing herself of these later devices, that ship measures not 10,000 tons—these ratios are correct—she measures 6,800 tons under the United States rules of measurement.

That brings upon her the maximum charge of \$1.25 a ton. But \$1.25 a ton on 6,800 tons amounts to \$8,500. So the ship pays \$8,500 for passing through the Canal instead of paying \$12,000. That vessel pays \$500 less in the present situation than she would pay if the pending measure were enacted into law, and a rate of 90 cents a ton were promul-

gated by the President. Ninety cents a ton would require her to pay \$500 more than she now pays under this confusing and ridiculous system of double measurement.

The next ship which steams into port is an American ship. She is on her maiden voyage, with exactly the same earning capacity as the Japanese ship; but she has not resorted to all these devices, and it might be possible for that American ship to be required to pay from \$2,000 to \$3,000 more for passing through the American canal than the Japanese ship which just preceded the American ship pays for passing through.

Let us take a hypothetical case. Let us assume that the Senator from North Carolina [Mr. BAILEY] and I both—

Mr. BORAH. Mr. President—

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

Mr. GORE. I yield.

Mr. BORAH. The statement which the Senator is making seems to me of most extraordinary importance. Do I understand from the Senator's statement that under the present regulations and the law, the American ship might be compelled to pay very much more than the foreign ship in passing through the Canal?

Mr. GORE. Yes; and I am going to illustrate that a little further. I am going to assume that the Senator from North Carolina and I each own a sister ship of the *Empress of Britain*. They will be domestic, but the example illustrates the point. The Senator from North Carolina sends his ship down to the sea. It passes through the Panama Canal, and it pays for transiting it what it pays for passage through the Suez Canal—\$29,000. My ship is the next to pull into the lock. It is a sister ship to the one owned by the Senator from North Carolina, identical from stem to stern and from keel to topmast; but I have taken advantage of all these devices under the United States rules of measurement; and my ship, loaded to her lines, passes through the Canal and pays less than \$18,000 for the transit.

That is what happens. That happens now. When the *Empress of Britain* passes through the Suez Canal she pays the Suez Canal authorities \$29,000 for the transit; and when she passes through the Panama Canal she pays less than \$18,000 for the transit; and I will say to the Senator from Idaho she cuts down her tonnage 3,300 tons by this simple device:

She had a cloakroom on one of her pleasure decks, where the passengers could park their cloaks and hats and wraps. Her owners found out that by converting that cloakroom into a so-called cabin they could reduce her toll-paying tonnage 3,300 tons; and they did put a bed in that cloakroom with a portable chiffonier and washstand, and by that simple device lifted 3,300 tons out of her toll-paying capacity.

The pending bill is designed to abolish that sort of system. The shipping interests of this country do not want that system abolished. They are here, in season and out, protesting against the passage of such legislation, and have been for 22 years. The Attorney General's decision was handed down on the 25th of November 1914. Within 3 months Mr. Adamson, the then chairman of the House Committee on Interstate and Foreign Commerce, introduced a bill to correct this mischief. The bill has passed the House four times, but never on any previous occasion has it advanced as far as it now has advanced in the Senate.

Mr. BAILEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from North Carolina?

Mr. GORE. I yield.

Mr. BAILEY. I wish to make a statement, in view of the Senator's comparison of the Panama Canal with the Suez Canal.

The Panama Canal is a canal owned by the United States and operated presumably for the public benefit, and especially for the benefit of the public of the United States. The Suez Canal is a private corporation, and it is making profits and declaring dividends at the rate of 200 percent per year. I do not see why the fact that they get \$3,000, \$5,000, or \$10,000 more by reason of having a monopoly

should justify the United States in pursuing a similar policy. I cannot see the basis for the argument.

Let me make one other suggestion and then I promise not to interrupt the Senator further.

The Panama Canal under the existing conditions is a paying institution. Why should we wish to increase the rates? Why should we wish to change the system under which it is paying?

Mr. GORE. Mr. President, there is no man in the Senate for whom I have a higher regard than the Senator from North Carolina. I sometimes think in this debate he is rather disparaging his own talents. It seems to me he is trying to convince the Senate that he knows less about more things concerning this legislation than any man in the Senate. I do not agree with him altogether.

Mr. BAILEY. Mr. President, that has been the point of my argument for several days on this subject—that nobody here knew anything about it, and therefore we needed a commission to find the facts. I am not resenting or repudiating or denying the statement that I do not know much about it, and I am asking the Senate to appoint a commission which will inform us.

Mr. GORE. Another commission to reiterate what has been said so often? I shall not turn back to that point.

Mr. President, if the Senator from North Carolina thinks the *Empress of Britain* ought to pay the Suez Canal authority \$29,000 when she passes through that canal, and, owing to these devices, ought to pay the Panama Canal authorities or ought to pay the Government of the United States less than \$18,000 for the same service, it is his privilege to take that position. But the Senator is mistaken in this, as are other Senators. The object of this proposed legislation is not to increase the aggregate receipts of the Panama Canal. This measure is not intended to make a profit-bearing instrumentality of the Panama Canal. The total charge for the maintenance of the Canal and other charges connected with it are about \$25,000,000 a year under the present tolls. If enacted the pending measure will not increase the aggregate receipts from the operation of the Panama Canal. It is not intended to do so. It is intended to correct the inequalities. It is intended to correct the absurdities which have sprung up under this dual system of measurement, resulting from the ruling of the Attorney General.

The VICE PRESIDENT. Will the Senator from Oklahoma suspend for the purpose of enabling the Senate to carry out its order with reference to the impeachment proceedings?

Mr. GORE. Of course, I yield, and I will resume as soon as the business of the Senate sitting as a court shall have been concluded.

IMPEACHMENT OF HALSTED L. RITTER

The VICE PRESIDENT. The Senate is now sitting as a Court to try articles of impeachment against Halsted L. Ritter, United States district judge for the southern district of Florida.

At 1 o'clock the Secretary to the Majority (Leslie L. Biffle) appeared and said:

I have the honor to announce the managers on the part of the House of Representatives to conduct the impeachment proceedings in the impeachment of Halsted L. Ritter, United States district judge for the southern district of Florida.

The VICE PRESIDENT. The managers on the part of the House of Representatives will be conducted to the seats assigned them in the area in front of the Secretary's desk.

The managers on the part of the House, Hon. HATTON W. SUMMERS, of Texas; Hon. RANDOLPH PERKINS, of New Jersey; and Hon. SAM HOBBES, of Alabama, were conducted to the seats provided in the space in front of the Secretary's desk on the left of the Chair.

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

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Barkley	Borah	Byrnes
Ashurst	Benson	Bulkley	Capper
Austin	Billbo	Bulow	Caraway
Bachman	Black	Burke	Carey
Bailey	Bone	Byrd	Clark

Connally	Hale	McNary	Russell
Coolidge	Harrison	Maloney	Schwellenbach
Copeland	Hatch	Metcalf	Sheppard
Costigan	Hayden	Minton	Shipstead
Couzens	Holt	Moore	Smith
Davis	Johnson	Murphy	Steiner
Dieterich	Keyes	Murray	Thomas, Okla.
Donahay	King	Neely	Townsend
Duffy	La Follette	Norbeck	Trammell
Fletcher	Lewis	Norris	Tydings
Frazier	Logan	O'Mahoney	Vandenberg
George	Lonergan	Overton	Wagner
Gibson	Long	Pope	Walsh
Glass	McAdoo	Radcliffe	Wheeler
Gore	McGill	Reynolds	White
Guffey	McKellar	Robinson	

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

The Sergeant at Arms will make proclamation.

The SERGEANT AT ARMS (Chesley W. Jurney). Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence on pain of imprisonment while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against Halsted L. Ritter, United States district judge for the southern district of Florida.

Mr. ASHURST. Mr. President, I ask unanimous consent that the Journal of the proceedings of the last session of the Senate sitting as a Court of Impeachment be considered as having been read and that the Journal be approved.

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

The Chair will inquire if there are any Senators present who have not taken the oath as members of the Court? If there are, let them do so now.

Mr. COSTIGAN. Mr. President, before the oath is administered to members of the Court of Impeachment, if this is the appropriate time, I desire, by unanimous consent, to present a request to be excused from participation in these proceedings, to stand aside and to make a statement with reference to my request.

The VICE PRESIDENT. Is there objection to the Senator from Colorado being excused from serving as a member of the Court? The Chair hears none, and the Senator is excused.

Mr. COSTIGAN. Mr. President, as part of my request, may I ask unanimous consent to have printed in the Record the statement to which I referred?

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

The statement of Mr. COSTIGAN is as follows:

On March 9, 1933, in the Harold Louderback impeachment proceedings, as reported in Senate Document No. 73 of the Seventy-third Congress, first session, pages 14-15, in advance of taking oaths to sit as jurors or Senators in the Court of Impeachment, the Senator from Idaho [Mr. BORAH] and the Senator from California [Mr. JOHNSON], at their respective requests and by unanimous consent of the members of the Impeachment Court, were permitted to stand aside in the trial. At that time the chairman of the Judicial Committee [Mr. ASHURST], with his usual care and decisiveness, helpfully commented on the procedural problems and the propriety of such a request.

On March 10, at page 3485, the CONGRESSIONAL RECORD correctly notes my absence when the roll was called, prior to oaths being administered to Members of the Senate, and I was not that day, nor have I since been, sworn as a member of the Court of Impeachment in the Senate impeachment proceedings of Halsted L. Ritter about to commence.

At this time I am tendering my request to the Senate to be excused in these proceedings, as was done in the former impeachment trial on request of the Senators from California and Idaho.

It is not disputed by me that such a request is reasonably subject to the convenience, discretion, and approval of Senators who have already been sworn. It is therefore doubtless desirable that the following further statement be made with reference to this request.

While I am not aware of partiality that would affect my judgment, if sworn, I am conscientiously of the opinion that I ought not to sit as judge or juror in the trial of the respondent, Halsted L. Ritter. This conclusion is not based on knowledge of or information I have on the merits of charges involved in the impeachment proceedings. As to the truth or falsity of such charges I have only such knowledge or information as have other Members of the Senate generally. No one has attempted to discuss such charges or their truth or falsity with me, nor have I expressed any opinion about them. I have not seen or communicated with

respondent or any member of his family in recent years, with the exception of a brief chance meeting with the respondent about a year ago. At that meeting the conversation did not exceed 2 or 3 minutes' duration, and it was in no wise related to the issue or issues to be tried. Nevertheless, it should be stated that Mrs. Costigan and I have long known respondent, his wife, and children. Our personal acquaintance began in our home city, Denver, Colo., a number of years before respondent and his family moved to the State of Florida. Of course, I was not a Member of the Senate when respondent was appointed to his present Federal position and was not among those who recommended his appointment or confirmation. But the friendly acquaintance with respondent and his family, which thus began in Denver, was personal and social, and was professional to the extent that at least on one occasion we were associated on the same side in important litigation.

Although I am not conscious of any other attitude than impartiality dictates, I feel, under the specified circumstances, that I ought not to be expected to serve as judge or juror in these impeachment proceedings. I therefore ask unanimous consent of the Senate that I may be permitted at this time to stand aside and may be excused from taking the oath required of members of this Court of Impeachment.

The VICE PRESIDENT. The Chair will now administer the oath to those Senators who have not heretofore taken it or been excused.

Mr. GIBSON, Mr. STEIWER, Mr. CAREY, Mr. NORBECK, Mr. LA FOLLETTE, Mr. KEYES, Mr. COUZENS, Mrs. LONG, Mrs. CARAWAY, Mr. MALONEY, Mr. DIETERICH, Mr. BLACK, Mr. HARRISON, Mr. MURRAY, Mr. CLARK, Mr. BYRD, and Mr. GUFFEY rose from their seats, and the oath was administered to them by the Vice President.

Mr. ASHURST. Mr. President, I rise to make the announcement that the Journal Clerk will take down the names of those Senators who have taken the oath today.

The VICE PRESIDENT. The Journal Clerk will take the names.

The Secretary will read the return of the Sergeant at Arms.

The Chief Clerk read as follows:

SENATE OF THE UNITED STATES,
OFFICE OF THE SERGEANT AT ARMS.

The foregoing writ of summons addressed to Halsted L. Ritter, and the foregoing precept, addressed to me, were duly served upon the said Halsted L. Ritter by me by delivering true and attested copies of the same to the said Halsted L. Ritter at the Carlton Hotel, Washington, D. C., on Thursday, the 12th day of March 1936, at 11 o'clock in the forenoon of that day.

CHESLEY W. JURNEY,
Sergeant at Arms, United States Senate.

The VICE PRESIDENT. The Secretary of the Senate will administer the oath to the Sergeant at Arms.

The Secretary of the Senate, Edwin A. Halsey, administered the oath to the Sergeant at Arms, as follows:

You, Chesley W. Jurney, do solemnly swear that the return made by you upon the process issued on the 10th day of March 1936 by the Senate of the United States against Halsted L. Ritter, United States district judge for the southern district of Florida, is truly made, and that you have performed such service as therein described. So help you God.

The VICE PRESIDENT. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made proclamation as follows:

Halsted L. Ritter! Halsted L. Ritter! Halsted L. Ritter! United States district judge for the southern district of Florida, appear and answer to the articles of impeachment exhibited by the House of Representatives against you.

The respondent, Halsted L. Ritter, and his counsel, Frank P. Walsh, Esq., of New York City, N. Y., and Carl T. Hoffman, Esq., of Miami, Fla., entered the Chamber and were conducted to the seats assigned them in the space in front of the Secretary's desk, on the right of the Chair.

The VICE PRESIDENT. Counsel for the respondent are advised that the Senate is now sitting for the trial of articles of impeachment exhibited by the House of Representatives against Halsted L. Ritter, United States district judge for the southern district of Florida.

Mr. WALSH (of counsel). May it please you, Mr. President, and honorable Members of the Senate, I beg to inform you that, in response to your summons, the respondent, Halsted L. Ritter, is now present with his counsel and asks leave to file a formal entry of appearance.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the appearance will be filed with the Secretary, and will be read.

The Chief Clerk read as follows:

IN THE SENATE OF THE UNITED STATES OF AMERICA
SITTING AS A COURT OF IMPEACHMENT

MARCH 12, 1936.

The United States of America v. Halsted L. Ritter

The respondent, Halsted L. Ritter, having this day been served with a summons requiring him to appear before the Senate of the United States of America in the city of Washington, D. C., on March 12, 1936, at 1 o'clock afternoon to answer certain articles of impeachment presented against him by the House of Representatives of the United States of America, now appears in his proper person and also by his counsel, who are instructed by this respondent to inform the Senate that respondent stands ready to file his pleadings to such articles of impeachment within such reasonable period of time as may be fixed.

Dated March 12, 1936.

HALSTEAD L. RITTER,
Respondent.
CARL T. HOFFMAN,
FRANK P. WALSH,
Counsel for Respondent.

The VICE PRESIDENT. What is the pleasure of the Court?

Mr. ASHURST. Mr. President, I inquire if the honorable managers on the part of the House and the honorable counsel for the respondent have reached any agreement as to a date upon which witnesses shall be summoned to appear and as to the date the trial shall begin.

Mr. Manager SUMNERS. Mr. President, I have to inform the Senate that the managers on the part of the House and counsel for the respondent have not been able to reach an agreement as to when the trial shall begin. The difficulty is that the managers on the part of the House are very anxious, if possible, to avoid the trial of the articles of impeachment taking place in what we know as the closing days of the session of the Congress. Aside from that, the managers can accommodate themselves to whatever is the necessity and convenience of counsel for the respondent and whatever is the judgment of the Senate. That is the difficulty we have.

I wonder if we might make an inquiry? Would it be possible for counsel for the respondent and the managers to have some further opportunity for conference upon that point, and also to have a conference with the honorable chairman of the Senate Committee on the Judiciary?

Mr. KING. Mr. President, pursuant to the request made by the honorable managers on the part of the House that a reasonable time be afforded for consultation between the Managers on the part of the House and counsel for the respondent, I move that the Senate, sitting as a Court of Impeachment, take a recess for 30 minutes.

The motion was agreed to; and (at 1 o'clock and 15 minutes p. m.) the Senate, sitting as a Court of Impeachment, took a recess for 30 minutes.

At the expiration of the recess at 1 o'clock and 45 minutes p. m. the Senate, sitting as a Court of Impeachment, reassembled.

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

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Coolidge	Keyes	Overton
Ashurst	Copeland	King	Pope
Austin	Costigan	La Follette	Radcliffe
Bachman	Couzens	Lewis	Reynolds
Bailey	Davis	Logan	Robinson
Barkley	Dieterich	Lonergan	Russell
Benson	Donahey	Long	Schwellenbach
Bilbo	Duffy	McAdoo	Sheppard
Black	Fletcher	McGill	Shipstead
Bone	Frazier	McKellar	Smith
Borah	George	McNary	Steiner
Bullock	Gibson	Maloney	Thomas, Okla.
Bulow	Glass	Metcalfe	Townsend
Burke	Gore	Minton	Trammell
Byrd	Guffey	Moore	Tydings
Byrnes	Hale	Murphy	Vandenberg
Capper	Harrison	Murray	Wagner
Caraway	Hatch	Neely	Walsh
Carey	Hayden	Norbeck	Wheeler
Clark	Holt	Norris	White
Connally	Johnson	O'Mahoney	

Mr. LEWIS. I reannounce the names of absentee Senators and the reason for their absences which I gave on a previous roll call.

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

The Chair is advised that there are some Senators who have not as yet taken the oath as members of the Court. If there are any Senators in the Chamber who have not as yet taken the oath as members of the Court and desire to do so now, the Chair will at this time administer to them the oath.

Mr. WHEELER and Mr. DAVIS rose, and the oath was administered to them by the Vice President.

The VICE PRESIDENT. What is the pleasure of the Court?

Mr. ASHURST. Mr. President, I inquire of the honorable managers on the part of the House and the honorable counsel for the respondent if they have been able to agree as to the date on which the trial shall begin?

Mr. Manager SUMNERS. Mr. President, the managers on the part of the House have been in consultation with counsel for the respondent, and we have arrived at this agreement: Counsel for the respondent will have their response or reply in the hands of the managers on March 26, but will have until March 30 to file their response in the Senate. It has been suggested that when that is done then an agreement can be arrived at as to when the trial shall begin. That seems to have been the method pursued in the English case, and I am advised by some Senators that that seems to have been the custom in determining these matters in advance.

Mr. WALSH (of counsel). We agree to that, Mr. President.

The VICE PRESIDENT. Is there any unanimous-consent request to be made by any member of the Court?

Mr. ROBINSON. Mr. President, I think there is not a clear understanding as to the arrangement which has been entered into between the managers and the counsel for the respondent. It is my understanding, and if I am in error someone who is better informed will please correct me, that the agreement is that counsel for the respondent will place their response in the possession of the managers on the part of the House not later than the 26th instant, and that the Court may reconvene again on the 30th when the response will be filed in the Senate.

The VICE PRESIDENT. Is there objection to that agreement?

Mr. ASHURST. Mr. President, I respectfully insist that there ought to be a time set when the trial shall begin. Am I to understand from the honorable managers on the part of the House and the honorable counsel for the respondent that the trial will begin on the 30th of March?

Mr. Manager SUMNERS. No, sir.

Mr. ASHURST. Then no definite date is set?

Mr. WALSH (of counsel). Mr. President, I was going to suggest—I do not have the calendar before me—that Friday will be the 27th of March.

Mr. ASHURST. Yes; Friday will be the 27th of March.

Mr. WALSH (of counsel). Yes. It has been mentioned as the 26th. It is Friday that we are to have the response in the hands of the managers on the part of the House.

Mr. ASHURST. Yes. Friday will be the 27th. The 26th will fall on Thursday.

Mr. WALSH (of counsel). There was simply an error made in the date. The date agreed upon is the 27th.

The VICE PRESIDENT. The Chair understands the situation to be as follows: The respondent will have his answer in the hands of the managers on the part of the House on the 27th instant.

Mr. Manager SUMNERS. Yes, Mr. President.

The VICE PRESIDENT. And that the trial will begin on the 30th.

Mr. Manager SUMNERS. No, Mr. President.

The VICE PRESIDENT. The Chair wishes to get that matter correctly presented.

Mr. ASHURST. It has been suggested—and accurately so—that the issue will not be joined until March 30. I respectfully urge that the Court, for many reasons, do not

adjourn until it fixes a date for the beginning of the trial. Amongst the reasons is the fact that an order must be entered directing the Sergeant at Arms to subpoena the witnesses, and that both the honorable managers and the respondent should file their lists of witnesses and serve copies of the lists on each other. Manifestly the Senate cannot enter such an order unless and until there is a date set upon which the witnesses are to appear and a date set upon the trial to begin.

The VICE PRESIDENT. Has there been a meeting of the minds between the managers on the part of the House and the counsel for the respondent?

Mr. Manager SUMNERS. Mr. President, may I announce to the Senate that the managers on the part of the House and counsel for respondent are not able to agree on the time when the trial shall begin?

The VICE PRESIDENT. Then the Court must fix the time when the proceedings of the trial will begin. The Chair understands there is an agreement between the managers on the part of the House and counsel for the respondent that the reply will be in the hands of the managers on the part of the House by the 27th instant, but there is no agreement as to when the trial shall begin.

Mr. ASHURST. Mr. President, I move that the trial begin on Monday, April 6, and that witnesses be subpoenaed to appear at 1 o'clock p. m. on that date.

The VICE PRESIDENT. Is there any discussion?

Mr. WALSH (of counsel). Would it be proper for me to make a suggestion?

The VICE PRESIDENT. Indeed, sir.

Mr. WALSH (of counsel). When we attempted to make this agreement with the managers on the part of the House the difficulties which presented themselves were discussed. They may not be able to get ready in 6 days. We are taking this time to file our answer knowing, as we did when we discussed the question, that it would take more than 30 days, but we are willing to get our answer in in the way we have agreed, and then we will know what witnesses we have stipulated away, we will know what witnesses we have to subpoena, and the honorable managers will know what witnesses they have to subpoena. I am just making that suggestion. Of course, I would not be bold enough to discuss it with members of the Court.

At that date I have no doubt we can reach an agreement on the trial date. I think both sides are very anxious to expedite this matter.

The VICE PRESIDENT. There is only one motion before the Court at the present time, and that is the motion of the Senator from Arizona [Mr. ASHURST] that the trial begin on the 6th day of April. The agreement, as the Chair understands, has been made by the managers on the part of the House and the counsel for the respondent that the respondent's reply shall be in the hands of the managers on the part of the House by the 27th of this month. The Senator from Arizona has now moved that the trial begin on the 6th day of April. The question is on that motion.

The motion was agreed to.

The VICE PRESIDENT. What is the further pleasure of the Court?

Mr. ASHURST. Mr. President, I send to the clerk's desk an order, which I ask may be read and agreed to.

The VICE PRESIDENT. The clerk will read the proposed order.

The Chief Clerk read as follows:

Ordered, That lists of the witnesses be furnished to the Sergeant at Arms by the managers and by the respondent, and said witnesses shall be subpoenaed to appear on Monday, the 6th day of April 1936, at 1 o'clock p. m.

The VICE PRESIDENT. Without objection, the order is entered.

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

Mr. ASHURST. I yield.

Mr. COPELAND. It has been suggested to me that the time set—the 6th of April—is too early to give full consideration to all the matters involved. As one member of

the Court I am anxious that there should be nothing done by us which would seem unduly to hurry the proceedings or seriously embarrass the doing of justice to all concerned. I simply speak of that because, with all respect, I think that the counsel for the respondent was sort of swept off his feet and not given full opportunity to present his difficulties.

Mr. ASHURST. Mr. President, the observations of the able Senator from New York [Mr. COPELAND] are well becoming, and I am glad he made them, but I believe that no harm will be done and no advantage taken of the managers or the respondent by fixing the date of trial for April 6. I am sure that the Senate will acquit me of any intention precipitately to rush into this matter, but, frankly and in good faith, I do not perceive why April 6 is not an appropriate date. My judgment is that March 30 would afford ample time.

Mr. President, in order that Senators, sitting as judges and jurors, may have an opportunity to study this matter, I ask for the adoption, after it shall have been read, of the order which I send to the desk. This is in *haec verba* the same order that was adopted in the Louderback case.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

Ordered, That in addition to the rules of procedure and practice in the Senate when sitting on impeachment trials, heretofore adopted, and supplementary to such rules, the following rules shall be applicable in the trial of the impeachment of Halsted L. Ritter, United States judge for the southern district of Florida:

1. In all matters relating to the procedure of the Senate, whether as to form or otherwise, the managers on the part of the House or the counsel representing the respondent may submit a request or application orally to the Presiding Officer, or, if required by him or requested by any Senator, shall submit the same in writing.

2. In all matters relating immediately to the trial, such as the admission, rejection, or striking out of evidence, or other questions usually arising in the trial of causes in courts of justice, if the managers on the part of the House or counsel representing the respondent desire to make any application, request, or objection, the same shall be addressed directly to the Presiding Officer and not otherwise.

3. It shall not be in order for any Senator, except as provided in the rules of procedure and practice in the Senate when sitting on impeachment trials, to engage in colloquy or to address questions either to the managers on the part of the House or to counsel for the respondent, nor shall it be in order for Senators to address each other; but they shall address their remarks directly to the Presiding Officer and not otherwise.

4. The parties may, by stipulation in writing filed with the Secretary of the Senate and by him laid before the Senate or presented at the trial, agree upon any facts involved in the trial; and such stipulation shall be received by the Senate for all intents and purposes as though the facts therein agreed upon had been established by legal evidence adduced at the trial.

5. The parties or their counsel may interpose objection to witnesses answering questions propounded at the request of any Senator, and the merits of any such objection may be argued by the parties or their counsel; and the Presiding Officer may rule on any such objection, which ruling shall stand as the judgment of the Senate, unless some Member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision; or he may, at his option, in the first instance submit any such question to a vote of the Members of the Senate. Upon all such questions the vote shall be without debate and without a division, unless the ayes and nays be demanded by one-fifth of the Members present, when the same shall be taken.

Mr. BORAH. Am I to understand, under the proposed order, that all questions a member of the Court might desire to address to a witness must be submitted in writing?

Mr. ASHURST. Yes. That is the rule in impeachment proceedings.

Mr. BORAH. That may be the usual procedure, but I think it a very poor practice.

Mr. ASHURST. The opinion of the able Senator from Idaho would have great weight with me; I do not desire to be brought into even the most courteous competition with him as a lawyer and student of the Constitution, but the rule, as suggested, has been followed in at least three cases.

Mr. ROBINSON. Mr. President, I may say, in response to what the Senator from Idaho [Mr. BORAH] has said, that not only has it been the rule that has prevailed in recent trials of this nature, but the rule is a sound one, and without some such rule it would be impossible, or at least very difficult at times to have orderly procedure.

THE VICE PRESIDENT. The Chair calls the attention of the Senator from Idaho to rule XVIII governing the conduct of impeachment proceedings, which is as follows:

If a Senator wishes a question to be put to a witness, or to offer a motion or order (except a motion to adjourn), it shall be reduced to writing and put by the Presiding Officer.

That is already in the rules of the Senate, regardless of what is contained in the order presented by the Senator from Arizona.

MR. BORAH. Nevertheless, Mr. President, it is, in my opinion, an obstacle to securing the real facts in regard to a matter of this kind.

THE VICE PRESIDENT. The question is on agreeing to the order submitted by the Senator from Arizona.

The order was agreed to.

MR. HATCH. Mr. President, when the Chair stated the procedure a moment ago I understood that the response was to be served on the managers by the 27th of March. I did not understand, however, that a date was fixed to file the response with the Court. I invite the attention of the Senator from Arizona to that point. Something was said about the 30th of March, but no date has been fixed, as I understand, for filing the response with the Senate.

THE VICE PRESIDENT. The Chair will state to the Senator from New Mexico that the response of the respondent is to be placed in the hands of the managers of the House by at least the 27th of March. What is the suggestion of the Senator?

MR. HATCH. That some time be fixed for filing the response with the Court.

MR. ROBINSON. Mr. President, evidently the Senator from New Mexico did not hear when I stated the agreement, which was that the response shall be placed in the possession of the managers on the part of the House on the 27th of March, and that it must be filed with the Senate as a Court on the 30th of March. That agreement was entered.

MR. HATCH. That was the understanding that I had of the statement of the Senator from Arkansas, but a statement was made by the Chair which I did not understand.

MR. ROBINSON. The Chair submitted the question whether there was objection to the agreement; there was no objection, and it was ordered entered.

THE VICE PRESIDENT. What is the further pleasure of the Court?

MR. ASHURST. Mr. President, inasmuch as it is agreed and ordered that the counsel for the respondent shall file their response or answer with the honorable managers on the 27th of March, it will not be necessary that the Court be in session to hear such answer read. Therefore, Mr. President, at the proper time, I shall move that the Senate, sitting as a Court of Impeachment, when it adjourns, shall adjourn until March 30, and now, if there be nothing further, if neither the honorable managers on the part of the House nor the counsel for the respondent have anything to suggest, and no Senator has any motion to make, I move that the Senate, sitting as a Court of Impeachment, now adjourn until Monday, March 30, 1936, at 1 o'clock p. m.

THE VICE PRESIDENT. The question is on the motion of the Senator from Arizona.

The motion was agreed to; and (at 2 o'clock and 10 minutes p. m.) the Senate sitting as a Court of Impeachment adjourned until Monday, March 30, 1936, at 1 o'clock p. m.

MEASUREMENT OF VESSELS USING THE PANAMA CANAL

(The following occurred while the Senate, sitting as a Court of Impeachment, was in recess from 1:15 o'clock until 1:45 o'clock, during which time it resumed the consideration of legislative business:)

The Senate resumed consideration of the bill (S. 2288) to provide for the measurement of vessels using the Panama Canal, and for other purposes.

THE VICE PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from North Carolina [Mr. BAILEY].

MR. GORE. Mr. President, I desire to make it perfectly clear that the pending legislation is not designed to convert

the Panama Canal into a money-making institution or to realize a profit over and above the actual requirements to meet its budget. The annual cost of operating the Canal is about \$10,000,000. The annual charge to cover the capitalized cost, bonds, and other obligations amount to about \$15,000,000. The present tolls realize about that sum annually—on the average about \$25,000,000 a year.

If this measure becomes a law and the 90-cent rate is promulgated, the aggregate receipts from the Canal will be approximately the same. It is desired to keep the receipts of the Canal within those requirements. It is entirely a mistaken conception to conclude that any purpose now exists anywhere to increase the aggregate receipts from the operation of the Panama Canal.

MR. PRESIDENT. I shall try once again to summarize what this measure would do if enacted into law. The Senator from North Carolina [Mr. BAILEY] said, and perhaps aptly, that the objectives have not been adequately stated. I shall try to state the purpose and the object and the effect. That this has not been done is my fault, perhaps, or my misfortune.

If the pending measure becomes a law it will abrogate the dual system of measurement now prevailing in the Panama Canal. As I understand, everybody agrees upon that point.

It will also result in the establishment of one uniform system of measurements to apply to all commercial ships passing through the Canal. Those rules of measurement will be based on the earning capacity of the ship.

It will also result in the imposition of one fixed uniform official toll based on tonnage, based on the earning capacity of the ships.

Not only that, but it will abolish, I repeat, the present dual system of measurement. It will take it out of the hands of shipowners to determine what their tonnage is and what tolls they shall pay the Government of the United States.

Not only that, but it will do away with the present discrimination which exists between ships of exactly the same earning capacity where one owner has resorted to certain devices to cut down the tonnage and the tolls and where the other vessel owner has not resorted to those devices to cut down his tonnage and his tolls.

The junior Senator from Oregon [Mr. STEWART] a few days since raised a constitutional question, asserting that the pending bill would delegate legislative power to the President of the United States. The junior Senator from Oregon generally discusses subjects in a manner, and as a rule, I may say without extravagance, as luminous as sunlight itself; but I think on that occasion the Senator fell into a sun spot.

The Panama Canal and the Panama Canal Zone are the property of the United States. The United States owns that property in the double character of a sovereign and as the proprietor. It has a right to fix tolls for the use of its property. Congress has the right to delegate that power to the President of the United States without raising any of the constitutional questions referred to by the Senator from Oregon. The Constitution expressly provides that Congress has plenary power to make all needful rules and regulations with respect to the territory of the United States.

The junior Senator from Oregon and the Senate were not standing face to face with the question as to whether or not we shall delegate this power to the President of the United States or delegate this power to some commission prescribing the rules for its procedure. The question pending is whether the Congress shall delegate to the President of the United States now, as it did in 1912, the power to prescribe and fix rules for the use of the Panama Canal, or whether Congress shall delegate or continue to delegate that power to the various shipping companies in this country and to the shipping companies of every nation on the earth.

Under the dual system of measurement the power to regulate tolls is largely vested in the shipping companies. Shipping companies of this country, shipping companies of England, shipping companies of Japan, and shipping companies of other countries, exercise the power now to determine in

large measure what tolls they shall pay the United States for the use of this great interoceanic highway. The purpose of the pending legislation is to stop that practice and to take over this sovereign power and have it exercised by the Congress of the United States instead of delegating it to the various shipping concerns.

Let us see what has happened under the present dual system. Last year the average tolls charged vessels passing through the Panama Canal were 85.4 cents per ton. That was the average, 85.4 cents per ton. The French vessels on the average paid 80 cents per ton to go through the canal, or 5 cents less than the general average. The Danish ships paid 80 cents a ton for passing through the Canal, or 5 cents per ton less than the general average. Norwegian ships and commercial ships of other nations paid 80 cents a ton for passing through the Canal, or 5 cents a ton less than the general average.

Mr. BAILEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from North Carolina?

Mr. GORE. I yield?

Mr. BAILEY. The Senator, as I understand, is contending that under the existing system the Norwegian, Japanese, and English ships pay less than the American ships.

Mr. GORE. Not the English ships.

Mr. BAILEY. Well, the ships of other nations.

Mr. GORE. Yes; some of them. Some pay more.

Mr. BAILEY. And is the Senator saying that the American shipping interests wish to maintain the situation under which they have to pay more in our Canal than the foreigners?

Mr. GORE. Yes, sir.

Mr. BAILEY. Very well. It is the first time I have ever heard of a man cutting his own throat, however.

Mr. GORE. That is the anomaly of this situation; but I shall show in a moment why that is true.

The English ships paid 87 cents a ton for passing through the Canal, about 2 cents more than the average; and this may strike Senators as strange. On the average, the ships of Japan pay 94 cents a ton for passing through the Canal. Some of her later vessels pay on only 68 percent of their tonnage, and some of her older vessels which have been reconditioned pay less than the average rate.

Here is the absurdity of this situation, Mr. President:

We wish to pass this bill, prescribing a uniform rule for the measurement of these ships based on their earning capacity, and then fix one uniform official toll to be charged on every vessel of every country passing through the Canal, and make every shipowner pay the same rate of toll on the tonnage of his vessel based on its earning capacity.

The present system permits the very anomaly to happen which I am describing. It permits those countries which go farthest in adopting these devices to cut their tolls down below the average, down below the official rate, while other countries which do not resort to those devices pay more than the average rate.

If this bill passes, and the 90-cents-a-ton rate is promulgated, Japanese ships will pay 90 cents a ton on their earning capacity; English ships will pay 90 cents a ton on their earning capacity; and all other ships, of whatever flag, will pay 90 cents a ton when they pass through the Canal based on their earning capacity. I repeat that the American shipping concerns are opposing the pending bill, notwithstanding in some cases they pay more than other ships, and in other instances they pay less than the ships of other countries.

Here is a figure which cannot be disputed:

In 1931 the tonnage that passed through the Panama Canal in the aggregate went through for \$7,000,000 less than if the vessels had paid on their earning capacity. Four million dollars of that saving went to foreign vessels. Three million dollars went to American vessels. We paid a subsidy of \$4,000,000 in that year to foreign shipping in order to pay a subsidy of \$3,000,000 in that year to American shipping.

That is not all.

Mr. BAILEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from North Carolina?

Mr. GORE. Yes, sir.

Mr. BAILEY. As I understand the Senator, that comes to \$7,000,000, does it not—\$4,000,000 for foreign vessels, and \$3,000,000 for American vessels?

Mr. GORE. Yes.

Mr. BAILEY. At the same time, since the Canal paid, that would have been a surplus. That would have been beyond what is contemplated by the whole theory of the Canal and the law.

Mr. GORE. Mr. President, that is on the assumption that the vessel owners had not resorted to these devices, and had paid the official rates. The Senator forgets that the present official rate is \$1.20, while under this measure it will be reduced to 90 cents, and will obviate the very surplus to which the Senator has referred.

Mr. GEORGE. Mr. President, may I ask the Senator a few questions? I am really seeking light on this subject.

Mr. GORE. Certainly. Would the Senator mind my making one other statement on this very point, which presents the picture better than it is now presented—just one other statement?

Since the Canal was opened there has been a subsidy of that sort amounting in the aggregate to \$84,000,000. Forty-seven million dollars of that amount was enjoyed by foreign ships. Thirty-seven million dollars of it went to ships that fly the American flag. We paid foreign ships \$47,000,000 in order to pay American ships a subsidy of \$37,000,000.

If we wish to subsidize American ships, let us do so; and we could have subsidized them to the extent of \$37,000,000 during the history of the Canal, and could have avoided subsidizing their competitors to the extent of \$47,000,000.

That is what this bill is intended to correct. The shipping concerns do not want it done because they can manipulate their tonnage—and I shall not go through those various and sundry details—in such a way as to cut down the tolls they pay.

I now yield to the Senator from Georgia.

Mr. GEORGE. Mr. President, I wish to ask the Senator from Oklahoma, the chairman of the committee, if I correctly understand that the present official rate is \$1.20 per ton.

Mr. GORE. Yes, sir.

Mr. GEORGE. Is that the maximum rate?

Mr. GORE. Oh, no. The maximum rate under existing law is \$1.25, and the minimum rate is 75 cents. The official rate, as promulgated by the President, is \$1.20 per ton.

Mr. GEORGE. So that if the Canal is not paying its cost under the present law, the rate could be raised. Do I understand that that is the case?

Mr. GORE. No; it could not be raised above \$1.25.

Mr. GEORGE. But it could be raised above \$1.20?

Mr. GORE. It could be raised from \$1.20 to \$1.25; yes, sir.

Mr. GEORGE. And \$1.20 is the prevailing rate?

Mr. GORE. That is the present fixed official rate; but I will say to the Senator, as I stated a moment ago, that the average rate paid by all shipping, taken in the aggregate, is a little over 85 cents per ton.

Mr. GEORGE. It is just on that point that I desire to ask the Senator a few questions.

I do not get the Senator's point when he compares the cost of a ship of a given tonnage passing the Suez Canal and passing the Panama Canal. Perhaps that is my fault, and I shall not ask the Senator to go into that subject; but it seems to me we do not need to compare them at all, because certainly the Panama Canal stands on a different basis from the Suez Canal. I think if the Senator will examine our treaties, and I am quite sure if he will examine the treaty which is now before the Foreign Relations Committee, he will find that the neutrality of the Panama Canal as a channel of trade and commerce is especially emphasized.

I do not wish to go into that question, however.

Mr. GORE. No; it is foreign to this one.

Mr. GEORGE. What I do wish to ask the Senator is, Why is it not possible for one ship of the exact tonnage of another ship so to arrange itself by these devices, under the existing dual system, as to put itself on an equality with the ship that pays the less toll?

Mr. GORE. Mr. President, I had avoided that point, because I have heretofore discussed it in detail; but I shall be glad to explain it to the Senator.

Let us assume that the Senator from Georgia and I own companion ships, identical in every detail, measuring 10,000 tons each, according to the Panama Canal rules of measurement.

The Senator's ship goes through the Panama Canal. He has resorted to no devices to reduce its tonnage measurement. Under the Panama Canal rules of measurement, it measures 10,000 tons. It so happens that it would not quite measure that under United States rules in any event. The tonnage would be a little less; but let us waive that point. The Senator would pay \$12,000 for the passage of his ship through the Canal.

My ship pulls in next to his. It is a companion ship in every particular. On the shelter deck of my ship I have cut what is called a tonnage opening, some 4 or 5 feet by 18 or 20 feet. Around that opening there is a coaming some 12 inches high. I may put over that opening planks cut to fit the opening. Over that I spread a tarpaulin, and I tie a rope around this tarpaulin and around the coaming, making it watertight and airtight; but that is a temporary closing of the hatch or the opening. That one device takes all the space between that shelter deck and the next deck below, perhaps 2,000 tons of cargo-carrying space, out of the requirement to pay tolls. Even though every inch of it be loaded with every ounce it will carry between those two decks, it does not pay any tolls.

Now, let us go a little further than that. The space in the Senator's ship between the shelter deck and the next deck below may not carry 1 ounce of freight, and yet the Senator's ship pays tolls on 2,000 tons. If the Senator had cut an identical opening in his ship corresponding with the one in my ship, had put the same sort of planks over the opening and the same sort of tarpaulin over the planks, but instead of using a rope to tie around the coaming to tighten the enclosure, had put a steel band around the coaming and had driven wedges in between the band and the coaming, that would have been a permanent closing of this tonnage opening, and the Senator would still have been required to pay tolls on his tonnage, when the only difference was that I had used a rope and mine was a temporary closing, while the Senator had used a steel band and it was a permanent closing.

There are other small details which will help to carry out this "show"—though I do not want to be offensive by the use of the word—when I cut this tonnage opening in the shelter deck of my ship. I would have had to put in some freeing ports in the sides of the ship near the deck below and some scupper pipes to let the water run out—the theoretical water, which never comes in.

The only object of that opening in the deck of my ship was to cut down my tolls. It is not used for putting in cargo or taking it out. The regular cargo hatches are used for that purpose. The only purpose and the only effect is to cut down my tonnage and cut down my tolls, and that is the reason why the shipping interests of this country do not want this measure enacted into law. They do not want that privilege taken away from them. They do not want to give the President the power to fix tolls. They want to reserve that power in their own hands.

Mr. GEORGE. Mr. President, I wish to ask the Senator again, why is it that ships of the same kind cannot install the same devices, if we call them devices?

Mr. GORE. They can.

Mr. GEORGE. Can all ships install these devices?

Mr. GORE. Some of them cannot on account of their construction. Some of them do not yield themselves to these devices owing to their structure.

Mr. BAILEY. Mr. President, if I can faithfully follow the argument, it is that all the ship of the Senator from Georgia had to do was to use ropes.

Mr. GEORGE. That is exactly what I am trying to get at.

Mr. GORE. That is all; but this is the point—

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

Mr. GORE. Certainly.

Mr. GEORGE. As I understand the Senator from Oklahoma—and I have tried to follow him with exceeding care—the pending bill does not have as its object the collection of more tolls in the aggregate.

Mr. GORE. No.

Mr. GEORGE. If that be true, and there is a discrimination between vessels merely of the same tonnage, my inquiry is, Why cannot all of the boats of the same type install the same devices or appliances, or whatever they may be called, and get the lowest rate of tolls permissible?

Mr. GORE. Mr. President, generally speaking, they could. As I indicated a moment ago, there are, perhaps, some which from their structure could not lend themselves to these peculiar devices. I will say to the Senator that this evil is a progressive evil. It is getting worse year by year. Japan has 20 old ships which ply the Canal. They have not resorted to these devices in the past, but within the last year they have reconditioned two of those vessels and have materially cut down their tonnage and have materially cut down the tolls they pay to the United States.

To illustrate to the Senator one of the other devices by which the Japanese ships cut down their tonnage, they used to be coal-burning ships, and, naturally, had bunkers in which to carry their coal. They have been converted into oil-using vessels. A certain percentage of a ship's capacity is exempt on account of engine rooms and propelling space. They cut a door between the old coal bunkers of the ship and the engine room, and by that device materially reduced the toll-paying tonnage, because the bunker space became part of the engine room and increased it beyond 13 percent of the gross tonnage.

Here is another strange feature of our United States rules of measurement. If a ship's engine room is 13 percent or less of the total tonnage of the ship, then she receives a reduction for propelling power corresponding with the actual size of the engine room plus 75 percent of the engine-room space as a fuel allowance. But if they increase the engine-room space to between 13 percent and 20 percent of the gross tonnage, 32 percent of the entire gross tonnage of the ship is allowed as a deduction for propelling power. This is an arbitrary allowance and amounts to much more than the 175-percent method mentioned before.

Some owners have resorted to this to a greater degree than others, some to a lesser degree. The question is, Ought the practice to be tolerated, ought it to be continued, ought the Government of the United States to prescribe the tolls on a fair and equitable basis, which it will charge for the service of passing ships through the Canal, requiring all owners to pay a just and reasonable charge, a uniform charge, or should this question be left to the caprice and whim, I need not say to the avarice or to the cupidity, of these various shipping concerns? Is the system rational?

Mr. President, the 90-cents-a-ton rate corresponds substantially with the present average rate, which is eighty-five and a fraction cents. If we made allowance for certain deductions for public rooms, which the Secretary of War will make or recommend if this measure be enacted, the average rate last year would have been eight-seven and a fraction cents instead of 85 cents per ton, and for 1934 the average charge would have been 88 cents instead of 85 cents. So that this 90 cents a ton corresponds substantially with the present average rate, but it obviates all these discriminations.

The Senator from Georgia can see this point: My ship passes through the Canal, say, for \$2,000 less than he pays. He pays the freight. My cheaper rate does not inure to the benefit of the shipper, it operates as a subsidy to me. I simply make my rate just enough below his to insure a cargo,

and to subject him to what might be regarded as unfair competition, and I pocket the subsidy.

The VICE PRESIDENT. Will the Senator from Oklahoma suspend so that the Senate may carry out the order with reference to the impeachment proceedings.

Mr. GORE. I yield.

At this point (at 1:45 p. m.), the recess of the Senate sitting as a Court of Impeachment having expired, the impeachment proceedings were resumed.

CROP-PRODUCTION LOANS

After the conclusion for the day of the impeachment proceedings, the Senate resumed the consideration of legislative business.

Mr. SMITH. Mr. President, will the Senator from Oklahoma yield to me to present a matter other than the unfinished business?

Mr. GORE. I yield.

Mr. SMITH. Mr. President, all Members of the Senate are familiar with what has occurred in reference to the so-called seed-loan bill. The committee has authorized me to make a report as to what has transpired to date. It will be recalled that the committee addressed a letter to the President of the United States, setting forth what was contained in certain telegrams from the regional managers of the seed-loan offices, and suggesting an amount that would be immediately necessary to meet the conditions. The President replied to that letter, and I ask that the clerk read the President's reply, and then I will ask to have printed in the RECORD, according to the order of the committee this morning, the original bill, the veto message, the Executive order, the letter written by the committee, and the reply of the President thereto. I ask that that be done in chronological order, as I have been instructed so to do by the committee.

The PRESIDING OFFICER (Mr. MINTON in the chair) The clerk will read, as requested.

The Chief Clerk read as follows:

THE WHITE HOUSE,
Washington, D. C., March 9, 1936.

Hon. ELLISON D. SMITH,
Chairman, Committee on Agriculture and Forestry,
United States Senate.

MY DEAR SENATOR: This is in reply to the letter of March 5, 1936, addressed to me by yourself and other members of the Senate Committee on Agriculture and Forestry, with respect to the allotment of funds under my Executive order of February 28, 1936, for the purpose of making loans to farmers during the year 1936 for production of crops.

I note that you and your committee members are of the opinion that at least \$28,500,000 should be immediately allotted for the making of these loans and are requesting that this be done.

In my Executive order I set aside, or earmarked, not to exceed \$30,000,000 for this purpose, of which \$7,000,000 was immediately allotted, and I stated that additional allotments would be made from time to time as might be necessary. I propose to carry out this program. The Governor of the Farm Credit Administration advises me that an additional \$13,000,000 will be required on or about March 20, at which time I shall cause that sum to be made available. He further advises that additional funds may be required on or about April 10, at which time I will take the necessary action to see that such amount as may be shown to be necessary is supplied. I cannot see why this arrangement should not be satisfactory to all concerned.

It is not practicable to make an immediate allotment of all of the funds estimated to be required, since it is necessary to follow the routine of drawing in unobligated balances from various allotments of emergency funds and making them available for the making of crop-production loans. This will be done, of course, as rapidly as possible and in ample time to meet the needs of the Farm Credit Administration.

I trust that the foregoing will be sufficient to assure you and the members of your committee that adequate provision will be made for providing funds for the making of the loans in question as the need for them becomes necessary.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. BORAH. Mr. President, am I correct in understanding from the letter of the President that on the 20th of March there will be \$13,500,000 available?

Mr. SMITH. There will be \$20,000,000 available.

Mr. BORAH. That is, \$20,000,000 will be available on and after the 20th of March?

Mr. SMITH. "On or about" as the letter says.

Mr. BORAH. That disposes of the entire matter, veto and all?

Mr. SMITH. Yes.

Mr. President, I wish to make just a brief statement and then I am through with this matter. As one member of the committee I did not think, and do not now think, that this sum is at all adequate, but on account of the lateness of the season, crops being planted now and whatever contracts are necessary having been made, we have agreed to accept the amount—not to accept it, but we have agreed to let the matter drop for the reason that perhaps half a loaf is better than no loaf at all.

I now ask that the documents referred to by me may be printed in the order I have indicated.

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

Seventy-fourth Congress of the United States of America; at the second session, begun and held at the city of Washington on Friday, the 3d day of January 1936

An act to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes

Be it enacted, etc., That the Governor of the Farm Credit Administration, hereinafter in this act referred to as the "Governor", is hereby authorized to make loans to farmers in the United States and in Alaska, Hawaii, and Puerto Rico, during the year 1936, for fallowing, for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident to and necessary for such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes. Such loans shall be made and collected through such persons and agencies, upon such terms and conditions, and subject to such regulations, as the Governor shall prescribe.

SEC. 2. (a) There shall be required as security for any such loan a first lien, or an agreement to give a first lien, upon all crops of which the production, planting, cultivating, or harvesting, is to be financed, in whole or in part, with the proceeds of such loan; or, in case of any loan for the purchase or production of feed for livestock, a first lien upon the livestock to be fed. Fees for recording, filing, registration, and examination of records (including certificates) shall not exceed 75 cents per loan, and may be paid from the proceeds of the loan. Each loan shall bear interest at the rate of 5½ percent per annum.

(b) The amount which may be loaned to any borrower pursuant to this act shall not exceed \$500: *Provided, however*, That in any area certified by the President of the United States to the Governor as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations and with such maturities as he may prescribe therefor.

(c) No loan shall be made under this act to any applicant who shall not have first established to the satisfaction of the proper officer or employee of the Farm Credit Administration, under such regulations as the Governor may prescribe, that such applicant is unable to procure from other sources a loan in an amount reasonably adequate to meet his needs for the purposes for which loans may be made under this act.

SEC. 3. (a) The moneys advanced by the Governor in connection with each loan made under the provisions of this act are declared to be impressed with a trust to accomplish the purposes provided for by this act (namely, for fallowing, for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident to such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes); and may be used only for the purposes stated in the borrower's loan application, and until so used shall continue subject to such trust and be free from garnishment, attachment, or the levy of an execution.

(b) It shall be unlawful for any person to make any material false representation for the purpose of obtaining, or assisting another to obtain, a loan under the provisions of this act; or willfully to dispose of, or assist in disposing of, except for the account of the Governor, any crops or other property upon which there exists a lien securing a loan made under the provisions of this act.

(c) It shall be unlawful for any person to charge a fee for the purpose of preparing or assisting in the preparation of any papers of an applicant for a loan under the provisions of this act.

(d) Any person violating any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not more than \$1,000, or by imprisonment for not more than 6 months, or both.

SEC. 4. The Governor shall have power, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to employ and fix the compensation and duties of such agents, officers, and employees as may be necessary to carry out the purposes of this act; but the compensation of such officers and employees shall correspond, so far as the Governor deems practicable, to the rates established by the Classification Act of 1923, as amended. For the purpose of carrying out the provisions of this act and of collecting loans made under acts of the same general character, including loans made by the Governor with funds appropriated under the provisions of the Emergency Appropriation Act, fiscal year 1935, the Governor is authorized to use the facilities and services of any agency, institution, or corporation operating under the supervision of the Farm Credit Administration, and any officer or employee of any such agency, institution, or corporation, or of the Farm Credit Administration, and may pay for such services and the use of such facilities from the funds made available for the payment of necessary administrative expenses; and such agencies, institutions, and corporations are hereby expressly em-

powered to enter into agreements with the Governor for the accomplishment of such purposes.

SEC. 5. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000,000, or so much thereof as may be necessary, to carry out the provisions of this act. Any moneys so appropriated, and all collections of both principal and interest on loans made under this act, may be used by the Governor for making loans under this act and for all necessary administrative expenses in carrying out the provisions of this act and in collecting outstanding balances on crop production, seed, and feed loans made under prior legislation of the same general character.

(b) Expenditures for printing and binding necessary in carrying out the provisions of this act may be made without regard to the provisions of section 3709 of the Revised Statutes.

Message from the President of the United States returning, without approval, the bill (S. 3612) entitled "An act to provide loans to farmers for crop production and harvesting during the year 1936, and for other purposes"

February 24 (calendar day, Feb. 26), 1936.—Read; referred to the Committee on Agriculture and Forestry and ordered to be printed.

To the Senate:

I return herewith, without my approval, S. 3612, a bill entitled "To provide loans to farmers for crop production and harvesting during the year 1936, and for other purposes."

This bill authorizes an appropriation of \$50,000,000 from the general fund of the Treasury for loans to farmers during the year 1936, for production of crops—principally seed loans.

In approving the bill providing \$40,000,000 for crop production loans for 1934, I stated that I did so on the theory that it was proper to taper off the crop-loan system, which had been initiated on a large scale as early as 1931, rather than to cut it off abruptly, particularly since such loans would serve a useful purpose in aiding certain farmers unable to qualify for crop-production loans through the newly established farmers' production credit associations, and that the 1934 loan by the Government should thus be considered as a tapering-off loan.

It is true that I gave my approval to a \$60,000,000 crop-production loan for 1935, but this loan was primarily for relief purposes principally in the drought-stricken areas, and I recommended to the Congress that the cost of such loans should properly be defrayed from the appropriation for relief purposes. Accordingly \$60,000,000 was reappropriated from unobligated balances under allocations from the appropriation of \$525,000,000 for relief in stricken agricultural areas contained in the Emergency Appropriation Act passed the previous year.

In my Budget message, transmitting the 1937 Budget, I stated: "If the Congress enacts legislation at the coming session which will impose additional charges upon the Treasury for which provision is not already made in this Budget, I strongly urge that additional taxes be provided to cover such charges."

No provision was made in the financial program for the fiscal year 1936, or the fiscal year 1937, for additional crop loans, and, notwithstanding my Budget statement, quoted above, the Congress by this bill authorizes an additional draft upon the Treasury for \$50,000,000 for new crop loans, without making provision for any revenue to cover such loans.

However, while I am returning this bill without my approval, I recognize that there still exists a need for crop-production loans to farmers whose cash requirements are so small that the operating and supervisory costs, as well as the credit risk, make credit unavailable to them at this time through the usual commercial channels and who, unless extended assistance of this character, would no doubt find it necessary to seek some other form of relief from the Government. This is particularly true with respect to those areas in which unusual conditions prevail because of drought, dust storms, floods, rust, and other unforeseen disasters.

I fully agree with the Congress that provision should be made for such borrowers during the year 1936, but I feel that other borrowers should seek credit elsewhere.

I am convinced that the immediate and actual needs to which I have referred can be met during the year 1936 by an expenditure of funds materially less than that proposed in the bill under discussion.

Furthermore, these needs can be met, without the necessity of enacting authorizing legislation, through an allocation of funds by me from the appropriation provided in the Emergency Relief Appropriation Act for 1935, which appropriation, I am informally advised by the Comptroller General of the United States, can be utilized for such loans as I might indicate by Executive order to be desirable and necessary as relief measures.

I believe, therefore, that a special appropriation by the Congress at this time is both inadvisable and unnecessary. That being so, and in the absence of such legislation, I propose in order to meet this need to issue an Executive order within the next few days.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
February, 26, 1936.

Seventy-fourth Congress of the United States of America; at the second session, begun and held at the city of Washington on Friday, the 3d day of January 1936

An act to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes

Be it enacted, etc., That the Governor of the Farm Credit Administration, hereinafter in this act referred to as the "Governor",

is hereby authorized to make loans to farmers in the United States and in Alaska, Hawaii, and Puerto Rico, during the year 1936, for fallowing for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident to and necessary for such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes. Such loans shall be made and collected through such persons and agencies, upon such terms and conditions, and subject to such regulations, as the Governor shall prescribe.

SEC. 2. (a) There shall be required as security for any such loan a first lien, or an agreement to give a first lien, upon all crops of which the production, planting, cultivating, or harvesting is to be financed, in whole or in part, with the proceeds of such loan; or, in case of any loan for the purchase or production of feed for livestock, a first lien upon the livestock to be fed. Fees for recording, filing, registration, and examination of records (including certificates) shall not exceed 75 cents per loan, and may be paid from the proceeds of the loan. Each loan shall bear interest at the rate of 5½ percent per annum.

(b) The amount which may be loaned to any borrower pursuant to this act shall not exceed \$500: *Provided, however,* That in any area certified by the President of the United States to the Governor as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations and with such maturities as he may prescribe therefor.

(c) No loan shall be made under this act to any applicant who shall not have first established to the satisfaction of the proper officer or employee of the Farm Credit Administration, under such regulations as the Governor may prescribe, that such applicant is unable to procure from other sources a loan in an amount reasonably adequate to meet his needs for the purposes for which loans may be made under this act.

SEC. 3. (a) The moneys advanced by the Governor in connection with each loan made under the provisions of this act are declared to be impressed with a trust to accomplish the purposes provided for by this act (namely, for fallowing, for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident to such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes); and may be used only for the purposes stated in the borrower's loan application, and until so used shall continue subject to such trust and be free from garnishment, attachment, or the levy of an execution.

(b) It shall be unlawful for any person to make any material false representation for the purpose of obtaining, or assisting another to obtain, a loan under the provisions of this act; or willfully to dispose of, or assist in disposing of, except for the account of the Governor, any crops or other property upon which there exists a lien securing a loan made under the provisions of this act.

(c) It shall be unlawful for any person to charge a fee for the purpose of preparing or assisting in the preparation of any papers of an applicant for a loan under the provisions of this act.

(d) Any person violating any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not more than \$1,000, or by imprisonment for not more than 6 months, or both.

SEC. 4. The Governor shall have power, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to employ and fix the compensation and duties of such agents, officers, and employees as may be necessary to carry out the purposes of this act; but the compensation of such officers and employees shall correspond, so far as the Governor deems practicable, to the rates established by the Classification Act of 1923, as amended. For the purpose of carrying out the provisions of this act, and of collecting loans made under acts of the same general character, including loans made by the Governor with funds appropriated under the provisions of the Emergency Appropriation Act, fiscal year 1935, the Governor is authorized to use the facilities and services of any agency, institution, or corporation, operating under the supervision of the Farm Credit Administration, and any officer or employee of any such agency, institution, or corporation, or of the Farm Credit Administration, and may pay for such services and the use of such facilities from the funds made available for the payment of necessary administrative expenses; and such agencies, institutions, and corporations are hereby expressly empowered to enter into agreements with the Governor for the accomplishment of such purposes.

SEC. 5. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000,000, or so much thereof as may be necessary, to carry out the provisions of this act. Any moneys so appropriated, and all collections of both principal and interest on loans made under this act, may be used by the Governor for making loans under this act and for all necessary administrative expenses in carrying out the provisions of this act and in collecting outstanding balances on crop production, seed, and feed loans made under prior legislation of the same general character.

(b) Expenditures for printing and binding necessary in carrying out the provisions of this act may be made without regard to the provisions of section 3709 of the Revised Statutes.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.
KEY PITTMAN,

President of the Senate pro tempore.

[Endorsement on back of bill:]

I certify that this act originated in the Senate.

ED. A. HALSEY, Secretary.

Executive order allocating funds to the Farm Credit Administration and prescribing rules and regulations for the making of emergency crop loans under the Emergency Relief Appropriation Act of 1935

By virtue of and pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1935 (49 Stat. 115), it is hereby ordered as follows:

1. There is set aside from funds provided by the said act for the use of the Farm Credit Administration for the purpose of making loans to farmers during the year 1936, under limitation (b) in section 1 of the said act, in the United States, Hawaii, and Puerto Rico, for fallowing, for the production of crops, for planting, cultivating, and harvesting crops, for supplies incident to and necessary for such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes, under such terms and conditions as the Governor of the Farm Credit Administration (hereinafter referred to as the Governor) may prescribe, a sum not to exceed \$30,000,000, of which the sum of \$7,000,000 is hereby allocated to the said Administration to be supplemented from time to time by such additional allocations as may be necessary.

2. The amount which may be lent to any one borrower shall not exceed \$200, and each applicant for a loan shall establish to the satisfaction of the proper officer or employee of the Farm Credit Administration, under such conditions as the Governor may prescribe, that the applicant is unable to procure such loans from any other source: *Provided*, That preference shall be given to the applications of farmers whose cash requirements are small.

3. Loans made under the provisions of this order shall be secured by a first lien, or by an agreement to give a first lien, upon all crops of which the production, planting, cultivating, or harvesting is to be financed, in whole or in part, with the proceeds of such loans or in case of any loan for the purchase or production of feed for livestock a first lien upon the livestock to be fed. Such loans shall be made and collected under such regulations as the Governor shall prescribe, and shall bear interest at the rate of 5½ percent per annum.

4. Fees for recording, filing, registration, and examination of records (including certificates) in connection with each loan made hereunder shall be paid by the borrower: *Provided, however*, That such fees aggregating not to exceed 75 cents per loan may be paid by him from the proceeds of his loan. No fees for releasing liens given to secure loans shall be paid from the funds made available hereunder.

5. The funds hereby or hereafter allocated may be used also for all necessary administrative expenses in carrying out the provisions of this order to and including June 30, 1937.

6. In carrying out the provisions of this order, the Farm Credit Administration may (a) make expenditures for supplies and equipment, traveling expenses, rental of offices, printing and binding, and other necessary expenses; and (b) accept voluntary and uncompensated services, appoint officers and employees without regard to the provisions of the civil-service laws and regulations, and fix the compensation of any officers and employees so appointed without regard to the Classification Act of 1923, as amended.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, February 28, 1936.

UNITED STATES SENATE,
COMMITTEE ON AGRICULTURE AND FORESTRY,
Washington, March 5, 1936.

Hon. FRANKLIN D. ROOSEVELT,

The White House, Washington, D. C.

DEAR MR. PRESIDENT: We, the undersigned members of the Senate Committee on Agriculture and Forestry, ask that \$28,500,000 be immediately allocated for seed-loan purposes.

Telegrams received indicate that this is a minimum amount necessary for those, who without funds, must make arrangements now for planting their crops. The committee, in a lengthy session, discussed this matter today. The regional managers of the seed loan have indicated the amounts necessary for their districts. From the tone of these telegrams, or most of them, this amount is indicated as being needed now.

In order that those who receive this aid may know how to arrange their affairs it is absolutely necessary for them to be advised at this time when and how much they may depend upon. The planting season is on, and it is indispensable that this information be available for them.

Yours very sincerely,

Ellison D. Smith, Burton K. Wheeler, Elmer Thomas, George McGill, W. J. Bulow, Hattie W. Caraway, Louis Murphy, James P. Pope, Carl A. Hatch, Theodore G. Bilbo, Lewis B. Schwellenbach, Arthur Capper, Peter Norbeck, Lynn J. Frazier, Henrik Shipstead.

THE WHITE HOUSE,
Washington, D. C., March 9, 1936.

Hon. ELLISON D. SMITH,

Chairman, Committee on Agriculture and Forestry,

United States Senate.

MY DEAR SENATOR: This is in reply to the letter of March 5, 1936, addressed to me by yourself and other members of the Senate Committee on Agriculture and Forestry, with respect to the allotment of funds under my Executive order of February 28, 1936, for the purpose of making loans to farmers during the year 1936 for production of crops.

I note that you and your committee members are of the opinion that at least \$28,500,000 should be immediately allotted for the making of these loans and are requesting that this be done.

In my Executive order I set aside, or earmarked, not to exceed \$30,000,000 for this purpose, of which \$7,000,000 was immediately allotted, and I stated that additional allotments would be made from time to time as might be necessary. I propose to carry out this program. The Governor of the Farm Credit Administration advises me that an additional \$13,000,000 will be required on or about March 20, at which time I shall cause that sum to be made available. He further advises that additional funds may be required on or about April 10, at which time I will take the necessary action to see that such amount as may be shown to be necessary is supplied. I cannot see why this arrangement should not be satisfactory to all concerned.

It is not practicable to make an immediate allotment of all of the funds estimated to be required since it is necessary to follow the routine of drawing in unobligated balances from various allotments of emergency funds and making them available for the making of crop-production loans. This will be done, of course, as rapidly as possible and in ample time to meet the needs of the Farm Credit Administration.

I trust that the foregoing will be sufficient to assure you and the members of your committee that adequate provision will be made for providing funds for the making of the loans in question as the need for them becomes necessary.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

MEASUREMENT OF VESSELS USING THE PANAMA CANAL

The Senate resumed consideration of the bill (S. 2288) to provide for the measurement of vessels using the Panama Canal, and for other purposes.

THE VICE PRESIDENT. The pending question is on agreeing to the amendment in the nature of a substitute offered by the Senator from North Carolina [Mr. BAILEY].

MR. GORE. Mr. President, when I was interrupted I was observing that the plan of reduced tolls and permitting ships to evade the proper payment of tolls is a progressive evil. Statistics show that it is growing worse year by year. An end ought to be put to this practice.

I dislike to harp too much on the recent Japanese ships, but they illustrate the point. Japan until recently was paying tolls on 94 percent of the tonnage on which she ought to pay, as compared with an average of 85 percent. Four Japanese ships recently put into commission will pay on 68 percent of the tonnage on which they ought to pay. This illustrates the growing evil.

I may say to the Senator from Georgia [Mr. GEORGE], whether present or absent, that there is no one who has had the hardihood to defend this dual system of measurement and these absurd consequences which follow it.

Mr. President, may I have read at the desk at this point a few remarks made by former House leader Mondell, delivered in the other House October 1, 1919, when this endless question was then before the House for consideration?

The PRESIDING OFFICER (MR. BURKE in the chair). Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

MR. MONDELL. Mr. Chairman, the question is, Shall we have a rule of measurement for the computation of the tolls of the Panama Canal which fairly measures the carrying capacity of the vessel, or shall we have a rule which tempts men to build ships in such a way as to enable them to carry cargo and dodge the payment of tolls—a rule under which certain classes of cargo go through the Canal without the payment of the tolls other classes of cargo pay? In other words, shall we have an honest rule based on the carrying capacity of the ships, or shall we have a dishonest rule under which certain ships and certain classes of cargo will enjoy a certain exemption from tolls, while all other ships and all other cargoes pay full tolls?

* * * * *
It is the fair, reasonable, sensible, honest rule, and it can injure no man.

MR. GORE. That speech was delivered in the House of Representatives some 17 years ago, when the House was undertaking to rectify the evils resulting from the dual system of measurements. The speech is as fitting today as it was then, and we may be as far from a solution of the question today as we were then.

I now wish at this point to have read at the desk a few remarks delivered in the House of Representatives on the same day by Representative Esch, of Wisconsin, a gentleman known personally to many Members of the Senate, and one who stands high in the esteem of Congress and the country.

Mr. Esch was chairman of the House Committee on Interstate and Foreign Commerce and reported the bill.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

Mr. ESCH. The effect of this decision was practically to destroy the Panama Canal rules of measurement and substituting therefor the rules of measurement prescribed by the United States statutes. There also resulted a discrimination between vessels of different nationalities and a reduction in the revenues. I wish to state as one of those who helped to frame the Panama Canal Act that we thought we were framing legislation which would enable the Panama Commission to fix tolls under the rules prescribed by the proclamations of the Presidents. It was not our purpose that the tollage should be determined by the United States rules of measurement based upon net tonnage, but the decision of the Attorney General stands to this day, and it is to relieve the operations on the Isthmus of the decision of the Attorney General that this bill has been introduced (CONGRESSIONAL RECORD, Oct. 1, 1919, p. 6214).

Mr. ESCH. Mr. Chairman, this bill comes before this Congress with the endorsement of the Secretary of War. It comes here with the endorsement of Colonel Harding, Governor of the Panama Canal Zone. It comes here with the endorsement of General Goethals, who knows more about the Canal and its administration than any other living man. It comes here with the endorsement of the Commissioner of Navigation, who stated that the Panama Canal rules of tollage and measurement were the most scientific rules in any nation in the world. For these reasons we ask that this bill be passed (CONGRESSIONAL RECORD, Oct. 1, 1919, p. 6216).

Mr. GORE. Mr. President, the present dual system of measurement results in a ship subsidy—a subsidy not prescribed by the Congress of the United States, a subsidy not fixed by the Government of the United States, but a subsidy which is measured and determined by the ship companies themselves. It is a subsidy not limited to American vessels alone. It is a subsidy which is availed of by foreign vessels as well; a subsidy availed of by the competitors of our own shipping concerns.

I submit to the Senate, if we are to have a ship subsidy, let us limit it to ships of our own registry, ships bearing our own flag. In order to secure a small subsidy to American vessels, let us not continue to pay a much larger subsidy to foreign vessels. That is the point I wish to make in this connection.

The question has been raised as to what effect the pending measure would have, if passed, upon the transcontinental railroads.

Mr. President, the railroads did not appear at the hearings before the committee of either House. They made no protest against the pending bill. I think we may safely infer from their absence that their interest was not vitally affected; but we need not rely upon that inference. It is perfectly obvious that their interest will not be materially affected, because this measure, if passed and put into effect, will not materially affect the average rate of tolls now charged for passage through the Panama Canal. I have already indicated that making certain allowances for social halls or public rooms and the like, the average rate charged for 1935 was 87 cents per ton, and the average rate charged for 1934 was 88 cents per ton. We are given assurance that this measure, if enacted and carried out, would impose a toll of 90 cents a ton. That would not materially affect the Pacific railroads. It is a mere trifle; and I may say to Senators that this measure was not drawn ad captandum. It is drawn in the light of the history of the Canal. It is drawn in the light of all the experience we have had. It is drawn in the light of the status quo, and it is prepared with a view to occasioning the least possible disturbances in present relationships.

The shipping concerns are opposed to the bill because they fear its enactment would entail an increase in the tolls which they pay. Undoubtedly it would require concerns which are now paying less tolls than they ought to pay to pay more tolls. Concerns which today—and no doubt there are some—are paying more tolls than they ought to pay would under this measure pay less tolls than they are now paying. That would be merely ironing out these discriminations and anomalies—a course to which I think no one can object.

Of course, Senators understand that the rate referred to here—90 cents a ton—relates to the tonnage of the ships. It has no relation to the freight or to the freight rates charged on the cargoes carried by the ships; and no comparison of rates would be admissible, I believe, as between the ships and the railway companies. So I feel safe in assuring the Senate that there would be not the slightest reaction against the interest or unreasonableness in favor of the transcontinental railroads. The effect would be immaterial.

There is one other point to which I wish to call the attention of Senators.

It has been repeatedly stated here that section 1 of this bill as originally introduced carried substantive legislation, and that section 2 provided for raising a commission to make an investigation and report. Senators have made the point that we propose, first, to legislate, and then to investigate; and they have insisted that we ought first to investigate and then to base our legislation on the report or the results of the investigation.

If that point really represented the facts it would, of course, be well taken. It would be perfectly absurd to legislate first and then to investigate afterward. It would be a good deal like the mob which wanted the jury to give up the room where they were considering the guilt or innocence of the accused party in order that the mob might lay out the criminal in the jury room. They had already taken summary action in the premises.

What does this bill do? Because, if that objection were true, the bill would propose an absurdity and ought not to be enacted.

I ask Senators to go back to March of last year, when this bill was introduced. As I say, section 1 contained substantive legislation. It fixed a maximum rate of \$1 per ton in order to protect the shipping concerns. It fixed a minimum rate of 60 cents per ton in order to protect the Government. It then authorized the President to ascertain and promulgate an official rate somewhere between the maximum and the minimum. That is what section 1 provided. The bill, as introduced, provided that section 1 should go into effect on September 1, 1936.

On the first day of the coming September, section 1 was to go into effect. The investigation called for in section 2 did not relate to the objective set out in the substantive portion of section 1. The investigation authorized in section 2 related to new conditions which have arisen with reference to shipping which the President should take into account when promulgating the new rules of measurement under section 1.

Section 2 authorized a commission to be raised to make a study and a report as to the rates of toll which should now be imposed in view of the changed conditions of shipping; and the President, when he proceeded to carry into execution section 1, authorizing him to fix tolls, would have the report of the committee at hand, ready to proceed; and section 2, providing for the commission, was to go into immediate effect. If this bill had passed in June last, the President then would have appointed the commission, and section 2 required the commission to submit its report on or before January 1 of the current year—on or before January 1 last—in order that the President might then take into account the results of its studies and of its recommendations, and embody those suggestions in his proclamation when he proceeded to carry out the powers vested in him under section 1.

Mr. President, that explains the anomaly and the purpose. The difference between these dates—January 1 last and September 1 next—was intended to give the shipping companies an opportunity to adapt themselves to the new rules of measurement, to prepare for the new tolls that would be imposed, and to get in shipshape, to set their houses in order, looking to the execution of this measure when it went into effect.

That is all the measure does. It does not, in section 2, raise a commission which is to make any study and report as a predicate for section 1, because section 1 fixes a maximum

and a minimum which ought to be fixed, and ought to be fixed now, and authorizes the President to promulgate a system of rules of measurement and tolls. Those two powers which are reposed in the discretion of the President are to be exercised by him on the basis of the report, when submitted. It saves time. It obviates another unending delay. That, I take it, is the reason why the shipping companies are opposed to the bill. It would be ready for enforcement on the 1st day of September.

I repeat, this measure has been drawn not recklessly or ad capandum or without regard to all interests concerned. It has been drawn with reference to all those interests, and it protects them. If the proposed legislation does not pass now, I am afraid it never will pass, because, as I have already suggested, the jurisdiction over this subject in the House of Representatives has been transferred from the Interstate and Foreign Commerce Committee, a friendly committee, to the Merchant Marine and Fisheries Committee, which I am informed—and I speak only upon that information—is a committee unfriendly to the pending legislation.

There are one or two other collateral points to which I shall merely make reference.

The Senator from North Carolina [Mr. BAILEY] argued ably and conclusively that the American merchant marine is an essential auxiliary alike to the American Army and the American Navy. There is no dispute upon that point. That is merely demonstrating what is self-evident. But I believe that the Secretary of War, charged peculiarly with the common defense, may as safely be trusted in the consideration of legislation of this sort as may the shipping concerns, who naturally wish to keep their tolls down. There is no controversy on that point.

The Senator from North Carolina also suggested that our coastwise trade ought to be given some special consideration or favor.

That is a question worthy of debate and consideration. It is immaterial now, because our coastwise trade does not now enjoy any particular favor or consideration under existing law. It will occupy the same status, if the pending measure becomes law, which it now occupies. So that point is really foreign to the appropriate consideration and decision of the issue now involved.

Mr. President, the Senator from North Carolina pleaded eloquently, like the old Roman motto, *Fiat lux—let there be light*. I should certainly be the last to resist a prayer of that kind. Why not, as a matter of practical legislation, defeat the pending substitute for the bill? I should then have no objection to attaching the substitute to section 1 as an amendment. Section 2 was included in the bill when it was originally introduced, providing for the investigation. I have no particular objection to the investigation. I do not think it is necessary; but if other Senators disagree with me, I defer to their judgment.

I ask Senators to defeat the pending substitute; and if they do so, I will then, if it be in order, offer to attach the substitute as an amendment to section 1 in order that the measure may pass; and if there be any additional data, if there be any further information available, or if Senators desire to exhaust the possibility and be assured that there are no further data available, I shall have no objection to that course.

NATIONAL BOY SCOUT JAMBOREE

Mr. COOLIDGE. Mr. President, I ask that the Senate proceed to the consideration of House Joint Resolution 443. This measure merely seeks to reenact a joint resolution which the Senate passed last year, and which was approved on June 17, relating to the Boy Scout Jamboree, which was abandoned last year because of an epidemic of infantile paralysis. The only difference between the measure passed last year and the one I am now asking to have considered is that in this joint resolution the date is made 1937 instead of 1935.

The PRESIDING OFFICER (Mr. BURKE in the chair). Is there objection to the request of the Senator from Massachusetts?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 443) to amend Public Resolution No. 31 of the Seventy-fourth Congress, first session, approved June 17, 1935, so as to extend its provisions to cover the National Boy Scout Jamboree now scheduled to be held in 1937.

Mr. COOLIDGE. Mr. President, I may say that my reason for asking consideration of the joint resolution at this time is that about 800 of the Boy Scouts are in session at French Lick at this time, and they would like to have the measure passed while they are in session, between the 11th and the 18th of March.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed, as follows:

Resolved, That Public Resolution No. 31 of the first session, Seventy-fourth Congress, approved June 17, 1935, is hereby amended as follows: In section 1 of the public resolution after the words "to be held in the United States in" the figures "1935" are amended to read "1937."

THE KERR TOBACCO ACT, THE BANKHEAD COTTON ACT OF 1934, AND THE POTATO ACT OF 1935

Mr. GLASS. Mr. President, I report favorably without amendment from the Committee on Appropriations House Joint Resolution 514, authorizing the completion of certain records and operations resulting from the administration of the Kerr Tobacco Act, the Bankhead Cotton Act of 1934, and the Potato Act of 1935 (repealed), and making funds available for those and other purposes. I ask for the immediate consideration of the joint resolution.

The necessity for the proposed appropriation arises out of the fact that the Bankhead Cotton Act, the Kerr Tobacco Act, and the Potato Act of 1935 were repealed, and commitments had already been made under them. The unpaid obligations of these Government activities totaled the amount which is unanimously reported by the Committee on Appropriations.

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

There being no objection, the Senate proceeded to consider the joint resolution, which was ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That not to exceed \$1,068,825 (to be available until Sept. 1, 1936) of the appropriation of \$296,185,000 for "Payments for agricultural adjustment" contained in the Supplemental Appropriation Act, fiscal year 1936, approved February 11, 1936 (Public Act No. 440, 74th Cong.), may be used by the Secretary of Agriculture for the following purposes:

(1) So much as may be necessary, not to exceed the sum of \$1,026,000 (notwithstanding the repeal by Public Act No. 433, 74th Cong., of Public Law No. 483, 73d Cong., as amended, known as the Kerr Tobacco Act, and Public Law No. 169, 73d Cong., as amended, known as the Bankhead Cotton Act of 1934, except sec. 24 thereof, and secs. 201 to 233, both inclusive, of Public Law No. 320, 74th Cong., known as the Potato Act of 1935), for the redemption of tax-payment warrants as provided in such Kerr Act, including administrative expenses necessary therefor; for salaries and administrative expenses incurred on or before February 10, 1936, under such three acts, or sections of acts, repealed; for such personal services and means in the District of Columbia and elsewhere, including rent, printing and binding, travel, and other administrative expenses incurred after that date as the Secretary of Agriculture and the Commissioner of Internal Revenue, respectively, deem necessary, in order expeditiously to complete and preserve all of the administrative records showing the various transactions and activities involved in the administration of such acts; and, if no other funds are available, for such salaries and administrative expenses as were incurred on or before February 10, 1936, in the operation of the several cotton tax-exemption certificate pools established pursuant to regulations prescribed under said Bankhead Act, and such salaries and administrative expenses thereafter incurred as the Secretary of Agriculture finds to be necessary for the purpose of completing the work relating to and liquidating, as soon as may be, such pools.

(2) So much as may be necessary, not to exceed the sum of \$42,825, for salaries and necessary administrative expenses in the District of Columbia and elsewhere, to complete the work of auditing vouchers and payment of freight bills in transactions entered into by the Secretary of Agriculture with relation to the purchase and sale of seed as a result of the allocations to the Secretary of Agriculture authorizing the purchase and sale of seed made pursuant to the Emergency Appropriation Act, fiscal year 1935.

The Secretary of Agriculture shall transfer to the Treasury Department, out of the funds made available by this joint resolution, such sums (not to exceed a total of \$175,000) as are required for

the Bureau of Internal Revenue to carry out the above-stated purposes.

Sec. 2. The sum of \$453,100 of the appropriation of \$296,185,000 referred to in section 1 hereof shall be returned to surplus immediately upon the enactment of this joint resolution.

WORKS PROGRESS ADMINISTRATION IN WEST VIRGINIA

Mr. HOLT obtained the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Coolidge	Keyes	Overton
Ashurst	Copeland	King	Pope
Austin	Costigan	La Follette	Radcliffe
Bachman	Couzens	Lewis	Reynolds
Bailey	Davis	Logan	Robinson
Barkley	Dieterich	Lonergan	Russell
Benson	Donahey	Long	Schwellenbach
Bilbo	Duffy	McAdoo	Sheppard
Black	Fletcher	McGill	Shipstead
Bone	Frazier	McKellar	Smith
Borah	George	McNary	Steilwer
Bulkeley	Gibson	Maloney	Thomas, Okla.
Bulow	Glass	Metcalf	Townsend
Burke	Gore	Minton	Trammell
Byrd	Gufey	Moore	Tydings
Byrnes	Hale	Murphy	Vandenberg
Capper	Harrison	Murray	Wagner
Caraway	Hatch	Neely	Walsh
Carey	Hayden	Norbeck	Wheeler
Clark	Holt	Norris	White
Connally	Johnson	O'Mahoney	

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

Mr. HOLT. Mr. President, yesterday Mr. Harry L. Hopkins, chief generalissimo of the expenditure of relief funds in the United States, wrote me a letter in reply to a number of charges I had made in the United States Senate about conditions in connection with the Works Progress Administration in West Virginia.

I do not know where Mr. Hopkins bought the whitewash, but if I could have had the contract for the whitewash he used in this report, I could retire for life on just the commissions. He whitewashed enough to make a center line from the city of Charleston clear to the city of Washington, and proceeding, according to his usual practice, to erect buildings like the famous house which Chic Sale told us how to construct, he had enough whitewash to whitewash every one of them which he had constructed during the particular time of his administration.

I stated in West Virginia, and I repeat here, that the investigation conducted by Mr. Hopkins' agents under the leadership of Mr. Alan Johnstone was a sham, a fraud, and a farce. There was no intention to investigate. There was no intention in their minds to bring in any reports, except to clear the W. P. A. itself. To find Mr. McCullough guilty would have been to find Mr. Hopkins guilty, and sending any of Mr. Hopkins' force down to investigate Mr. McCullough in the State of West Virginia was like sending "Baby Face" Nelson down to investigate John Dillinger.

Not only that: I really believe that Albert B. Fall, when he was in charge of the Department of the Interior, at least would have brought in a more fair report and a more honest report relative to the Teapot Dome than Harry Hopkins has brought in about the W. P. A. in the State of West Virginia. I think this letter should be preserved in the Smithsonian Institution. There are more lies per square inch in that particular report than in any other report in the history of the United States. In other words, the whole thing was "covered up."

When I brought the charges, Mr. Johnstone came to me and said, "Whom do you want me to see in West Virginia?" I gave him a list of a number of men to see. Did he see them? Not very many. Here are the reports from the men, the names of whom I gave him to go and see to get particular information to substantiate my charges. Here is what Senator Dan Fleming, president pro tempore of the Senate of the State of West Virginia, said in a letter of March 10:

I received a wire from Mr. Johnstone asking that I come to Charleston to meet him if convenient for me to do so. I wired him that I would meet him the next day, Saturday, at 1 o'clock. I called at his room and found that he was out of the city, but had left an assistant to interview me.

Here is a letter I received from a relief administrator whose name I gave him as a particular person to see:

Johnstone sent me the following telegram: "I am advised by Senator Rush D. Holt that you have information which will assist me in my inquiry of the W. P. A. in West Virginia. Will it be possible for you to confer with me here at the Daniel Boone Hotel today or tomorrow?" I wired Johnstone that I would be glad to meet him for an interview at the Daniel Boone Hotel Saturday at 2 o'clock p. m. On arriving at the appointed time I was met by one of Mr. Johnstone's men, a Mr. Shulkin, who wanted to know if I would talk to him in place of Johnstone. He explained to me that Mr. Johnstone was out.

Here is a letter from another one I asked him to call on:

Relative to Alan Johnstone, the W. P. A. investigator, a telegram was received here Friday afternoon asking Pat to go to Charleston either Friday afternoon or Saturday and hand over to Johnstone such affidavits as were available, and any other information we might have relative to the W. P. A. set-up in this district.

It was physically impossible for us to drop everything and rush to Charleston. We already had made definite plans to spend Saturday in Jackson County. We had conferences set for Friday afternoon and today with labor leaders here, and tomorrow we have been invited to attend the opening of court in Wayne County.

We wrote to Mr. Johnstone telling him that the affidavits were available here, and that we could put him in touch with their authors, and others interested in W. P. A. efficiency here, if he could find time to visit Huntington. Thus far, we have not heard from him.

Oh, he wanted to investigate, Mr. President! I am sure he wanted to investigate!

Here is a letter from a man in Logan County, the name of whom I gave him. Here is the letter. Mr. Sedinger wrote:

Due to my not receiving a telegram from Mr. Johnstone, who was investigating the W. P. A., until I reached Charleston on Sunday, I was unable to see him on Monday when I called him at the hotel. I hope, however, that he will be back in Charleston soon and I will have an opportunity to see him at that time. You, however, have the information which I gave you in Charleston recently; and if he desires to investigate those complaints he would have no trouble in doing so.

That is not all. Here are some more of the witnesses, just to show how he dodged the whole thing. Here is a letter from the man in charge of one of the county taxpayers' leagues:

We have not seen Mr. Johnstone, but reported circumstances of interview with one of his staff Saturday, which information you have heard. Nothing since.

Here is a wire from the prosecuting attorney of one of the counties of West Virginia:

Johnstone not in Point Pleasant, to my knowledge. Received letter from him asking me if I wanted to see him, making no definite suggestion for engagement, and not suggesting visiting Mason County, and not asking for any information or the names of individuals whom he could contact.

Oh, yes; Mr. Johnstone conducted a very thorough investigation! Here is another man, whose name I gave him, who was an employee of the W. P. A. He wired me the following:

Johnstone made no effort to see me.

Here is another one from the oldest member of the House of Delegates in the State of West Virginia:

Did not see Johnstone or have any communications from him.

Here is another letter from a man who was the director of the Wheeling district, Hon. George Oldham, who was chairman of the finance committee of the house of delegates, whose name was on the list:

Johnstone called about 10 o'clock Thursday and wanted me to come to Fairmont Hotel to see him. It was impossible for me to leave here, due to several prior engagements. He did not come to Wheeling to see me.

I could go ahead along this line, Mr. President. Those are just the reports of some of the witnesses who had facts, but Mr. Johnstone did not want the facts. Harry Hopkins did not want the facts about the W. P. A. to be known to the people of the State of West Virginia. He is more extravagant with his words than he is with the people's money, and he is about as reckless in handling his words as he is in handling the money of the people of the United States.

I spoke about whitewash a minute ago. Do Senators know what Mr. Hopkins and his friends have done? They have appropriated approximately \$644,000 for sanitary privies in the State of West Virginia and approximately \$224,000 for feeding children! That is a wonderful exhibit of what he is trying to do.

Let us go a little bit further and see about the investigation as conducted by Mr. Johnstone, who is the star investigator of Mr. Harry Hopkins, whom I spoke about as being "cocky Harry." He is cocky, because he is sitting back on the money bags, and too many of the Senators and too many of the people are fearful of saying anything about it for fear their States will be punished.

I desire to say the persons I named in the W. P. A. staff to contact Mr. Johnstone, after they told Mr. Johnstone a story, were fired from the W. P. A. Let me give you a telegram from one of them.

I told Mr. Johnstone to see Mrs. Helen Gardner, and here is what she replies:

Senator RUSH D. HOLT:

Was seen in your office. Dismissal notice yesterday.

HELEN GARDNER.

But, of course, there is nothing wrong about that—not a thing in the world.

Then down at Charleston the administrative assistant and office manager came in and gave me a story, and yesterday he was fired without any reason at all. He fired him because he told the truth.

I shall give the Senate some more instances at a later date; but I do not want to continue to hold the Senate for so very long, because if I started today telling the rottenness of the W. P. A. in West Virginia, the Senate could not adjourn in time for the conventions. It is the most rotten, reckless expenditure of public money ever known in our State.

I could tell Senators many incidents that I know of. Do Senators know what it costs the W. P. A. to cut down a tree in West Virginia? We have figured it out. It costs them \$27 to cut down one tree! That is a wonderful work-relief program they are giving in that State!

Mr. Johnstone comes out in his famous—I do not know what kind of a sheet you would call it—and says that the people in the Parkersburg office had had money demanded from them for my political broadcasts. That is another one of the lies that Mr. Hopkins tells.

Here is a telegram from Parkersburg. I quote it, and put it in the RECORD:

Have wired Associated Press: "Was in charge of arrangements for broadcast of Senator Holt's speech at St. Marys on February 8. Mr. McCullough's charge that assessment was levied against W. P. A. employees to pay for this broadcast is absolutely false." ALBERT HOY.

Not only that, but he goes ahead and sends me another telegram and wants to know if Mr. McCullough would tell how much he collected from the Parkersburg people for his Christmas present, instead of the political broadcasts. How much do Senators suppose this broadcast cost? It cost \$109, and they are very fearful that that would hurt the expenditure of money in West Virginia.

Another thing: Mr. Tucker, who was fired yesterday, used to be my secretary here, and went back to Charleston on the W. P. A. One day the investigator came in to see him. He demanded of him, "Where are the letters from Senator Holt?"—not from any other person in official life, but "Where are the letters from Senator Holt?" This young man showed him the letters from me. He said, "Some of those letters are missing. Where are they?" and he put Mr. Tucker through a regular third degree of questions. He was not interested in any letters that were in Mr. McCullough's office or Mr. Smith's office, but he repeated, "Where are the letters from Senator Holt about the W. P. A.?" and he said, "If you cannot produce them, we will get them from his file in Washington."

Oh, there is no doubt about that, because someone went into my desk while I was down in Charleston. While I was investigating W. P. A. in Charleston, somebody broke in my office and investigated what was in my desk in Washington.

Of course, I would not imply that this wonderful man who would whitewash, and who had such charges as that against him, would do it.

Let me go a little bit further into the charge concerning the W. P. A. Mr. Johnstone, through Mr. Hopkins, says that there is no politics in West Virginia; that everything is lily white and pure; that if anyone mentioned politics he would be put out.

I am going to submit for the record the list of every single person in the State office of the Works Progress Administration and who appointed him, every person in the Lewisburg office, every person in the Elkins office, every person in the Charleston office, and I gave the Senate a list of those in the Fairmont office the other day. Here are the letters sent me by the directors themselves. I wish Senators would check them and see how many political endorsements are listed.

Mr. President, I ask unanimous consent that these names and recommendations be printed in the RECORD at this point.

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

The matter referred to is as follows:

WORKS PROGRESS ADMINISTRATION,
Charleston, W. Va., January 28, 1936.

Hon. RUSH D. HOLT,

United States Senator, Washington, D. C.

My DEAR SENATOR HOLT: In keeping with your recent request for the names, salaries, and sponsors of the respective persons upon the administrative pay roll in the State offices of the Works Progress Administration, I beg to hand you herewith the same.

Trusting that this information is that which you desire, or that your request contemplated, I am,

Sincerely, F. W. McCULLOUGH,
Works Progress Administrator for West Virginia.

Works Progress Administration—West Virginia

STATE ADMINISTRATOR'S STAFF

Name	Salary per month	Sponsor
Abe Forsythe	\$300.00	H. F. Fitzpatrick.
Leonard W. Mosby	283.66	W. E. Chilton, Jr., Gazette.
Mary H. Camp	208.33	G. L. Neal, F. W. McCullough.
Mary F. Hill	135.00	F. W. McCullough.
A. L. Kenna	125.00	Jo N. Kenna.
Annabelle Dadisman	120.00	Forrest Poling.
Anita Toothman	120.00	Dr. R. J. Wilkinson.
Hilda Price	105.00	L. W. Mosby.
Ethel Hanley Jones	105.00	Selene Gifford.
Fanny Field	105.00	Jo Kenna.
Margaret T. King	85.00	H. R. Pinkard, editor, Herald Advertiser.
Mary Cook Waller	85.00	Dr. Roy B. Cook, Charles Lively.
Irene Summers	85.00	Joe Doringer.
Gates Hume	70.00	Charleston Gazette, Robert Smith.
Randolph Irving	65.00	Forrest Poling.

DIVISION OF FINANCE AND REPORTS

Ben H. Puckett	\$375.00	U. S. Treasury and regional examiners.
Maurice Lipian	250.00	B. H. Puckett.
O. P. Frame	200.00	Braxton County committee.
W. B. Calder	175.00	Mr. Kennedy, of Securities and Exchange Commission.
Morris McConibay	175.00	Dr. G. C. Robertson.
George Neil Daniels	175.00	Becknell.
B. T. Beazley	150.00	J. H. Long.
Paul B. Shanks	150.00	C. H. Hardesty.
John W. Sheffield	150.00	Logan County commission.
J. D. Stone	150.00	Distress case.
Alma Jarrell	130.00	Joe L. Smith.
George A. Brooks	125.00	J. H. Long.
R. H. Stebbins	125.00	B. H. Puckett.
Margaret Shriner	110.00	Dr. G. C. Robertson.
Maitland Cadden	100.00	E. C. St. George.
Gladys Clay	100.00	G. C. Worrell.
Elva French	100.00	United Mine Workers of America.
Charlotte Jeffries	95.00	Dr. Ward H. Wylie.
Jo Long Almon	105.00	Do.
Alyce Risk	105.00	Distress case.
Aldine Kirk	105.00	J. H. Long.
Mary Bee	105.00	George I. Neal.
Elizabeth Loeser	100.00	Do.
Pauline Bass	105.00	Distress case.
Frances Roach	100.00	J. H. Long.
Inez E. Burgess	85.00	Logan County commission.
Nelle Rice	85.00	United Mine Workers of America.
Nadine Harvey	65.00	Joe L. Smith.

OFFICE MANAGER AND CHIEF CLERK

R. W. Hall	\$200.00	E. L. Bock, Dr. R. J. Wilkinson.
E. T. Jones	200.00	B. H. Puckett.
R. L. Southern	150.00	Congressman J. Kee.
Eleanor A. Freed	105.00	Dr. Robertson.
Lillian Heater Ancion	105.00	Rush Holt.

Works Progress Administration—West Virginia—Continued
OFFICE MANAGER AND CHIEF CLERK—continued

Name	Salary per month	Sponsor
Helena Carrier	\$85.00	F. W. McCullough.
Chester C. Leonard	85.00	H. Robinson.
Anna Mae Crane	105.00	E. G. Johnson.
W. L. Pence	65.00	Do.
F. L. Rectenwald	65.00	F. W. McCullough.
Catherine Shea	65.00	Jack Shea.
Rae Hillery	54.00	Dr. Robertson.

¹ P. B. X. operator.

DIVISION OF LABOR MANAGEMENT

H. B. Colebank	\$350.00	M. M. Neely, Rush Holt, Van Bittner.
D. P. Phares	223.33	Do.
D. S. Ware	208.33	Do.
U. A. Knapp	200.00	Do.
E. M. Rymer	120.00	H. B. Colebank.
Helen M. Warwick	105.00	Do.
Mayme G. Hadveck	105.00	D. P. Phares.

DIVISION OF PROJECTS AND PLANNING—PROFESSIONAL AND SERVICE PROJECTS

Clyde Billups	\$300.00	Van Bittner, E. C. St. George.
Dean L. Ricketts	175.00	Walker Long.
Myrtle R. Cooke	105.00	V. A. Bittner.
Nedra Moses	105.00	Glenn Callaghan.

COMPENSATION DIVISION

C. L. Heaberlin	\$275.00	Rush Holt, Van Bittner, M. M. Neely.
Frank W. Springer	155.00	W. A. Thornhill.
Gladia Pauley	105.00	C. L. Heaberlin.
W. R. Kerns	85.00	Do.
Hila Shumate	85.00	Do.

DIVISION OF INFORMATION AND PUBLICATION

J. Samuel Kean	\$105.00	Charleston Daily Mail, L. W. Mosby.
H. C. Smith	105.00	Clyde Billups.
Frances Stanley	105.00	Do.
Suella Stainaker	85.00	T. Townsend.
Evaline Luckwell	85.00	Kanawha County committee.
Kathleen Edelman	65.00	Do.
Mary V. Harris	65.00	M. M. Neely.
Mildred Harwood	65.00	Kanawha County committee.

DIVISION OF PROJECTS AND PLANNING—WOMEN'S PROJECTS

Dora Garlitz	\$266.66	M. M. Neely, Rush Holt.
Marie Niles	100.00	Dora Garlitz.
Lucy M. Lohan	105.00	M. M. Maloney.
Mildred Mastin	85.00	E. R. Hubbard.
Ethel Zacks	85.00	Dora Garlitz.
Elizabeth Waldron	65.00	Distress case.

DIVISION OF PROJECTS AND PLANNING—EDUCATIONAL PROGRAM

Glenn S. Callaghan	\$300.00	Rush Holt.
A. H. Toothman	200.00	Dr. Joseph Rosier, M. M. Neely.
John M. Love	150.00	David Ware.
George B. White	105.00	Labon White, W. W. Trent.
Goldie Scott	85.00	Glenn Callaghan.
Bessie Casdorph	65.00	J. B. Easton.

DIVISION OF SAFETY

M. C. McCall	\$275.00	Borrowed from the U. S. Bureau of Mines.
William E. Kight	200.00	F. B. Poling, Dora Garlitz.
W. E. Short	200.00	F. W. McCullough.
A. E. Morgan	200.00	H. E. Webb, superintendent, Chesapeake & Ohio.
F. H. Rhea	200.00	M. C. McCall.
Stanley Spoor	200.00	Wellman, editor, Huntington Advertiser.
W. P. Kelly	200.00	E. C. St. George.
Mary C. Eddins	105.00	Ann Wetherby.
Ruth Locke	105.00	E. C. St. George.

CHIEF ENGINEER'S STAFF

E. Cleere Smith, Jr.	\$375.00	M. M. Neely, H. Hardesty.
Edward Hart	225.00	M. M. Neely.
J. C. Myers	200.00	Joe Kenna.
John R. Rice, secretary to G. G. Lancaster	175.00	G. G. Lancaster.
Kay Rogers	120.00	R. H. F. Parsley, Wayne County committee.
Eva Rhodes	105.00	G. Lancaster.
Jeanette Gronninger	105.00	S. T. Mallison, H. M. Cogan.
Betty Bronson	65.00	Virgil Ross, Home Owners' Loan Corporation.

Works Progress Administration—West Virginia—Continued

PERSONNEL DIVISION

Name	Salary per month	Sponsor
E. C. St. George	\$300.00	F. W. McCullough.
Dorothy Montgomery	105.00	L. O. Gastineau; Veterans' Placement Office.
Juanita Miller	85.00	Kanawha County committee.

DIVISION OF PROJECTS AND PLANNING

H. M. Cogan	\$283.33	Arthur Koontz.
Scott A. Trevarthan	225.00	E. L. Bailey.
J. H. Moore	200.00	Kanawha County committee.
W. L. McMorris	200.00	E. C. Smith, Jr.
R. O. Lewis	175.00	John L. Lewis, Van Bittner.
A. B. McCutcheon	120.00	J. H. Long.
Agla McVeey	105.00	Ralph Hiner.
Frances McAlhatten	105.00	A. J. Barnhart.
Josie Lee Priode	105.00	Senator J. Green.
Mary V. Waldo	105.00	R. E. Sherwood.
W. R. Wortham	105.00	M. M. Neely.
C. T. Smoot	105.00	E. C. St. George.
Mariam Parkhurst	105.00	H. M. Cogan.
Strossa Brooks	85.00	Do.
Thomas Arnold, Jr.	85.00	Frank Drumheller.
Margaret White	65.00	E. G. Johnson.

First district administrative personnel (January 1936)

Name	Position	Recommended by—
ADMINISTRATIVE		
Forrest B. Poling	District director	E. C. Bennett.
Mark O. Pugh	Office manager	Howard L. Robinson.
Ruth Schaffner	Secretary to director	Mark O. Pugh.
Celeste Hickman	Junior stenographer	(?).
Virginia K. Johnson	PBX operator	D. P. Phares.
James A. McDonald	Under clerk, store	
FINANCE AND REPORTS		
John F. Parsons	Supervisor, finance	(?).
Russell Rollins	Supervisor, tool and equipment inventory	(?).
Hansford Dye	Clerk, tool and equipment inventory	Rush D. Holt and M. M. Neely.
Robert M. Hall	Supervising pay-roll clerk	Rush D. Holt.
John A. Gilbert	Pay-roll clerk	(?).
Frank Grove	Supervisor pay roll, assignment records	J. Buhl Shahan.
Dana Fitzwater	Comptometer operator	(?).
H. Wayne Powers	Senior stenographer	(?).
Virginia Kisner	Individual earning, record clerk	John Caplinger.
Hazel Rollins	Junior stenographer	Harry Taylor, Jennings Randolph, and Leo Casey.
Katherine Isner	Under stenographer	M. M. Neely, D. P. Phares, and Bryon Hamilton.
Adrian Parrack	Typist	M. M. Neely and J. Buhl Shahan.
Leona Skidmore	Pay-roll typist	John Parsons.
Raymond Thomas	Proofreading clerk	(?).
Evelyn Keller	do	(?).
Kathleen Piercy	Typist	(?).
ADMINISTRATIVE CONTROL		
E. C. Bennett	Chief engineer and assistant director	Assigned from Charleston.
Frank L. Downey	Area engineer	M. M. Neely.
Adam Marshal	Area engineer	(?).
George H. Higgs	do	(?).
John C. Potts	do	William W. Downey.
Russell C. Quinn	do	(?).
Harry D. Scott	do	(?).
Charles E. Minor	do	(?).
Frank A. Mayola	Chief requisition clerk	Leo A. Casey.
Darl B. Welch	Junior clerk	Frank A. Mayola.
Junita Phillips	Junior stenographer	E. C. Bennett.
Anne Steffie	do	Wm. W. Downey.
Lillian Blackford	do	John Alfriend.
Julia Moats	Under stenographer	(?).
Opal M. Sheets	do	(?).
Gertrude Holliday	do	Forrest B. Poling.
Brenice Wilmoth	do	(?).
PROJECTS AND PLANNING		
John B. Archer	Supervisor	Assigned from Charleston.
J. H. Roush	Senior staff engineer	John B. Archer.
Forrest Houdyshell	Junior engineer	(?).
Rella L. Butcher	Director, women's work	Mrs. Dora Carlitz.
Elinor Lee	Home economist	John Alfriend and W. W. Downey.
Martha Bogdonovich	Junior stenographer	(?).
Odessa Manning	Under stenographer	Forrest B. Poling.

[See footnotes at end of table]

First district administrative personnel (January 1936)—Continued

Name	Position	Recommended by—
LABOR MANAGEMENT		
Leo A. Casey	Supervisor	Assigned from Charleston. Geo. Dixon.
Harley O. Staggers	Safety representative	Harry Taylor, Leo Casey, M. M. Neely.
Harold B. Woodford	do	M. M. Neely, Buhl Shahan, John Caplinger, and D. P. Phares.
Guy Means	do	Forrest B. Poling.
Glenn B. Orr	Labor inventory clerk	Assigned from Charleston. A. M. Starling. ²
William E. Taylor	Senior clerk	George Arnold.
Una M. Emmart	Senior stenographer	D. P. Phares, J. Buhl Shahan.
Howard C. Myers	Junior clerk	Wm. Hamby and Claude Shaffer.
Olive I. Painter	Junior stenographer	J. Buhl Shahan and M. M. Neely.
Columbia White	Under clerk	Thaddeus Pritt, Dr. F. E. Baron.
Martha D. Brown	do	J. Buhl Shahan, Jennings Randolph.
INTAKE AND CERTIFICATION		
Helen A. Gaynor	District supervisor	Assigned from Charleston.
Mary Hervatine	Junior stenographer	(?).

[See footnotes at end of table]

First district administrative personnel (January 1936)—Continued

Name	Position	Recommended by—
COMPENSATION		
Fairfax Brown	Supervisor	M. M. Neely, D. P. Phares, and Rush D. Holt.
Clarence Workman	Claim inspector	Assigned from Charleston. (?).
Pauline Collett	Typist	

¹ Miss Schaffner was employed, as indicated, upon the recommendation of Howard L. Robinson as to her stenographic ability and accepted by me because of her geographical residence for the reason that I wanted a secretary who had no connections in the first district. Miss Schaffner was at that time a resident of Clarksburg.

² All persons indicated in this manner were placed on the administrative pay roll of this office after having been called in to the office and after having worked long enough to convince us of their ability to perform the services assigned to them. These persons were employed because of their own personal ability, and not because of recommendations, political or otherwise.

³ Persons indicated in this manner were tentatively selected upon their apparent merits, except as otherwise indicated, and were all approved as to qualifications by Ben H. Puckett, State supervisor of finance, after his inspection of their personnel application and history and after having had, with the exception of typists, a personal interview.

⁴ The persons indicated in this manner are all serving as engineers and their appointment was requested by me upon the recommendation of E. C. Bennett, chief engineer, who had personally interviewed each one and was acquainted with their training, experience, and ability in engineering work.

⁵ Miss Bogdonovich was recommended to me by a Legionnaire friend, W. C. Ingram, of Davis, W. Va., and she was employed after a trial of her ability and I might add that she is now one of the best and most conscientious workers on the administrative staff.

Works Progress Administration, West Virginia, Charleston district office

Title	Name	Monthly rate	Annual rate	Recommended by—
EXECUTIVE DIVISION				
District director	S. Grover Smith	\$283.33	\$3,400	Kanawha County committee.
Secretary	Julia G. Barkley	120.00	1,440	S. Grover Smith.
OFFICE MANAGEMENT				
Office manager	Dorr M. Tucker	225.00	2,700	Senator Rush D. Holt.
Senior stenographer	Frances L. Gluesenkamp	105.00	1,260	Dorr Tucker.
Messenger and supply clerk	Chester C. Whitney	65.00	780	Plus R. Levi.
ADMINISTRATIVE DIVISION				
Assistant district director	Jos. R. Blackburn	266.66	3,200	Senator Neely.
Senior engineer	Frances G. Davidson	200.00	2,400	F. W. McCullough.
Do	Harry L. Havertstick	200.00	2,400	Do.
Do	E. B. Snider	200.00	2,400	Grover Smith.
Do	M. J. McChesney	200.00	2,400	Kanawha County committee.
Do	Harry L. Butler	200.00	2,400	Ann Wetherby, Welch.
Do	Rupert M. Wilson	200.00	2,400	Logan County committee.
Do	H. Fred Willfong	200.00	2,400	W. A. Thornhill, Jr.
Do	John G. Wingfield	200.00	2,400	J. R. Blackburn.
Senior statistician	F. W. Gibson	155.00	1,860	Senator Rush D. Holt.
Junior engineer	A. J. Foy	150.00	1,800	E. C. St. George.
Do	H. S. Dilcher	150.00	1,800	Kanawha County committee.
Do	E. R. Wiley	150.00	1,800	
Do	Leslie A. Fields	150.00	1,800	
Do	J. B. Alderson	150.00	1,800	
Do	Elsie E. Nichols	105.00	1,260	
Senior stenographer	Katherine L. Gramm	85.00	1,020	S. G. Smith and Dorr Tucker.
Junior stenographer	Earle B. Hall	85.00	1,020	Plus R. Levi and S. G. Smith.
Do	Virginia Wash	85.00	1,020	Chas. Gazette.
Do	Jane Thom	85.00	1,020	Distress case.
Do	Edythe Abbott	85.00	1,020	Homer Hannah.
Do	Edna G. Scott	85.00	1,020	G. C. Robertson and G. Smith.
Do	Lynwood L. Frost	85.00	1,020	
Do	Pearl Goldberg	85.00	1,020	
Do	Helen Hazel Frame	85.00	1,020	Mrs. Camp.
DIVISION OF WOMEN'S WORK				
Director	Sallie B. Spencer	200.00	2,400	Kanawha County committee.
Area supervisor	Ethel May Bennett	120.00	1,440	Senator John Greene, Mingo.
Do	Hope Fitzgerald	120.00	1,440	C. Henderson, Montgomery.
Under stenographer	Verna L. Null	65.00	780	Kanawha County committee.
DIVISION OF FINANCE AND REPORT				
Supervisor	H. S. Trotter	225.00	2,700	Ben Puckett and S. G. Smith.
Assistant supervisor	A. G. Breedlove	175.00	2,100	E. C. St. George.
Do	Chester A. Cawley	175.00	2,100	Kanawha County committee.
Toll and equipment supervisor	C. E. Rippetoe	135.00	1,620	
Junior accountant	Huley A. Browning	120.00	1,440	Logan County committee.
Do	Adam Cavender	120.00	1,440	Kanawha County committee.
Do	Farris Tabet	120.00	1,440	Do.
Senior clerk	Ben F. Watson	105.00	1,260	F. W. McCullough.
Do	William F. Brackett	105.00	1,260	Mrs. S. W. Price, Scarbo.
Senior stenographer	Mamie M. Hatchett	105.00	1,260	H. S. Trotter.
Junior clerk	John R. Strange	85.00	1,020	Sen. John Greene.
Do	Donald T. Ellis	85.00	1,020	Kanawha County committee.
Do	Genevieve Kohlbecker	85.00	1,020	F. C. St. George.
Junior stenographer	Alice Little	85.00	1,020	United Mine Workers of America.
Do	Edith M. Ulbrich	85.00	1,020	Do.
Do	Winnie T. Wills	85.00	1,020	Dorr Tucker.
Do	Orva W. Carden	85.00	1,020	Wyoming County committee.
Do	Frances Richardson	85.00	1,020	Kanawha County committee.
Junior typist	Virginia Givens	85.00	1,020	United Mine Workers of America.
Do	May Shears Hively	85.00	1,020	Earl Brawley.
Under typist	Victoria Tabet	85.00	1,020	Distress case.
Do	Betty Jane Jarrett	65.00	780	Kanawha County committee.
Under typist	Betty Jane Stewart	65.00	780	Distress case.
Do	Clarice McClung, distress case	65.00	780	J. DeGruyter, Jr.

Works Progress Administration, West Virginia, Charleston district office—Continued

Title	Name	Monthly rate	Annual rate	Recommended by—
DIVISION OF FINANCE AND REPORT—CON.				
Under typist	Mable Epling	\$65.00	\$780	E. C. St. George.
Do	Mary F. Campbell	65.00	780	A. M. W. A.
Do	Alvena Mays	65.00	780	Kanawha County committee, distress case.
Do	Helen Farley	65.00	780	W. A. Thornhill, Jr.
Do	Lillian Matthews	65.00	780	Kanawha County committee; E. C. St. George.
Do	Elmo Williams	65.00	780	William Blizzard, N. M. W.
Do	Irene Vaughn	65.00	780	Logan County, Dr. Sarley.
Do	Virginia Meadows	65.00	780	Mrs. Ann Weatherby.
Verification clerk	Leo C. Withrow	65.00	780	United Mine Workers of America.
SAFETY DIVISION				
Safety inspector	Charles Waugh, Jr.	125.00	1,500	H. E. Dillon, Jr.
Do	Grover C. Johnson	125.00	1,500	Ann Weatherby.
Do	Louis A. Veasey	125.00	1,500	Kanawha County committee.
Plus Levi.				
Senior Stenographer	Pearl Steel	105.00	1,260	Senator John Greene, Mingo.
Claim examiner	Benjamine E. Tolbert	140.00	1,680	Harberlin.
Do	Charles Edward Bowman	135.00	1,620	E. C. St. George.
INTAKE AND CERTIFICATION				
Supervisor	Adah D. Hereford	150.00	1,800	Silene Gillford.
DIVISION OF LABOR MANAGEMENT				
Supervisor	A. L. Snyder	258.33	3,100	Senators Holt, Neely, and V. A. Bittner.
Assistant supervisor	Howard Kuhn	208.33	2,500	Do.
Supervising clerk	C. W. Poling, Jr.	125.00	1,500	G. C. Steel, Logan County; G. N. Daniels.
Do	F. W. Blizzard	120.00	1,440	U. M. W. of A.
Senior stenographer	Nelle McLloyd	105.00	1,260	Labor organizations.
Junior stenographer	Emily Lee Hale	85.00	1,020	Do.
Do	Joann D. Songer	85.00	1,020	Do.
Junior stenographer	Daphene V. Sanders	85.00	1,020	E. C. St. George.
Do	Willa Stell	85.00	1,020	Labor organizations.
Junior stenographer	Mildred Stover	85.00	1,020	Do.
Under stenographer	Millie C. Ross	65.00	780	Do.
Do	Eileen K. Ellis	65.00	780	E. C. St. George, distress case.
Senior clerk	Sam L. Belk	105.00	1,260	F. W. McCullough.
Junior clerk	Margaret M. Bell	85.00	1,020	Labor organizations.
Do	Clara Fox	85.00	1,020	Do.
Do	Opal Westfall	85.00	1,020	Rush D. Holt.
Do	H. A. Drew	85.00	1,020	Labor.
Do	Doris M. Staats	85.00	1,020	H. B. Colebank.
Do	Dorothy Hudson	85.00	1,020	Henry Colebank.
Under clerks	Gertrude M. McDermott	65.00	780	John Easton and Blizzard.
Do	Jack A. Barnette	65.00	780	Labor organizations.
Do	Margaret Maser	65.00	780	Do.
Do	Annie F. Whiddon	65.00	780	Silene Gifford.
Total (97 employees)		11,196.65	134,360	

Works Progress Administration in West Virginia, Jan. 27, 1936

SECOND DISTRICT, FAIRMONT

Title	Name	County	Salary	Recommendations
ADMINISTRATIVE CONTROL				
Acting director and chief engineer	Harold F. Kramer	Taylor	\$3,200	W. J. Gates and associates, Robert F. Roth.
Office engineer	C. Crow Batson	Monongalia	2,400	F. Guy Ash, Colonel Robinson.
District supervisor, women's work	Irene Gilloly	Harrison	2,100	Howard L. Robinson and associates.
Area engineer	W. L. Burton	Marshall	2,100	W. C. Ferguson and associates.
Do	Earl E. Brane	Harrison	2,100	Howard L. Robinson and associates.
Requisition engineer	O. R. Wilson	Preston	2,100	Harold F. Kramer, Robert F. Roth, and J. V. Gibson.
Liaison officer	H. Sutton Sharp	Marion	2,100	C. E. Smith.
Administrative assistant	Mose McKay Darst	Monongalia	2,000	Terrence Stewart, Walter S. Hart.
Area engineer	James C. Reich	do	1,800	Jake Wharton, Walter S. Hart.
Do	Ray Shaw	Hancock	1,800	Sheriff J. A. Tope and associates.
Do	Homer E. Poling	Barbour	1,800	W. J. Gates and associates.
Office engineer	James W. Hewitt	Harrison	1,620	Harold F. Kramer.
Area engineer	L. F. Oneacre	Wetzel	1,500	A. C. Chapman and associates.
Do	C. W. Monroe	Marion	1,500	Hommer C. Toothman and associates.
Junior engineer	Harry W. Weaver	Wetzel	1,500	A. C. Chapman and associates.
Supervising clerk	J. Paul Finley	Hancock	1,500	Sheriff J. A. Tope and associates.
Home economist	Aileen Berdine	Wetzel	1,500	A. C. Chapman and associates.
Senior stenographer	Besse J. Vernon	Hancock	1,200	Sheriff J. A. Tope and associates.
Do	Anne Rady	Harrison	1,200	Howard L. Robinson and associates.
Do	Mildred Stalmaker	Marion	1,200	Robert F. Roth.
Senior clerk	Bess A. Orr	Preston	1,200	J. V. Gibson and associates.
Junior stenographer	Leah Lipsom	Marion	960	A. M. Rowe.
Requisition typist	Helen Weimer	do	720	C. E. Smith.
Do	Jane C. Staggers	do	720	Do.
PROJECTS AND PLANNING				
Supervisor	George J. Gow	do	1,800	Homer C. Toothman, C. E. Smith.
Assistant supervisor	W. J. Gates	Taylor	2,400	M. M. Neely, Rush D. Holt.
Junior engineer	Emory A. Hoke	Preston	1,500	Harold F. Kramer.
Senior stenographer	Fern Gwyn	Marion	1,200	C. E. Smith.
Junior stenographer	Clara Teti	do	960	C. E. Smith, Frank Miley, Van A. Bittner.
LABOR DEPARTMENT				
Supervisor	Harry C. Louden	do	3,100	Van A. Bittner, Frank Miley.
Assistant supervisor	P. F. Buckley	do	1,800	Do.
Supervising clerk	Joseph Holtz	Monongalia	1,500	F. Guy Ash, Frank Miley, Harry C. Louden.
Senior clerk	W. G. Smallridge	Harrison	1,200	Howard L. Robinson and associates.
Senior stenographer	Maxine Hughes	Taylor	1,200	W. J. Gates and associates.
Do	Maria C. Silber	Marshall	1,080	W. C. Ferguson and associates.
Junior stenographer	Filomena Micozzi	Preston	960	J. V. Gibson and associates.
Junior clerk	Olive T. Mason	Marion	840	C. E. Smith.
Under clerk	Steve J. Antalis	Hancock	780	Sheriff J. A. Tope and associates.

Works Progress Administration in West Virginia, Jan. 27, 1936—Continued
SECOND DISTRICT, FAIRMONT—continued

Title	Name	County	Salary	Recommendations
LABOR DEPARTMENT—continued				
Under clerk	Wade H. Robinson	Harrison	<i>Annual</i>	Howard L. Robinson and associates.
Do.	Mildred Kress	Brooke	\$780	Robert L. Ramsey and associates.
Do.	Lelah M. Mauler	Taylor	780	W. J. Gates and associates.
Typist	Margaret J. Yager	Barbour	780	Do.
Do.	Dorothy Evans	Preston	780	J. V. Gibson and associates.
Do.	Ruth Stewart	Wetzel	780	A. C. Chapman and associates.
Under clerk	Lena Coffman	Marion	720	Earl Smith.
Do.	Mary Ellen Knight	do	720	Frank Miley.
INTAKE AND CERTIFICATION				
Supervisor	Anne Tryon	Marshall	1,200	Selene Gifford.
Do.	Katherine Dearien	Monongalia	1,200	Do.
Senior stenographer	Edythe M. Satterfield	Marion	960	Homer C. Toothman and associates.
Under clerk	Ruth Posten	do	720	C. E. Smith.
FINANCE AND REPORTS				
Assistant supervisor	Samuel T. Burke	do	2,100	Marshall E. Ashcraft.
Certifying officer	Grover C. Starkey	Harrison	1,500	Howard L. Robinson and associates.
Assignment supervisor	J. Harry Meredith	do	1,500	Do.
Pay-roll clerk	Stanley C. Lantz	Monongalia	1,500	Terrence Stewart, Walter S. Hart.
Assistant supervisor tools and equipment	C. Glenn Emerson	Preston	1,500	J. B. Gibson and associates.
Verification clerk	James Madison Lyon	Harrison	1,320	Howard Robinson and associates.
Material and supply clerk	Vincent Tropea	Marion	1,260	Homer C. Toothman and associates.
Posting clerk	Alex V. St. Clair	Monongalia	1,200	Walter S. Hart, Jake Wharton.
Senior stenographer	Jessie D. Cox	Marion	1,200	J. Clyde Morris.
Master card file operator	Lee Bowman	Taylor	1,020	W. J. Gates and associates.
Supervising typist	Rosanna Wilson	Marion	960	Do.
Comptometer operator	Helen Louise Spring	do	960	Homer C. Toothman and associates.
Verification clerk	John Martin Creighton	do	960	Do.
Do.	Roy Hunter	do	960	Fred M. Jamison.
Posting clerk	Paul L. Falkenstine	Marion	960	Homer C. Toothman and associates.
Verification clerk	William Ray Donlin	do	780	Do.
Do.	George W. Ullom, Jr.	do	780	Do.
Do.	George L. Kerr	do	780	Do.
Do.	Walter C. Upperman	do	780	Do.
Typist	Gladys Barton	do	780	Fred M. Jamison.
Do.	Josephine Thomas	Wetzel	780	Homer C. Toothman and associates.
Do.	Nannie Belle Herron	Hancock	780	A. C. Chapman and associates.
Do.	Mary Dott Hefner	Barbour	780	Sheriff J. A. Tope and associates.
Do.	Eleanor McCarthy	Marion	780	A. D. Marks.
Do.	Eunice T. Bennett	do	780	Homer C. Toothman and associates.
Do.	Kathryn McKeever	do	780	Do.
Do.	Virginia C. Rodgers	do	780	Frank Miley, Tony Teti.
Do.	Jennie M. Boyce	do	780	Fred M. Jamison.
OFFICE MANAGEMENT				
Office manager	Fred M. Jamison	do	2,900	Homer C. Toothman, C. E. Smith, and Alfred Neely.
Supervising clerk	Irene Fowler	do	1,200	C. E. Smith.
Junior clerk	W. D. Straight	do	1,020	M. M. Neely.
Junior stenographer	Gertrude S. Morgan	do	960	Fred M. Jamison.
Junior clerk-receptionist	Martha H. Mitchell	do	840	C. E. Smith.
Junior clerk-messenger	Louis Prozillo	do	840	Homer C. Toothman and associates.
Supply clerk	W. J. LaFollette	do	720	Harry C. Louden.
Under clerk-telephone operator	Josephine Scott	do	720	C. E. Smith.
SAFETY DEPARTMENT				
Supervisor	William Short	do	2,400	Transferred by D. Witcher McCullough.
District safety representative	Ray Dillon	Taylor	1,500	W. J. Gates and associates.
Do.	Albert Angellini	Marion	1,500	Frank Miley.
Do.	C. E. Chaddock	Ohio	1,500	George W. Oldham.
Junior clerk	T. B. Henderson	Marion	1,020	M. M. Neely.
Typist	Martha E. Sheets	Monongalia	780	Jake Wharton.
COMPENSATION DEPARTMENT				
District compensation officer	James P. Burns, Jr.	Marion	2,000	Appointment made in Charleston.
Claim adjuster	C. O. McVicker	Harrison	1,440	Frank Miley.
Do.	Thurlow W. Harmon	Ohio	1,440	George W. Oldham.
Field investigator	H. E. Peters	Marion	1,200	Frank Miley, Harry C. Louden.
Stenographer	Fern Yost	do	960	Jakes P. Burns, Jr.
PROCUREMENT DIVISION				
District procurement officer	W. O. Flesher	Monongalia	12,100	Jake Wharton.
Stenographer	Mabel V. Grimes	do	960	Do.
NATIONAL YOUTH ADMINISTRATION				
District director	George Jackson	Harrison	11,800	Herbert Fitzpatrick, National Committee.
Stenographer	Betty Jane Cross	Marion	1,780	Glenn S. Callaghan.
County representatives:				
Barbour	K. C. Eppling	Barbour	11,800	Do.
Brooke, Hancock	Kenneth H. Hill	Hancock	11,800	Sheriff J. A. Tope and associates.
Marshall, Wetzel	Glenn Jolliffe	Wetzel	11,900	A. C. Chapman and associates.
Harrison	Harold Stewart	Harrison	11,800	Howard L. Robinson and associates.
Marion	Eugene Watkins	Marion	11,800	Homer C. Toothman and associates.
Monongalia	Richard B. Tibbs	Monongalia	11,800	Terrence Stewart, Evelyn Yorke.
Ohio	Charles Nickison	Ohio	11,800	Robert J. Riley and associates.
Preston	William T. Brice	do	11,800	F. Witcher McCullough.
Taylor	Grant Fretwell	Preston	11,440	J. V. Gibson and associates.
	Charles T. Wolfe	Taylor	11,800	W. J. Gates and associates.
EDUCATION AND RECREATION				
District director	Florence H. Wilkinson	do	12,100	Prof. Joseph Rosier and others.
County representatives:				
Barbour, education	Edna Brown Boyles	Barbour	11,440	Glenn S. Callaghan, State office.
Brooke, education	Herbert T. Minnis	Brooks	11,440	Do.
Hancock, education	Donald M. Hartford	Hancock	11,440	Do.
Harrison:				
Recreation	Wade Garrett	Harrison	11,330	Do.
Education	Winifred Mayer	do	11,440	Do.

[See footnotes at end of table]

Works Progress Administration in West Virginia, Jan. 27, 1936—Continued
SECOND DISTRICT, FAIRMONT—continued

Title	Name	County	Salary	Recommendations
EDUCATION AND RECREATION—Cent.				
Marion:				
Education	Leslie E. Haught	Marion	\$1,440	Glenn S. Callaghan, State officer
Recreation	Wilford R. Wilson	do	1,320	Do.
Marshall, education	R. G. Stewart	Marshall	1,440	Do.
Monongalia:				
Education	P. E. Hampstead	Monongalia	1,440	Do.
Recreation	Virginia Berry	do	1,200	Do.
Ohio:				
Recreation	Jack C. Maloney	Ohio	1,330	Do.
Education	Teresa Kossuth	do	1,440	Do.
Preston, education	John Hunt	Preston	1,440	Do.
Taylor, education	Clyde Hickman	Taylor	1,440	Do.
Wetzel, education	Mildred B. Monger	Wetzel	1,440	Do.
SANITATION DIVISION				
County supervisors:				
Barbour	Walker Dadisman	Barbour	Monthly rate	
Brooke	George S. Hoover	Brooke	1 1/2	W. J. Gates and associates.
Hancock	Thomas T. Timothy	Hancock	1 1/2	Robert J. Riley and Robert L. Ramsey want him off.
Harrison	Leon W. Collins	Harrison	1 1/2	Sheriff wants him off.
Marion	W. A. Lawler	Marion	1 1/2	Howard L. Robinson and associates.
Marshall	Harry Knox	Marshall	1 1/2	O. K., M. M. Neely.
Monongalia	R. W. Hancock	Monongalia	1 1/2	W. C. Ferguson and associates.
Ohio	George L. Johnson	Ohio	1 1/2	O. K., Jake Wharton.
Preston	R. Milford Hardesty	Preston	1 1/2	Robert J. Riley wants him off.
Taylor	Ralph S. Kunst	Taylor	1 1/2	O. K., J. V. Gibson and committee.
Wetzel	Andy W. Finley	Wetzel	1 1/2	W. J. Gates and associates want him off.
NUTRITION SUPERVISORS				
Barbour	Monna Phillips	Barbour	Annual	Forrest B. Poling and associates.
Brooke	Margaret Sanders	Brooke	1,140	Robert L. Ramsey and associates.
Hancock	Nina M. Young	Hancock	1,020	J. A. Tope and associates.
Harrison	Beatrice Scott Smith	Harrison	1,200	Howard L. Robinson and associates.
Marion	Pauline N. Henderson	Marion	1,272	Mrs. Blanche Shack.
Marshall	Margaret H. Peel	Marshall	1,296	A. C. Chapman and associates.
Monongalia	Ida L. Wilson	Monongalia	1,356	Terrence Stewart, Evelyn Yorke, and Bill Hart.
Ohio	Mary E. Gaynor	Ohio	1,356	Robert J. Riley and associates.
Preston	Georgia Wilson	Preston	1,392	J. V. Gibson and associates.
Taylor	Anne E. Cruise	Taylor	1,200	W. J. Gates and associates.
Wetzel	Blanche L. Heinzman	Wetzel	1,356	A. C. Chapman and associates.

WHEELING—SUBDISTRICT OFFICE

Manager	George W. Oldham	Ohio	\$2,700	Rush D. Holt.
Area engineer	H. B. Wilson	do	2,100	Rush D. Holt, John B. Easton.
Supervising stenographer	Matilda Leichti	do	1,320	Geo. W. Oldham.
Senior stenographer	Matilda Sauter	do	1,140	Do.
Senior clerk	Alma Gravius	do	1,020	Do.
Under clerk	Pauline A. Stollar	do	780	Do.

Total, on Fairmont administrative pay roll 97
Total, on Wheeling administrative pay roll 6
Total, this list paid on projects 52

Grand total

* These salaries are not included in the administrative pay roll paid on projects.

† \$25 expenses.

Administrative personnel, third district

Name and title	Monthly salary	Recommended by—
J. N. Alderson, acting director.	\$266.66	
Mary M. Arbuckle, under stenographer.	60.00	Hon. John Kee, Member of Congress.
F. A. Wyant, assistant director and chief engineer.	258.32	Selected in Charleston.
W. H. Yeager, supervisor projects and planning.	200.00	Hon. Kerth Nottingham, county chairman; Dr. C. L. Allen, Marlinton.
J. N. Berthy, Jr., field construction engineer.	175.00	Selected by director and chief engineer on efficiency basis.
Arthur G. Booth, field construction engineer.	175.00	A. J. Lubliner, Bluefield; Mr. Mathew Holt to Mr. Wyant; Hon. Landen T. Reynolds, county chairman, Mercer County; Hon. M. M. Neely, Member of Senate.
H. M. Venable, field construction engineer.	175.00	Selected by director and chief engineer on efficiency basis.
W. H. Corder, junior staff engineer.	150.00	E. C. Smith, Jr., assistant administrator and chief engineer.
H. F. Hackett, junior staff engineer.	150.00	E. C. Smith, Jr., assistant administrator and chief engineer.
Robert L. Miller, junior engineer.	100.00	County chairman Summers County and other leading Democrats, Summers County.
Marion E. Smith, senior file clerk.	80.00	Hon. John Kee, Member of Congress; Hon. M. M. Neely, Senate.
Decie E. Hanna, junior stenographer.	80.00	Hon. G. P. Alderson, United States marshal; Mr. S. M. Austin, attorney, Lewisburg, W. Va.
Virginia J. Wood, under stenographer.	60.00	Selected on efficiency basis by J. N. Alderson, district director.
Virginia M. Betts, under typist.	60.00	Selected personnel office, on efficiency basis.
E. S. Puckett, supervisor, finance and reports.	241.66	Selected on efficiency basis by district director.
Charles M. McVey, assistant supervisor, finance and reports.	125.00	Mr. Ben H. Puckett, State supervisor, finance and reports; Mr. E. C. St. George, State personnel officer.

Administrative personnel, third district—Continued

Name and title	Monthly salary	Recommended by—
D. P. Hines, senior clerk.	\$100.00	Hon. Rush D. Holt, Senator.
D. C. Humphreys, senior clerk.	100.00	Dr. W. E. Myles, chairman, Greenbrier County committee; Mr. J. W. McClung, sheriff, Greenbrier County.
H. Frank Hunter, senior clerk.	100.00	Mr. H. G. Harper, mayor, Princeton; Hon. M. M. Neely, Senator.
Homer S. Hurley, senior clerk.	100.00	Selected by Mr. B. H. Puckett, State supervisor of finance and reports, on efficiency basis.
Thomas P. Doughty, Jr., junior clerk.	80.00	Hon. M. M. Neely, Senator; Mr. W. E. Myles, county chairman, Greenbrier County.
J. Arlan Hartsook, junior clerk.	80.00	Selected on experience and efficiency basis.
P. A. Herold, junior clerk.	80.00	Hon. M. M. Neely, Senator.
Walton W. Hicks, junior clerk.	80.00	Hon. G. H. Crumpecker, State director F. H. A.
W. P. Ware, Jr., junior clerk.	80.00	Mr. F. G. Lobban, member State executive committee.
John Coleman McCue, proofreader and typist.	60.00	Dr. W. E. Myles, county chairman, Greenbrier County.
Gordon Umberger, junior typist.	80.00	Hon. C. J. Bell, Summersville.
Mary L. Holcombe, junior stenographer.	70.00	Hon. Rush D. Holt, Senator.
Richard Alderidge, under stenographer.	60.00	Selected for emergency need and found competent.
Mary E. Fitzwater, under stenographer.	60.00	Mr. H. V. Sumers, Nicholas County, and other leading Democrats of Nicholas County.
Virginia Feller, comptometer operator and typist.	80.00	Hon. M. M. Neely, Senator.
Mary Frank Jackson, supervisor women's work.	150.00	Mr. Van A. Bittner; Hon. M. M. Neely, Senator; Mrs. Gilmer Easley, member county executive committee, Greenbrier County.
Blanche H. Crickenberger, district field supervisor women's work.	100.00	Dr. W. E. Myles, county chairman, Greenbrier County.

Administrative personnel, third district—Continued

Name and title	Monthly salary	Recommended by—
Nellie B. Brackman, under stenographer.	\$60.00	Hon. John Kee, Member of Congress.
Mason Bell, office manager and personnel officer.	200.00	Selected in Charleston; Hon. G. P. Alderson, United States marshal.
Zela Bland, reception clerk and switchboard operator.	100.00	Hon. M. M. Neely, Senator.
John S. Kramer, junior clerk.		
Ardela McKenzie, under stenographer.	80.00	Hon. John Kee, Member of Congress; Hon. M. M. Neely, Senator.
Charles F. Livesay, under clerk.	60.00	Mr. Hugh Dunn, postmaster, Richwood; Mr. A. E. Dillenger, attorney, Richwood; Mr. T. W. Ayers, attorney, Richwood.
R. W. Alt, supervisor, labor management.	60.00	Hon. John Kee, Member of Congress, Hon. M. M. Neely, Senator.
G. T. Brooks, assignment clerk.	241.66	Selected in Charleston.
Beulah Dean, junior stenographer.	120.00	Selected in Charleston at suggestion of Mr. H. E. Becknell, area supervisor of reports.
Raymond L. Dempsey, junior clerk.	80.00	Mr. R. W. Alt, supervisor labor management.
Virginia E. Duncan, junior clerk.	80.00	Hon. F. W. McCullough.
Ralph L. Landers, junior clerk.	80.00	Mr. R. L. Crotchin, county administrator, Monroe County; committee members Monroe County.
John S. Rose, junior clerk...	80.00	Hon. G. P. Alderson, United States marshal.
Grace L. Wylie, junior clerk...	70.00	Miss Ethel Hinton, county chairman, Summers County; Dr. D. M. Ryan, Hinton, to Mr. Wyant; Hon. John Kee, Member of Congress.
Pearl E. Anderson, under stenographer.	60.00	Trained assignment worker, requested by the State assignment clerk.
Mildred E. Thompson, under stenographer.	60.00	Dr. Gory Hogg, Lewisburg; Hon. W. H. Sawyers, Hinton.
Helen Gillespie, under typist.	60.00	Hon. Rush D. Holt, Senator.
Mary Karr McLaughlin, under typist.	60.00	Mr. R. W. Alt, labor supervisor.
R. A. Miller, district safety inspector.	135.00	Selected on efficiency basis.
Cecilia McCue, supervisor intake and certification.	150.00	Dr. W. E. Myles, county chairman, Greenbrier County; Mr. John H. Bowley, deputy marshal.
W. R. Blankenship, district claim adjuster, compensation.	140.00	Selected in Charleston.
V. L. Allen, district claim examiner.	135.00	Mr. J. W. McClung, sheriff Greenbrier County; Mr. J. M. Holt, former prosecuting attorney, Greenbrier County; selected by State supervisor of compensation.
Faye McClung, under stenographer.	60.00	Selected by State supervisor compensation and chief personnel officer.
		Selected on efficiency basis.

Mr. HOLT. Mr. Johnstone says that there is no politics in West Virginia. He decries the use of politics. Let me read a letter from Mr. McCullough to my colleague [Mr. NEELY], in which he says:

Please be advised that Mr. Harmon has been in this office, and I feel that in the future he will be in sympathy with the things that are being done in Putnam County.

Oh, no politics; he was just in sympathy with building something down there!

Let me go ahead and list these. This is what the personnel director of the Fairmont district said on October 30:

I am glad to inform you that we are following certain orders from so-and-so and so-and-so on any suggestions as to personnel in Hancock County.

Here is a letter dated November 25:

You will note in Brooke, Hancock, Harrison, Marshall, Ohio, and Taylor Counties the word "no" is typewritten opposite the name of the sanitation supervisors.

Of course, the Senate knows what they are; I need not explain it.

That means these fellows are not with us, and we are going to change these men as quickly as possible. I thought if you had any special reason to contact these foremen, timekeepers, and superintendents, I wanted you to know that the above-mentioned names marked "no" on this list are not our friends.

Oh, Mr. President, of course there is no politics in West Virginia.

Here is a letter dated November 1, which I want to read into the RECORD, written by the same man:

I am enclosing a copy of the county sanitation supervisors; tentative lists of the safety and compensation departments. By way of explanation, about 6 weeks ago—

I want the Senate to get this—about 6 weeks ago two meetings were held in this office. Those present were: Howard L. Robinson—

I will now identify him. He is United States attorney for northern West Virginia.

William J. Gates, Sandy Toothman—

Who is my colleague's political boss in his home county.

Harry C. Louden, and Frank Wiley. At that time the enclosed lists were discussed.

Now get this; they were not then satisfied with the people who were there.

By telephone, we contacted J. V. Gibson, Preston County; A. C. Chapman, Wetzel County; W. C. Ferguson, Marshall County; Robert J. Riley and George W. Oldham of Ohio County; Robert L. Ramsey and Abe Pinsky, Brooke County; and Sheriff J. A. Tope, Hancock County.

Of course, they "contacted" them. Let me go ahead with this letter—

After hearing all recommendations and suggestions, the second meeting was held and these lists were drawn up. These lists have been filed with Mr. E. C. St. George, chief personnel director of the Works Progress Administration in Charleston, and an arrangement with him made, whereby these men would be drawn and placed on the pay roll for work as their services were demanded.

Then, he goes ahead and says:

This program has been started with the agreement with Mr. St. George—

Mr. St. George is the State personnel director—and Mr. McCullough—

The Senate knows who he is—

that the substitutions shown on the list would be changed as soon as—meaning about 1 month after the program is under way in each county, where substitutions are necessary.

To date no substitutions have been made in the sanitation department, but it is our intention, beginning next week, to notify Dr. Eddy, who is in charge of the sanitation program, to start replacing these men in each county, where replacement is necessary.

Now let me read from a letter dated August 1, signed by the same man:

The time to correct mistakes is before they are made, if possible; consequently we don't want anyone on these jobs who is not right. These hundreds of applications going in should be taken around to the "designated" leaders in each county and sorted; then the local leaders can't blame the personnel office if the right boys are not on. This, to my mind, is paramount if this organization is to accomplish what it has to do in the next year.

What did he mean by "next year"—1935?

Let me go a little further and quote from the director of the Wheeling district. Here is what he says:

I was amused at the letter from Mr. Roth, the former director for the Fairmont district. It was common knowledge at the time I came into the organization that Roth was to be fired and a new director appointed.

This was the man who sent the telegram, who said there was not any politics in it. By the way, he got a new job last night. He is to be appointed in charge of the division in my home district—the man who sent a telegram here criticizing me. All right. That is quick work.

I was so informed by Ned Smith, Mose Darst, and also by Witcher, and the reason given was that he was "playing with Tusca Morris"—

Of course, Senators can ask my colleague who Tusca Morris is—

one of NEELY's political enemies; in fact, they told me that Roth and Ashcraft were both to "go", due to their having given Tusca a copy of the pay-roll sheet from the Fairmont office, showing not only the names but the amounts each one was receiving. They had quite a time over this and finally found the sheets under the rug.

It is a bear-in-a-rug proposition.

Here is what he says about an employee who reported.

* * * He came into my office, produced a little red book, and informed me that his instructions were:

"In Hancock, J. A. Tope—in Brooke, Abe Pinsky—in Ohio, Robert Riley—in Marshall, Tuck Ferguson, and in Wetzel, A. C. Chapman, would name 50 percent of all employees and that he would name the balance."

Of course, there is no politics at all!

I want also to put in the RECORD the actual names handed me by the personnel director of the State, showing who suggested the nutrition supervisors who have charge of feeding the children. I ask that that be inserted in the RECORD.

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

Suggested nutrition supervisors

County	Name	By whom recommended
DISTRICT NO. 2		
Ohio	Mrs. Pauline Henderson	Homer Toothman.
Hancock	Nina Young	J. Alfred Tope.
Wetzel	Miss Etta Kiger	A. C. Chapman.
Taylor	Anna Cruise	W. J. Gates.
Barbour	Ruth Forney	A. D. Marks and approved by Forrest Poling.
Marshall	Margaret Peale	Mr. Ferguson.
Preston	Mrs. Georgia Wilson	Democratic committee.
Harrison	Beatrice Scott Smith	Howard Robinson.
Monongalia	Mrs. Ethel De Ville	Jake Wharton.
DISTRICT NO. 5		
Cabell	Mrs. Estella Tabor, Margaret Smith Whalen, assistant.	Mr. Taylor.
Clay	Miss Mildred Keith	Colebank.
Wayne	Mrs. Fannie Smith	Mr. Fry.
Lincoln	Miss Beatrice Atkins Hamlin.	Mr. McGhee.
Jackson (Ripley)	Miss Dorothy Snaith	Mr. Parsons.
Putnam (Hurricane)	Miss Dorothy Tallman	Dr. Ervin.
Mason	Mrs. Ethel Reynolds	Mr. Matherson and county court.
Roane (Spencer)	Miss Louise Snodgrass	County court.
DISTRICT NO. 6		
Mingo	Mrs. Helen Reid	Senator Greene.
Logan (Logan)	Mrs. Ed Oakley	Mr. Joyce.
McDowell (Welch)	Mrs. Neil Reyburn	Mrs. Weatherby.
Wyoming	Mrs. Ora Saunders	Mr. Clay.
Boone	Mrs. Virginia Hopkins	Mr. St. George.
Fayette (Ansted)	Lillian Rule Craig	St. George.
Raleigh (Beckley)	Mrs. Harriet Barrett	O. K.
Kanawha	Mrs. Blanche Meredith	

Mr. HOLT. It has been said that the United States attorney for the northern district did not have anything to do with the W. P. A. A man who is now an employee of the W. P. A. made an application to Robert Roth. He had no connection whatever with Howard L. Robinson, who was United States attorney for the northern district. He had no contact with him orally, by letter, or by messenger. Yet, after he has made application, here is a letter he gets on the 16th day of September 1935. Here is the original letter on the United States attorney's stationery. He says:

I would like to see you tomorrow, if it will be convenient for you to come to the office to see me. You will find me on the ninth floor of the Union National Bank Building.

Sincerely yours,

HOWARD L. ROBINSON.

Then on the 23d of October he writes the following letter:

OCTOBER 23, 1935.

I understand that the airport project in Harrison County, just east of Bridgeport, will get under way in the course of the next week or 10 days, and will probably last about a year.

If you think that the work would not be too far away for you, I would like to know if you would be interested in a position as timekeeper at the project, so that I can recommend you for that post.

Sincerely yours,

HOWARD L. ROBINSON.

He writes him again on the 31st of October. Oh, no; he does not have anything to do with it at all.

A man said before a committee in Charleston that the district attorney for the southern district of West Virginia was naming the set-up. He said he named all the appointees. The district attorney wrote me a letter under date of March 4. I will ask the Senate to listen to it very carefully—written by the man who was charged with naming the appointments. Here is the exact language of the district attorney's letter:

I think I can safely say that fully one-half, and I think much more than one-half, of the appointments made in the Huntington office have been made without my recommendation.

No; he did not name all of them. He just named half of them in a whole district of the State of West Virginia. This letter, dated March 4, 1936, is from George I. Neal, United States attorney for the southern district of West Virginia.

May I quote from a letter of December 24 written by J. J. West, acting director of the fifth West Virginia district of the Works Progress Administration? Here is what he says:

All of this personnel except the equipment operators has been selected by this office with the advice and cooperation of friends of the Administration throughout the district.

Oh, no; no politics at all! That letter is from a district director. What did that district director do? Let me read to you. Here is a letter from Huntington received this morning. Mr. West used to be in the city council. This is what happened:

Because J. J. West was and is the W. P. A. Administrator, or rather director here and until 2 weeks ago was also a member and chairman of the finance committee of our city council. He has in his employ as such director wives, children, and other relatives of five of the members of the council.

There are 13 members of the city council of Huntington, and he has put the immediate families of 5 of those 13 members on the pay roll in order to control them.

I exhibit to the Senate, to show that he is not interested in politics, a copy of the record indicating his influence in the Huntington City Council meeting. All underscored portions indicate where J. J. West took part. He is a director of the W. P. A.

I have another letter from Charleston naming certain individuals. I will not name them, because it is not necessary, but it contains a list of five members of the Kanawha County committee, every one of whom was put on the W. P. A. list. No politics at all!

Let us go a little bit further. Here is a letter written on the 26th of November 1935 by the administrative assistant in my colleague's home city and home district.

MR. GEORGE OLDHAM,
Director, Sub-Office, W. P. A. District No. 2,

Wheeling, W. Va.

DEAR MR. OLDHAM: I hand you herewith a list of doctors in Ohio County.

Kindly separate the Democrats from the Republicans and list them in order of priority so that we may notify our safety foremen and compensation men as to who is eligible to participate in case of injury.

Yours very truly,

MOSE M. DARST,
Administrative Assistant.

In other words, if a man would go to a Republican doctor he could die if he was injured. I will quote that again.

Kindly separate the Democrats from the Republicans and list them in order of priority so that we may notify our safety foremen and compensation men as to who is eligible to participate in case of injury.

Darst was carrying out his assignment from higher-ups.

Harry Hopkins may think a whole lot of people are dumb, using his favorite expression, I want to tell him that the people of West Virginia are not so "damn dumb" that they will not take care of him at the first opportunity.

Let us go a little further into the political set-up in the relief projects. I want to read another letter. Here is a letter that a man who is an applicant for a job in Parkersburg wrote on the 25th day of February to the sheriff of Calhoun County. I have here a photostatic copy of the letter. Here is what he says:

PARKERSBURG, W. VA., February 25, 1936.

Due to the fact that the professional and service division has been combined with women's division, it greatly handicaps my opportunity of being of service to my friends in the various sections of this district, and I have a proposition in mind that if successful in matriculation would enable me to assign people you need and ask for in your county.

In other words, relief workers. Get this:

I have a proposition in mind that if successful in matriculation would enable me to assign people you need and ask for in your county.

After he wrote this on the 25th of February, on the 29th of February he was called down to Charleston and had a conference with Mr. McCullough and was put on the pay roll on the 1st day of March 1936. This [indicating] shows that he was put on the pay roll at \$150 a month—\$1,800 a year—to look after historic and scenic markers and redistribution and reindexing.

Not only did they put him in the district but on March 10 there was an order from Frank A. Wyant, acting director, saying to take him off the project pay roll and put him on the administrative pay roll. Do you know how many people

are on that particular pay roll on which this man is? I understand 28 workers, and they put him on and took \$1,800 out of the fund to pay him.

Here is another letter I want to read at this time about that same man. Here is what he said:

DEAR—

I will not quote his name because there is no need of involving him at this time.

We are mighty glad you are back on the job and know we have a friend of the court in Parkersburg.

There is a letter that had been sent at that particular time. Let us go a little bit further. I ask to place in the RECORD the letter containing the actual order, of which I have a photostatic copy, where the Charleston division assigned five engineers—Mr. E. B. Snider to get \$200 a month, Mr. H. R. Wiley to get \$150 a month, Mr. A. J. Foy to get \$150 a month, Mr. J. B. Alderson to get \$150 a month, and Mr. H. S. Dilcher to get \$150 a month, and charge the same to the road project. Where there was only \$20,000 to spend they put on that project \$800 worth of engineering service a month, beside the engineers they already had. The time-keeper would not charge it, and on the 17th day of February, 1936, a letter was sent to him telling him not to put them on, that they would be put on in the office. I ask that the letter may be printed in the RECORD.

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

WORKS PROGRESS ADMINISTRATION,
Charleston, W. Va., February 17, 1936.

Re: Project no. 65-41-3016.

Mr. J. W. FARRY,

W. P. A. Timekeeper, 1803 McClung Street, Charleston, W. Va.

DEAR SIR: We have been requested by Mr. S. Grover Smith, district director, to advise that it is not in accordance with instructions received in this office that you will not include on your time report time for the following persons:

Mr. E. B. Snider.

Mr. A. J. Foy.

Mr. H. R. Wiley.

Mr. J. B. Alderson.

Mr. H. S. Dilcher.

This time will be submitted to this office by Mr. Dorr Tucker, office manager.

Yours very truly,

HARRY S. TROTTER,
District Supervisor, Division of Finance and Statistics.

Let me read from an actual copy of a letter of March 5, 1936, after the investigation was started. Here is the actual letter:

The division of operations is firmly convinced that the problem as outlined above may be solved in a simple routine manner and in strict accordance with Federal regulations. We further believe that it will not be necessary to alter or destroy any official records as has been suggested in round-table discussion of the matter.

Get that:

I further believe that it will not be necessary to alter or destroy the official records as has been suggested in round-table discussion of that matter.

Here is the letter itself written on the 5th day of March, addressed to this particular person.

Here is the best one of all. I do not know whether Senators can see it or not. Here is a piece of hay-baling wire. I do not know whether any of you are farmers or not, but if you are I would not advise you to buy this kind of hay wire, because if you should use three strands of it around an acre of land it would cost you \$93,000. This hay-baling wire I refer to was purchased on an order signed for and agreed to. This wire, one-sixteenth of an inch by 12-inch lock wire, cost \$38.75, or \$77.50 for 24 inches of this lock wire. If anyone cares to inspect it, here is the purchase order which I now exhibit to the Senate. I am going to take this wire down to an alchemist and have it inspected to see if there is any platinum in it.

Of course, Mr. Hopkins would not say that there was anything wrong about paying \$93,000 for enough of this wire to put around an acre of ground. Oh, no!

Here are some more expenditures of money for engineering, as written to me by an engineer, and I am going to put

these in the RECORD. Of course, this is in the lily-white picture of the W. P. A. in the State of West Virginia. All right!

Here is project no. 56250, known as the Madison Avenue project. The money appropriated was \$42,222. The engineers report that all this money has been spent, but the project was closed down and only approximately 2½ percent of it was completed, including a piece of approximately 1 cubic yard of rock, which would amount to approximately \$482 per cubic yard.

Think of that, \$482 for a cubic yard of rock to be removed. That is in Cabell County, where the Administrator is from.

Here is another project, the project at Sixth and Eighth Avenues. One thousand nine hundred and fifty-five dollars per month was paid for engineers, which should not exceed in the extreme more than \$300. This project is closed down now because of lack of funds. How could we expect it to be otherwise when they are paying \$1,955 for supervision?

Here is the Fifth Street project, a sewer. On this project there have been 62 lineal feet of 21-inch sewer laid at a cost of \$7,300, costing approximately \$120 per lineal foot of sewer line. Oh, Mr. Hopkins is a wonderful Administrator.

Here is the Kanawha Avenue project, \$32,000, and the actual engineering cost of that, according to the engineers, was but \$2,500, or only one-fourteenth of the cost of that particular thing.

I also want to tell about Huntington. Senators know I went to West Virginia, and I will tell about that later, too, but I want to relate about this project. I found in one project where there was only \$90,000 to be expended there were 64 bosses. Think of that! Sixty-four bosses on a \$90,000 project—not relief workers but supervisors put on at the request of politicians down in my State.

May I give the supervisory costs on some more projects which I have brought along in that particular group? On a \$3,392 project I find the supervising cost is \$239.40 a month. On a \$50,000 project the supervisory cost is \$1,454.80 a month plus five other supervisors who get 50 cents an hour, and there is no way to figure out how much that amounts to.

On a \$34,000 project I find the supervisory cost was \$1,048.40 a month plus 11 other supervisors getting 50 cents an hour.

On a \$41,500 project I find four men, supervisors, time-keepers, and timekeepers for the timekeepers getting \$1,358.60 a month, and besides that there are 10 other people who received 50 cents an hour as foremen and subforemen. They ran out of names. They might well have had some straw bosses.

Let us look at some more projects listed here. I find a \$40,000 project where the monthly expense for foremen and supervisors alone was \$1,085 plus seven other timekeepers at 50 cents an hour. I admit they have to keep time on these people. They have been keeping time on them for a long period of time.

It is said the administrative costs were only 4 percent. Let us look and see if the costs were 4 percent. I find in a single county, in the last month, in this one district, that the supervisory cost alone was \$45,118, but the only expenditure they charged was—how much? How much do you suppose they charged for supervisory cost? I have the names of the supervisors who drew \$46,000. The way they do that is to have the supervisors appointed and put them in charge of projects, just like they did these five engineers. That expense is charged to the poor fellow that has to work, and if the funds run out the men are run out and the brass hats get all that is left.

They gave me a wonderful group of costs showing the non-relief workers were getting 7.2 percent. The best I can figure is that the supervisory costs, the cost of administration, the cost of material, the cost of equipment, and the other costs would exceed 55 cents on every dollar spent in West Virginia. Yet they say that is not cruel.

A few moments ago I gave a figure about the famous little houses they build out in the country in West Virginia. Here is the amount spent on them. They allocated \$624,344 on them and \$244,171 on feeding mouths in our State, and for taking care of crippled children they allocated \$21,495, as compared to the \$640,000 I mentioned a moment ago; then to distribute food to the needy—and that is what I thought

the relief act was for—we find that the total amount was only \$67,805 in the State of West Virginia.

Has Mr. Hopkins, or have any of his agents, denied the fact that all these men have had these increased salaries? In order that you may not forget them, may I repeat them again and put in the RECORD? because I want it made so plain that Harry Hopkins can understand it.

Here is the list of persons:

Mr. Ed Hart, of the board of control, formerly received \$2,400. Today he is on the W. P. A. pay roll at \$2,700.

I find that Mr. Ben Puckett was on the pay roll of the F. E. R. A. at \$3,600. Today he is on the pay roll of the W. P. A. at \$4,500.

Mr. Elmer St. George was drawing \$3,060. He drew \$3,600. Mr. Cornwell, of the F. E. R. A., drew \$2,600, and today he is drawing \$3,000.

Mr. Walter King was employed by the F. E. R. A. at \$3,300. Today he is drawing \$3,500.

Mr. J. D. Alexander was drawing \$2,340. Today he is drawing \$4,500.

Of course, Harry Hopkins will tell you that the responsibility of this is on some "dumb politician." All right.

Mr. Amos Morton was drawing \$1,800. Today he is drawing \$3,000.

Mr. Morris McConihay was drawing \$1,440. Today he draws \$2,100.

June Moore was drawing \$1,320. Today he draws \$2,000. Mr. Nebarith drew \$1,620. Now he draws \$3,300.

Mr. Homer Frame was drawing \$1,800. Today he is drawing \$2,400.

Mr. Jim Myer was getting \$2,100. Today he is getting \$2,400.

Mr. E. D. Johnson was getting \$1,560. Now he gets \$2,400. I find that Mr. Melton Maloney was getting \$1,800, and on the W. P. A. he got \$3,000.

I find that Mr. Joe Blackburn was drawing \$2,400, and was put on the W. P. A. pay roll at \$3,200.

Mr. Dewey Phares was getting \$5 a day when he was working for the railroad, and he was put on the W. P. A. pay roll at \$3,400.

Mr. Mosby, a newspaper writer, you will remember, is the one who painted that beautiful lily. I think they must have had in mind that there were going to be lilies put over this investigation, because in the February issue the "Progressor" painted a beautiful lily. This man gets only \$3,300 a year for painting lilies on the "Progressor."

All right. I find that Mr. McPherran was on the pay roll at \$3,000, when he was formerly getting \$2,400.

Frank Carte was on the pay roll at \$2,400, and was formerly getting \$1,800.

I find that Mr. Kelly was on the pay roll at \$2,400. Before he drew \$1,716.

But what is the use of going ahead with this? There is plenty of it in West Virginia. There is plenty of it that Mr. Hopkins could see if he wanted to see it, but he does not want to see it. He wants to dodge. He wants to cover it up, because the responsibility lies at his door, and he ought to be required to take the responsibility.

Now, what about this tremendous supervisory cost? Let me show you what has to be gone through with before the final man gets relief.

They have a man here in charge of the W. P. A., and under him they have a State W. P. A., and under the State W. P. A. they have a district W. P. A., and under the district W. P. A. they have an area W. P. A., and under the area W. P. A. they have a county W. P. A., and under the county W. P. A. they have a project W. P. A. How on earth can we expect the man down at the bottom to get anything after they get through with that, I should like to know, after knowing the men that handle it?

In other words, in the State of West Virginia they have to keep the State office, they have to keep the district office, they have to keep the area office, they have to keep the county office, they have to keep the project officers, before poor old John Smith, down at the bottom, gets a penny; and if the funds give out he is the first man to lose out. They

have taken these people from private employment—not relief workers—and put them on the pay roll at tremendous increases in salary, in order that some politician may be pleased.

As you know, I went down to investigate the W. P. A. in West Virginia, and, as I said, this woman came to see me, and she was fired the next day.

I called up on Monday and asked Mr. Ben Puckett if he would give me the amount of rent they paid down in Charleston. I understood that they were paying a dollar a square foot for space for which the F. E. R. A. paid 89.65 cents, and I wanted to find out the facts and other information. He said, "It will take a little time to get it, and if you will wait until tomorrow morning I will have it, sure." "All right", I said; "I will wait, Mr. Puckett." So I sent over Tuesday morning, and the report was not ready. I sent over again Tuesday night, and what was the reply? The reply was this: "I cannot give it to you, because I have had orders not to give you any information."

No criticism of Mr. Puckett. He was ordered to do so by his superior. That was during the investigation. In other words, he had promised it, and in 1 day's time he was forced to reverse himself on that particular matter.

I had heard that the order had been issued to clamp down this censorship, so that I could not get particular records that I wanted, so I called up an assistant in the State engineer's office, a Mr. Bennett, who is a high-class man, and said to Mr. Bennett, "I should like to know the number of a certain project." I did not really want to know the number of the project. I did not care what the number of the project was. I just wanted to see if that order had been given; and here is his exact language, taken down in shorthand over the telephone:

An order has been given out that we are not to give out any information while the investigation is going on here. I called Mr. Smith and asked him if it would be all right, and he told me to have you put it in the form of a written request, and we would see what could be done about it. No criticism to Mr. Bennett. He followed the order of his superior.

In other words, if I wanted the information I could write out my request and then they would determine whether I could get it—just the number of projects down at Gauley Bridge. Oh, of course, there was no censorship down there.

Do you know how bad the condition has gotten in the State of West Virginia? I appointed to the Naval Academy a boy who works over here in the Senate Restaurant, a boy who might not have gone to the Academy. His father was demoted from the W. P. A. the next week, as a retribution. It is too bad that people have to suffer because of the fight that I have to make. Oh, of course, you will be told that he was demoted for some other reason; but it seems peculiar that the project was shut down and a new supervisor was put on immediately afterward.

There is constantly going around the fear that they cannot and will not hold their jobs, they are constantly changing projects.

You know, Mr. Hopkins in his famous letter—and it is a famous letter—says that I requested certain things about Mason County. All right; I want to show you just what I did request about Mason County.

He made it appear that I was interested in personnel down there. I want to read you part of a letter written on December 24 by the area engineer:

With reference to my recent telephone conversation with you in connection with the Mason County program, I did not at once take the matter up with you further, due to the fact your very prompt attention to the situation brought most gratifying results.

There was genuine cause for concern on the part of the people of this county that contacted you, Senator. By way of explanation, the project committees of New Haven, Mason City, and Point Pleasant, and their sponsors, had been approached at various times by representatives of the Huntington office who promised approval and allocation of funds to cover various projects, particularly the street-surfacing job in New Haven, street surfacing and storm sewers in Mason, and continuance of the old E. R. A. program in Point Pleasant, which would let several streets out of soft mud occasioned by unfinished graded base that made them impassable.

In addition, the town of Leon had been promised a project, or, failing this, a road job in that immediate vicinity that would absorb the relief case load there.

Now, it happens that both sponsors, in many cases, and private individuals had contributed funds toward preliminary engineering, preparation of maps, etc., on the assurance of those in Huntington that the projects would materialize.

Now, listen to this. Get this: These people wanted to get out of the mud.

As you will readily understand also, the political angle existed that would make it very embarrassing if they failed to materialize.

That is what I was criticizing. I said I did not care what ticket they voted for; I wanted to get the farmers out of the mud in West Virginia, and they made it appear that I was protesting because they would not employ anybody in Huntington. I did protest to West, I did protest to McCullough, and I protested to Harry Hopkins, but he sat there just as dumb as some of the people he speaks about being dumb.

All right. Another thing: The reporter took away part of my papers. While I am talking about that, I want to put in the RECORD a letter of September 10 from the Huntington Central Labor Union in protest to the administration of West in the W. P. A. in West Virginia.

The PRESIDING OFFICER (Mr. BILBO in the chair). Without objection, the letter will be printed in the RECORD.

The letter is as follows:

SEPTEMBER 10, 1935.

Hon. F. WITCHER McCULLOUGH,

Works Progress Admnistration for West Virginia,

Charleston, W. Va.

DEAR SIR: At a regular meeting of the Huntington Central Labor Union held on August 26, and again at the next regular meeting, held on September 9, that body stated in most vigorous terms at the first meeting and reiterated even more strongly at the second meeting its deep, profound, and unalterable opposition to the appointment and his retention in the position of acting director of the fifth district, Works Progress Administration, of John J. West, and ordered conveyed to you (with copies to Senators NEELY and HOLT and to Representative JOHNSON) an insistent, vigorous protest against this man, and to ask for his removal from office forthwith and the appointment in his stead of some other of the many qualified men whose record is free from the consistently obnoxious opposition to the principles and ideals so highly cherished by this large group of your constituency that has always characterized the activities of this man, John J. West.

The central body desires to call to your attention also that John J. West, in his capacity as chairman of the Huntington City Council, true to his background, sympathies, and interests, has proposed, fostered, and apparently succeeded in passing measures of taxation that fall upon those least able to pay; at the same time he used his considerable influence against the plan of organized labor to place the proposed increase in taxes upon those most able to pay. His policy is to soak the poor and humble of small earning opportunity in favor of the interests of big business and the utilities.

Further, and especially, the Central Labor Union would have you know that during the past several years John J. West, while engaged in the general contracting business in this vicinity and in neighboring States, has ever and always refused to have any dealings with organized labor, but invariably hired only the rats, scabs, renegades, and potential strike-breakers in the field of labor as his employees.

Another thing, as an indication of the true popular estimate of his worth in civic affairs, it is pointed out that John J. West has frequently been a candidate for election to public office, but always repudiated at the polls. The only offices he has ever held have been by appointment; never elected by the votes of the people. Therefore, his removal from office in this instance would please not only your petitioners but a vast majority of the population of all rank and class who, knowing him, are thus in a position to best judge and pass upon his lack of worth.

Praying your thoughtful consideration of these representations and for a course of action favorable to the request herein laid before you, we are,

Yours sincerely,

HUNTINGTON CENTRAL LABOR UNION,
Per CHAS. R. WOODS, President.

Mr. HOLT. Now, let me read again part of the letter of this Mr. Forsythe that they say is such a fine man, who would not sell his products.

In January I applied to the State administration for a position in the liquor set-up, but Pete Gibson and his crew were effective enough to keep me out; and in the meantime I got back into my business, and also got into the sale of some road material (Kentucky sandstone rock asphalt) which I am promoting as a seal coat for bituminous roads; and then I told the State administration that I was not an applicant for a position. However, my dear friend Witcher offered me a very fine position last week; and after careful consideration with Mr. Neale and Mr. _____ we decided that with their help and yours and Senator NEELY's that by letting me make a decent living in business that I could do the party considerably more good than by taking a job. He has appointed John J. West to the position offered me, and his appointment is very satisfactory.

That is what he said; and he got a job at \$3,600 a year and also maintained the continuation of his place of sale of his products, according to the picture shown at that time.

All right.

I was going to put into the RECORD Mr. McCullough's statement about the Parkersburg district, which he says was so terrible that it required the dismissal of my brother, whom Mr. McCullough had put on the pay roll himself, an appointment with which I had nothing to do. He says that was done in order to correct the district. I wanted to show the Senate exactly what was said about that district in February, but, at the moment, the paper to which I had desired to refer, has been misplaced but will be produced next week.

Mr. President, Mr. Harry Hopkins did not want to know the facts; he never expected to get the facts. He wanted to whitewash Mr. McCullough. He said the charges about Mr. McCullough in connection with the Huntington State Hospital were not true.

To whom did he go? He did not go to the Governor of the State, or to the ex-Governor of the State when Mr. McCullough was in. He did not go to any member of that board of control. Where did he get his information?

I challenge Mr. Hopkins to produce the records of the Huntington State Hospital in August 1931, which show that Mr. McCullough, the present State administrator of the W. P. A. in the State of West Virginia, told Mr. Haddox, a bookkeeper of the board of control, that unless he wrote off an overdraft of \$672, or about that amount, he would see that he was fired. Who was in charge of the Huntington State Hospital? Mr. McCullough's father-in-law, Dr. Guthrie, was in charge. He came out \$672 short; I think that was the amount. He did not get that affidavit.

There is another thing I should like to have Mr. Hopkins investigate. I should like to have him investigate Mr. McCullough's activity with a Mr. Ben Jesselson, of Ashland, Ky., who had Mr. McCullough as a lawyer in a pardon case, when Mr. McCullough was on the board of control. It is said he represented this fellow in the pardon case, but the pardon was not granted. And this is the fellow running the W. P. A. in West Virginia.

Hopkins says the 42-percent loan-shark bill is all right. Mr. McCullough admitted he helped put it through. Mr. McCullough himself was so ashamed that when I charged him with it, and showed the picture of his window, he had it taken off; he wiped it off. But Mr. Hopkins says it is all right. Mr. Hopkins accepts what Mr. McCullough is ashamed of, the 42-percent loan law, which operates against the poor people of the country who have to borrow less than \$300.

I again repeat the charges I made, and I challenge Mr. Hopkins, I challenge any of them in the State of West Virginia, to meet me at any time and admit these charges or deny them.

First, that the people in the State of West Virginia had to get the O. K. of a political boss before they could get on relief.

I charge that increasing the salaries of many, he increased them far beyond reason.

I charge that he shut down projects for political punishment.

I charge that people were dismissed and intimidated and driven to the point where they would not talk for fear of losing their jobs.

I desire to say to the Senate that the State of West Virginia is ashamed of the continuation of such practices as those which have characterized the administration of the W. P. A., such reckless expenditure of money as the State has never seen.

"Boondoggling" as known in my State must come from the old term of the feudal law, "boon." Under the old feudal law the serfs had to give their lord so much money. That was called a "boon." So it is in the State of West Virginia; we have the brass hats who collect the money and who distribute it.

What did McCullough do? Let me tell more about Johnson's investigation. He went into West Virginia and said,

"Did Mr. McCullough ever ask you whether you would support him if he were a candidate for Governor?"

Was not that a wonderful procedure? "Did Mr. McCullough tell you he wanted you to support him for Governor?" Of course, they would not tell him. He brought them into McCullough's own office and asked some of them that question. They knew they would lose their jobs if they said anything.

The only way to get down to the facts in this thing is to subpna individuals and to bring in records, so that we can get the actual truth. If the things with which Hopkins has charged me are true, why should he not want a senatorial investigation?

If they cannot be proven, I certainly would be put in a bad light, but if they can be proven, they ought to be cleaned up, and those who are responsible for them should be driven from office.

Johnstone spent 8 days in West Virginia. I know how Mr. McCullough takes care of the investigators. I lived at the Daniel Boone Hotel long enough to know about that. Whenever the investigators came in to investigate Mr. McCullough's activities—the old expression will be recalled, "wine, woman, and song." Of course, I do not know about what happened at that particular time; the investigators can themselves disclose what happened.

They spent 8 hours investigating the Parkersburg office. I had those men trailed. They thought they were fooling me, but I had a man on their trail, watching where they were going. So we find that they spent 8 hours in Parkersburg, and 5 of the 8 hours were spent in Mr. Forsythe's hotel room and office. They went and looked at the files and said, "This fellow is recommended by John Jones. This fellow is recommended by Bill Smith." They did not know whether Bill Smith or John Jones were in politics or not. They never went to the people I charged with naming these directors in the State of West Virginia. In other words, their investigation was a sham; it was a fraud; it was a whitewash. But no matter how much whitewash is used, there is not enough whitewash in the world to cover up this thing in the eyes of the people of West Virginia, who know what is going on there.

Mr. Hopkins can be reckless with his money, Mr. Hopkins can be reckless with his words, but he cannot cover up the worst maladministration—I use the word seriously—ever known in the history of America. He cannot cover up those things.

Of course, "Cocky Harry" is going to sit back and say we are "too damned dumb" to understand how he is spending the money. I admit that we would be smart if we did know how he was spending it, but I do not know that much of the money spent in West Virginia that should go to the men with picks and shovels is going to the men at the top. Two hundred and twenty-five thousand dollars, or approximately that amount, is spent in running the State office. Approximately \$125,000 to \$150,000 is spent in running each of the district offices. Then there are the area officers, and the supervisors to be taken care of. There is little left for the people who work.

Of course they can whitewash it, of course they can cover it up, but they will never cover it up completely, because I state now that I am going to West Virginia again this week, and I shall come back to the Senate with more disclosures to make of the W. P. A. activities in that State. I shall come back and tell about certain things which I know to be true, but I want to get the actual documents in order to charge just exactly the details of the worst administration of funds that has ever been known, and to show that everyone knew that it was guaranteed in advance that the report would be satisfactory. That was guaranteed in advance.

When I talked to Mr. Johnson, one would have thought from his attitude that I had done something. He tried to put me through the third degree.

He said, "You did likewise, did you not?"

I said, "If I did, that does not excuse the others." I said, "Whatever I had to do with the W. P. A., I am ashamed of; what little I had to do with it I am not at all proud of, and I will regret it as long as I live."

He said, "Did you not ask for the appointment of Mr. McCullough?"

I said, "I did go along on his appointment, that is true, because there were but two candidates, one from the old rotten Relief Administration, and Mr. McCullough himself."

I did not think anything could be rotteness than the F. E. R. A. in West Virginia, but I have learned something. I am just a youngster, but I learn something every day. I have learned that there is something worse than the F. E. R. A., and that is W. P. A.—"Witcher's Political Army", or now known as "Whitewashing Political Activity"—as it is administered in West Virginia.

I did go along with it, but I will offer a prayer for forgiveness for what is done in the State of West Virginia. If I am responsible for Mr. McCullough's acceptance, if I am responsible for him being in charge and direction of the W. P. A. activities in West Virginia, it is something that I regret, and something for which I will make public confession, and I hope that I will never do any such thing again.

Not only that but I think the Senate ought to know this is not a political battle, as is shown by what I requested Mr. Hopkins to do a long time ago. "Appoint a man who is not in West Virginia. Appoint a man who is not connected with Senator NEELY. Appoint a man who is not connected with Governor Kump. Appoint a man who is not connected with Witcher McCullough. Appoint a man who is not connected with RUSH HOLT. Appoint a man who is not connected with any political activity in the State of West Virginia, make him administrator of W. P. A. funds, and let him administer the W. P. A. funds."

He would not do it, because poor Harry was so busy telling the people of the country, through his press conferences and his written letters, about how much he had given to the people in expenditures of money.

I am not criticizing the expenditure of money. I am criticizing the distribution of the money. I want more of it to go to the relief workers and less of it to go to the "brass hats" who are sitting down there drawing \$150, \$200, \$300, and \$500 a month. That is what I want. I want the relief act administered for the people for whom the relief act was intended to be employed. I want to say again that, although some Senators may not like it, I am going to come back here the first of the week and tell some more concerning the W. P. A. as it affects the Fairmont district, and I am going to keep on telling it until the people know that Harry Hopkins should go down on record as the greatest teller of untruths, the greatest spender of money that this Nation has ever known; and I hope those who hear it will defend him if it is not so.

EMPLOYMENT OF PERSONNEL OF AGRICULTURAL ADJUSTMENT ADMINISTRATION

Mr. SMITH. Mr. President, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 223, relating to the employment of the personnel of the Agricultural Adjustment Administration in carrying out certain governmental activities.

The joint resolution has been reported favorably by the Committee on Agriculture and Forestry, and has to do with establishing the personnel for carrying out the work provided for in what now is known as the new farm act. The joint resolution clarifies the situation as to the appointees. I do not think it will create any discussion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina that the Senate proceed to the consideration of Senate Joint Resolution 223?

Mr. McNARY. Mr. President, I am not familiar with the joint resolution. I think the Senator should make some explanation of it. It may be necessary for it to go over to another day.

Mr. SMITH. The joint resolution is very short, and I think most of the Senators who are not members of the committee are apprised of the nature of it.

The joint resolution is confusing in its terms. It provides for soil-erosion prevention and soil conservation, and also has in it a provision that sections 7 to 14 of the act shall

be administered as the old A. A. A. was administered. There is some confusion as to what personnel they are going to use, and those who are in a position to know have asked that this joint resolution be enacted in order to clarify the situation.

I may say that the joint resolution has already passed the House, and it merely prescribes who shall carry out sections 7 to 14 of the act; namely, just as many as are necessary of those who are now on that roll and are thoroughly familiar with the work.

The PRESIDING OFFICER. Does the explanation of the Senator from South Carolina satisfy the Senator from Oregon?

Mr. McNARY. I prefer to read the joint resolution and have it go over for the present.

Mr. SMITH. Mr. President, I should like to state to my colleague and friend from Oregon that there is a possibility of the Senate recessing until Monday, and time is the very essence of this matter. I wish the Senator had been present when the committee passed favorably on the joint resolution. It can be very readily understood that in administering sections 7 to 14 of the act it is essential that the old personnel, so far as it may be used, shall be kept, rather than to have the personnel come from some other source.

The PRESIDING OFFICER. Is the Senator from Oregon satisfied with that explanation?

Mr. McNARY. Mr. President, I stated, as I thought with some emphasis, that I did not wish to have the Senate consider the joint resolution at this time, that I desired to look into it. I am not aware that we are going to adjourn or recess until Monday. I will look into the joint resolution later. I have not had time to read it. I notice there is some change in the language. I do not know of any emergency situation requiring its immediate consideration.

Mr. SMITH. Mr. President, the organization of this force is progressing rapidly every day. I would have spoken to the Senator about the matter heretofore, but I was under the impression that he was in the committee when we discussed the subject fully, and the joint resolution was ordered to be favorably reported. The organization work is going on every day, and the officials are very anxious to have the question of the personnel clarified.

The PRESIDING OFFICER. The Senator from Oregon objects to the present consideration of the joint resolution.

CHANGE OF REFERENCE

Mr. POPE. Mr. President, on March 10 I introduced Senate Joint Resolution 227, to authorize the completion of work contemplated by Executive Order No. 7075, which was referred to the Committee on Commerce. I intended to ask that it be referred to the Committee on Interstate Commerce.

I have talked with the chairman of the Committee on Commerce, and understand that he has no objection to the change of reference being made. Therefore I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of Senate Joint Resolution 227, and that it be referred to the Committee on Interstate Commerce.

The PRESIDING OFFICER. Without objection, the Committee on Commerce will be discharged from the further consideration of Senate Joint Resolution 227, and it will be referred to the Committee on Interstate Commerce.

PROPOSED INVESTIGATION OF UNEMPLOYMENT AND RELIEF SITUATION

Mr. HATCH. Mr. President, the remarks I am about to make have not been occasioned in any sense by the address just concluded by the Senator from West Virginia [Mr. Holton].

During the past several days a great many statements have been made on the floor of the Senate concerning the Works Progress Administration. Criticism has been leveled at the administration of the emergency-relief fund. Many things have been said and various charges have been made. The leader on this side, the distinguished Senator from Arkansas [Mr. ROBINSON], and the able senior Senator from

Tennessee [Mr. MCKELLAR] have clearly and forcefully pointed out errors contained in some of the criticism, and each of these Senators clearly demonstrated the worth and benefit arising out of W. P. A. projects. The Senator from Arizona [Mr. HAYDEN], in a very comprehensive review of public-works projects, gave the Senate and the country much information and enlightenment concerning the vast and splendid program being carried on by the Public Works Administration.

It is not my intention to enter into the discussion of these matters at this time. I merely desire to call the attention of the Senate to two measures now pending before it which relate somewhat to general propositions in connection with relief—measures which I hope will be constructive and helpful.

The first measure to which I call attention is Senate bill 2711, introduced by the Senator from Virginia [Mr. BYRD] and myself at the last session of the Congress. I call attention to it now simply to show that some of us anticipated that perhaps there would be those who would seek to use for political advantage and gain the vast fund appropriated by Congress for emergency-relief purposes. The bill was designed to prevent the use of these funds for political purposes. It is not a perfect bill. It does not cover all the possible conditions which might arise, but it does aim at an evil which might arise.

Senators, and, for that matter, all others who have had any connection with public life, public affairs, and especially with practical politics, know full well the dangers which attend the spending of vast sums of money for public purposes. They know that unless checked and restrained, men will seek to use the expenditure of public funds to obtain political gain and advantage. This statement is made without regard to what political party, group, or faction is in control. In looking back over the history of the country, may I not say with pardonable pride that the Democratic Party has been freer from this sort of thing than any party.

While, as I said, it was not and is not my intention to discuss these matters today, I would digress long enough to pay this tribute to the President, the Secretary of the Interior, Mr. Hopkins, and Aubrey Williams. For whatever criticism may be heaped upon them today or in the days to come, or if there has been misuse of funds or wrongdoing any place, it has been without their consent and against their wishes and desires. In fact, the President, Mr. Hopkins, and others connected with relief have tried valiantly to keep the administration clean from the sort of thing which has been charged here on the floor of the Senate and elsewhere.

Recognizing, however, the frailties of human nature, and desiring to safeguard and protect the officials charged with the administration of the fund and to prevent some of the very things which have been criticized and condemned here, the Senator from Virginia [Mr. BYRD] and I introduced the bill to which I refer and which I shall now ask the clerk to read.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

A bill (S. 2711) to amend the Emergency Relief Appropriation Act of 1935

Be it enacted, etc., That the Emergency Relief Appropriation Act of 1935 is amended by adding at the end thereof a new section to read as follows:

"Sec. 17. No person, firm, or corporation entering into any contract with the United States or any department or agency thereof, or performing any work or services for the United States or any department or agency thereof, or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such work, services, material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by this act, shall, during the period of negotiation for, or performance or furnishing of, such contract, work, services, material, supplies, equipment, land, or buildings, directly or indirectly, make any contribution of money or any other thing of value, or promise expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; nor shall any person knowingly solicit any such con-

tribution from any such person, firm, or corporation for any such purpose during any such period. Any person who violates the provisions of this section shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned not more than 5 years."

Mr. HATCH. Mr. President, I call attention to this bill now because it was introduced in the last session and because so far no action has been had on it. I believe the time is opportune for the committee having consideration of this bill to report it to the Senate and for it to be passed. Surely no person can object to the passage of a measure designed to aid and assist the officials administering the emergency-relief fund without prostituting it.

It may be said the general laws are sufficient and there is no necessity for this legislation. Before the bill was introduced, I made some investigation of that question. It is doubtful whether the general laws are sufficient. They may be. Nevertheless, it seemed to me that it would be well to attach this positive declaration as an amendment to the relief act itself, as a declaration and as a warning to all who might be concerned. I believe its effect would be good even at this day. I strenuously urge its earnest consideration and now ask that the committee report the bill and that it be passed by the Congress.

The other matter to which I referred in the beginning is a resolution which I recently introduced. It deals with the relief program and seeks an investigation. But it is an investigation of a different kind and nature than has been proposed on the floor of the Senate by other measures and resolutions which have been introduced. By this I do not mean that there should not be any investigation of corruption and wrongdoing, if such there be. Congress is charged with the duty of safeguarding its measures, and I say nothing against those who seek to go into the question of how public-works funds have been expended. That, however, is a different matter. My thought is along a different line and for a different purpose. Whether the relief funds have been expended wisely or not would not change my plan or purpose except insofar as the expenditure of those funds may furnish light as to the proper method and course to pursue in the future.

In his recent remarks the Senator from Arkansas [Mr. ROBINSON] said:

The question of unemployment and relief is a most perplexing one.

Statesmen, writers, economists, and thinkers generally agree that the problem of unemployment is most serious. It has even been said that our form of government may hang in the balance. In an able editorial appearing in the Washington Star a few days ago it was said:

Every other problem facing the country today sinks into insignificance compared with this problem of public relief.

Organized labor and industry alike agree the problem is of most serious import. Many plans have been suggested and some have been submitted to the Congress. All over the country earnest men and women are mightily concerned with this subject. The different departments of government have made their investigations and assembled much data. Other organizations throughout the country have given much time, thought, and study to how the problem can best be met. There are those who propose a continuation of the public-works program. Others insist that it should be discontinued. Direct charity or dole is urged by many as the only solution, and others as vigorously oppose that plan. There are those who claim that private industry can absorb the unemployment and that further expenditure of public funds is but waste and extravagance which will result only in national bankruptcy and ruin. Many other thoughts and theories are constantly being urged.

During the emergency period the administration has met the issue as fairly and squarely as it was possible to meet it. It carried on an emergency program of far-reaching effect and out of which much good has come and much good has been accomplished. Permanent wealth and value have been added to the resources of the Nation. Men have been employed. Many outstanding benefits have accrued and great

good has been accomplished. Yet, notwithstanding these efforts, we still have with us the problem of unemployment.

Not as a solution of the problem, but because I believe Congress should not rely on other agencies, that it should not rely on departments of the Government, nor even should it rely on the Executive for its program, I have introduced the resolution referred to, the first paragraph of which is as follows:

Resolved, That a special committee consisting of five Senators, to be appointed by the Vice President, is hereby authorized and directed to study, survey, and investigate the unemployment and relief situation, obtaining all facts possible in relation thereto which would not only be of public interest but which would aid the Senate in enacting remedial legislation. The committee shall report to the Senate, with recommendations for legislation.

By this resolution it is sought to have a committee from the Senate enter upon its own investigation of all the facts involved in this stupendous question, hoping that remedial legislation may result. I insist—to me it seems clear—that Congress is charged with the responsibility of formulating its own plans, of sponsoring its own legislation—in short, of meeting the problem fairly and squarely in an honest endeavor and attempt to find such solutions as may exist. I insist that Congress should not rely upon others, but it should perform its own duty and its own work.

Of course, we know unemployment exists, and we know somewhat of the number of unemployed. We know of efforts which have been made to relieve the situation; but there is much information which can be assembled and made available by such a committee. Surely those who have been charged with the administration of the relief funds can give us much light and much information. When it is realized that the proposed committee seeks only to assemble facts and learn the truth, I know it can and will receive cooperation from many sources.

Labor will gladly lend its support, aid, and assistance; industry will present its case, its theory, and its plans; all people concerned with the problem will be glad to work in a constructive manner, seeking to find some permanent plan which may be put into effect by Congress.

The work of the committee will not be spectacular. There will be no headlines. It will be a laborer's task. Long hours and diligent study will be involved. The best qualified men in the Senate should be assigned to the task. They should be willing to give of their time—and I hope they would be so interested that they would be willing to lay aside their other duties and devote the principal part of their time—to such a study and such an investigation. There are many Senators able to undertake the work. I have in mind one in particular whom I should like to see designated as chairman of such a committee. I shall be bold enough to suggest his name if the resolution is adopted. Needless to say, I am not thinking of myself.

I am very much in earnest when I say I hope the Senate will undertake this work, authorize a committee, and provide it with sufficient funds. There is reason to believe that something good may result from it.

I know there are those who think such studies have been made in the past and perhaps nothing new can be developed. That may be true. However, we have learned much since 1929, and there is much information now which has not been available in the past. Especially the type of the committee I have in mind will not be concerned with approaching the matter from any partisan standpoint, nor in any spirit of controversy. There will be no measure to be advocated and none to be opposed. A calm, dispassionate study by men qualified and able is what is desired by the resolution. Is it too much to ask that the Senate undertake such a study? Is it too much to ask that, after assembling all the information possible and going into the question from every possible angle, the Congress should initiate its own plan and suggest its own program?

Perhaps the thought has no merit. Perhaps such a study is unimportant. Perhaps the Senate has many things of more importance. I say to you, however, it is my thought that the question of unemployment and relief is the most

important question before the country. I lay it down as a hard-and-fast proposition that this problem must be met. It must be met intelligently. It must be met wisely. It must be dealt with honestly. To my mind, Mr. President, it is not too early for the Congress to begin its own investigation and its own study.

GOVERNMENT CONTRACTS AND EMPLOYMENT CONDITIONS

Mr. WALSH. Mr. President, I have had some correspondence recently with the War Department for the purpose of obtaining information that might be useful in a study of the subject of awarding Government contracts for supplies to the lowest bidders. I inquired to what extent this provision of the general law resulted in giving contracts to firms that have maintained low standards of wages and long hours of employment.

I have an illuminating reply from the War Department. Accompanying the letter were two charts. One chart contains an analysis of a representative number of contracts showing certain factors for the period from the date of the Supreme Court decision on the N. R. A. until June 1935. The two factors discussed are the percentage of hours worked per week and the percentage of wages paid.

These charts show that between the date of the Supreme Court decision on the N. R. A. and July 1, 1935, a total of 168 contracts were made by the War Department. There was no change in the hours worked under the N. R. A. in 70 percent of the contracts, and no change in wages in 73 percent of the contracts. There was an increase in hours worked in 26 percent of the contracts, and there was a reduction in wages in 17 percent of the concerns granted contracts. As to 10 percent of the contracts, no information was available as to wage reductions. The wage reduction after the N. R. A. decision was 25 percent in woolen-garment contracts, 25 percent in work garments, but only 30 percent showed no reduction, while no report was had on 45 percent of these contracts. The wage reduction was 30 percent in cotton garments, and 14 percent of the concerns made no report. It is to be noted that these products are among those where it is alleged "sweat shops" prevail. In the woolen textiles, the cotton textiles, and knitted garments there was no change in hours of employment or wages. After July there was very slight increase in hours worked.

To the credit of the War Department it must be stated that every means possible has been used by it to make awards of contracts for supplies to the Army to producers who maintain high ethical standards as to labor and wages. The War Department states, however, that under the present law—namely, that requiring the awarding of supply contracts to the lowest bidders—it is not possible to avoid contracts going to concerns that maintain low standards.

From time to time the War Department has requested from the Judge Advocate General his opinion in reference to certain clauses that the Department desired to have inserted in its contracts that would require a reasonably high standard of working hours and of wages. Recently, in order to keep the hours of work under the Department's contracts within a reasonable limit, the quartermaster general requested authority to incorporate in his contracts the following:

In future invitation for bids for the purchase of supplies to be manufactured, where Government inspectors are to be present at the contractor's factory during the process of manufacture * * * and that inspectors would be assigned to the contractor's factory only during the regular 8-hour workday schedule or shift generally recognized by the trade.

It is to be noted that, while this proviso in the Government contracts was to limit the hours of inspection, it was really designed to regulate hours of labor in Government supply contracts. The Judge Advocate General of the Army, in reply to the request, called attention to an opinion of the Attorney General, dated September 28, 1935, wherein he ruled that a department of the Government would have no legal authority to add a provision regarding the rates of wages and hours of labor in the absence of congressional authority, because of section 3709—

Requiring contracts for supplies or services on behalf of the Government, except for personal services, to be made with the lowest responsible bidder, after due advertisement.

In another effort to maintain certain standards the Secretary of the Treasury requested a ruling from the Attorney General on the propriety of including in Government contracts a provision excluding aliens from employment thereon. The Judge Advocate General ruled, among other things, that the clear purpose of section 3709 is to—

Secure full and free competition in supplying the needs of the United States, and the benefit to the Treasury of required acceptance of the low responsible bidder.

He further ruled that:

It removes from competitive bidding on the project an important element of cost and tends to defeat the purpose of the statute.

It was further ruled that:

In my judgment it cannot be said as a matter of law that the insertion in Government contracts of a provision limiting the contractor's field of selection of employees to American citizens would not result in increased cost to the Government. * * * Therefore, I find myself unable to recommend the insertion.

The conclusion reached from the informative letter from the Judge Advocate General is that in the absence of legislation there is no way in which Government departments, in asking for bids and making contracts for Government supplies, can distinguish between bids of producers, some of whom are paying lower rates of wages and operating longer hours than is usually recognized by the trade producing the supplies which the Government desires to purchase.

Mr. President, I ask that the letter of the Secretary of War be inserted in the CONGRESSIONAL RECORD and referred to the Committee on Education and Labor, which committee has legislation pending before it dealing with this subject and which seeks to prevent Government contracts being denied those who are not the lowest bidders merely because they do not maintain sweatshop conditions.

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

Mr. WALSH. Certainly.

Mr. NORRIS. Does this investigation show that in addition to the increase of hours there have been instances of reduction in pay?

Mr. WALSH. Yes.

Mr. NORRIS. I should like to have the Senator give us that information.

Mr. WALSH. I will repeat it to the Senator:

The number of contracts was 168; and, mind you, these contracts were made between May 27 and July 1. In 70 percent of the 168 contracts there was no change. But in 26 percent of the cases in that period of 5 weeks there was an increase in the amount of time the employees had to work, and there was a decrease of 23 percent in the wages. In that short period of 5 weeks the decreases were most noticeable in what I choose to call the industries which embraced those that are known as sweatshops.

Mr. NORRIS. Mr. President, as I understand it, then, this study shows that following the N. R. A. decision by the Supreme Court there resulted longer hours and less pay for labor.

Mr. WALSH. Immediately and instantly in some industries. The study I have mentioned was made by a department of Government to which great credit is due for scrupulously trying to insist on incorporating in its contracts provisions for higher standards of wages and hours and better working conditions.

Mr. NORRIS. But the figures the Senator gives do not purport to cover the entire field; they are just an illustration?

Mr. WALSH. I am glad the Senator made that inquiry, because I expect to get similar information from all departments of the Government. I will also say to the Senator that an extensive study has been made by special agencies of the Government, the results of which I hope later to have available for the Senate.

Mr. NORRIS. Is the Senator's committee contemplating making a study also of what happened in private industry?

Mr. WALSH. Yes. Already much information in that regard is available, and I expect that more will be obtained later.

Mr. NORRIS. Does it point in the same direction?

Mr. WALSH. Absolutely, and I hope to present the results of that investigation to the Senate in due time.

Mr. NORRIS. So the result is, speaking purely in a financial way, that the N. R. A. decision has resulted in lower wages and longer hours?

Mr. WALSH. Yes; to a noticeable degree. I will say to the Senator, for his information, that in one case called to my attention, namely, in the case of a contract for Government overalls, the concern which got the contract obliged its employees to turn back all the extra money they had been paid under the N. R. A. However, it is only fair to say that many industries have not changed and still maintain standards set up under N. R. A.

Mr. President, I ask that the letter to which I have alluded be incorporated in the RECORD, and referred to the Committee on Education and Labor.

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

WAR DEPARTMENT,
Washington, March 5, 1936.

Hon. DAVID I. WALSH,
United States Senate.

DEAR SENATOR WALSH: Further reference is made to your letter of February 8, 1936, in which you requested information that might be useful in your study of the subject of awards of contracts to low bidders resulting in business going to firms that have not maintained high standards of wages.

There are enclosed charts giving an analysis of a number of contracts from the period of the Supreme Court decision on N. R. A. to June 1935, and from July 1935 to date. These charts will give you a picture of the condition as it exists at the present time in connection with this subject.

The War Department is using every means possible within the law to make awards of our contracts to legitimate firms who maintain high ethical standards in carrying on their activities. As the laws at present exist, it is not always possible to accomplish the result at which we aim. A recent suggestion to so word our invitations for bids for shoes was made to The Assistant Secretary of War, and by him referred to the Judge Advocate General, for an opinion as to its legality. There is enclosed for your information a copy of the memorandum from the Judge Advocate General on this subject, which may be of interest to you in your study of the general subject.

Sincerely yours,

GEO. H. DERN,
Secretary of War.

Contracts and reservations, JAG 163

FEBRUARY 10, 1936.

Memorandum for The Assistant Secretary of War.

Subject: Desire of the Quartermaster General to insert in invitations for bids for the purchase of articles to be manufactured a provision for an 8-hour workday schedule.

1. By reference slip dated January 18, 1936, Office of The Assistant Secretary of War, there was referred to this office for remark and recommendation a recommendation from the Quartermaster General that there be incorporated "in future invitations for bids for the purchase of supplies to be manufactured, where Government inspectors are to be present at the contractor's factory during the process of manufacture", the following provision:

"Inspection: No work during the process of manufacture of the articles called for herein will be done except when Government inspectors are present in the factory where the article is to be manufactured. Except during a national emergency, inspectors will be assigned to the contractor's factory only during the regular 8-hour workday schedule or shift generally recognized by the trade, and with only 4 hours on Saturday. In stating time of deliveries, the bidder must not offer to deliver quantities in excess of the amount than can be manufactured during such a period. The bidder must also make due allowance for probable difficulties which may be encountered, including deliveries running concurrently on any other contract with the Government."

The Quartermaster General gave the following reason for his recommendation:

"1. It is the understanding of this office that as a result of the recent invitation for bids calling for 500,000 pairs of shoes that one bidder obtained the contract for the entire quantity and that his promised deliveries made it necessary for him to operate his plant 24 hours a day. In addition, the price bid was so low as to result in his finding it necessary to reduce the pay of his employees working on this contract. Such a condition would appear to be undesirable and might well result in other bidders becoming disgusted with their attempts to obtain Army business to the extent that

they will cease to submit bids on our requirements. This would leave our sources of supply limited and in case of a national emergency we would not have a field sufficiently familiar with the making of Army shoes to meet our requirements."

2. While the proposed provision is labeled "Inspection", it is obvious from its context and from the statement of the Quartermaster General that it was designed to regulate hours of labor on Government supply contracts.

3. On a recent reference to this office a somewhat similar question was considered (JAG 163, Sept. 28, 1935). There the opinion was expressed that in addition to the limitation upon the War Department in the matter of modifying standard Government forms of contracts, it would have no legal authority to add a provision regarding the rates of wages and hours of labor in the absence of congressional authority therefor, adding:

"In an opinion of the Attorney General (19 Ops. Atty. Gen. 685) relative to the authority for prescribing hours of labor for the employees of Government contractors, the view was expressed:

"* * * section 3709, etc., require contracts for supplies or services on behalf of the Government, except for prisoners' services, to be made with the lowest responsible bidder, after due advertisement. These statutes make no provision for the length of the day's work by the employees of such contractors, and a public officer who should let a contract for a larger sum than would be otherwise necessary by reason of a condition that a contractor's employees should only work 8 hours a day would directly violate the law."

"This opinion was rendered on November 12, 1890, prior to the passage of the 8-hour law cited above. The principle still applies to all cases where no express exception has been made by later legislation."

The "8-hour law" (27 Stat. 340, as amended; U. S. C., 40:321, 322) referred to in the opinion above quoted restricts the service or employment of all laborers and mechanics upon a public work of the United States to 8 hours in 1 calendar day and provides a penalty for officers of the Government and contractors who intentionally violate the act.

The Comptroller General, upon considering, at the request of the Secretary of the Treasury, the propriety of including in Government construction contracts a provision excluding aliens from employment thereon stated, among other things:

"From what has been pointed out, it necessarily follows that only in a clear case of necessity in the public interest could the accounting officers properly withhold objection to the uses of public moneys that would be involved by a contractual requirement for employment by contractor on the public work involved, American citizens and aliens who have obtained first papers of citizenship over other aliens lawfully here, without legislative authority therefor.

* * * In so contracting the basic statute to be observed in section 3709, Revised Statutes. The clear purpose of this statute is to secure full and free competition in supplying the needs of the United States (which needs are required to be clearly stated in the request for bids), and the benefit to the Treasury of required acceptance of the low responsible bidder.

* * * However desirable the contrary may be, it seems clear that in the present state of law the proposal to fix by contract the minimum rate of wages the contractor must pay his employees in the doing of the contract work, assuming a contract otherwise valid and enforceable could be drawn, clashes with the long-recognized intent and purpose of section 3709, Revised Statutes, in that it removes from competitive bidding on the project an important element of cost and tends to defeat the purpose of the statute; that is, to obtain a need of the United States, authorized by law to be acquired, at a cost no greater than the amount of the bid of the low responsible bidder, after full and free competitive bidding.

* * * What is here involved appears a matter which, in the present state of the law, is not for adjustment through administrative action in contracting, and uses of appropriated moneys in such connection without further expression and authority thereon from the Congress may not properly be approved by the accounting officers.

* * * Only in such rare case, if one there might be under existing conditions, where the need for such stipulation could on the facts be held as required to accomplish the thing authorized by the appropriation to be done, could objection be properly withheld" (10 Comp. Gen. 294).

In addition to Revised Statutes 3709, referred to in the opinions of the Attorney General and the Comptroller General above quoted, there is also for consideration the act of March 2, 1901 (31 Stat. 905, U. S. C. 10, 1201), which requires, except in cases of emergency, that the purchase of all supplies for the Army be made after due advertisement "where the same can be purchased the cheapest, quality and cost of transportation and the interests of the Government considered."

Considering the limitations imposed by such statutes upon the inclusions in invitations of provisions tending to limit awards thereon to other than the lowest responsible bidder, the Judge Advocate General says:

"4. Though I am not in accord with the theory, which seems to have been accepted in the earlier opinions of this office, that a contractual restriction like the one here under consideration would be unlawful merely because no statute authorizes it, neither

am I in entire accord with the theory that such a provision would be legal solely because there is no statute prohibiting it. Neither the President nor the Secretary of War is limited in the exercise of Executive functions to those acts for which specific authorization may be found in statutes. The President may cause to be embodied in War Department contracts any provisions advantageous to the United States in its contractual capacity which are not in conflict with expressed or implied constitutional, statutory, or treaty provisions.

"5. Congress has seen fit to require that public works, under the direction of the War Department, be constructed and War Department supplies purchased, with certain exceptions, under contracts entered into after advertisement for competitive bids. These statutes indicate a congressional purpose that, except as otherwise directed, such works shall be constructed and such supplies purchased at a minimum cost to the Government. In my judgment, it cannot be said as a matter of law that the insertion in Government contracts of a provision limiting the contractor's field of selection of employees to American citizens would not result in increased cost to the Government. As a matter of fact, information before this office indicates that in certain cases such a provision would result in increased cost. Therefore, I find myself unable to recommend the insertion" (J. A. G. 160, Misc., Aug. 14, 1930).

In addition to the foregoing considerations of the impropriety of including such a provision as that here projected in invitations for bids and contracts awarded thereon is the further circumstance that contracts for "the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market" are excepted by the act of June 19, 1912 (37 Stat. 138; U. S. C. 40, 325), from the requirements thereof that every contract made by the United States which may involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic shall be required to work more than 8 hours in any one calendar day.

4. Therefore, in my opinion, in the absence of authorizing legislation, compliance with such a provision should not be made a basis for contracting by the War Department for any of its supplies, unless, however, it is susceptible of determination and it is in fact so determined by the Secretary of War that the doing thereof would be in the interest of the Government as a contractor and not result in increasing the cost to the Government beyond compensating advantages.

Even were such determination made and use were made of the provision in bids and contracts as proposed, it does not seem necessarily to follow as a matter of course that the objective prompting the suggestion, though ever so desirable, would be accomplished. Furthermore, it would have the effect of preventing a reputable but small manufacturer willing to operate his plant in extra 8-hour shifts from bidding on such a contract.

A. W. BROWN,
Major General, the Judge Advocate General.

MEASUREMENT OF VESSELS USING THE PANAMA CANAL

The Senate resumed the consideration of the bill (S. 2288) to provide for the measurement of vessels using the Panama Canal, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. BAILEY] in the nature of a substitute for the amendment of the committee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Coolidge	King	Radcliffe
Ashurst	Copeland	La Follette	Reynolds
Austin	Couzens	Logan	Robinson
Bachman	Davis	Lonergan	Russell
Bailey	Duffy	Long	Schwellenbach
Barkley	Fletcher	McGill	Sheppard
Bilbo	Frazier	McKellar	Shipstead
Black	George	McNary	Smith
Bone	Gibson	Maloney	Steilwer
Borah	Glass	Minton	Townsend
Bulkeley	Gore	Moore	Vandenberg
Bulow	Guffey	Murray	Wagner
Burke	Hale	Neely	Walsh
Byrnes	Harrison	Norbeck	Wheeler
Capper	Hatch	Norris	White
Caraway	Hayden	O'Mahoney	
Clark	Johnson	Overton	
Connally	Keyes	Pope	

Mr. RADCLIFFE. I desire to announce that my colleague the senior Senator from Maryland [Mr. TYDINGS] is necessarily detained from the Senate.

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

Mr. GORE. Mr. President, I desire to say for the benefit of Senators who have just entered the Chamber that the

question now recurs on the substitute offered by the Senator from North Carolina. I hope the Senate will vote down the substitute, in which event I will offer the substitute as an amendment to the pending bill. Then those who desire that there shall be an investigation will have their wishes complied with, those who desire permanent, substantive legislation will have their wishes gratified, and we will be troubled no more with this vexatious subject. On this question I ask for the yeas and nays.

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

Mr. KING (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. NYE], who is unavoidably absent. Therefore I withhold my vote.

The roll call was concluded.

Mr. BARKLEY. On this question I have a pair with the senior Senator from Delaware [Mr. HASTINGS]. Not knowing how he would vote, I withhold my vote.

Mr. BULKLEY. I have a general pair with the senior Senator from Wyoming [Mr. CAREY], who is absent. I transfer that pair to my colleague the junior Senator from Ohio [Mr. DONAHEY], who is unavoidably detained. I do not know how either the senior Senator from Wyoming or my colleague would vote on this question. I vote "yea."

Mr. BILBO. I have a general pair with the senior Senator from Iowa [Mr. DICKINSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD] is detained on account of illness; and that the Senator from Colorado [Mr. COSTIGAN], the Senator from Indiana [Mr. VAN NUYS], the Senator from Nevada [Mr. McCARRAN], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GERRY], the Senator from New Hampshire [Mr. BROWN], the Senator from Utah [Mr. THOMAS], the Senator from Missouri [Mr. TRUMAN], the Senator from California [Mr. McADOO], the Senator from Minnesota [Mr. BENSON], the Senator from Illinois [Mr. LEWIS], the Senator from Nevada [Mr. PITTMAN], the Senator from Iowa [Mr. MURPHY], the Senator from Oklahoma [Mr. THOMAS], and the Senator from West Virginia [Mr. HOLT] are unavoidably detained.

The Senator from Virginia [Mr. BYRD] is detained in an important conference. If present and voting, he would vote "yea."

I also announce that the Senator from Rhode Island [Mr. GERRY] is paired with the Senator from Indiana [Mr. VAN NUYS]. If present and voting, the Senator from Rhode Island would vote "yea", and the Senator from Indiana would vote "nay."

The Senator from California [Mr. McADOO] is paired with the Senator from Missouri [Mr. TRUMAN]. If present and voting, the Senator from California would vote "yea", and the Senator from Missouri would vote "nay."

Mr. AUSTIN. I announce the necessary absence of the Senator from New Jersey [Mr. BARBOUR], who has a pair with the Senator from Utah [Mr. THOMAS]. If present, the Senator from New Jersey would vote "yea" on this question, and the Senator from Utah would vote "nay."

I also announce the necessary absence of the Senator from Rhode Island [Mr. METCALF], who is paired with the Senator from New Hampshire [Mr. BROWN]. If present, the Senator from Rhode Island would vote "yea" on this question, and the Senator from New Hampshire would vote "nay."

I further desire to announce that the Senator from Iowa [Mr. DICKINSON] and the Senator from Delaware [Mr. HASTINGS], whose general pairs have been stated, are necessarily absent. If present, the Senator from Iowa and the Senator from Delaware would vote "yea" on this question.

Mr. RADCLIFFE. I announce that my colleague [Mr. TYDINGS] has been called to the city of Baltimore. I am informed that he has a pair on this question with the Senator from New Mexico [Mr. CHAVEZ]. My colleague, if present and voting, would vote "yea" on this question, and the Senator from New Mexico, if present, would vote "nay."

The result was announced—yeas 35, nays 31, as follows:

YEAS—35

Adams	Davis	Keyes	Reynolds
Ashurst	Frazier	La Follette	Smith
Austin	George	Logan	Steiner
Bailey	Gibson	Lonergan	Townsend
Borah	Glass	Maloney	Vandenberg
Bulkley	Guffey	McNary	Wagner
Byrnes	Hale	Moore	Walsh
Coolidge	Harrison	Overton	White
Copeland	Johnson	Radcliffe	

NAYS—31

Bachman	Connally	McGill	Pope
Black	Couzens	McKellar	Robinson
Bone	Duffy	Minton	Russell
Bulow	Fletcher	Murray	Schwellenbach
Burke	Gore	Neely	Sheppard
Capper	Hatch	Norbeck	Shipstead
Caraway	Hayden	Norris	Wheeler
Clark	Long	O'Mahoney	

NOT VOTING—30

Bankhead	Chavez	King	Thomas, Okla.
Barbour	Costigan	Lewis	Thomas, Utah
Barkley	Dickinson	McAdoo	Trammell
Benson	Disterich	McCarran	Truman
Bilbo	Donahey	Metcalf	Tydings
Brown	Gerry	Murphy	Van Nuys
Byrd	Hastings	Nye	
Carey	Holt	Pittman	

So Mr. BAILEY's amendment, in the nature of a substitute for the amendment reported by the committee, was agreed to.

Mr. GORE. Mr. President, as I stated to the Senate a few days since, my own judgment is that this substitute ought not to pass the Senate. I do not think it solves the problem. In fact, I do not think it discharges the duty of the Senate, as I see it. I think if it goes to the House it will die in the House. I do not believe this legislation will ever be enacted into law; and I may say that since the jurisdiction of the committee of the House has changed from the Interstate and Foreign Commerce Committee to the Merchant Marine and Fisheries Committee, I think an open sepulchre is awaiting this legislation when it reaches the House. I am reliably informed that a representative of the shipping concerns said yesterday that if this measure could be defeated at this session, the shipping interests would be stronger at the next session, having reference, as I took it, to the changed jurisdiction in the House of Representatives.

I may say, however, that I have conferred with others who are favorable to this legislation in some form. My associate, who has rendered invaluable service, the Senator from Wisconsin [Mr. DUFFY], and others think that the substitute—even the substitute—should pass. I do not think so, but I shall interpose no further objection.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee, as amended.

The amendment, as amended, was agreed to.

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

STOCKYARDS AND MEAT PACKING

Mr. CAPPER. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 1424) to amend the Packers and Stockyards' Act, 1921, being Calendar No. 1453.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas.

Mr. CONNALLY. Mr. President, is the motion to take up the bill debatable?

The VICE PRESIDENT. It is.

Mr. CONNALLY obtained the floor.

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

Mr. CONNALLY. I yield.

Mr. ASHURST. The Senator from Kansas [Mr. CAPPER] has been very fair. He has given notice of his intention to have this bill brought forward, and for the fairness of his procedure I thank him; but I am much opposed to the bill. I wish to be recorded as voting "no" on the motion to take up the bill.

We all say, quite naturally, "Let us take up the measure and find out about it." We are supposed to know something about the measure before we take it up. I desire to be recorded as voting against taking up the bill, and I ask for the yeas and nays on the motion to consider it.

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Arizona for the purpose of asking for the yeas and nays on this motion?

Mr. CONNALLY. The Senator from Texas does not yield at this time.

Mr. ROBINSON. Mr. President, my understanding is that there will be a prolonged debate on the motion to proceed to the consideration of the bill.

Mr. McNARY. Mr. President, I think I can answer that suggestion. After conference with the Senator from Kansas [Mr. CAPPER], I learn that he is willing that the motion remain in its present status if the Senate may take a recess until Monday.

Mr. ROBINSON. I was about to make that statement.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. CONNALLY. If I yield for a motion to take a recess until Monday, will the Senator from Texas have the floor when the Senate reconvenes?

The VICE PRESIDENT. The Chair will try to see the Senator on Monday.

EMPLOYMENT OF PERSONNEL OF AGRICULTURAL ADJUSTMENT ADMINISTRATION

Mr. ROBINSON. Mr. President, I understand the Senator from South Carolina [Mr. SMITH] wishes to submit a request for unanimous consent, and I yield to him for that purpose.

Mr. McNARY. Mr. President, will the Senator yield first to me?

Mr. ROBINSON. Very well.

Mr. McNARY. A short time ago the Senator from South Carolina asked unanimous consent for the immediate consideration of Senate Joint Resolution 223. I objected then to the consideration of the joint resolution because I had not had an opportunity to examine it. I find that the measure simply means the transfer of the personnel from the old A. A. A. organization to the new organization known as the Soil Conservation Administration, without creating a new personnel. That is my interpretation of the measure. If that be correct, I shall have no objection to consideration of the measure at this time.

Mr. SMITH. Mr. President, that is correct. Accordingly I ask unanimous consent for the immediate consideration of Senate Joint Resolution 223.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 223) relating to the employment of the personnel of the Agricultural Adjustment Administration in carrying out certain governmental activities, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 7, after the word "Administration", to insert the words "or so many thereof as may be necessary", so as to make the joint resolution read:

Resolved, etc., That notwithstanding any other provision of law the Secretary of Agriculture is authorized and directed to employ, in the city of Washington and in the field, the present personnel (including furloughed personnel) of the Agricultural Adjustment Administration, or so many thereof as may be necessary, in carrying out the provisions of sections 7 to 14, inclusive, of the Soil Conservation and Domestic Allotment Act, in the work of liquidating the Agricultural Adjustment Administration, and in the administration of the cotton price adjustment program instituted under the Agricultural Adjustment Act, as amended, whether or not any of these functions are carried out through the Extension Service, the Bureau of Agricultural Economics, or any other agency in the Department of Agriculture.

The amendment was agreed to.

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

AUTHORITY TO SIGN JOINT RESOLUTION DURING RECESS

Mr. ROBINSON. Mr. President, I ask unanimous consent that the Vice President be authorized, during the recess of the Senate, to sign House Joint Resolution 514.

Mr. McNARY. Mr. President, what is the joint resolution?

Mr. ROBINSON. It is the joint resolution (H. J. Res. 514) authorizing the completion of certain records and oper-

ations resulting from the administration of the Kerr Tobacco Act, the Bankhead Cotton Act of 1934, and the Potato Act of 1935 (repealed), and making funds available for those and other purposes.

Mr. GLASS. Mr. President, it is the joint resolution to which I called the Senator's attention a while ago.

Mr. McNARY. Very well.

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

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 REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, reported favorably the nomination of William H. Kelly, of East Orange, N. J., to be collector of internal revenue for the fifth district of New Jersey, to fill an existing vacancy.

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

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

He also, from the Committee on Appropriations, reported favorably the following nominations:

Herman G. Baity, of North Carolina, to be director of the Public Works Administration in North Carolina; and

Joe B. Mullins, of Tennessee, to be State engineer inspector for the Public Works Administration in Tennessee.

The VICE PRESIDENT. The reports will be placed on the calendar. If there are no further reports of committees, the clerk will state the first nomination in order on the calendar.

UNITED STATES CIRCUIT JUDGE—EDWIN R. HOLMES

The legislative clerk read the nomination of Edwin R. Holmes, of Mississippi, to be United States circuit judge, fifth circuit.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the nomination?

Mr. BILBO. Mr. President, I desire to be heard on this nomination, and I should like to have a day set specially for the matter. It will take some time to present my objections. I have been trying to reach an agreement with the Senator from Arkansas [Mr. ROBINSON] to have the 26th day of this month fixed as the date when the nomination will be considered. I have not taken any of the time of the Senate since I have been here, and I am not anxious to break the ice now.

I should prefer a little time for the preparation I desire to make to enable me to present the matter to the Senate for final decision. I was assured by the chairman of the Judiciary Committee [Mr. ASHURST] that there would be no question about ample time being afforded me to make preparation for the presentation.

Mr. HARRISON. Mr. President, will my colleague yield?

The VICE PRESIDENT. The question of the confirmation is before the Senate at the present time. Does the junior Senator from Mississippi yield to his colleague?

Mr. BILBO. I yield.

Mr. HARRISON. If the Senator would agree that the vote upon the nomination might be had definitely at some time next week, I think that would be perfectly agreeable all around. I should dislike very much to have the matter continued indefinitely and in an uncertain manner. The nomination has been pending since the last session of Congress. There have been very long hearings before the committee, and I hope it may be disposed of at a very early date.

If it would meet the convenience and accommodation of my colleague to fix a definite time to vote upon the nomination, so far as I am concerned, I should be very agreeable to such an arrangement.

Mr. BILBO. I had contemplated making a motion, and it may become necessary to make a motion, to recommit the nomination to the committee for further investigation. I

do not see why I should agree at this time to have a vote finally on the confirmation.

Mr. HARRISON. If the Senator will permit me, of course, such a unanimous-consent agreement would carry with it the understanding that we should vote upon any motion at that time, and if the motion should be defeated, then the vote would come upon the confirmation of the nomination. That would not preclude the Senator from making the motion to refer the nomination back to the committee, but if his motion should be defeated then the vote would come upon confirmation.

Mr. BILBO. I will agree to that. Will the Senator agree to fix the time for the 26th day of this month? That will be 1 week from next Thursday.

Mr. HARRISON. That is 2 weeks from today?

Mr. BILBO. Yes.

Mr. HARRISON. That is a long time. Would not the Senator be agreeable to having the vote taken at 5 o'clock next Thursday?

Mr. BILBO. I would suggest that the matter be taken up at 1 o'clock, because I contemplate using possibly 3 or 4 hours of the time of the Senate.

Mr. HARRISON. I myself do not contemplate doing much talking. It would be perfectly agreeable to me, if it meets the approval of the Senate, that the Senate should go into executive session to consider this nomination at 1 o'clock next Thursday, and I suggest that at 5 o'clock a vote be taken. I feel, however, that there ought to be some time left for the members of the committee to say something with reference to the matter.

Mr. BILBO. Will the Senator agree that the discussion shall begin at 1 o'clock next Thursday and a vote be taken at the conclusion of the discussion?

Mr. ROBINSON. On that calendar day?

Mr. BILBO. Yes; at the conclusion of the discussion.

Mr. ROBINSON. That would enable any Senator who desired to speak to have the opportunity to do so.

Mr. HARRISON. That is agreeable to me.

Mr. BILBO. I have no desire to fix an hour for a final vote.

Mr. ROBINSON. Mr. President, in view of the colloquy that has just occurred, I ask unanimous consent that on next Thursday at 1 o'clock the Senate shall proceed in executive session to the consideration of the nomination of Edwin R. Holmes; that before the end of that calendar day the Senate shall proceed to vote on all motions that may be pending or that may be offered and on the question of the confirmation unless the nomination shall be recommitted.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, I do not know why we should waste the hour between 12 o'clock noon and 1 o'clock. I anticipate considerable debate.

Mr. ROBINSON. I think that is a good suggestion. I will modify my request that when the Senate meets on next Thursday it shall proceed at once to the consideration of the nomination, letting the remainder of my request remain as it was stated.

The VICE PRESIDENT. Is there objection to the modified request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

The clerk will state the next nomination on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Francis R. Stewart, of New York, to be Secretary in the Diplomatic Service.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. MCKELLAR. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations of postmasters are confirmed en bloc.

That completes the calendar.

RECESS TO MONDAY

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 51 minutes p. m.) the Senate took a recess until Monday, March 16, 1936, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 12 (legislative day of Feb. 24), 1936

DIPLOMATIC AND FOREIGN SERVICE

Francis R. Stewart to be Secretary of the Diplomatic Service of the United States.

POSTMASTERS

GEORGIA

Clyde W. Hill, Blairsville.
Joseph D. Long, Bremen.
Charles L. Adair, Comer.
John L. Callaway, Covington.
Mary L. Burch, Eastman.
Robert A. Fowler, Fort Gaines.
Arthur G. Williams, Jesup.
Kenneth E. Stapleton, Lakeland.
Thomas M. Carson, Lavonia.
Augustus H. Flake, Lithonia.
William A. Pattillo, Macon.
Irene W. Field, Monroe.
Andy G. Clements, Rhine.
Olen N. Merritt, Ringgold.
Estelle S. Peacock, Rochelle.
Charlie B. Short, Thomaston.
Minnie E. Giddens, Willacoochee.

LOUISIANA

William F. Roy, Jr., Arabi.
Joseph C. Ballay, Buras.
Elizabeth Crawford, Gretna.
Henry Boller, Iowa.
H. Ernest Benefiel, Kenner.
Frank Warren, Merryville.
J. Clyde Arceneaux, Rayne.
Hubert A. Duhe, Reserve.
Stanislaus J. Waguespack, Jr., Vacherie.

NORTH CAROLINA

Joseph A. Leigh, Belhaven.
Fred M. Bradley, Old Fort.
James H. McKenzie, Salisbury.
Fred M. Pearce, Wendell.
Arthur T. Newsome, Winton.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 12, 1936

The House met at 12 o'clock noon.

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

Heavenly Father, grant that by Thy Holy Spirit we may grow into the fullness of that which is highest and best. We pray that we may feel that it is a most helpful service to take reverent thought of Thee, praying that our deliberations may be guided aright. Thou, in whom there is no discord, possess us with humble and contrite hearts. In our deep consciousness keep us mindful of our responsibilities, examples, and influence. Do Thou fittingly equip us to discharge our duties in the exalted relation in which we have been placed. Blessed Lord, enable us always to jealously remember who we are and whom we represent. Bless our brother men and may we lessen their discontent and swell their songs of gladness. Blessed be the Lord, who daily leadeth us with benefits; even the God, who is our salvation. In the name of our Lord and Master. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10919. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes.

THE PETTENGILL BILL

Mr. DUNN of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. DUNN of Mississippi. Mr. Speaker, there was introduced in the Congress during the first part of the Seventy-fourth session a bill known as the Pettengill bill, and this bill will probably be presented before this body at some early date or at such time in the very near future when it shall have received a rule.

The bill in question is receiving considerable attention throughout the country and is being publicized at length by many newspapers of consequence.

This bill deals specifically with the long- and short-haul clause found in the Interstate Act, which regulates railroads, and I am advised that the Committee on Interstate and Foreign Commerce of this House has unanimously recommended the enactment of the Pettengill bill into law, and that this recommendation from the committee comes after a full and complete hearing by it.

The elimination of the long- and short-haul clause from the Interstate Act, in my judgment, is certainly necessitated by reason of changed conditions in the matter of modern transportation. This long- and short-haul clause was necessary when it was enacted into law back in 1910, because at that particular time the railroads had little or no competition of consequence, but what with the franchises or permits of convenience and necessity granted by most of the States of the Union to bus concerns, who are handling a large percentage of the freight ordinarily handled by railroads and which bus lines, as a general rule, though operating from one State to another, are not compelled to publish tariffs in any form; with water-transportation companies practically subsidized with taxpayers' money paid out of the United States Treasury and operating on a most unfair competitive scale; with aviation transportation growing in leaps and bounds, there is no way in the world to offer encouragement or future hope to the railroads of this Nation except through the elimination of the long- and short-haul clause of the Interstate Act.

No one doubts that the railroads are now highly discriminated against and that their path has not been an easy one during the past 6 years, and unless we meet modern and changed conditions with modern and changed legislation we are striking at a very vital and potential part of our commercial life.

The Pettengill bill will in no particular change any of the requirements of the Interstate Commerce Act, and the Interstate Commerce Commission will continue to hold the balance of power in the matter of discriminatory rates, and the Commission will continue also to prescribe maximum and minimum rates. Therefore, there is no reason to assume under any circumstances that harm would come to the American public in the passage of this bill.

The truth of the business is that if this clause is eliminated from the act, thousands of railroad men long since off the pay roll will be placed back to work, because the railroads will then be in a position to operate almost twice as many trains as they are operating now. This, of course, increases pay rolls, and, in turn, aids each and every little precinct and hamlet of the Nation in the matter of getting back taxes from the railroads which they have been missing to a great extent during this period of depression and unfair competition among the transportation agencies of this new era.