

and employment of transients; to the Committee on Appropriations.

10748. By Mr. JOHNSON of Texas: Petition of Mrs. E. L. Evans, corresponding secretary of the Worth While Club, Frost, Tex., favoring House bill 11225, the Disney bill; to the Committee on Education.

10749. Also, petition of the County Commissioners' Court of Limestone County, Tex., composed of Hon. Lewis Seay, county judge; J. Clonts, Ike Kennedy, Frank Burke, and John Mackey, county commissioners; also Judge Alex Smith, Judge Fountain Kirby, Henry Jackson, Lester Sheppard, Carl Cannon, and Scott Reed, all of Groesbeck, Tex., opposing termination of white-collar Works Progress Administration projects; to the Committee on Appropriations.

10750. By Mr. LAMNECK: Petition of Mrs. Luther Beck, secretary, Eastern Child Conservation League of Columbus, Ohio, urging early hearings on the motion-picture bills now in Congress; to the Committee on Interstate and Foreign Commerce.

10751. By Mr. McLEAN: Petition of the Elizabeth Democratic Club, Elizabeth, N. J., relative to the Wheeler-Crosser bill; to the Committee on Interstate and Foreign Commerce.

10752. By Mr. MEAD: Petition in the nature of a resolution of the Assembly of the State of New York, requesting the Congress of the United States and the Federal Works Progress Administration to accept the immediate responsibility for relief and employment of transients, urging that this relief and employment be made effective through permanent departments of State government and coordinate local units of administration and that funds be made available by the Federal Government on a grant-in-aid basis; to the Committee on Appropriations.

10753. By Mr. O'CONNELL: Resolution urging the President of the United States to act promptly under the provisions of the Soil Conservation Act to restrict the imports of cotton textiles from Japan; to the Committee on Agriculture.

10754. By Mr. PFEIFER: Petition of the New York State Legislature (concurred in by the senate, Albany, N. Y.), urging Congress to accept immediate responsibility for relief and employment of transients; to the Committee on Appropriations.

10755. Also, petition of the Fur Trade Foundation, of the city of New York, concerning the Wagner-Ellenbogen housing bill; to the Committee on Labor.

10756. By Mr. THOMASON: Petition of residents of Valentine, Tex., urging passage of House bill 11609, the Crosser-Wheeler bill; to the Committee on Interstate and Foreign Commerce.

10757. By the SPEAKER: Petition of the city of Cleveland, Ohio; to the Committee on Banking and Currency.

10758. Also, petition of the New York Board of Estimate and Apportionment; to the Committee on Banking and Currency.

10759. Also, petition of the New York State Board of Housing; to the Committee on Banking and Currency.

SENATE

TUESDAY, APRIL 21, 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 Monday, April 20, 1936, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Connally	King	Pope
Ashurst	Coolidge	La Follette	Radcliffe
Austin	Copeland	Lewis	Reynolds
Bachman	Couzens	Logan	Russell
Bailey	Davis	Lonergan	Schwellenbach
Barbour	Dickinson	Long	Sheppard
Barkley	Dieterich	McAdoo	Shipstead
Benson	Donahay	McGill	Steiner
Bilbo	Duffy	McKellar	Thomas, Okla.
Black	Fletcher	McNary	Thomas, Utah
Borah	Frazier	Maloney	Townsend
Brown	George	Metcalf	Truman
Bulkeley	Gibson	Minton	Tydings
Bulow	Glass	Moore	Vandenberg
Burke	Guffey	Murphy	Van Nuys
Byrd	Hale	Murray	Wagner
Byrnes	Harrison	Neely	Walsh
Capper	Hastings	Norris	White
Caraway	Hatch	Nye	
Carey	Hayden	O'Mahoney	
Chavez	Holt	Overton	
Clark	Johnson	Pittman	

Mr. LEWIS. I announce the absence of the Senator from Alabama [Mr. BANKHEAD], the Senator from Colorado [Mr. COSTIGAN], the Senator from Nevada [Mr. McCARRAN], and the Senator from Florida [Mr. TRAMMELL], caused by illness; and the absence of the Senator from Washington [Mr. BONE], the Senator from Oklahoma [Mr. GORE], the Senator from Rhode Island [Mr. GERRY], the Senator from South Carolina [Mr. SMITH], and the Senator from Montana [Mr. WHEELER], who are necessarily detained from the Senate.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. KEYES] is unavoidably absent.

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

LOUIS M'HENRY HOWE

Mr. WALSH. Mr. President, on Saturday last, April 18, Louis McHenry Howe, a resident of Massachusetts, secretary to and a trusted and intimate friend of the President, died. The extent and character of his public service is so conspicuous that references to it made through editorials published in the press should be embodied in the CONGRESSIONAL RECORD. Therefore, I ask unanimous consent that several editorials commanding the loyal and devoted service of Mr. Howe be printed in the RECORD.

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

[From the Washington Post of Apr. 20, 1936]

LOUIS M'HENRY HOWE

It is reiterated in the obituary summaries of Louis McHenry Howe's career that he was the "no" man of the President's entourage. "The Colonel" himself would have subscribed to the statement. From the beginning, when this Albany newspaper correspondent first recognized the possibilities of young Senator Roosevelt, of Dutchess County, and forthwith enlisted in the Roosevelt forces, he saw that his principal service would lie in balancing his older years and broader political experience against the eager enthusiasm of the younger man. "To provide the toe weights", was Mr. Howe's description of his own role.

But, in another sense, Mr. Howe was Mr. Roosevelt's "yes" man. He it was who took up the banner when, at the opening of the Dutchess County campaign for reelection, the young senator was stricken with typhoid fever. "Yes", Louis Howe said, "you can be reelected." And, undertaking a campaign by proxy, he returned his man to office. The partnership was sealed.

Up through the ranks these two friends progressed together. When Mr. Roosevelt became Assistant Secretary of the Navy, Howe, for his effective behind-scenes maneuvering, earned the jocular title of "Daniels' spy", which pleased him greatly. Their next campaign, for the Vice Presidency, is said to be one of the few instances in which the older man's advice was disregarded. Then poliomyelitis struck. Again Louis Howe offered his encouragement and advice. Mr. Roosevelt's destiny, he argued, was not necessarily affected; and, ever at his friend's side, he plotted the political strategy and supervised its execution to win their way first to the Governor's mansion in New York State and from there to the White House.

It is declared that the friendship of the two men is without parallel in the history of American politics. For one man to dedicate himself utterly to another's progress is not a common sight. Of course, Mr. Howe himself would have been the first to point out that in so doing he was advancing his own hopes. He was fated for politics. With a high talent for complete analysis, a sureness in gauging men, and a flair for the dramatic, he was admirably equipped for the game. Add to these a delight in success and the result is political genius. Such a man was Louis McHenry Howe; and, because his ability was always tempered with honesty and loyalty, the Nation will share with Mr. Roosevelt what must be for him a deep sense of loss in the passing of his "fidus Achates".

[From the Boston Post of Apr. 20, 1936]

LOUIS M'HENRY HOWE

The President loses an old and trusted adviser with the passing of his secretary, Louis McHenry Howe.

When the chronicle of the Roosevelt administration is written the place of Mr. Howe will be an important one.

He was gifted with an insight into political trends. This quality is strong in Mr. Roosevelt, but there are many who know the situation who say that Mr. Howe was the real political sage of the President's official family.

Many shrewd observations which have been credited to Mr. Farley actually came from Mr. Howe.

His effectiveness was greatly enhanced by his newspaper training and contacts. No President has ever occupied the White House who was more popular with newspaper correspondents.

The country will sympathize with the President in the loss of this trusted adviser, small in stature but long in wisdom.

[From the Washington Star of Apr. 20, 1936]

LOUIS M'HENRY HOWE

Fate has dealt Franklin D. Roosevelt a cruel blow in robbing him of his friend, Louis McHenry Howe. Thousands of their fellow citizens, understanding the relation between the two men, will sympathize with both in their hour of parting.

Mr. Howe was one of that small company of persons who live to see their fondest dreams come true. He persuaded millions to idolize his idol, to trust his captain as he trusted him. No more striking example of consummate devotion is to be found in modern history than that of the journalist who elevated a New York State senator to the position of President of the United States.

But destiny required of Mr. Howe that he should pay the inevitable price of such unselfish love. He exhausted himself in the service of his chief. Unremitting labor, constant tension and strain ruined his health and cut short his career. His work, it seems, was finished on March 4, 1933. After that date he was but a member of the White House chorus. Mr. Roosevelt necessarily enlisted other advisers, and illness accelerated the decline of "the colonel's" influence.

And it was the Nation's loss that it should have been so. Mr. Howe was not a radical. His voice was for moderation. A basically honest sanity was part of his genius, and those who opposed him paid him a merited compliment when they judged him "too cautious." Mr. Roosevelt, however, was not deceived. Down to the last he still desired to consult his old and deeply appreciated companion in arms. It was his regular practice to telephone "Louis" whenever "things were popping." And from his bed in the naval hospital as recently as only last week the dying veteran still kept in touch with developments, still sought to employ his fading powers to his country's benefit.

Mr. Howe, it should be mentioned, always entertained a vast affection for the people. In his mind there never was any doubt about their elementary claim to freedom, prosperity, and peace. A generous and kindly heart prompted him to give all that he had in the interest of one he believed was endowed with the qualities of leadership which they needed. The President was conscious of his idealism, respected it and often was governed by it. Hence it may be said of the departed partner that he strove to high purpose, achieved much for which millions should be grateful and will be remembered as a good and faithful servant to the human family in an age when unselfishness and loyalty are sadly wanted.

[From the New York Herald Tribune of Apr. 20, 1936]

LOUIS M'HENRY HOWE

In the death of Colonel Howe, President Roosevelt has sustained a loss whose magnitude, though best known to him, is also obvious to the country at large. The long, intimate partnership between the two men, begun more than 25 years ago, had a significance unique in history. No doubt there has been much exaggeration of Colonel Howe's influence in shaping the President's career. Mr. Roosevelt's own qualities are far more responsible for his political success than the wisdom of his faithful mentor. Nevertheless it is quite easy to believe that Mr. Howe's instinctively shrewd appraisal of men and measures—the balance which he contributed to the Roosevelt buoyancy—was an asset of extraordinary value to the President, both before and after he attained the White House, and one which he will miss very acutely, indeed, especially in a campaign year.

The country itself will be a sufferer from the absence of Louis Howe's counsel. In fact, it has already had reason to mourn the year's illness which incapacitated him, and which has now finally removed him from the mortal scene. Washington commentators, familiar with his peculiar sagacity, believe that had his advice been available when the N. R. A. decision foreshadowed the collapse of the New Deal structure, Mr. Roosevelt would never have made the parade he did of his chagrin or have gone on from his "horse and buggy" interview to drive Congress through a sweltering summer of preposterous legislation. This, of course, is mere conjecture, but by no means implausible, and it reflects the very solid esteem in which the slight, self-effacing little invalid was held by those who had occasion to know him best. His was an alert mind and a devoted spirit. We shall all be the poorer for their departure.

[From the New York Times of Apr. 20, 1936]

A FAITHFUL FRIEND AND AIDE

It is doubtful if American political history could furnish an exact parallel to the relation which existed between President Roosevelt and his chief private secretary, Col. Louis Howe, who died on Saturday. Other Presidents have had their familiars and advisers. Andrew Jackson had his "kitchen Cabinet." President Cleveland often turned to his Buffalo and Albany intimates. But not even the remarkable case of Colonel House and President Wilson presented a picture of long and utter devotion such as Colonel Howe gave to Franklin Roosevelt for 25 years. His death will be a keen personal loss and grief to the President, who repaid loyalty with loyalty.

For years Colonel Howe was a firm believer in the high political destiny of Mr. Roosevelt. He unswervingly followed the star of the man for whom he must have had a deep affection, as well as a confident anticipation of a great career. For himself Colonel Howe wanted nothing except opportunities to serve his friend and, through him, the public. He had a perfect genius for self-effacement. He shrank from publicity with all the zeal which many show in seeking it. A shy, retiring man, with an enormous capacity for work and painstaking thoroughness, he accumulated an extraordinarily wide knowledge of American politics and politicians which he had marked sagacity in applying for the benefit of the man whom he delighted to honor and advance. It will be long before we shall look upon his like again.

OPINIONS OF SENATORS IN RITTER IMPEACHMENT CASE—EXTENSION OF TIME LIMIT

MR. ASHURST. Mr. President, on April 16 an order was entered allowing Senators 4 days within which to file their opinions in the Ritter impeachment case. At the request of several Senators, I ask unanimous consent that the time be extended to 10 days from that date instead of 4 days.

THE VICE PRESIDENT. Is there objection? The Chair hears none, and the order heretofore entered is modified accordingly.

OPINIONS OF SENATORS IN IMPEACHMENT CASE OF HALSTED L. RITTER

Pursuant to the order entered on the calendar day Thursday, April 16, 1936, and modified this day, allowing each Senator 10 days after final vote on the articles of impeachment against Halsted L. Ritter, United States district judge for the southern district of Florida, within which to file his individual opinion, the following opinions, one by Mr. AUSTIN, one by Mr. BENSON, and one by Mr. McADOO, were filed and ordered to be printed in the RECORD:

MEMORANDUM OPINION OF SENATOR AUSTIN IN THE MATTER OF THE IMPEACHMENT OF HALSTED L. RITTER

Within the 4 days provided in the rules for filing opinions in the trial for impeachment of Halsted L. Ritter, United States district judge for the southern district of Florida, I now file an opinion that the respondent was not found guilty by vote of two-thirds of the Senators present of an impeachable offense.

The ruling of the President pro tempore overruling the point of order based on the three grounds that—

1. Article VII is an omnibus article, the ingredients of which are stated in articles I to VI;

2. A vote of two-thirds of the Senators present is necessary;

3. The sum of six acquittals cannot be a conviction; in effect admitted the last two grounds and avoided them by holding that the first ground was unsound because article VII "is a separate charge from any other charge", namely: "general misbehavior." This seems to recognize that six legal naughts cannot become a legal unit.

The opinion now filed is intended to develop by citation of authorities the principle that impeachment does not lie for acts without evil intent, corruption, or illegality.

Article VII did not charge any of these ingredients, and the votes on the six specific articles preceding found the respondent not guilty of any of them. Therefore, the judgment is for an offense not impeachable.

The opinion, which I ask may be printed, under the order of the 16th instant, as a part of the impeachment proceedings, is as follows:

The seven articles of impeachment, briefly analyzed, charged as follows:

Article I: Misbehavior and high crime and misdemeanor in office by corruptly and unlawfully accepting from his former law partner \$4,500 out of the avails of a decree made by the respondent.

Article II: Misbehavior and high crime and misdemeanor in office by conspiring with his former law partner and others to continue property in litigation, promoting the conspiracy by keeping jurisdiction of a foreclosure proceeding contrary to the motion of the plaintiff in person, on the basis of interventions filed in the case, appointing as receiver a person alleged to be involved in the conspiracy, granting exorbitant fees, and corruptly and unlawfully accepting from such fees \$4,500.

Article III: A high misdemeanor in office by practicing law contrary to the Judicial Code and accepting \$2,000 from his client

while it held and owned large interests in his jurisdiction, and accepting a large amount of securities from his client of a corporation organized to develop holdings within his jurisdiction.

Article IV: A high misdemeanor in office by practicing law on another occasion contrary to the Judicial Code, and receiving for his services \$7,500.

Article V: A high misdemeanor by violating 146 (b) of the Revenue Act of 1928 in not returning the above-mentioned fees in his income-tax return for the year ending December 31, 1929.

Article VI: A high misdemeanor in office by violating 146 (b) of the Revenue Act of 1928 in not returning \$5,300 gross taxable income for the year ending December 31, 1930.

Article VII: Misbehavior and high crimes and misdemeanor in office by accepting large fees and gratuities, to wit, \$7,500 from J. R. Francis on or about April 19, 1929, said J. R. Francis having large property interests within his territorial jurisdiction as a judge, and on, to wit, the 4th day of April 1929 accepting \$2,000 from Mulford Realty Corporation and a large amount of the securities of Olympia Improvement Corporation, organized to develop holdings within his territorial jurisdiction.

Also, "by his conduct as detailed in articles I, II, III, and IV hereof, and by his income-tax evasions, as set forth in articles V and VI hereof."

The respondent was acquitted of the specific charges in articles I to VI by the following votes:

Article	Guilty	Not guilty	Page of Record
I.....	55	29	5602
II.....	52	32	5603
III.....	44	39	5604
IV.....	36	48	5605
V.....	36	48	5605
VI.....	46	37	5605

The respondent was adjudged guilty, as charged in article VII, by the following vote:

Article	Guilty	Not guilty	Page of Record
VII.....	56	28	5606

Thereupon the point of order was made:

"That the respondent is not guilty, not having been found guilty by a vote of two-thirds of the Senators present."

"Article VII is an omnibus article the ingredients of which, as stated on page 36, paragraph 4, are * * *"

"The first reason for the point of order is that here is a combination of facts in the indictment, the ingredients of which are the several articles which precede article VII, as seen by paragraph marked "4" on page 36. The second reason is contained in the Constitution of the United States, which provides that no person shall be convicted without the concurrence of two-thirds of the Members present. The third reason is that this matter has been passed upon judicially, and it has been held that an attempt to convict upon a combination of circumstances * * * of which the respondent has been found innocent would be monstrous. I refer to the case of *Andrews v. King* (77 Maine, 235).

"The PRESIDENT pro tempore. A point of order is made as to article VII, in which the respondent is charged with general misbehavior. It is a separate charge from any other charge, and the point of order is overruled." (RECORD, p. 5606.)

Thereupon, a judgment order was directed by the President pro tempore, as follows:

Judgment

"The Senate having tried Halsted L. Ritter, United States district judge for the southern district of Florida, upon seven several articles of impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present having found him guilty of charges contained therein: It is therefore Ordered and adjudged, That the said Halsted L. Ritter be, and he is hereby, removed from office."

The ruling on the point of order that "It is a separate charge from any other charge", and that by article VII "the respondent is charged with general misbehavior" must be interpreted as adopting for the gist of the article that part of it reading as follows:

"The reasonable and probable consequence of the actions or conduct of Halsted L. Ritter, hereunder specified or indicated in this article, since he became judge of said court, as an individual or as such judge, is to bring his court into scandal and disrepute, to the prejudice of said court and public confidence in the administration of justice therein, and to the prejudice of public respect for and confidence in the Federal judiciary, and to render him unfit to continue to serve as such judge"; (Proceedings, p. 34).

The ruling must be considered in the light of the acquittal of the respondent of any crime specifically alleged in articles I to VI.

This seems to be in accord with the principle discussed in *Andrews v. King* (77 Maine at 235), thus:

"In special courts, established for the trial of officers alleged to be unfaithful, such as courts of impeachments and courts-martial, we believe it is the universal practice for the court to

pass first upon the truth or falsity of each charge before passing sentence.

"This must needs be the course, otherwise the court might pronounce sentence, where no one charge was believed by a majority of the court. There might be as many charges as there were members of the court, and no one charge receive the assent of more than one member, yet that member vote to sentence, on account of his belief in the truth of that one charge, which all his associates believed to be false.

"If each member did so, there would be sentence, without conviction and without guilt. Such a result would be monstrous, and hence the practice of first ascertaining and declaring whether the court agrees, or concurs, upon any one charge as proved."

The ruling by the President pro tempore not only expressly characterizes the charge as separate from the other charges and as a charge of "general misbehavior", but in logic it denies the claim made in the point of order, that article VII is an omnibus article the ingredients of which are the several crimes of which the respondent has been found not guilty.

The necessary conclusion is that a Federal judge has been removed from his office for "general misbehavior" not amounting to a crime. This must be on the theory that he has willfully broken the term of his office, that is, by conduct with evil intent, corruption, or illegality. Of the necessary ingredient of evil intent, corruption, or illegality, there is no charge in article VII. The respondent was found not guilty of this ingredient by six previous votes.

Article III, section 1, of the Constitution declares the term as follows:

"* * * The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, * * *."

Since this seems to be the first time that the words "high crimes and misdemeanors", in section 4 of article II, and "offenses against the United States", in section 2, clause 1, of article II, and the words "the trial of all crimes", in section 2, clause 3, of article III, and the words "the party convicted", in section 3, clause 8, of article I, have been interpreted to connote "general misbehavior" where the respondent has not been found guilty by a two-thirds vote of the Senators present on any article which charged evil intent, corruption, or illegality, and where the article charging misbehavior does not charge evil intent, corruption, or illegality, the following precedents are made a part of the record of this trial.

The parts of the Constitution referring to impeachment are as follows:

Article III, section 2, clause 3:

"The trial of all crimes, except in cases of impeachment, shall be by jury; * * *."

Article II, section 2, clause 1:

"The President * * * shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment."

Article II, section 4:

"The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors."

Article I, section 3, clause 6:

"* * * and no person shall be convicted without the concurrence of two-thirds of the Members present."

Article I, section 3, clause 7:

"Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law."

All of these provisions deal with crimes and misdemeanors.

In law a "misdemeanor" is a crime less than a felony.

In law the word "offense" has no technical meaning; but it is sometimes used specifically for an indictable crime, as in the British Territorial Waters Jurisdiction Act, 1878 (41 and 42 Vict., c. 73), and sometimes for a misdemeanor or a wrong punishable only by fine or penalty. Sometimes a distinction is made between offenses and quasi offenses, as in the following citation: "Offenses are those illegal acts which are done wickedly and with the intent to injure, while quasi offenses are those which cause injury to another but proceed only from error, neglect, or imprudence" (*Edwards v. Turner*, 6 Rob. (La.) 382).

In law the words "convicted" and "conviction" mean proved or found guilty, and so far relate to crime that the word "convict" is used for one convicted of and under sentence for a crime.

The following cases lead to the judgment that there is no definition clearly delimiting the scope of impeachment trials, but they lay down principles according to the common law requiring the same quantum of proof as in criminal trials, and surrounding the respondent with the same safeguards against prejudice from a bad-sounding indictment as are granted to respondents in criminal causes, namely, the presumption of innocence on behalf of the respondent, the burden of proof beyond a reasonable doubt imposed on the prosecution, and the necessity of establishing evil intent.

All of this is inconsistent with the theory that general misbehavior without evil intent, without corruption or fraud, will support a conviction in an impeachment for misbehavior and high crimes and misdemeanors in office.

These authorities should be applied to the instant matter on the basis that the evil intent, the corruption, and unlawfulness charged was not found. On every charge of that character the respondent was found not guilty.

Article VII omits any charge of fraud, corruption, or unlawfulness, or evil intent, and stands upon the sole ground that, regardless of the intent, "the reasonable and probable consequences of the actions or conduct * * * is to bring his court into scandal and disrepute * * * and to render him unfit to continue to serve as such judge."

If "to bring his court into scandal and disrepute" should be an impeachable offense, the least that ought to be required is that there be some evidence to establish the fact that he brought his court into scandal and disrepute. This case was determined without such proof. Final judgment was entered on mere surmise that the alleged misbehavior had resulted as charged.

In *State ex rel. Attorney General v. Buckley* (1875) (54 Ala. 599 at 620). Held: "We feel constrained to hold that impeachment, under our Constitution, is a criminal prosecution."

The opinion cites Mr. Story in his commentaries on the Constitution, section 688, after stating that in England "articles of impeachment are a kind of bill of indictment, found by the Commons, and tried by the Lords", adds:

"In the Constitution of the United States the House of Representatives exercises the functions of the House of Commons in regard to impeachment; and the Senate, the functions of the House of Lords, in relation to the trial of the party accused. The principles of the common law, so far as the jurisdiction is to be exercised, are deemed of primary obligation and government. The object of prosecutions of this sort in both countries is to reach high and potent offenders, such as might be presumed to escape punishment in the ordinary tribunals, either from their own extraordinary influence or from the imperfect organization and powers of those tribunals. These prosecutions are, therefore, conducted by the representatives of the Nation, in their public capacity, in the face of the Nation, and upon a responsibility which is at once felt and revered by the whole community. The notoriety of the proceedings, the solemn manner in which they are conducted, the deep extent to which they affect the reputations of the accused, the ignominy of a conviction which is to be known through all time, and the glory of an acquittal which ascertains and confirms innocence—these are all calculated to produce a vivid and lasting interest in the public mind, and to give to such prosecution, when necessary, a vast importance, both as a check to crime and an incitement to virtue."

"The same author, in section 798, says: 'It is the boast of English jurisprudence—and without it the power of impeachment would be an intolerable grievance—that in trials by impeachment the law differs not in essentials from criminal prosecutions before inferior courts. The same rules of evidence, the same legal notions of crimes, and punishments prevail.' (See also secs. 759, 764, 781; 1 Bish. Cr. Law, sec. 915 (362); 9 Appleton's Amer. Cyclopaedia, 197; 4 Kent. Com. (marg.) 289; Bouv. Law Dic. (impeachment).)

"The authorities above hold that removal from office and disqualification to hold office are criminal punishment. But the doctrine has been carried much further."

In *State v. Hastings* (1893) 37 Nebr. 96, 55 N. W. 774, at 781, an impeachment proceeding under the Nebraska Constitution, the foregoing Alabama case is cited among other authorities in support of the holding:

"6. Another question which is suggested in this connection is the character of this proceeding, viz, whether it is to be regarded as a civil action or as a criminal prosecution for the purpose of the production and the quantum of proof to warrant a conviction. It may be safely asserted that the decided weight of authority in this country and England, if, indeed, there exists a diversity of opinion on the subject, is that impeachment in that respect must be classed as a criminal prosecution, in which the State is required to establish the essential elements of the charge beyond a reasonable doubt * * *."

This Nebraska case also cites with approval impeachment of Barnard (1872) thus:

"* * * But we are fortunately not without judicial authority on the subject. In the impeachment of Barnard (1872) the judges of the Court of Appeals of New York sat with the Senators and appear to have been consulted upon all doubtful questions. Chief Justice Church (p. 2070), speaking upon the subject under consideration, said: 'If I felt warranted in balancing the evidence and in determining that question in a civil action, I might come to the conclusion that the evidence of payment was not reliable; but we are here in a criminal case, where the respondent is entitled to the benefit of every reasonable doubt, both upon the facts and the law, and I cannot say that the evidence which has been produced is not sufficient to create some doubt.' Judge Andrew (p. 2071) said: 'I shall vote "Not guilty" upon this article upon the principle that this defendant is entitled to every reasonable doubt, and that that doubt as to his guilt, according to the charge, exists in my mind upon the evidence in the case.' Like views were expressed by other judges, but there was no dissent from the opinions above quoted * * *."

There was a dissenting opinion in the Nebraska case, but even the dissenting opinion stated the necessity of finding a willful disregard of duty:

"* * * There is considerable conflict in the authorities as to what constitutes an impeachable offense. Under the common law the grounds of impeachment are 'high crimes and misdemeanors.' In a number of cases under this law it has been held that the

cause of accusation must be a crime punishable under the criminal law. In England impeachment has been to some extent considered a mode of trial to punish crime, although a judgment of guilty was no bar to an indictment and conviction for the same offense. In this country, while some of the cases hold that to constitute an impeachable offense it must be such as could be punished under the criminal law, yet in the majority of cases it is held that this requirement is unnecessary, and we are constrained to adopt the latter view. Judge Lawrence, in *6 American Law Register (N. S.)* 649, in discussing the meaning of the word, says: 'The word "misdemeanor" has a common law, a parliamentary, and a popular sense. In a parliamentary sense, as applied to officers, it means maladministration or misconduct, not necessarily indictable.' 'Demeanor is conduct', and misdemeanor is misconduct in the business of his office. It must be in matters of importance and be of a character to show a willful disregard of duty. * * *"

The article in the American Law Register (September 1867), volume 15, page 641, by Judge William Lawrence, of Ohio, referred to above, develops the propositions that—

"'High crimes and misdemeanors' as used in the British and our Constitution are not limited to crimes defined by statute or as recognized at common law" (p. 647).

"That the word 'high' applies as well to 'misdemeanors' as to 'crimes' (2 Chase's Trial, 383; note, p. 645).

"The result is that an impeachable high crime or misdemeanor is one in its nature or consequences subversive of some fundamental or essential principle of government or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or of duty, by an act committed or omitted, or, without violating a positive law, by the abuse of discretionary powers from improper motives or for an improper purpose" (p. 680).

The majority opinion in the Nebraska case has been cited as controlling and commented on in *State v. Donahue* (1912) (91 Nebr. 321), *Hiatt v. Tomlinson* (1916) (100 Nebr. 57), *Keifer v. Smith* (1919) (103 Nebr. 677). It was differentiated in the dissenting opinion in *State v. Donahue*, *supra*, and it was cited with approval in *Hoffman v. Yoe* (1899) (9 Kans. App. 415), *Garff v. Smith* (1906) (31 Utah at 109), *State v. Robinson* (1906) (111 Ala. 485), *Ferguson v. Maddox et al.* (1924) (114 Tex. 85 at 96).

The principle declared in these cases is contrary to the theory that "general misconduct" without corruption, fraud, or evil intent will support a judgment in impeachment:

State v. Donahue (91 Nebr. at 321): "This construction has been adopted by this court: 'But where such act results from a mere error of judgment or omission of duty without the element of fraud, or where the alleged negligence is attributable to a misconception of duty rather than a willful disregard thereof, it is not impeachable, although it may be highly prejudicial to the interests of the State,' *State v. Hastings* (37 Nebr. 96)."

In one of the dissenting opinions, holding that the above citation was not in point, the principle was not disputed, but recognized (at p. 337) and the practice under the statute differentiated from that under the Constitution:

"The precedents show that the word 'willfully', as used in a statute imposing duties on a public officer and providing penalties for the violation of those duties, does not mean, as stated in the opinion of the majority, 'some evil intent, or legal malice, or at least be without sufficient grounds to believe that he is performing his duty.'

"In *State v. Hastings* (37 Nebr. 96) cited to sustain the opinion of the majority, the court was trying an impeachment for 'misdemeanor in office'—a technical term used in the Constitution. Its meaning is not the same as the term construed in this case—"willfully fail, neglect, or refuse to enforce any law." The case is not in point.

Hiatt v. Tomlinson (100 Nebr. 57) was an action on a statute for removal of a supervisor of a county from his office. The majority opinion held that it must be clearly shown that the action of the official was prompted by some evil intent or legal malice, or at least without sufficient grounds to believe that he was properly performing his duty, and said:

"The holding of the trial court is in harmony with the law as announced in the above cases (many of which had been digested) and is also well within our holding in *State v. Hastings* (37 Nebr. 96)."

Some of these cases have a State statute for removal from office for cause less than high crimes and misdemeanors as their legal premise. Therefore their value as judicial statements of what is the law is high.

In *Hoffman v. Yoe* (9 Kans. App. 394) the action was civil—quo warranto—but the court held (p. 409) that "the charge is of a criminal nature." At page 410: "The power of removal conferred by the statute must be pursued with strictness according to its terms." At 413: "It is the duty of the court to determine whether the findings of the committee constitute an offense in the eyes of the law to justify the act of removal. It was so considered in *Rogers v. Morrill* (55 Kans. 737, 42 Pac. 355)." At 414: "The law intends that an officer shall be removed for cause only, and those causes are specifically enumerated in the statute. * * * It is evident that the legislature did not intend that these State officers should be at the caprice or mercy of the Chief Executive, or of a legislative committee convened at his suggestion. Substantial and not frivolous charges against the officer are necessary to secure his removal." (Cites many authorities, including *State v. Hastings* 37 Nebr. 96.)

Garff v. Smith ((1895) 31 Utah 109) holds that a public officer is not liable even in a civil suit for damages resulting from the per-

formance of judicial duties in the absence of averment and proof that he acted with malice or through fraud and corruption.

The opinion cites many authorities in support of this principle, including *State v. Hastings* (37 Nebr. 96, 55 N. W. 774), and *Daniels v. Hathaway* (65 Vt. 247, 26 Atl. 970, 21 L. R. A. 377).

It follows that a Federal judge is not liable in impeachment to ouster in the absence of averment and proof that he acted with malice or through fraud and corruption.

State ex rel. Attorney General v. Robinson ((1895) 111 Ala. 482), an impeachment proceeding trying a judge of probate for habitual intoxication, held:

"As to those officers impeachable by and before the courts, the proceeding is strictly judicial. Whatever may be the rules of procedure of the Senate, sitting as a court for the trial of an impeachment case, as to those officers now or formerly triable before that body, it is certain that in the trial of an impeachment cause by a court of justice, in any of those cases now committed to the judicial department for trial, the court proceeds to make strict judicial investigation, according to judicial methods. Such proceedings are criminal in their nature, and are governed by the rules of law applicable to criminal causes. Before a defendant can be convicted it is incumbent on the State to prove his guilt to the satisfaction of the court beyond reasonable doubt. The constitutional and statutory provisions on the subject are to receive strict construction. (*Ex parte Buckley*, 54 Ala. 559; *The State v. Seawell*, 64 Ala. 228; *The State v. Tally*, 102 Ala. 25.)

"* * * As said by Judge Story, it is not compatible with the genius of our institutions to make that a crime at one time, or in one person, which would be deemed innocent at another time or in another person (1 Story on Constitution, sec. 797; *The State v. Hastings*, 37 Nebr. 115)."

Ferguson v. Maddox ((1924), 114 Tex. 85; 263 S. W. 888): The questions certified for decision involved the question whether the difference between the Federal Constitution and the Texas Constitution in respect to the omission from the Texas Constitution of the designation of impeachable offenses leads to the conclusion that Governor Ferguson "was convicted of and punished for offenses not defined by the constitution and laws of this State" (p. 90).

The brief for Governor Ferguson contained the following:

"It will be noted that while the Constitution of the United States defines the acts or offenses for which the President, Vice President, and other civil officers of the United States may be impeached and removed from office there is an entire absence from our constitution of any such definition or statement of the acts or offenses for which a Governor may be impeached or removed from office" (p. 86).

The brief for Mr. Maddox contained the following:

"Article 15, Texas Constitution, is self-enacting, and leaves it to the senate to convict on such offenses as in their judgment are sufficient for removal and disqualification" * * * (p. 89).

The court decided and held that * * * the constitution sufficiently indicates what offenses are impeachable * * * (p. 98).

In arriving at that decision the Court said:

"While impeachable offenses are not defined in the Constitution, they are very clearly designated or pointed out by the term 'impeachment', which at once connotes the offenses to be considered and the procedure for the trial thereof.

"'Impeachment', at the time of the adoption of the Constitution, was an established and well-understood procedure in English and American parliamentary law, and it had been resorted to from time to time in the former country for perhaps 500 years. It was designed, primarily, to reach those in high places guilty of official delinquencies or maladministration. It was settled that the wrongs justifying impeachment need not be statutory offenses or common-law offenses, or even offenses against any positive law. Generally speaking, they are designated as high crimes and misdemeanors; which, in effect, meant nothing more than grave official wrongs.

"In the nature of things, these offenses cannot be defined, except in the most general way. A definition can, at best, do little more than state the principle upon which the offense rests. Consequently, no attempt was usually made to define impeachable offenses, and the futility, as well as the unwisdom, of attempting to do so has been commented upon.

"In the Constitution of the United States impeachable offenses are designated as 'treason, bribery, or other high crimes and misdemeanors' (Constitution of the United States, art. II, sec. 4). Substantially the same language is used in many of the State constitutions. In others 'misdemeanors in office', 'maladministration', 'oppression in office', and the like, are declared to be impeachable offenses.

"When the Constitution of Texas was adopted it was done in the light of, and with the full knowledge and understanding of, the principles of impeachment as theretofore established in English and American parliamentary procedure. The Constitution, in this matter of impeachment, created nothing new. By it something existing and well understood was simply adopted. The power granted to the House to 'impeach' and the Senate to try 'impeachment' carries with it, by inevitable implication, the power to the one to prefer and to the other to try charges for such official delinquencies, wrongs, or malfeasances as justified impeachment according to the principles established by the common law and the practice of the English Parliament and the parliamentary bodies in America. The grant of the general power of 'impeachment' properly and sufficiently indicates the causes for its exercise.

"It is said this construction of the Constitution confers arbitrary and unrestrained power on the Senate. Not so at all. There is no

such thing under our Government as arbitrary power. As has often been said, it is a government of laws, and not a government of men. We most emphatically repudiate the idea that any officer may be arbitrarily impeached. In the exercise of its exalted jurisdiction the Senate must proceed according to law" (pp. 96, 97).

And the Court further said (p. 98):

"There is no warrant for the contention that there is no such thing as impeachment in Texas because of the absence of a statutory definition of impeachable offenses."

The Court referred to authorities, including *State v. Hastings* (37 Nebr. 96), saying at page 99:

"The following, among others, have been consulted and generally support the conclusions reached * * *."

The Maine case cited *supra* uses language assuming that the proceeding is criminal in character, thus:

"In special courts, established for the trial of officers alleged to be unfaithful, such as courts of impeachments and courts martial, we believe it is the universal practice for the court to pass first upon the truth or falsity of each charge before passing sentence."

Handbook of American Constitutional Law, by Henry Campbell Black, fourth edition, 1927, pages 142-143 states:

"Impeachment"

"Treason and bribery are well-defined crimes. But the phrase 'other high crimes and misdemeanors' is so very indefinite that practically it is not susceptible of exact definition or limitation, but the power of impeachment may be brought to bear on any offense against the Constitution or the laws which, in the judgment of the House, is deserving of punishment by this means or is of such a character as to render the party accused unfit to hold and exercise his office. It is, of course, primarily directed against official misconduct. Any gross malversation in office, whether or not it is a punishable offense at law, may be made the ground of an impeachment. But the power of impeachment is not restricted to political crimes alone. The Constitution provides that the party convicted upon impeachment shall still remain liable to trial and punishment according to law. From this it is to be inferred that the commission of any crime which is of a grave nature, though it may have nothing to do with the person's official position, except that it shows a character or motives inconsistent with the due administration of his office, would render him liable to impeachment. It will be perceived that the power to determine what crimes are impeachable rests very much with Congress. For the House, before preferring articles of impeachment, will decide whether the acts or conduct complained of constitute a 'high crime or misdemeanor.' And the Senate, in trying the case, will also have to consider the same question. If, in the judgment of the Senate, the offense charged is not impeachable, they will acquit; otherwise, upon sufficient proof and the concurrence of the necessary majority, they will convict. And in either case there is no other power which can review or reverse their decision."

SIX LEGAL NAUGHTS CANNOT BECOME A LEGAL UNIT OF GENERAL MISBEHAVIOR

An able defense of a judgment of guilty against Judge Robert W. Archibald on a blanket count, charging a general course of misconduct which embodied all the various acts alleged in 12 other articles, was made by Hon. Wrisley Brown, Special Assistant to the Attorney General, who conducted the original investigation and assisted in the trial of the case before the Senate (see XXVI Harvard Law Review 684). But in Judge Archibald's impeachment he was convicted by an overwhelming vote on the first, third, fourth, and fifth articles (48 CONGRESSIONAL RECORD, 9051). All of said articles except fourth charged the respondent with the use of his official power and influence to secure business favors and concessions in transactions relating to coal properties, from railroad companies and their subsidiaries having litigation before his court. The fourth article, of which he was convicted, charged secret correspondence between the respondent and counsel for a railroad company regarding the merits of a case then pending before his court. This was collectively using specific convictions involving corruption and evil intent to make a unit. It cannot be regarded as a precedent for collectively using six acquittals—all of the specific charges—to make a unit for conviction.

The principle of government endangered by interpretation of the words "high crimes and misdemeanors" to connote transactions like the foregoing is similar to that referred to in *Rathbun v. U. S.* (May 27, 1935), which turned upon the removal of William E. Humphrey from the Federal Trade Commission by the President, without the existence of any of the causes enumerated in the Federal Trade Commission Act. The Supreme Court held:

"* * * as to officers of the kind here under consideration, we hold that no removal can be made during the prescribed term for which the officer is appointed, except for one or more of the causes named in the applicable statute."

The Court stated the principle thus:

"For it is quite evident that one who holds his office only during the pleasure of another, cannot be depended upon to maintain an attitude of independence against the latter's will."

"The fundamental necessity of maintaining each of the three general departments of government entirely free from the control or coercive influence, direct or indirect, of either of the others, has often been stressed and is hardly open to serious question. So much is implied in the very fact of the separation of the powers of these departments by the Constitution; and in the rule which recognizes their essential coequality. The sound application of a principle that makes one master in his own house

precludes him from imposing his control in the house of another who is master there. James Wilson, one of the framers of the Constitution, and a former Justice of this Court, said that the independence of each department required that its proceedings 'should be free from the remotest influence, direct or indirect, of either of the other two powers.' (Andrews, the Works of James Wilson (1896), vol. 1, p. 367.)

And Mr. Justice Story in the first volume of his work on the Constitution, fourth edition, section 530, citing no. 48 of the Federalist, said that neither of the departments in reference to each other "ought to possess, directly or indirectly, an overruling influence in the administration of their respective powers." And see *O'Donoghue v. United States*, *supra*, at pages 530-531.

"The power of removal here claimed for the President falls within this principle, since its coercive influence threatens the independence of a commission, which is not only wholly disconnected from the executive department but which, as already fully appears, was created by Congress as a means of carrying into operation legislative and judicial powers and as an agency of the legislative and judicial departments."

In my opinion, the respondent was not guilty, not having been found guilty by a vote of two-thirds of the Senators present, of any charge in the indictment which is impeachable.

Assuming that the decision by the Senate did not find, by a two-thirds vote of Senators present, any of the allegations in articles I to VI, then we are left with only two alleged transactions to support "general misbehavior", which received the requisite two-thirds majority, namely:

April 4, 1929, the respondent accepted \$2,000 and a large amount of securities of Olympia Improvement Corporation, a corporation organized to develop holdings within the jurisdiction of the court, as a fee or gratuity from Mulford Realty Corporation;

April 14, 1929, the respondent accepted \$7,500 as a fee or gratuity from J. R. Francis, who then held large property interests within the jurisdiction of the court.

It is my opinion that as a matter of law which should govern the Senate, these transactions, without evil intent, corruption, or illegality, so soon following the severance of his connection with his practice as a lawyer as to be a part of the winding up of his practice (his office of judge began Feb. 15, 1929, 2 months before then, and 7 years ago) cannot constitute "general misbehavior" or "high crimes and misdemeanors."

WARREN R. AUSTIN.

MEMORANDUM OPINION OF SENATOR BENSON IN THE MATTER OF THE IMPEACHMENT OF HALSTED L. RITTER

Aside from all the legalistic reasoning of the learned lawyers and the managers on the part of the House, these facts remain:

The United States Senate has been sitting as the highest Court in the land; this prosecution on the part of the House is the highest form of prosecution known to our law, and the punishment to be inflicted is the most severe that can be imposed upon a man in public office.

The managers on the part of the House have made sweeping statements which are not supported by the evidence. There have been insinuations and suspicions, but were we to convict this man on mere suspicion and insinuation?

Ordinarily I fear that I would be more critical of any judge or court than would be the average citizen, and surely more critical than the average Senator, but when we are asked to sit as a court and judge this man, then I am constrained by the fact that I sit as a judge or juror, charged with the responsibilities and bound by the restrictions that should restrain any judge or juror trying a criminal charge against any American citizen. I am bound by the principles of American justice, which require that before finding a man guilty I must be convinced of that guilt "beyond a reasonable doubt." I could not, on the evidence presented, pronounce this respondent guilty and still remain at peace with my own conscience.

The respondent is of a political faith that constitutes a minority in this Court and a minority in his district where opposing political domination is decisive and powerful. Every inch of his pathway in public life has been critically and minutely examined. He has tried more than 7,000 cases. In only 1 of those 7,000 cases was there any cause for suspicion, and from that one arose the seven criminal charges which were filed against him. I can condemn him for folly, but I cannot convict him of this crime and punish him in the manner prescribed.

The very capacity in which we sit as the highest Court in the land constrains us to divorce ourselves from every political character that attends our normal functioning as lawmakers, and to put aside every thought of partisanship.

Only 11 times in the century and a half of our national life has the Senate sat as a Court of Impeachment. In only three of these instances has there been a finding of guilt.

Many of the more than 200 Federal judges in the United States have rendered decisions on issues clearly drawn between the welfare of the public and the welfare of concentrated capital. So frequently have the rulings favored wealth and power against public interest that, whether justly or unjustly, our Federal courts too often have come to be publicly viewed as oppressors of small offenders and refuges for vested interests. Even under instances of equal evidence of guilt, I would much rather be a party to removing from office the Federal judge who violates his public trust by undue favoritism shown special privilege, or one who abuses his great powers by rendering political or economic decisions, or one who misuses his judicial cloak by making political public utterances, than I would be a party to removing one accused of more

clearly defined offenses, the effect of which may be far less detrimental to the public interest.

But I am not convinced of the respondent's guilt, and in bespeaking condemnation of political decisions and economic decisions by the Federal courts I feel that we, sitting ourselves as a Court, must exercise caution that we do not fall into the error of injustice which we ourselves condemn.

ELMER A. BENSON.

MEMORANDUM OPINION OF SENATOR M'ADOO IN THE MATTER OF THE IMPEACHMENT OF HALSTED L. RITTER

I do not take the view that an impeachment of a judge of the inferior Federal courts under the Constitution of the United States is a criminal proceeding. The Constitution itself has expressly denuded impeachment proceedings of every aspect or characteristic of a criminal proceeding. This is made clear in article II, section 3, which provides:

"Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law."

Upon conviction, removal from office is the sole punishment unless the Senate shall, by vote, add to it "disqualification to hold and enjoy any office of honor, trust, or profit under the United States." The last sentence of this same article II, section 3, expressly provides that the convicted party "shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law."

Obviously, the purpose of the framers of the Constitution was primarily to remove from office and disqualify from holding office a judge found guilty of misbehavior, or a want of good behavior within the meaning of the Constitution; but, if, as elements of misbehavior, it was shown in the trial that the accused had been guilty of crimes or misdemeanors under the laws of the United States, he could be punished therefor in a criminal proceeding in the courts of proper jurisdiction. It was not, therefore, necessary to prove the respondent guilty beyond a reasonable doubt, as is the rule in cases where persons are accused of crimes or misdemeanors involving loss of life, liberty, or property.

I approach this subject from the standpoint of the general conduct of this judge while on the bench, as portrayed by the various counts in the impeachment and the evidence submitted in the trial. The picture thus presented is, to my mind, that of a man who is so lacking in any proper conception of professional ethics and those high standards of judicial character and conduct as to constitute misbehavior in its most serious aspects, and to render him unfit to hold a judicial office.

Among other things, the impeachment charges that the Respondent Ritter allowed his former law partner, A. L. Rankin, a fee of \$75,000 in the Whitehall Hotel receivership case; that out of said fee Rankin paid Ritter \$4,500 in cash—\$2,500 on December 24, 1930, and \$2,000 in April 1931. The fact that these payments were made in cash instead of by check and that they are the only transactions between Ritter and Rankin where cash passed between them, Rankin having given Ritter checks for all other payments made to him, evidences a guilty stain which no explanation can erase. The explanation advanced is that Rankin owed Ritter \$5,000 for the purchase, some 2 years previously, of the interest of said Ritter in the partnership firm of Ritter & Rankin. It is significant that no payments were made on account of the alleged sale to Ritter by Rankin out of any moneys received during that period except from the \$75,000 fee allowed by Judge Ritter to Rankin.

It is significant, too, that when Judge Akerman, at Judge Ritter's request, allowed Rankin a "conservative fee" of \$15,000 in the spring of 1930, not one dollar of this amount was paid to Judge Ritter. This appears to have been clean money. Would not an honest debtor have hastened to pay Judge Ritter out of this \$15,000 fee at least a substantial sum on account of the \$5,000 debt? He did not do it. He waited until the \$75,000 fee, fixed by Judge Ritter, had been paid, and then, within the secret walls of the Judge's chamber, where each expected that the transaction would never become known, actual cash, amounting to \$4,500, was handed to Judge Ritter by Rankin. It is incompatible with any theory of the high judicial integrity, which I conceive to be essential in a judge on the bench, to have been a party to such a transaction. The explanations are not convincing. Upon reading the evidence one is impressed with the suspicion, if not the belief, that the alleged \$5,000 debt of Rankin to Ritter was an afterthought and that it was presented as the means for justifying this cash transaction of such a questionable and incriminating character. Would not, in the circumstances, an honest judge have said to Rankin when the cash was tendered: "I will not accept cash, because it invests the transaction with a quality which I cannot endure. You honestly owe me \$5,000, and if you wish to make a payment on account, let it be made by check, as is usual between men of honor in transactions of this nature."

I am impressed with the fact that the commendable considerations which Judge Ritter advanced in his letter of July 2, 1930, to Judge Akerman when he asked that judge to relieve him of any embarrassment in fixing "the total allowance to be made Judge Rankin in the Whitehall receivership case" did not prevail with Judge Ritter when he fixed the final fee of his former law partner, Rankin, December 24, 1930. In view of the fact that Rankin owed him at that time \$5,000, that its payment might be made out of the fee he might allow Rankin, that Rankin was his former law partner, would not any judge have seen clearly

the impropriety, at least, of his rendering judgment in favor of Rankin in such circumstances? The explanation that all of the attorneys had agreed upon the fee does not satisfy, because a judge should look beyond the agreements of attorneys in matters of this sort when they are administering great trusts in their courts. That the part of this fee which went to Rankin was grossly excessive, in view of the services performed by him, is clear to my mind from the testimony adduced in the case.

I shall now pass on to the failure of Judge Ritter to report this \$2,500 cash payment in his income-tax return for the calendar year 1930. This return was filed March 14, 1931. It is not a complicated income-tax return. On the contrary, with the amount of income Judge Ritter had, it is a simple matter to have made a full and correct return. He willfully, or intentionally, omitted to include this \$2,500 cash payment. I cannot account for this omission on any other ground than that he knew that these were stained or tainted dollars, and that he did not wish to attract the attention of the revenue agents to this item when his tax return was being audited. Judge Ritter swore that his tax return for 1930 was "a true and complete return made in good faith for the taxable year stated, pursuant to the Revenue Act of 1928 and the regulations issued thereunder." Judge Ritter cannot claim ignorance of the law. It is a well-established rule that ignorance of the law excuses no man. Certainly ignorance of the law cannot excuse a judge, who must know the law in order that he may perform his duty to enforce it. Part V, section 51 (a), of the Revenue Act of 1928 requires "every individual having a gross income for the taxable year of \$5,000 or over, regardless of the amount of his net income" * * * to "make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this title."

Section 146 of the same act provides (a) that "any person required under this title * * * by law or regulations made under authority thereof, to make a return, keep any records, or supply any information for the purposes of the computation, assessment, or collection of any tax imposed by this title, who willfully fails * * * to make such return, keep such records, or supply such information at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and upon conviction thereof be fined not more than \$10,000 or imprisoned for not more than 1 year, or both, together with the costs of prosecution."

That Judge Ritter, a district judge of the United States, should have willfully and intentionally filed a false return under oath to the Bureau of Internal Revenue is to me incomprehensible. This fact alone would, in my judgment, warrant his impeachment. Judge Ritter's explanation is as follows:

"In 1930 I had a loss of \$4,874 and some cents, which is fully explained in my income-tax return. * * * I made out that report on the 14th of March, just the day before it was due, and I put down that loss and I did not in my report put down \$5,300 (this includes the \$2,500 cash payment from Rankin) that I had taken in because after taking out my exemption, it left only \$1,800 over against \$4,800, which showed no income payable. * * *

"There would not have been one dollar due if I had put in that money that I had received, and my loss was O. K.'d by the Department and was accepted and marked 'paid.'

This explanation is wholly untenable. He was, under the mandate of the statute, required to make a true and complete return of all of his income in order to enable the Bureau of Internal Revenue to audit his account and to make "the computation, assessment, or collection" of any tax that might be due from him to the United States. No taxpayer is permitted to audit his own return and determine for himself whether his losses outbalance his income, and therefore omit to make "the true and complete return" required by law. If every taxpayer was permitted to do what Judge Ritter did in this instance, the Government would be defrauded of hundreds of millions of dollars in income taxes. Judge Ritter attempts to justify his false return by saying: "My loss was O. K.'d by the Department and was accepted and marked 'paid.'" This, of course, means nothing. If the "Department", or Bureau of Internal Revenue, O. K.'d his incomplete return without having made any effort to discover whether or not the judge had made a complete return of his income, this endorsement is of no value and does not signify that the Bureau of Internal Revenue approved a false return, which it did not know was false. It perhaps presumed that a judge of the United States court would not, under oath, falsely state the amount of his income.

In the matter of the appointment of a receiver for the Whitehall Hotel property in the suit of *Bert E. Holland et al. v. The Whitehall Building & Operating Co.* I cannot find any justification for the assertion by Judge Ritter of jurisdiction in that case. Holland had the required amount of bonds (\$50,000) to maintain a foreclosure suit against the property. Upon the solicitation of Rankin, and in collusion with Richardson, Metcalf, Sweeny, and Bemis, Holland had been induced to employ Rankin to bring an action in Judge Ritter's court.

Before the suit was actually filed, namely, on October 10, 1929, Holland telegraphed Rankin to "withdraw filing foreclosure bill until further advice." The next day, October 11, Rankin telegraphed Holland: "Foreclosure bill mailed clerk court Miami yesterday afternoon."

On October 10, the same day that he received Holland's telegram, Rankin wrote the clerk of the court at Miami, enclosing bill of complaint in the Whitehall case, naming Holland et al as complainants and requesting the clerk to "lock up this bill as soon as it is filed and hold it until Judge Ritter's return, so

that we will not have any newspaper publicity before our application is heard before the judge." This unquestionably reflects an evil purpose. Rankin was about to lose his prey. He could easily have withdrawn the bill from the clerk, as requested by Holland, but, instead of doing that, he busied himself in an effort to secure intervenors in the case so that he might, if possible, file the bill in spite of Holland's directions and make it stick upon the interventions.

Why should the bill be held until Judge Ritter's return? This brings out in bold relief the pattern of the design which was to carry out the plan predetermined by Richardson, Rankin, Metcalf, and others to secure a receivership of the Whitehall Hotel. Ritter was essential.

In reply to further telegrams from Holland, dated October 14 and October 16, Rankin wired Holland October 17: "As requested, will not make application for you for receiver Whitehall pending instructions"; and on October 18 Rankin again wired Holland, saying: "Other first-mortgage bondholders Whitehall have intervened and will apply court tomorrow 10:30 a. m. for appointment of receiver."

Holland was in Miami on October 28, 1929, and testifies that he "met Mr. Rankin in the courthouse corridor" before the case was called for hearing. He testifies further that he said to Rankin that he "was there in person" * * * and that he "desired to appear for" himself, and "did not want his (Rankin's) services longer." On the same day, October 28, 1929, the case came on for hearing before Judge Ritter. Rankin had been discharged as attorney for Holland and had been told by Holland not to prosecute, in his behalf, the application for a receivership.

Holland, who is a lawyer of reputation in Boston, Mass., appeared in person in Judge Ritter's court, and, according to Ritter's own testimony, Holland said: "I am a lawyer; I reside in Boston; I am the plaintiff in this case, and I do not desire anything done in this case." This was tantamount to a request by Holland for a dismissal of the action. Judge Ritter testified before the Senate that he said, in reply to Holland: "Well, have you been paid?" Ritter further stated: "Naturally, the inference occurred to my mind that the plaintiff had been bought off, or that he was instituting this case and wanted to keep it on the books as a sort of a hold-up proposition. I could not tolerate such a thing of that kind in my court; and I told him that I did not think that a nonresident should come into my court and start a case, when he had counsel present; and if he was to control the case, it occurred to me, when he had lawyers present, and I should act upon what he said, I did not see how we could ever make progress in the case and get it to final conclusion. If a nonresident had to be notified about the case, and was conducting his own case, I did not see how we could ever push the case through."

In the first place, Judge Ritter was, without justification, insulting to Holland when he asked, "Well, have you been paid?" There was certainly nothing in the record to warrant such an assumption on the judge's part. Moreover, why did the judge say to him that he "did not think that a nonresident should come into my court and start a case and then stand up when it came up on this important matter of a receivership and say that he did not want anything done in the case when he had counsel present"?

Holland is an American citizen. It is true that he was a resident and citizen of the Commonwealth of Massachusetts, but one of the distinct reasons for the jurisdiction of the United States courts is diversity of citizenship. Holland, as a "nonresident", had as much right to the protection of Judge Ritter's court as a citizen of the State of Florida. He was particularly entitled to courteous treatment by the court, especially in view of the fact that he did not have "lawyers present", since he had discharged Rankin as his attorney and was, of necessity, forced to appear in his own behalf.

I think that Holland was entitled to a dismissal of the proceeding, without regard to technicalities. Apparently the suit was not dismissed because the proceeding would have failed since Holland was the only complainant who could qualify the action with the required amount of bonds; namely, \$50,000. It appears that an effort had been made to introduce, hastily, intervenors in the action, representing, in the aggregate, some \$7,500 of bonds; but with Holland out, the court could not take jurisdiction. The assertion of jurisdiction in this case seems to me to have been essentially arbitrary and tyrannical.

As recently as April 6, 1936, the Supreme Court of the United States, in the case of *J. Edward Jones, petitioner, v. Securities and Exchange Commission*, rendered a decision which is directly in point:

"The general rule is settled for the Federal tribunals that a plaintiff possesses the unqualified right to dismiss his complaint at law or his bill in equity unless some plain legal prejudice will result to the defendant other than the mere prospect of a second litigation upon the subject matter (*Pullman's Palace Car Co. v. Transportation Co.*, 171 U. S. 138, 145-146). In announcing the rule, this Court approved and cited as authority the decision rendered by Chief Justice Taft, then circuit judge, in *Detroit v. Detroit City Ry. Co.* (55 Fed. 569). The opinion in the latter case, reviewing the English and American authorities, states the rule as follows:

"It is very clear from an examination of the authorities, English and American, that the right of a complainant to dismiss his bill without prejudice, on payment of costs, was of course except in certain cases. * * * The exception was where a

dismissal of the bill would prejudice the defendants in some other way than by the mere prospect of being harassed and vexed by future litigation of the same kind.'

"Chicago & A. R. R. Co. v. Union Rolling Mill Co. (109 U. S. 702, 713-715); *Barrett v. Virginian Ry. Co.* (250 U. S. 473, 476); *McGowan v. Columbia River Packers' Assn.* (245 U. S. 352, 358); *Veazie v. Wadleigh* (11 Pet. 55, 61-62); *Confiscation Cases* (7 Wall. 454, 457-458). The foregoing decisions, together with others, are reviewed in an opinion delivered by Chief Justice Taft in *Ex parte Skinner & Eddy Corp.* (265 U. S. 86), and the conclusion stated as follows:

"The right to dismiss, if it exists, is absolute. It does not depend on the reasons which the plaintiff offers for his action. The fact that he may not have disclosed all his reasons or may not have given the real one cannot affect his right.

"The usual ground for denying a complainant in equity the right to dismiss his bill without prejudice at his own costs is that the cause has proceeded so far that the defendant is in a position to demand on the pleadings an opportunity to seek affirmative relief and he would be prejudiced by being remitted to a separate action. Having been put to the trouble of getting his counter case properly pleaded and ready, he may insist that the cause proceed to a decree."

The law and the testimony in this case convince me that the plaintiff had the unqualified right to dismiss the bill. None of the categories described in the foregoing decisions of the highest Court of the land was present in this case. But a receiver was appointed, nevertheless. The weight of evidence seems to me to establish the fact of a conspiracy because each man who was a party to the effort to promote the receivership was recognized in the particular position which he expected to receive if the court took jurisdiction. Richardson was receiver; Metcalf was his attorney; Sweeny and Bemis ran the hotel, and Rankin continued to represent Holland, who had dismissed him as his attorney. Ritter had functioned perfectly.

One must judge these matters by the effect of men's actions in order to determine the motive. All that happened in this case was not mere coincidence. It was design.

The gift from Francis was not explained to my satisfaction. No honest judge should, for one moment, accept gifts of large amounts of cash or valuable things of any sort. The donor in this case may not have had an evil purpose. I grant that he had not, but that does not alter the standard which I think should govern the judges of every court in the land. We get a picture of the mind of this respondent by one answer he gave. Senator REYNOLDS propounded this question to Judge Ritter: "Why did you accept a \$7,500 gift from Mr. Francis?" Judge Ritter replied: "Why, I accepted it because it was a gift—he was a friend of mine—just the same as I would accept a gift from anybody." (The italics are mine.) Does not this answer betray a perverted state of mind for any man who wears the judicial ermine? Does not this give an illuminating view of the ethical standards which governed him? Would not the general acceptance of the practice of taking gifts "from anybody", which by every implication of Judge Ritter's answer, he considers proper, destroy all confidence in the administration of justice in our courts? I cannot, myself, subscribe to any such theory or practice. If Judge Ritter would accept a gift "from anybody", how could he impartially discharge the duties of his high trust?

The Good Book says: "A gift doth blind the eyes of the wise and pervert the words of the righteous." (Deut. 16:19.)

This great truth from Holy Scripture has come down to us through the ages and is as definite a guide for human conduct as it was when first uttered.

Good behavior, as it is used in the Constitution, exacts of a judge the highest standards of public and private rectitude. No judge can besmirch the robes he wears by relaxing these standards, by compromising them through conduct which brings reproach upon himself personally, or upon the great office he holds. No more sacred trust is committed to the bench of the United States than to keep shining with undimmed effulgence the brightest jewel in the crown of democracy—justice.

However disagreeable the duty may be to those of us who constitute this great body in determining the guilt of those who are entrusted under the Constitution with the high responsibilities of judicial office, we must be as exacting in our conception of the obligations of a judicial officer as Mr. Justice Cardozo defined them when he said, in connection with fiduciaries, that they should be held "to something stricter than the morals of the market place. Not honesty alone, but the punctilio of an honor the most sensitive, is then the standard of behavior" (*Meinhard v. Salmon*, 249 N. Y. 458).

W. G. McApoo.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3258. An act to amend section 304 of the Revised Statutes, as amended;

S. 3395. An act to authorize the acquisition of the railroad tracks, trestle, and right-of-way of the Gulf Power Co. at the naval air station, Pensacola, Fla.; and

S. 3720. An act to authorize the Secretary of the Navy to accept on behalf of the United States the bequest of the late Henry H. Rogers, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 48) authorizing the printing of additional copies of the hearings on the bill entitled "the Revenue Act of 1936", in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bill and joint resolution, each with amendments, in which it requested the concurrence of the Senate:

S. 3413. An act to give effect to the convention between the United States and certain other countries for the regulation of whaling, concluded at Geneva September 24, 1931, signed on the part of the United States March 31, 1932, and for other purposes; and

S. J. Res. 233. Joint resolution providing for the participation of the United States in the Great Lakes Exposition to be held in the State of Ohio during the year 1936, and authorizing the President to invite the Dominion of Canada to participate therein, and for other purposes.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 149. An act to amend section 64 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto;

H. R. 8055. An act to provide for economic studies of the fishery industry, market news service, and orderly marketing of fishery products, and for other purposes;

H. R. 8107. An act to authorize the coinage of 50-cent pieces in connection with the celebration of the one hundredth anniversary of the opening of the tri-State territory of east Texas, north Louisiana, and south Arkansas by Capt. Henry Miller Shreve, to be held in Shreveport, La., and surrounding territory in 1935 and 1936;

H. R. 10317. An act providing for a change in the design of the 50-cent pieces authorized to be coined in commemoration of the one hundredth anniversary of the independence of the State of Texas;

H. R. 10589. An act to amend section 32 of the act entitled "An act to authorize the construction of certain bridges and to extend the times for commencing and/or completing the construction of other bridges over the navigable waters of the United States, and for other purposes", approved August 30, 1935;

H. R. 10847. An act to authorize the acquisition of land for cemeterial purposes in the vicinity of New York City, N. Y.;

H. R. 11040. An act to deport certain aliens who secured preference quota or nonquota visas through fraud by contracting marriage solely to expedite entry to the United States, and for other purposes;

H. R. 11103. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.;

H. R. 11140. An act to provide more effectively for the national defense by further increasing the effectiveness and efficiency of the Air Corps of the Army of the United States;

H. R. 11690. An act relating to the admissibility in evidence of certain writings and records made in the regular course of business;

H. R. 11821. An act to correct an error in section 16 (e) (1) of the Agricultural Adjustment Act, as amended, with respect to adjustments in taxes on stocks on hand, in the case of a reduction in processing tax;

H. R. 11920. An act to increase the efficiency of the Air Corps;

H. R. 11969. An act to promote national defense by organizing the Air Reserve Training Corps;

H. R. 12032. An act to amend section 10 and repeal section 16 of the act entitled "An act to regulate the distribution, promotion, retirement, and discharge of commissioned officers of the Marine Corps, and for other purposes", approved May 29, 1934 (48 Stat. 811), and for other purposes;

H. R. 11538. An act for the relief of the Orland reclamation project, California;

H. R. 11729. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Natchez, Miss., and for other purposes; and

H. J. Res. 538. Joint resolution to provide for participation by the United States in the Ninth International Congress of Military Medicine and Pharmacy in Rumania in 1937, and to authorize and request the President of the United States to invite the International Congress of Military Medicine and Pharmacy to hold its tenth Congress in the United States in 1939, and to invite foreign countries to participate in that Congress.

PETITIONS AND MEMORIALS

Mr. CAPPER presented petitions of sundry citizens of Atchison and Kansas City, Kans., praying for the enactment of the bill (S. 4174) to foster and protect interstate commerce by authorizing the Interstate Commerce Commission to approve or disapprove of the consolidation or abandonment of carrier facilities of public service, which were referred to the Committee on Interstate Commerce.

He also presented letters in the nature of petitions from Coffeyville Lodge, No. 54, Brotherhood of Railway Carmen of America, by Murl C. George, recording secretary, of Coffeyville; Coffeyville Central Labor Union, by George A. Maiden, secretary, of Coffeyville; Goodland Lodge, No. 578, International Association of Machinists, by David K. Koslowsky, recording secretary, of Goodland; Santa Fe System, Division No. 61, the Order of Railroad Telegraphers, by J. L. Elliott, general chairman, of Newton; Osawatomie Lodge, No. 365, Brotherhood of Railroad Trainmen, by W. F. Fittell, secretary and treasurer, of Osawatomie; Junction City Lodge, No. 1147, International Association of Machinists, by P. L. Higgins, secretary, of Junction City; Coffeyville Lodge, No. 1025, Brotherhood of Maintenance of Way Employees, by W. T. Jordan, secretary-treasurer, of Coffeyville; Santa Fe Lodge, No. 179, Brotherhood of Railway and Steamship Clerks, by W. P. Grattan, legislative representative, of Newton; Pratt Lodge, No. 734, Brotherhood of Locomotive Firemen and Enginemen, by O. K. Sheppard, recording secretary, of Pratt; Wichita Lodge, No. 85, Switchmen's Union of North America, by H. A. Seese, secretary, of Maize; Atchison Lodge, No. 434, Brotherhood of Railway Trainmen, by L. M. Baker, secretary-treasurer, of Atchison; Topeka Lodge, No. 1377, Brotherhood of Railway Clerks, by Charles H. Taylor, legislative representative, of Topeka; Wilson Lodge, No. 628, Brotherhood of Railway and Steamship Clerks, by George U. Henderson, secretary-treasurer, of Topeka; and the Topeka Federation of Labor, by E. L. Jenkins, secretary, of Topeka, all in the State of Kansas, praying for the enactment of the bill (S. 4174) to foster and protect interstate commerce by authorizing the Interstate Commerce Commission to approve or disapprove of the consolidation or abandonment of carrier facilities of public service, which were referred to the Committee on Interstate Commerce.

Mr. WALSH presented a letter in the nature of a petition from Local Union No. 1841, United Textile Workers of America, of Worcester, Mass., praying for the enactment of House bill 11770, the so-called Ellenbogen national textile bill, which was referred to the Committee on Education and Labor.

He also presented a letter in the nature of a petition from the Central Labor Union, of New Bedford, Mass., praying for the adoption of the resolution (S. Res. 266, submitted by Mr. LA FOLLETTE) to investigate violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively, which was referred to the Committee on Education and Labor.

He also presented a letter in the nature of a petition from the South Grafton Woman's Club, of Fisherville, Mass., praying for the enactment of the bill (H. R. 11225) to establish the National Academy of Public Affairs, providing for a board of supervisors therefor, and making an appropriation for its establishment and maintenance, which was referred to the Committee on Education and Labor.

He also presented a letter in the nature of a petition from Local Union No. 2220, United Textile Workers of America, Worcester, Mass., praying for the enactment of the bill (H. R. 9072) to rehabilitate and stabilize labor conditions in the textile industry of the United States; to prevent unemployment, to regulate child labor, and to provide minimum wages, maximum hours, and other conditions of employment in said industry; to safeguard and promote the general welfare; and for other purposes, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the transportation directors of the Worcester (Mass.) Chamber of Commerce, protesting against the enactment of the bill (S. 4174) to foster and protect interstate commerce by authorizing the Interstate Commerce Commission to approve or disapprove of the consolidation or abandonment of carrier facilities of public service, which was referred to the Committee on Interstate Commerce.

He also presented letters in the nature of petitions from Claire R. White, of Wakefield; Harry R. Brooks, chairman, protective committee, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, of Salem; Ralph W. Perkins, of Topsfield; George E. Sonnenberg, of Brighton; J. T. McDonnell, secretary, legislative board, Brotherhood of Railroad Trainmen, of West Springfield; Kenneth C. Williams, legislative representative, Order of Railway Conductors, Division No. 237, of Worcester; North Union Lodge, No. 74, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, of Marblehead; A. J. Connell, of Malden; and Richard L. Connors, secretary-treasurer, North Union Lodge, No. 74, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees (Boston & Maine R. R.), of Malden, all in the State of Massachusetts, praying for the enactment of the bill (S. 4174) to foster and protect interstate commerce by authorizing the Interstate Commerce Commission to approve or disapprove of the consolidation or abandonment of carrier facilities of public service, which were referred to the Committee on Interstate Commerce.

He also presented a resolution of the board of directors of the Lynn (Mass.) Chamber of Commerce, protesting against the enactment of the so-called Robinson-Patman anti-price-discrimination bill, which was ordered to lie on the table.

He also presented a letter in the nature of a memorial from the officers and members of unit no. 6 of the National Union for Social Justice, of Boston, Mass., remonstrating against the enactment of the bill (H. R. 11663) to require reports of receipts and disbursements of certain contributions, to require the registration of persons engaged in attempting to influence legislation, to prescribe punishment for violation of this act, and for other purposes, which was ordered to lie on the table.

REPORTS OF COMMITTEES

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

S. 4184. A bill to amend the last paragraph, as amended, of the act entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States", approved February 7, 1925 (Rept. No. 1906);

S. 4447. A bill for the relief of J. L. Summers (Rept. No. 1907); and

H. R. 9866. A bill to extend certain provisions of the act approved June 18, 1934, commonly known as the Wheeler-Howard Act (Public Law No. 383, 73d Cong. (48 Stat. 984)), to the Territory of Alaska, to provide for the designation of Indian reservations in Alaska, and for other purposes (Rept. No. 1908).

Mr. THOMAS of Oklahoma also (for Mr. WHEELER), from the Committee on Indian Affairs, to which was referred the bill (S. 3373) to credit the tribal funds of the Indians of the Fort Belknap Indian Reservation in Montana with certain

sums expended therefrom for the purchase and maintenance of a tribal herd, and for the purchase of horses destroyed during a dourine epidemic, reported it with amendments and submitted a report (No. 1917) thereon.

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 3143) for the relief of the Passaic Valley Sewerage Commissioners, reported it with an amendment and submitted a report (No. 1909) thereon.

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

H. R. 4953. A bill for the relief of Doris Lipscomb (Rept. No. 1910);

H. R. 6578. A bill for the relief of Joseph A. Therry (Rept. No. 1911);

H. R. 6848. A bill for the relief of the First Federal Savings & Loan Association of Shawnee, Okla. (Rept. No. 1912);

H. R. 6999. A bill for the relief of Frank Rottkamp (Rept. No. 1913); and

H. R. 7529. A bill for the relief of Mariano Biondi (Rept. No. 1914).

Mr. BAILEY also, from the Committee on Claims, to which was referred the bill (S. 4395) for the relief of the State of New Jersey, reported it with an amendment and submitted a report (No. 1915) thereon.

Mr. ADAMS, from the Committee on Banking and Currency, to which was referred the bill (S. 4470) to authorize the issuance of additional coins in commemoration of the fiftieth anniversary of Cincinnati, Ohio, as a center of music, reported it with an amendment and submitted a report (No. 1916) thereon.

PRINTING OF REVISED EDITION OF THE CONSTITUTION, ANNOTATED

Mr. HAYDEN. From the Committee on Printing I report back favorably, without amendment, Senate Concurrent Resolution 35, and I submit a report (No. 1905) thereon. I ask unanimous consent for the immediate consideration of the resolution.

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

There being no objection, the concurrent resolution (S. Con. Res. 35), heretofore reported from the Committee on the Judiciary and referred to the Committee on Printing, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Constitution of the United States of America (Annotated), including all amendments thereto, and with citations of the cases of the Supreme Court of the United States construing its several provisions, collated under each separate provision, be compiled and revised up to date, and that the same shall be printed and bound; and that 3,000 copies shall be printed, of which 2,200 copies shall be for the use of the House of Representatives and 800 copies for the use of the Senate.

ENROLLED JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on April 17, 1936, that committee presented to the President of the United States the enrolled joint resolution (S. J. Res. 230) amending paragraph (4) of subsection (n) of section 12B of the Federal Reserve Act, as amended.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. BENSON:

A bill (S. 4504) to confer jurisdiction on the Court of Claims to hear and determine certain suits against the United States for damages sustained by the owners of certain sailing vessels; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 4505) for the relief of M. J. Hanley and Roy W. James; to the Committee on Claims.

By Mr. WALSH:

A bill (S. 4506) to authorize the transfer of the customhouse at Salem, Mass., from the jurisdiction of the Treasury Department to the Department of the Interior; to the Committee on Finance.

By Mr. McNARY:

A bill (S. 4507) to promote sustained yield forest management in order thereby (a) to stabilize communities, forest industries, employment, and taxable forest wealth; (b) to assure a continuous and ample supply of forest products; and (c) to secure the benefits of forests in regulation of water supply and stream flow, prevention of soil erosion, amelioration of climate, and preservation of wildlife; to the Committee on Agriculture and Forestry.

By Mr. BYRNES:

A bill (S. 4508) to provide a uniform rate of pension for single Spanish-American War veterans without dependents while hospitalized; to extend hospitalization to persons recognized as veterans of the Spanish-American War under laws in effect prior to March 20, 1933; and for other purposes; to the Committee on Pensions.

By Mr. BYRD:

A bill (S. 4509) to amend sections 4892 and 4893 of the Revised Statutes; to the Committee on Patents.

By Mr. FLETCHER:

A bill (S. 4510) to amend the act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes", approved June 30, 1876;

A bill (S. 4511) to amend the act entitled "An act to provide for the incorporation of credit unions within the District of Columbia", approved June 23, 1932;

A bill (S. 4512) to amend the act entitled "An act to establish a code of laws for the District of Columbia", approved March 3, 1901;

A bill (S. 4513) to amend the act entitled "An act to provide a national currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof", approved June 3, 1864;

A bill (S. 4514) to amend the act entitled "An act to provide a national currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof", approved June 3, 1864; and

A bill (S. 4515) to amend the act entitled "An act to provide a national currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof", approved June 3, 1864; to the Committee on Banking and Currency.

By Mr. ROBINSON (by request):

A bill (S. 4516) to provide for tuberculosis hospitals and for their operation; to the Committee on Education and Labor.

By Mr. THOMAS of Oklahoma (by request):

A bill (S. 4517) for the relief of Robert D. Baldwin; to the Committee on Indian Affairs.

By Mr. PITTMAN:

A joint resolution (S. J. Res. 253) to authorize an appropriation for the expenses of participation by the United States in a conference at Brussels to revise the Convention for the Protection of Literary and Artistic Works concluded at Bern, September 9, 1886, and revised at Rome, June 2, 1928; to the Committee on Foreign Relations.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 149. An act to amend section 64 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and

H. R. 11690. An act relating to the admissibility in evidence of certain writings and records made in the regular course of business; to the Committee on the Judiciary.

H. R. 8055. An act to provide for economic studies of the fishery industry, market news service, and orderly marketing of fishery products, and for other purposes; and

H. R. 10589. An act to amend section 32 of the act entitled "An act to authorize the construction of certain bridges and to extend the times for commencing and/or completing the construction of other bridges over the navigable waters of the

United States, and for other purposes", approved August 30, 1935; to the Committee on Commerce.

H. R. 8107. An act to authorize the coinage of 50-cent pieces in connection with the celebration of the one hundredth anniversary of the opening of the tri-State territory of east Texas, north Louisiana, and south Arkansas by Capt. Henry Miller Shreve, to be held in Shreveport, La., and surrounding territory, in 1935 and 1936; and

H. R. 10317. An act providing for a change in the design of the 50-cent pieces authorized to be coined in commemoration of the one hundredth anniversary of the independence of the State of Texas; to the Committee on Banking and Currency.

H. R. 10847. An act to authorize the acquisition of land for cemeterial purposes in the vicinity of New York City, N. Y.:

H. R. 11140. An act to provide more effectively for the national defense by further increasing the effectiveness and efficiency of the Air Corps of the Army of the United States; and

H. R. 11969. An act to promote national defense by organizing the Air Reserve Training Corps; to the Committee on Military Affairs.

H. R. 11040. An act to deport certain aliens who secured preference-quota or nonquota visas through fraud by contracting marriage solely to expedite entry to the United States, and for other purposes; to the Committee on Immigration.

H. R. 11821. An act to correct an error in section 16 (e) (1) of the Agricultural Adjustment Act, as amended, with respect to adjustments in taxes on stocks on hand, in the case of a reduction in processing tax; to the Committee on Agriculture and Forestry.

H. R. 12032. An act to amend section 10 and to repeal section 16 of the act entitled "An act to regulate the distribution, promotion, retirement, and discharge of commissioned officers of the Marine Corps, and for other purposes", approved May 29, 1934 (48 Stat. 811), and for other purposes; to the Committee on Naval Affairs.

H. R. 11538. An act for the relief of the Orland reclamation project, California; to the Committee on Irrigation and Reclamation.

H. R. 11103. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.;

H. R. 11920. An act to increase the efficiency of the Air Corps; and

H. R. 11729. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Natchez, Miss., and for other purposes; to the calendar.

H. J. Res. 538. Joint resolution to provide for participation by the United States in the Ninth International Congress of Military Medicine and Pharmacy in Rumania in 1937, and to authorize and request the President of the United States to invite the International Congress of Military Medicine and Pharmacy to hold its tenth congress in the United States in 1939, and to invite foreign countries to participate in that congress; to the Committee on Foreign Relations.

AMENDMENT OF FEDERAL HIGHWAY ACT

Mr. ROBINSON submitted an amendment intended to be proposed by him to the bill (H. R. 11687) to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

PRINTING OF REPORT OF SPECIAL COMMITTEE ON INVESTIGATION OF THE MUNITIONS INDUSTRY

Mr. NYE submitted the following concurrent resolution (S. Con. Res. 37), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That 44,000 copies of each part of Senate Report No. 944, submitted to the Senate pursuant to Senate Resolution 206, authorizing the appointment of a special committee to make certain

investigations concerning the manufacture and sale of arms and other war munitions, be printed for the use of the Senate Special Committee on Investigation of the Munitions Industry.

PRINTING OF PUBLICATION KNOWN AS LITTLE WATERS, ETC.

Mr. GUFFEY submitted the following resolution (S. Res. 284), which was referred to the Committee on Printing:

Resolved, That the publication entitled "Little Waters, a Study of Headwater Streams and Other Little Waters, Their Use and Relations to the Land", be printed as a Senate document, and that 6,500 additional copies be printed for the use of the Senate document room.

Mr. HAYDEN, from the Committee on Printing, to which the foregoing resolution was referred, subsequently reported it without amendment, and it was considered by unanimous consent and agreed to.

EMPLOYMENT OF CRAMPTON HARRIS, ATTORNEY, BY SPECIAL LOBBY COMMITTEE

Mr. BLACK. Mr. President, I submit a resolution which I ask to have referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 286) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Senate ratifies and confirms the action of the special Senate committee in the employment of Crampton Harris as attorney to represent the Senate in the suit filed by William Randolph Hearst in the Supreme Court of the District of Columbia against the special Senate committee acting under Senate Resolutions 165 and 184 of the Seventy-fourth Congress; and

Resolved further, That the Senate Committee to Audit and Control the Contingent Expenses of the Senate is hereby authorized to fix the amount of the fee to be paid the said Crampton Harris for representing the Senate in the said Supreme Court of the District of Columbia and any other courts to which said case may be taken by appeal or otherwise; and

Resolved further, That the said Senate Committee to Audit and Control the Contingent Expenses of the Senate is authorized to provide for payment of the expenses necessarily incurred in connection with such litigation, the payments of fee and necessary expenses provided under this resolution to be made out of the appropriation for miscellaneous items of the contingent fund of the Senate.

REGISTRATION OF VOTERS IN PITTSBURGH AND ADMINISTRATION OF RELIEF

Mr. DAVIS. Mr. President, yesterday my colleague [Mr. GUFFEY] had printed in the RECORD an article from the Pittsburgh Press of April 14 concerning registration of voters in Pittsburgh.

My colleague stated that this article had been placed in the RECORD for my information. I was not unaware of the facts which he sought to call to my attention, because I was in Pittsburgh on Friday evening and heard these matters fully discussed.

My colleague seeks to inform me, according to his statement of yesterday, that the Democratic Party is now the majority party in the city of Pittsburgh for the first time since the Civil War. This, indeed, is not news to me. Having lived in Pittsburgh and vicinity most of my life, I have seen it go Republican regularly. However, as a matter of fact, I recall that there have been times before this when the city of Pittsburgh had two mayors belonging to the Democratic Party. Believing as I do in minority as well as majority representation, I have not taken exception to political circumstances of this kind.

I might also say, Mr. President, that we now have a Democratic mayor in the city of Pittsburgh.

My colleague asserts that the article in the Pittsburgh Press shows how the Republican lead in registration has been reduced. Having read the article carefully and observing the statistics given, I fail to see any explanation as to how the reduction in the Republican registration was accomplished. An article in the Pittsburgh Post-Gazette of April 15 seeks to explain how the reclassification of voters is effected. I shall ask that this article, which will be of interest to the Senate generally, may be printed in the RECORD at the conclusion of my remarks.

I introduce this article in the RECORD with regret, for it reports rumors concerning Edward N. Jones, State supervisor

of the W. P. A. in Pennsylvania, which I do not wish to believe true, because Mr. Jones and I have been friends for many years. When he came to Washington for confirmation of his appointment to his present post I urged him to take care of the relief needs of our State and to keep politics out of relief. We have known each other for years and are friends. I feel that partisan politics have no place in relief and that rumors of activities of that kind are injurious to a man's political reputation. I believe that those against whom these charges are being made in the newspapers deserve to be heard before a regularly appointed Senate committee. I do not believe that the floor of the Senate is the proper place for a consideration of these issues, because more adequate provision can be had in committee hearings. These are matters of public business which require consideration in a thorough-going way and should not be left to the discretion or indiscretion of back-stairs gossip.

Newspapermen have informed me that the Committee to Audit and Control the Contingent Expenses of the Senate, in whose hands authorization of an appropriation for an investigation of these matters has been committed, has decided to take no action in this matter. Knowing the high character of the distinguished Senator from South Carolina [MR. BYRNES], the chairman of that committee, I cannot believe that this is true, else he would have so informed me. I have been led to believe that action has been delayed only temporarily. If this is not the case, I should appreciate a direct statement concerning the interment of the proposed investigation.

I have no personal feeling on these issues. I desire to injure the reputation of no one. Public welfare is the deep concern of all of us. Public welfare demands that relief and work relief be continued, that they be purged from partisan politics, and the taxpayer's dollar be used as effectively as possible. In an election year I believe that charges and counter charges of misuse of relief money for political purposes deserve more consideration than on the front pages of our newspapers. If conditions in the Works Progress Administration are as they should be, those who administer this program should not object to an impartial investigation. If conditions in the Works Progress Administration are half as bad as current rumors indicate, an investigation should be authorized at once.

The only justification of an investigation of relief agencies is to discover practical ways of using Government appropriations to the best possible advantage of the taxpayers of this country.

Mr. President, I now ask that the article from the Pittsburgh (Pa.) Post-Gazette of April 15, 1936, to which I have referred, may be printed in the RECORD at this point.

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

The article is as follows:

[From the Pittsburgh (Pa.) Post-Gazette of Apr. 15, 1936]
PROBE BARES JONES TERROR RULE IN W. P. A.—WORKERS HELD PAWNS OF STATE MACHINE DIRECTOR—"SYSTEM" EXPLAINED—RECLASSIFICATION PLAN GIVES POLITICIANS FULL CONTROL OF JOBS

The methods by which police terrorism was exercised on W. P. A. workers to drive them into line to establish a Democratic majority in Pittsburgh's registration were disclosed yesterday.

These facts came to light as Federal Works Progress Administrator Harry L. Hopkins' private investigators were reported yesterday to have obtained information linking high Democratic officials with the forcing of political hacks on the W. P. A. pay roll.

The "system" perfected by Eddie Jones, ex-police superintendent and political aide of various Republican and Democratic leaders over a period of years, takes the question of the livelihood of W. P. A. workers out of the hands of the theoretically nonpolitical Federal-State employment agency and puts it directly under Eddie's control.

HOW THE SYSTEM WORKS

It isn't done with the aid of mirrors. It is done through what is known as a "reclassification board" that takes over the list of names of needy men when the project they are working on runs out.

Under the surface of the W. P. A., the "reclassification board", Eddie's own appointed group, holds sole control over whether a W. P. A. laborer gets on another project soon or at all.

The system of W. P. A. runs like this:

When a man goes first on a W. P. A. job, his name is taken from the relief rolls through the agency of the Federal-State employment agency. There the names are supposed to be picked by lot. There have been reports that Jones and his aides sometimes had something to do with the picking, as at the time, the day before last fall's general election, when 1,300 colored voters from the hill were picked, shipped to a project where there were no tools, brought back and given a "holiday" with pay on election day.

GO INTO JONES' CONTROL

But in theory the political W. P. A. staff doesn't have anything to do with picking these men. So Republicans do get on W. P. A. jobs. That was apparent Monday, when they were blackjacketed into coming into the registration office and changing to Democrats.

These men selected by lot go out on their W. P. A. jobs. The project they are working on runs for a while and then ends. And then the names don't go back to the Federal-State agency lists to be picked by lot again.

They go instead to Eddie Jones' hand-picked "reclassification board", answerable to Eddie and no one else—unless Hopkins decides ultimately to look into the State's political rule in W. P. A.

If the "reclassification board" approves, the workers go to another project. If it doesn't approve, the workers can go—someplace else, so far as Eddie is concerned. They might get back on relief, if they can.

REGISTRATION CHECKED

It is when they reach the "reclassification board" that the registration of workers is looked up, if they haven't been checked before they get that far.

With that kind of a system, Pittsburgh "went Democratic" Monday. It went Democratic under protest, but the protests weren't very loud. They weren't loud enough to reach the ears of the political bosses who rule W. P. A.

ADDRESS BY SIR WILMOTT LEWIS AT ANNUAL LUNCHEON OF ASSOCIATED PRESS

Mr. MINTON. Mr. President, on yesterday in the city of New York, at the annual luncheon of the Associated Press, Sir Wilmott Lewis, the American correspondent of the London Times, delivered a brilliant and penetrating address on the press. I ask unanimous consent that the address may be inserted in the RECORD.

Mr. JOHNSON. Mr. President, I inquire if the address referred to comes within the rule which has been suggested here?

Mr. MINTON. I will say to the Senator that it does. It will take less than two pages of the RECORD. I have consulted the Printing Office about it.

Mr. JOHNSON. I do not mean that rule. I mean the rule—unless I am in error, and I hope the Senator will correct me if I am—that nothing shall be placed in the RECORD except that which is said by our own citizens. Is there any such rule? If there is not, I make no objection.

Mr. MINTON. I know of no such rule. If there is, the request is clearly out of order.

Mr. JOHNSON. I am not clear about it. I make no objection particularly because of the gentleman who delivered the address, although I do not think it is a very good practice to regale ourselves in the RECORD with the remarks of those from other countries.

The VICE PRESIDENT. Is there objection to the request of the Senator from Indiana?

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

[From the Washington Post of Apr. 21, 1936]

TEXT OF ADDRESS BY SIR WILMOTT LEWIS, AMERICAN CORRESPONDENT FOR THE LONDON TIMES, AT THE ANNUAL LUNCHEON OF THE ASSOCIATED PRESS

This year the Associated Press has chosen to draw two men from the writing craft to be its speakers on this occasion, and I am honored to be one of them. In the presence of so large and distinguished a group of publishers and editors it might be fitting that I adopt what Sydney Smith said bishops desired of their curates—a "dropping-down deadness of manner"—but I make no pretense to assume it. We know that our press is free, and this afternoon let us believe that every writer such as I am is also free to give his testimony "without fear or favor, affection or ill will", as the English oath demands of a witness. I shall not burden you with praise of yourselves as individuals, or with eulogy of the great organization (the greatest of its kind known to me) which you collectively represent. The cat has looked at the king, and his majesty long since found favor in the sight of the cat.

We have been told that the duty of the newspaper is to comfort the afflicted, and to afflict the comfortable. I heartily agree. Today, when economic science, so-called, seems unable to grapple

with the problems of the poor, when the comfortable among us are tempted to consider their own security as the first and indispensable element of general progress, when the question of all questions—within nations and between nations—is whether the remedies for the ills we suffer may not be as unbearable as the ills themselves—today, if ever, the injunction of Finley Peter Dunne should be remembered.

TRILOBITES TREATED NEW IDEAS HARSHLY

Let me offer you an apologue borrowed from an English scholar. Once upon a time, much longer than 6,000 years ago, the trilobites—small marine organisms now extinct—were the only people that had eyes, and they were only just beginning to use them, and some even of the trilobites had as yet no signs of coming sight. So that the utmost they could know was that they were living in darkness and that perhaps there was such a thing as light. But at last one of them, more advanced than his fellows, happened to come to the surface of the water in the daytime, and he saw the sun.

So he went down and told the others that in general the world was light, but that there was one great light which caused it all. Then they killed him for disturbing the commonwealth, but later they came to consider it impious to doubt that in general the world was light and that there was one great light which caused it all. And they had great disputes about the manner in which they had come to know this. Afterward another of them, advanced beyond his fellows, happened to come to the top of the water in the nighttime and saw the stars. So he went down and told the others that in general the world was dark, but that, nevertheless, there was a great number of little lights in it. Then they slew him also for maintaining false doctrines. But from that time there was division among them, some maintaining one thing and some the other.

When all could see, there was perhaps an end of the matter, though I do not know whether at any time all trilobites could see. Nor do I know whether the peoples of the English-speaking nations, who are lifted to a level incredibly above that of the trilobites—and with whom I am exclusively concerned this afternoon—can yet see with that sight which is better than bodily vision.

TOLENTION TODAY FOUND A HARD DISCIPLINE

It is true that no longer, as once, do we kill the bearers of contradictory or unwelcome tidings, but the toleration we now practice is a hard discipline, a lesson to be learned anew with each generation. This brings me to the press, which is the life of all of us, and it is of the press as the servant of toleration, and thus as the servant of democracy, that I would speak here. We must put toleration and democracy together, for without the one the other would be unworkable. And we must put toleration first, for until it had been learned, and institutions had been made (as were yours) or adapted (as in my country) to its uses and enlargement, democracy could not live. We know that absolutism and intolerance go together, but do we always or enough remember that power, even though it be short of absolutism, is the enemy of toleration? Having asked the question, let me turn to a wise and understanding student of the minds and conduct of men, Graham Wallas, who described the position of the press as "now the most insoluble problem of democracy."

Why? Because, said Wallas, as long as his newspapers pay, and the telephone from his house to the editorial offices is in working order, the owner of a group of papers has more absolute irresponsibility in the use of great power than any other living man. If he is to use his power in a way helpful to the community he must aim at the two virtues, veracity and seriousness—that is to say, the more obvious virtue of taking trouble to secure that his belief is well founded. But nothing in his position, says Wallas, or in the qualities necessary to reach that position, encourages either of these virtues; and the anonymous writers whom he hires to carry out his orders have neither the personal independence of artists nor the public responsibility of experts.

I am speaking as an Englishman of England, and I say to you in all seriousness that Graham Wallas was guilty of no exaggeration. There are in the conditions of English life the elements which make this concentration of power possible—a little island, thickly populated, provided with all the modern agencies of distribution, where circulation can be, and is, national rather than regional.

NEWSPAPER OWNERSHIP "PLUTOCRACY" SUGGESTED

This has brought into existence a sort of plutocracy of newspaper ownership, metropolitan and provincial, such as I do not believe to exist anywhere else. And it leads me gravely to doubt whether the freedom of the press, in that sense of the phrase which makes it precious to us, can without serious adjustment be long allowed to cover such a condition. Remember that the day on which Macaulay pointed to the reporters' gallery and declared that there would be found a fourth estate is infinitely remote from us. The press is no longer fourth in the hierarchy of national powers—it is hardly less than the first in the sweep and continuity of its influence. It is "affected with a public interest" to a degree greater even than a common carrier, for it does not transport the bodies or the goods of men; it plays ceaselessly on the minds of men. "Few episodes in recent history are more poignant," said Walter Lippmann in a little book he published in 1920, "than that of the British Prime Minister, sitting at the breakfast table with that morning's paper before him, protesting that he cannot do the sensible thing in regard to Russia because a powerful newspaper publisher has drugged the public." And

Mr. Lippmann has my heartfelt, my passionate agreement when he adds that the incident is a photograph of the supreme danger which confronts popular government, because the news is the chief source of opinion by which government in democratic countries must proceed.

I feel it to be peculiarly fitting that I should speak of these things here, because I am addressing the members of a great organization whose purpose is not private profit but the provision of a service of news, foreign and domestic, which shall be not only full but utterly impartial, and whose record is a source of justifiable pride. I have spoken of my own country, and have no desire or intent to invite comparison with yours. But this I can say—I hope without indiscretion—that both in England and the United States the danger which confronts what we call freedom of the press is not chiefly from without, for that we can meet, but from within. It is, as I see it, a danger which grows with the growth and with the increasing integration of the newspaper system—the danger that the freedom which makes us great and useful may make some among us too great, that individuals may acquire a power which, if the freedom we demand is to be ours, they cannot be prevented from harnessing in the service of personal ambition rather than of the community from which their strength flows. We are all of us, each in his place and degree, among the guardians of freedom, but "quid custodiet ipsos custodes?" asked the stern old Roman—who shall guard your own guards? I beg you earnestly to believe that these doubts are not mine alone, but that they preoccupy the minds of innumerable men within my own craft, which is that of writer, not publisher.

FEARS EXERCISE OF WILL INSTEAD OF JUDGMENT

Something of what I and my colleagues mean is to be found in one of Alexander Hamilton's Federalist papers, on the subject of the judiciary, where he dwelt upon the possibility that judges might "exercise will instead of judgment."

He could not see what the press was to become, but he was speaking prophetically to the most powerful among us. Nor, when he wrote, was there anything to show him that, in a country chiefly agricultural and whose industries he was anxious to advance there would arise a corporate structure so vast and so potent as one day to demand no less than a reexamination of the ultimate problem of political economy—the problem of the relation of private property to public welfare. There has never lived, and there will never be born, a man wise and good enough to be entrusted with the irresponsible power over human thought, and the action that follows thought, which ownership of many newspapers conveys in the modern world, and the freedom to exercise it in the service of his own interests. To say that his interests might also be those of the community is to say something which might be episodically true, but cannot be generally true, it is to forget human pride and human weakness and to break with history.

RESPONSIBILITY OF PRESS IN INTERNATIONAL RELATIONS

To speak as I have spoken is, I frankly admit, to raise more argumentative hares than can be run down in a year of discussion, but so it has always been when such questions as the rights of property or the uses of freedom have been raised. Even if there were no such problem as I have suggested, there would be others as compelling, chief among which I should put the part played, or rightly to be played, by the press in the relationship of nations.

There was a time when peoples did not like each other because they were strangers. How is it that today they do not like each other when there is so amazing a daily diffusion of international consciousness? Is that that they know too much, or that they do not yet know enough, of each other? Here, to a degree which would make a man humble, responsibility falls on the foreign correspondent. If I may be pardoned a personal reference, I should like to say that after living in many lands, and for many years in this, I have come to see that a man's vision of a country not his own is like the reverse side of a brocade—all the threads are there, but not the subtlety of color and design. When this is so of men trained by travel and experience, how should it not be so of the myriad readers whose minds are daily divided between a hundred imperfect images, none of which can be even approximately realized? It does not appear that the thinking capacity of the job is enlarging, but it is obvious that the demands upon it multiply indefinitely; and a witty friend of mine has said that mental culture reverses the process of agriculture and passes from the intensive to the extensive, going to seed over a wider and wider area, regardless of the fertility or infertility of the soil.

All this leads nowhere, or only to one point—that man may be smaller than his own aspirations, but should not be allowed to forget them. The press may be a daily reminder of all or some that is best in the world, and will be if it is true to a great tradition of toleration, which is not the smallest part of its heritage. The newspapers of today are not in all hands free but where they still have liberty and defend it—against enemies without and within—where they stand for discussion and agreement, setting themselves unbreakably against the regimentation of custom and of obedience by goose-step, even the cynic may find a place for hope.

PRINCIPLES OF JEFFERSON—ADDRESS BY GOVERNOR EARLE, OF PENNSYLVANIA

Mr. GUFFEY. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Hon. George H. Earle, Governor of Pennsylvania, at the Jefferson

Day dinner at the William Penn Hotel, Pittsburgh, on Tuesday, April 14, 1936.

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

The principle of human rights laid down by Thomas Jefferson are felt and feared in every branch of our national life today. They are felt through the medium of Jefferson's great Democratic successor, Franklin Delano Roosevelt, and they are feared by the rich and powerful enemies our President has made. Fortunately for America, the principles of Jefferson are in the ascendancy today.

Thomas Jefferson believed in a government of the people, dedicated to their welfare and responsive to their needs. He was opposed by the powerful financial interests of the Federalist Party, led by Alexander Hamilton, a man who considered the people too stupid to rule themselves. We have seen Jefferson's theory of government triumph, but, unfortunately for America, we have not seen the end of the Hamiltonians. They still exist in the present leadership of the Republican Party—a menace to Democrats and Republicans alike; above all, a menace to the future of the American system of representative government. And I believe their greatest menace lies in their control of 80 percent of the American press.

Jefferson believed in the freedom of the press. But even with his broad vision he did not foresee that a time would come when the press, as a frankly money-making institution, would sell its constitutional birthright for financial support and a few dollars' worth of advertising. He had his difficulties with the publishers of his day, because the Tories then held the money bags, just as they do now, but to his mind any such wholesale betrayal of public trust for private gain as we find in the press today would have been unthinkable.

I think it would be well for us to refresh our minds with Thomas Jefferson's own comment on attempts of the press to hamstring his administration's efforts to provide real democratic government in the new Nation. I quote from his second inaugural address:

"During this course of administration, and in order to disturb it, the artillery of the press has been leveled against us, charged with whatsoever its licentiousness could devise or dare. These abuses of an institution so important to freedom and science are deeply to be regretted, inasmuch as they tend to lessen its usefulness, and to sap its safety; they might, indeed, have been corrected by the wholesome punishments reserved and provided by the laws of the several States against falsehood and defamation; but public duties more urgent press on the time of public servants, and the offenders have, therefore, been left to find their punishment in the public indignation."

I speak particularly of this phase of Jeffersonian democracy because of a recent exchange of letters which I had, as Governor of the Commonwealth, with the editor of the Saturday Evening Post. I had read with interest a series of articles upon relief in Pennsylvania, signed by my former relief director, Robert L. Johnson. Since these articles had omitted certain pertinent facts, which Mr. Johnson hardly could have been expected to include, I asked Mr. George Horace Lorimer, in the interest of fair play, to allow me sufficient space to reply to Mr. Johnson.

I had noted, for instance, that Mr. Johnson's articles spoke of a loss of \$7,000,000, resulting from the abandoning of the local works division of the relief administration. It occurred to me that the readers of the Saturday Evening Post should be informed that Mr. Johnson, in a fit of pique because he had not been appointed Works Progress administrator, deliberately abandoned the L. W. D. without consulting the relief board, myself, or the new W. P. A. administrator. Mr. Johnson said this "wasted" \$7,000,000 just as surely as if he had used the money "to light a cigar." I thought it should be pointed out that Mr. Johnson's act, rash and childish as it was, had hardly resulted in a "loss" of \$7,000,000, but rather had merely provided a few dollars more per person for the thousands of unfortunates who were being transferred from relief to W. P. A.

I had also observed with some surprise that the articles signed by Mr. Johnson spoke bitterly of political interference, but at the same time admitted that Harry Hopkins and I, the only two persons having any authority over him, had backed him 100 percent in keeping politics out of relief. It seemed that Mr. Johnson was simply complaining about the suggestions made to him by persons not in authority—and as I remember the last legislative session that advice came from Republican as well as Democratic legislators and political leaders. I was even more surprised by Mr. Johnson's complaints because at a farewell dinner given by Mr. Johnson to me and the members of my cabinet he had publicly commended David L. Lawrence, Democratic State chairman, and all my cabinet members for their policy of noninterference with relief.

I speak at some length of Mr. Johnson's articles because I consider relief far too important a problem to be confused and distorted for partisan purposes, and also because I was frankly shocked to find that the editor of the Saturday Evening Post, with his pretensions to impartiality, was unwilling to give the Governor of his own State an opportunity to clarify a situation affecting not only Pennsylvania but the country as a whole. I had not believed he would dare to make such a public confession of partisan bias. Apart from that, I had not dreamed that he would be afraid to have his articles on relief subjected to the test of comparison with the facts as I proposed to present them.

Let no one misunderstand me. I have no bitterness against Mr. Lorimer for his hit-and-run policies. Rather I am grateful to

him for giving the people this object lesson in the operations of a supposedly "free" press. This refusal of Mr. Lorimer to print both sides of the question is a perfect example of the abuses of the free press pointed out by Thomas Jefferson in his second inaugural address. The paradox in the entire situation is that Mr. Lorimer's anti-Roosevelt Saturday Evening Post was headed for oblivion under the administration of Mr. Hoover, and if it had not been for President Roosevelt's recovery measures Mr. Lorimer would have no magazine at all today.

One-way journalism, whether in the Saturday Evening Post or anywhere else, is not going to solve our relief problem. Our State emergency relief administrator estimates that Pennsylvania will need \$70,500,000 to carry us to the end of the year. Some of our Republican friends are already complaining that the figure is too high. They made the same complaint last year, giving the State only \$60,000,000, instead of the \$120,000,000 I recommended; and as a result of their short-sighted political manipulation of relief, we are now compelled to have a special session do the work the Republican senate refused to do last year.

Reactionary interests and their spokesmen have been complaining bitterly against Federal relief expenditures. Let me give you this picture: We are now spending \$8,000,000 a month in Pennsylvania for direct relief. The Federal Government is spending \$20,000,000 a month on W. P. A. If the Federal Government disbanded W. P. A. and threw those workers back on direct State relief, we would have to pay \$14,000,000 a month more to keep them, or a total of \$22,000,000 a month. You can get some idea of what a colossal amount that is by considering that the pet Republican 2-percent flat income tax, which would be a tax on the income of every worker in Pennsylvania, would yield only \$10,000,000 a year—enough to pay relief costs for about 2 weeks.

The Saturday Evening Post and the other bitter enemies of President Roosevelt are not going to help themselves or anyone else by peevish attacks upon the relief system. They may as well make up their minds that we are going to have relief with us forever unless we solve the problem of unemployment in our machine age. They can talk about Budget balancing until the cows come home, but until that problem is solved the choice is going to be between unbalanced budgets and revolution.

Our relief problem is bound up with the entire problem of the machine age. I recall that we had hard times in the winters of 1912 and 1913, because I stood on a Chicago street every night of that winter from October to May, in charge of a bread line. We served food to 800 men a night—men who had no work and no means of support. They were the advance guard of what has grown to be America's vast army of men "replaced by machines."

We escaped a showdown with the machine age back in 1912 and 1913 because the European war was beginning and orders were pouring in for war materials. Then we entered the war and there was work for everybody. Afterward there was inflation caused by our newly acquired European gold, seeking safe investment. That expanded our investment markets and gave us a boom and carried us right up to 1929. Then the bubble of inflation burst.

Before 1912 we had already explored and exploited our resources. Our frontier days were over. There was no more room for expansion. The machine had helped tremendously in building up our country, but when its pioneer work was ended it became a Frankenstein monster that turned to destroy us.

If we had been forced to a show-down with the machine age in 1912, the problem would have been simpler, because at that time we did not have the tremendous development of the machine that we have today.

When the Roosevelt administration came into office, facing the greatest economic collapse in American history, the President developed a double-barreled program, one part to provide for the immediate emergency and the other to meet the problem of the machine.

The most important measure in the President's long-term program, and to my mind the greatest law ever written, was the N. R. A. Regulation of codes and trade practices to a great extent obscured the fundamental principle of that law—the principle of Federal control necessary to establish higher wages and shorter working hours. That principle was and is, in my opinion, our only salvation.

The Supreme Court on purely legalistic grounds destroyed the N. R. A. and gave us nothing to replace it. As a result we see all about us one of the most ominous developments of our modern times. You may have read how the Bell Telephone Co., while its profits and business were steadily increasing, was able to dismiss more than 120,000 people because of the automatic dial system. You may have heard, too, of the new cotton-picking machine, which enables 2 men to do the work of 50. With such developments in mind, can you wonder that our present cycle of recovery has not brought with it a corresponding increase in employment? The machine has definitely retired millions of our workers, who will remain retired and on relief until we shorten hours and raise wages.

I warn you that if we shut off relief and fail to meet the challenge of the machine we face revolution, because empty stomachs do not reason. President Roosevelt provided a solution in the N. R. A. and saw that solution destroyed by the Supreme Court.

I admit honestly that except for raising wages and shortening hours I know no answer. On the one hand, if we continue to spend colossal sums for relief we drift toward bankruptcy. On the other, if we shut off relief and let our people starve we return to barbarism and plunge our country into revolution. The only certain thing is that we must control the machine before it de-

stroys us all; and to do that I believe we must continue to look to the wisdom and the courage of the man who has brought us this far along the road to recovery. He has given us one solution which the Supreme Court has taken away. Were it not for this great American I would fear for the future of our country. But under the leadership of Franklin Delano Roosevelt our country will find a way.

ISSUES OF THE IMPENDING CAMPAIGN—ADDRESS BY HON. JAMES A. FARLEY AT PITTSFIELD, MASS.

Mr. COOLIDGE. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Hon. James A. Farley, chairman of the Democratic National Committee, at a meeting of the Democratic organizations of four western Massachusetts counties, at Pittsfield, Mass., on Thursday evening, April 16, 1936.

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

It's always a pleasure to talk to such an audience as this. I know of no city where I could expect a more intelligent response to a plain talk on the issues of the impending campaign which vitally affect the prosperity of the country. Yours is a manufacturing city and as such depends to a great degree on the demands of other sections of the country, particularly the great West and Southwest and Northwest, for the goods made in New England mills. If the farmers of this country are in a position to buy, their purchasing capacity is reflected in the pay rolls and balance sheets of your industrial establishments. If, on the contrary, the farm section is bankrupt, or nearly bankrupt, its misfortune is echoed by your own statistics of unemployment and general business paralysis.

We have had during the past few years an actual demonstration of this mutual dependence. Suppose we go back 4 years. I do not like to stir up unhappy memories, but you must all recall the period when a tornado of foreclosing mortgages was sweeping the agrarian belt and the producing establishments of this part of the world either were closing entirely or running on part time; when you did not know whether the strongest bank in your community would be able to keep its doors open; when taking a check was a gamble and mailing a check was a hazard. For you could not tell from day to day whether on the morrow those checks could be cashed or not.

I only ask you to contrast that time of gloom with the present. The Yankee mills and shops, stores and hotels, may not be making as much money as they would wish, but compare their balance sheets of today with that other time, and I think you will conceive a reason to be grateful, not only for your own but for the Nation's advance in the progress toward general prosperity.

We all know that the change was not due to chance. We are all aware that had there not been a change in the policies of Government when Franklin D. Roosevelt came to the White House this country would have reached a situation in comparison with which the distress and economic disorder of the years from the fall of 1929 to 1933 would have seemed trivial.

You will perhaps remember that an eminent spokesman for the old order prophesied in a campaign speech in 1932 that if the policies of his administration were interrupted by the election of the Governor of New York to the Presidency grass would grow in the streets of our great cities and that ruin would rule over our whole great country.

Now we are being told by the same high Republican authority, by spokesmen of the Du Pont Liberty League and others of the same fraternity, that if the policies that have brought business back to a prosperous scale are not abandoned that again our industrial sections will become cow pastures, and so forth.

We read every day or hear over the radio these political Jeremiads explaining that business recovery has not come because of the New Deal but in spite of it. We hear from the same sources that the President of the United States is bent on changing this democratic form of government to a Russian Soviet system or to a dictatorship. They also tell us that he is bent on abolishing the Supreme Court, throwing the Constitution out of the window, regimenting every form of industry and agriculture, and, in short, doing everything in his power to destroy the prosperity which he brought about.

I need not take your time in discussing the wildness and absurdity of such campaign arguments. Actually they are of no more consequence than when Washington was accused of trying to set up a kingdom with himself as monarch, when Jefferson was blackguarded as a Communist, when Lincoln was charged with usurping power that did not belong to the Presidency, when Cleveland was abused, and when Theodore Roosevelt was pilloried as an enemy to business and an advocate of socialistic philosophy.

You can hardly pick up a newspaper nowadays without being startled by the conflict between its opinion columns and its business columns and the inconsistency of those who are assailing the administration at Washington. Just for example, I noted the other day in the New York Times the story of the annual report of Alfred P. Sloan, Jr., president of General Motors Corporation, directed to his stockholders. I noticed a large headline, "Sloan finds trade hurt by New Deal", and just below it on the very same page was printed the financial statement of General Motors. That financial statement recited that in 1935 its net sales amounted to \$1,155,000,000, as against \$872,675,000 the year before. It was also set forth in this cold-nosed balance sheet that its net income

amounted to nearly \$197,000,000 in the year of 1935, as against \$110,000,000 for the year 1934. The report shows assets of about \$150,000,000 more than in the previous year. If you want a more dramatic exposition of what the New Deal has meant to General Motors, compare its \$197,000,000 net income for 1935 with its net income of \$165,000 reported in 1932.

I do not pick out this particular business incident because Mr. Sloan is a large contributor to the Liberty League or because General Motors is to a large extent a Du Pont corporation, but simply because it is a shining example of how little relationship there exists between the political expression of those who would abolish the New Deal and the plain facts as they are told on the financial pages of the newspapers.

I think that no better comment could be made as to this than that voiced by one of your home newspapers. The Berkshire Eagle put it in this language:

"To be perfectly frank, it is not easy to see what the term 'abolishing the New Deal' means. Everything that is going on now is a part of it—the whole vast system under which we are living, the camps, the banks, the loans, the municipal expenditures, the new modes of law enforcement, the advice from Washington—everything. To attack the New Deal may be justified on political grounds, of course, but what is there to be done about it? What particular part of the system ought to be abolished? Should we throw it out the window and start all over again? That would involve the repeal of endless laws and the work of years in readjustment. Has someone something better to offer? Disraeli gave excellent advice when he said, 'Let us define our terms.' A great many of the politicians, using the name loosely, do not seem to know exactly what it means." (Oct. 26, 1935.)

I would like to ask our political opponents, when they speak of abolishing the New Deal, just what particular element of the governmental policies they would like to do away with? I can find no answer to this in the various speeches emanating from candidates for the Republican Presidential nomination, from the Liberty Leaguers or from the heads of the Republican national organization, voluminous and violent as all these have been.

Would the Republican administration, in the event of the success of the enterprise to discredit and unseat President Roosevelt, abolish, for example, the law providing for the insurance of bank deposits?

This is, of course, really a rhetorical question, because there is no more chance of the election of a Republican President next November than there is that your Berkshire Hills should move into some adjoining State. I speak advisedly when I tell you that President Roosevelt will be supported this year as vigorously and completely as he was in 1932, and this is as good a place as any to remark that it makes no difference whether the "old dealers" take the logical course of naming Herbert Hoover as the standard-bearer, who best represents their principles, or Governor Landon, of Kansas, who has not yet taken the country into his confidence as to what his policies would be if he were translated to Washington, or mournful Colonel Knox, the Chicago publisher, or anybody else who has been suggested as the candidate to contest with President Roosevelt this year.

Now, let me get back to the questions I would ask—with no hope of their being answered—of our political adversaries.

Would they abolish the public-works program, or the emergency employment program, which they are fond of describing as the "boondoggling" bureau, or the emergency relief? Incidentally, what they call "boondoggling" saved the homes and farms of a good many of your neighbors during the recent floods, for it was the dams erected under the Works Progress Administration that kept the torrents from ravaging the fields to the northeast of this community. Given a continuance of its effort, and the fulfillment of the general plan to check soil erosion and control our rivers, even such a flood as afflicted this country a month ago will be rendered harmless.

The work of the C. C. C. boys and the W. P. A. people in helping the flood sufferers clear up the debris and minimize the damage has been so prompt and efficient that the whole of the flood areas testify to the value of that performance. Incidentally, the way your neighbors faced the disaster is just another example of Yankee courage. They wasted no time in whining, but buckled to the work of rehabilitation and restoration. That evidence of fortitude so characteristic of your people is one more reason for my confidence of your faith in President Roosevelt. Brave men appreciate brave men, and I think you will agree with me that it was the courage of our President that enabled him to tackle perhaps the toughest situation that has ever confronted a Chief Executive of our country boldly and firmly. I wonder if any of you have ever thought what the consequence to the United States would have been if 1932 had ushered in a President weak, vacillating, or hesitating, instead of one who recognized the magnitude of the job and dared do the things necessary to stem the flood of disaster and put this country again on the upward path.

The enemy spokesmen are fond of quoting a paragraph in the Democratic platform of 1932 which promised a stable currency. Well, will our assailants kindly tell us what money unit throughout the whole world is more stable than the American dollar today?

Would they restore the gold content of the dollar to the old figure?

Now, I do not pretend to be a monetary expert. I confess that I must take the arguments of the men who have studied this question and merely apply what common sense I may possess to their conclusions. I do know that when Great Britain went off

the gold standard it had a hideous effect on business in this country for 2 years before we made a corresponding change in our currency. The new price of gold made possible the adjustment of American foreign trade to the prevailing international conditions; it facilitated the striking recovery in agricultural prices. Because of it, American foreign trade has been enabled to stage an increase of 42 percent in exports and 57 percent in imports between 1932 and 1935.

Now, what would happen if we went back to the old standard? The experts tell me that it would mean first that the Treasury would suffer a loss of more than \$4,000,000,000 on its present gold holdings, thereby adding this sum to the Federal deficit. A vast amount of foreign capital has been invested in American securities since the dollar was revalued in 1934. If we turned a back somersault with our monetary system, we would be making these foreign investments a free gift of 69 percent. And this sort of thing could not go on very long before the question might again be raised of the ability of the United States regaining the gold standard.

Here's another question I would like to ask the critics of the administration. Would they abolish the Home Owners' Loan Corporation, which has saved more than a million homes from foreclosure of mortgages, or the farm credit arrangements which have enabled more than half a million farmers to retain their property, and this without any considerable cost to the Government as the properties involved are the security for the loans?

Would they abolish the policy of insisting that promoters of security sales must state just what the values are, what the prospects are behind the stocks and bonds they offer in the markets? And the other insurance that this measure gives to the investing public? It might be worthwhile in this connection to recite that there has not been a wildcat scandal in the stock market since the Roosevelt administration came in, and as part of the same thesis we might recite that, whereas in the 4 years of the Hoover administration there were thousands of national bank failures, under the Roosevelt administration only five national banks have closed their doors, and practically all of the depositors in those five were reimbursed under the bank-deposit insurance provisions.

I have not noted that anybody on the other side has come out definitely for a repeal of any of these laws. All we have had from the other side is a deluge of generalities. They talk about waste and extravagance; they talk about undermining the Constitution, and baldly declare that the relief expenditures are being manipulated for political purposes.

It is most probable that in distributing billions of dollars in relief there have been some instances of people getting as a donation a side of bacon or a few pounds of flour which they might have been able to pay for. It is not beyond belief that in the millions of jobs provided to give people employment and so save them from humiliation and from incurring the habit of charity, an occasional shirker has not given a full day's work for his relief pay. I think most of us will agree that while such instances are deplorable there is nothing about them either in number or intent that seriously blemishes the record of having kept a multitude from starvation, assuming that several million people would have starved calmly and peacefully—which is a pretty violent assumption.

Anybody who has listened to the passionate oratory of those who would detract from the shining record of courage, ability, and efficiency made by this administration, might suppose that the money spent in relief had been burned in bales or cast into the ocean. Instead of that, it has gone through purchase of supplies and wages paid into the regular channels of trade. It has been turned over and over and most, if not all of it, continues to figure in the record of prosperity which the newspapers constantly publish. It is to be found in the increased deposits in the banks, and these deposits go out in the ordinary course of business to finance industrial enterprises.

As to the political side of it, I know of no instance where any man or woman was asked whether he was Republican or Democrat when he was placed on the relief rolls. It so happens that people get just as hungry in a campaign year as in any other year, and consequently the relief is going on now as it went on last year and the year before. The only difference lies in such modifications as result from the constant effort to find useful jobs for the unemployed and to get off the relief rolls everybody who is able to support himself and his family.

They talk of politics in connection with the relief funds. The State administrations have in nearly every instance done their own distributing. Governor Landon's State of Kansas participated in the direct relief money given or loaned by the Federal Government to the extent of \$43,326,867. Herbert Hoover's State of California was aided to the extent of \$163,793,863. Senator VANDENBERG's State of Michigan shared to the amount of \$116,236,999. Senator DICKINSON's Iowa has had \$25,952,836 as its share. Colonel Knox's Illinois gratefully accepted \$211,286,471, and Senator BORAH's Idaho welcomed the receipt of \$15,489,071. I think I have called the roll of candidates for the Republican Presidential nomination, but if I have omitted any, you may be sure that the story is the same in regard to the participation by all of them.

Six States failed to give Franklin D. Roosevelt their electoral votes in 1932. Will anybody suggest that Maine, New Hampshire, Connecticut, Vermont, Pennsylvania, Delaware were discriminated against in the matter of Federal care for their poor and unemployed?

Among the generalities of criticism constantly being charged against the administration is that the Government is in business, to the detriment of private industry. The Government is in busi-

ness just to the extent that the inability of business to take care of itself compels. Every time the R. F. C. makes a loan to a bank or railroad or corporation or a private enterprise the Government goes into business. It might be well to record here that the R. F. C.'s activities have been anything but detrimental to the national finances. The loans are being paid back more rapidly than they were issued. The last figures I heard were that the R. F. C., on such a balance sheet as would be prepared for any going concern, showed a hundred million dollars in assets over its liabilities. Would I ask my Republican friends, they be in favor of taking the Government out of business to the extent of refusing to make any more loans?

Your Massachusetts banks have participated in the R. F. C. loans to the extent of something over \$15,000,000, about nine and a half millions of this went to 39 national banks, \$3,366,000 to 8 State banks' members of the Federal Reserve System, and \$2,500,000 to 16 nonmember banks. Recently Joseph A. Maynard told the Boston Chamber of Commerce that "prosperity is riding back to New England in vehicles of ocean commerce, in increasing deposits in national banks, and in the widespread improvement in business." Exports from New England, in this same connection, were given as jumping from \$15,500,000 in 1934 to \$24,500,000 in 1935.

I think I have given you enough financial and industrial statistics. I do not expect that you will remember the figures, but I do anticipate that you will keep track of the circumstance that our economic life is a whole lot better than it was, and the reason for the improvement is that we have a national administration that was bright enough to conceive a program to lift us out of the swamp and brave enough to carry it into effect. Perhaps the job might have been done better. Perhaps mistakes were made—if such enterprises as the N. R. A. and the A. A. A., which were invalidated by the Supreme Court decisions, are to be counted as mistakes. However, I do not think that anybody can say that the country is any the worse off because of these two measures. On the contrary, we see about us every day evidences that these two agencies contributed considerably during their lifetime to the restoration of prosperity. The higher wages and shorter hours for labor, though there has been some backsliding, have set a new and better standard of employment. The benefits to the farmers served to start your mills and factories going again. It is regrettable that these laws were declared by the Supreme Court to be unconstitutional, just as scores of other laws met similar fates in other administrations. These two acts were conceived in the spirit of public welfare. Not in them or in any other act of the administration is there the slightest hint of self-interest or of special privilege.

The country realizes this. That is the secret—if there is any secret—of the popularity of Franklin D. Roosevelt, to his place in the esteem and affection of the whole people. That is the reason that when the people have their opportunity to pronounce their verdict on his performance, as they will have next November, you will find the roster of States overwhelmingly recording their faith and gratitude for what he has done. And you will find that your own good State of Massachusetts and your neighboring States will have a conspicuous share in the reelection of President Roosevelt by a greater majority than has characterized any election in our history.

PROCEEDINGS OF AMERICAN GROUP OF INTERPARLIAMENTARY UNION

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD the minutes and proceedings of the American group of the Interparliamentary Union on January 20, 1936.

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

MINUTES OF THE THIRTY-THIRD ANNUAL MEETING OF THE UNITED STATES OF AMERICA GROUP OF THE INTERPARLIAMENTARY UNION

The Thirty-third Annual Meeting of the United States of America Group of the Interparliamentary Union was held in the Senate Committee on the Library room, Monday, January 20, 1936, at 10:30 a. m., Senator ALLEN W. BARKLEY, president, presiding. The following members were present: Representatives CHARLES J. COLDEN, California; ALBERT E. CARTER, California; VIRGINIA E. JENCKES, Indiana; FRITZ G. LANHAM, Texas; FRED BIELMANN, Iowa; SAM D. McREYNOLDS, Tennessee; LUTHER A. JOHNSON, Texas; SOL BLOOM, New York; WILLIAM W. BLACKNEY, Michigan; J. J. McSWAIN, South Carolina; RALPH E. CHURCH, Illinois; WILLIAM E. RICHARDSON, Pennsylvania; and Senators FRANCIS T. MALONEY, Connecticut; E. W. GIBSON, Vermont; WALLACE H. WHITE, Jr., Maine; ALLEN W. BARKLEY, Kentucky.

The minutes of the thirty-second annual meeting having appeared in the CONGRESSIONAL RECORD of January 17, 1936, it was voted that the minutes should be approved without reading.

President BARKLEY outlined the history of the Interparliamentary Union, and the relation of the American group to that organization, as follows:

"Ladies and gentlemen of the American group, I wish at the outset to congratulate the American group upon the large and representative attendance at this annual meeting today and to thank you for giving us the benefit of your presence for the consideration of such matters as may come forward for our attention.

"I realize how busy all of you are with committee work and with work in your offices, but I know of no activity toward which you can make a greater contribution for so small an expenditure of time as the organization known as the Interparliamentary Union.

"Those of you who have not been identified with the union over a long period may be interested in knowing some of its history.

"It is purely a voluntary organization in which the members of all the national parliaments of the world are eligible. It was first organized in 1888 and claims a large part of the credit for the establishment of the First and Second Hague Conferences designed to bring about the settlement of international disputes by peaceful methods.

"The Interparliamentary Union holds an annual conference in the capital of some nation to be selected by the members of the council of the union. The American group has been represented, I believe, at practically all of these conferences, with the exception of six.

"The Congress of the United States has been associated with the Interparliamentary Union over so long a period that it has come to be regarded as a permanent participant in its activities. We entertained the Interparliamentary Union in St. Louis in 1904, at which time I believe the Honorable Richard Barthold, of Missouri, was the president; and again in Washington in the summer of 1925, appropriating on each occasion the sum of \$50,000 to help defray the expenses of the conference.

"Congress has appropriated for the expenses of the Bureau of the Interparliamentary Union since 1911. For many years we appropriated the sum of \$10,000 per annum for the support of the Union itself and for a number of years prior to 1932, Congress appropriated \$10,000 to help defray the expenses of the delegates from the American group to the annual conferences of the union. From 1932 to 1935 Congress declined to make an appropriation to help defray the expenses of the American delegates to the conferences on the ground of economy. This made it necessary for the American group to seek assistance elsewhere, or have no representation at the annual conferences of the Union. I have, since my identification with the union, felt that its activities and its possibilities were of such importance and dignity to justify the American Congress in appropriating the insignificant sum of \$10,000 per annum in order to insure the attendance of a suitable delegation representing it at these international conferences. There are many members who are interested in international peace and arbitration and in the adjustment of international problems, who could add luster to such conferences, but who ought not be expected to defray their own expenses in order to engage in this worthy public service.

"For that reason, I, together with other members of the group, became interested in securing the enactment of a permanent law authorizing an annual appropriation of \$20,000; \$10,000 for the support of the Interparliamentary Union, and \$10,000 to help defray the expenses of our delegates. Congressman LANHAM, of Texas, introduced such a measure in the House, and I introduced it in the Senate. Due to the more liberal rules of the Senate, with reference to securing consideration of measures, the Senate bill was passed and concurred in by the House; and I wish to express my appreciation to Congressman LANHAM, Congressman McREYNOLDS, chairman of the House Committee on Foreign Affairs, and other Members of the House and the Senate who assisted in the enactment of this legislation.

"As a result of this permanent authorization, we secured the appropriation called for, both for the support of the union and for the expenses of the delegates. It will be recalled that Congress had reduced the appropriation in support of the union for a number of years previous from \$10,000 to \$7,500, which was reduced to about \$6,500 because of the unfavorable exchange situation. I am glad to believe that Congress will not hereafter hesitate to make the necessary appropriation called for in this permanent law.

"Because of the lengthy session of Congress in 1935, which ran well through the month of August, we were unable to send a delegation to the conference at Brussels, which met July 26-31, 1935, and, therefore, the amount appropriated for the expenses of the delegates was not used. It will be necessary either to reappropriate this sum for 1936 or provide for a new appropriation. The result will be the same in either case.

"The nations represented at the Brussels Conference last year were: Austria, Belgium, Canada, Czechoslovakia, Denmark, France, Great Britain, Hungary, Ireland, Italy, Japan, Netherlands, Norway, Poland, Rumania, Spain, Sweden, Switzerland, Turkey, and Yugoslavia. The conference discussed four specific phases of international relations, as follows:

"1. Juridical problems, relating particularly to the codification of world law and to neutrality.

"2. The manufacture of and trade in arms.

"3. Economic and monetary problems affecting world economic solidarity and stabilization of currencies.

"4. The evolution of the representative system, especially as to the legislative function, the work of parliamentary committees, and legislative documentation.

"The resolutions adopted at the Brussels conference were printed in *World Affairs* of September 1935.

"It was a source of regret to me and other members of the group that we were unable to have a delegation at this conference. It has been my pleasure to attend a number of these conferences in the past, particularly that at Stockholm in 1921, Washington in 1925, and London in 1930.

"Some of the ablest statesmen in the parliaments of the world have attended these conferences, and it has been a source of great pleasure and inspiration to come in contact with them. I note only the names of Dr. Schücking and Dr. Lobe, of Germany, Dr. Lange, of Norway, and men of similar outstanding accomplishments in

statesmanship from the other nations of the world, to show the type of public-spirited legislators who attend these annual conferences.

"These interchanges of opinion from those who participate in legislation in the important nations of the world are extremely valuable. They enable the participants to obtain and carry home with them something of the viewpoint and the problems of other nations and thus contribute to a better understanding among the nations of the world, which in turn contribute to their peaceful and friendly solution. I wish also to mention the friendly interest and the cooperation which has been accorded to the Interparliamentary Union by the State Department of the United States. The State Department expressed a friendly attitude toward the authorization and appropriation acts to which I have already referred. It follows closely the activities of the Union, and from time to time calls upon the American group, through its executive secretary, for information and also imparts information concerning events in the international field.

"At the last annual meeting of the American group, Gov. A. J. MONTAGUE, of Virginia, tendered his resignation as president because of the condition of his health. As a result of this vacancy, I was chosen as his successor, and I wish to express my deep appreciation for the honor conferred upon me, which I was unable to do because of my absence from the meeting. I appreciate the cooperation and assistance of all the Members of the House and Senate who are interested in international affairs and in the success of efforts to bring about a closer understanding among the nations of the world regarding their problems. There has not been a time in the last two decades when friendly relations and sympathetic understanding among the nations was in greater need. All about us we hear of wars and rumors of wars and causes of international friction are constantly arising to bring overhanging clouds to the peaceful skies of international relationships. If by our activities, our association, and our education in the field of international affairs we can make any contribution to the preservation of peace and good will among the nations of the world, it will be worth a thousand times more than it cost us to participate.

"The approaching conference of the Interparliamentary Union will convene in Budapest, Hungary. It has been suggested that this meeting be held in September, because of the intense heat in Budapest during the month of August, but the date has not been definitely set. It is my opinion that if the conference is held as late as September it will be difficult for members of the American group to attend. All of the Members of the House and a third of the Members of the Senate will be campaigning for reelection, and many who are not in contests or have no contests will be engaged in the national contest. It is my hope, therefore, that an earlier date may be fixed so that we may send a representative group from the American Congress to participate in the conference at Budapest during the coming summer.

"I shall from time to time confer with members of the American group with respect to the Budapest meeting, and I shall deeply appreciate any suggestions you may feel at liberty to make concerning the work during the coming year.

"I have felt it my duty to make these preliminary remarks in order that we may all have something of the picture of the background and present possibilities of the Interparliamentary Union and of our participation in it. I shall now be glad to proceed to the regular order of business."

Upon motion of Mr. BLOOM, it was voted that President BARKLEY be requested and directed to ask the Congress to continue for the next fiscal year the appropriation of \$20,000 under the terms of the authorization as set forth in Senate bill 2276 passed by the first session of the Seventy-fourth Congress.

Communications received from Geneva relating to the finances of the Interparliamentary Union to the resolutions of the Brussels conference, and to the permanent study commissions were ordered to be placed on file.

Mr. BLOOM suggested the desirability of inviting the Interparliamentary Union to hold its thirty-third conference, 1937, in the city of Washington, D. C., in connection with the one hundred fiftieth anniversary of the signing of the Constitution of the United States of America.

The following officers for the ensuing year were unanimously elected: President, Senator ALBEN W. BARKLEY, Kentucky. Vice presidents, Representative ANDREW J. MONTAGUE, Virginia; Representative SAM D. McREYNOLDS, Tennessee; Senator WALLACE H. WHITE, Maine. Treasurer, Representative SOL BLOOM, New York. Secretary, Representative CHARLES A. EATON, New Jersey. Permanent executive secretary, Arthur Deerin Call.

Upon motion of Mr. CARTER, seconded by Mr. LANHAM, it was voted that the president of the group appoint a nominating committee of three, of which he should be one, charged with the nomination of nine members of the executive committee. For this purpose the president appointed Senator WALLACE H. WHITE and Representative SAM D. McREYNOLDS.

It was voted that the meeting recess, subject to the call of the president.

ARTHUR DEERIN CALL,
Permanent Executive Secretary.

RETIREMENT OF EMPLOYEES OF LEGISLATIVE BRANCH

MR. NEELY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter which I just received from Mr. Victor Russell, secretary to the Senator from Texas [Mr. SHEPPARD], and from Chesley W. Jurney, Sergeant at

Arms of the United States Senate, relative to Senate bill 3205, providing retirement for employees of the legislative branch of the Government.

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

UNITED STATES SENATE,
Washington, D. C., April 20, 1936.

Senator MATTHEW M. NEELY,
Chairman, Senate Rules Committee,

Washington, D. C.

DEAR SENATOR NEELY: With reference to the misunderstanding that seems to have arisen in some quarters with reference to your bill (S. 3205) providing retirement for employees of the legislative branch of the Government, and which was recently reported by the Rules Committee as a substitute for H. R. 3044, a bill designed to accomplish the retirement of legislative employees through the provisions of the Civil Service Retirement Act, we desire to present a few facts which we believe will clear up this misunderstanding and dispel whatever doubts may still exist as to the appropriateness of your bill and the desirability of its passage.

So far as we have heard, there is no opposition to the principal purpose of the bill—that of granting retirement pay to employees of the legislative branch of the Government who by age and length of service have become entitled to it. The principal criticisms that have been made of your bill are (1) that it is less desirable than the House bill, H. R. 3044, for which it was substituted; and (2) that it is discriminatory, because it allegedly provides benefits for employees of the legislative branch of the Government that are not provided for employees of the executive branch of the Government by the Civil Service Retirement Act.

In answer to the first one of these criticisms it is only necessary to read carefully the Civil Service Retirement Act under which the House bill would attempt to retire employees of Congress to become convinced how wholly unsuited and inapplicable that act would be to the situation that exists here at the Capitol, where methods of appointment, conditions of employment, and certainty of tenure are distinctly different than they are in the departments and bureaus of the executive branch of the Government, for which the Civil Service Retirement Act was especially and specifically designed. The Senate Rules Committee therefore did the logical and proper thing in striking out the House bill, H. R. 3044, and substituting therefor your bill, S. 3205, which was prepared especially to meet the retirement problems of congressional employees, and which had the approval of all the Senate officials and employees with whom we have discussed the matter.

The charge that your bill confers greater benefits upon legislative employees than the Civil Service Retirement Act does upon employees of the executive departments is wholly false and misleading. In fact, just the opposite is the case. This particular criticism is undoubtedly the outgrowth of the erroneous but somewhat prevalent belief that the monthly deposits which civil-service employees place with the retirement and disability fund are applied to offset or lessen the amount which Congress appropriates for their retired pay. A reference to section 4 of the Civil Service Retirement Act will correct that impression, however, for it is there made clear that each civil-service employee who retires receives from the Government through appropriation by Congress, retired pay, or pension, at the rate of \$30 per year for each year of his active service. In addition, however, he receives from the civil-service retirement and disability fund the returns from an annuity which has been purchased with the savings he has deposited therein and which have been compounded annually at 4 percent during the period of his active service.

The deposits which the civil-service employee makes from his monthly salary, therefore, are simply a savings and investment account from which he draws a good return. The deposits, however, have no relation to, and do not affect in any way the straight retirement pay or pension which is appropriated for him by Congress. The additional benefits which he receives from the retirement and disability fund are made possible by the fact that Congress originally appropriated that fund and continues to make substantial contributions to it. Hence, if there is any discrimination in your bill it is against the legislative employees instead of in their favor in that it does not appropriate any retirement and disability fund in which they may invest their savings and purchase annuities.

In answer to the query that has been raised by a few, as to why your bill does not include such a savings and annuity system, you will recall that when your committee was considering the matter it was brought out that to set up such a system it would be necessary to employ various actuaries, accountants, stenographers, and clerks to handle the accounts and financial transactions of the thousands of employees who every few years pass over the rolls of the disbursing offices of Congress. Hence when it was shown that scarcely a handful of those thousands of employees ever remain here long enough to become eligible for retirement, it became apparent that the inclusion of such a system in your bill would be both unwarranted and unwise, for it would make the administrative cost of providing retirement to the few who eventually become eligible for it, as great or greater than the retirement pay granted them. Your committee, therefore, very logically confined the retirement benefits to be accorded those employees of Congress, who by age and length of service become entitled to them, to the straight retirement pay of \$30 per year for each year of service—the same sum that is granted all retired

civil-service employees, with a slight increase for that extremely small group who have had over 25 years of service.

The simple, logical, and inexpensive plan for retirement of legislative employees embodied in your bill is without doubt the most suitable and acceptable arrangement that has been offered on the subject. All of the employees with whom we have talked feel indebted to you and the other members of the Rules Committee for reporting it out, and since some feasible plan for the retirement of congressional employees has been in contemplation for the past 16 years we are naturally hopeful that your bill may pass before the close of the present session.

It was hardly to be hoped that the bill would escape criticism. Fortunately, the criticisms that have been offered are not serious as they reflect quite clearly a lack of understanding of the various facts and the background on which your bill is premised. They also indicate a lack of familiarity with the nature and purpose of retirement systems in general. We believe, however, that with these matters clarified your bill should commend itself to the favorable action of the Senate and House alike.

Yours very sincerely,

VICTOR RUSSELL,
Secretary, Senator Sheppard.
CHESLEY W. JURNEY,
Sergeant at Arms, United States Senate.

FLORIDA ATLANTIC-GULF CANAL

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me from John L. Bogert, editor, Memorial Society of Naval Architects and Marine Engineers, under date of April 18, 1936, relative to the Florida canal.

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

THE MARINE NEWS,
New York, April 18, 1936.

Hon. DUNCAN U. FLETCHER,
Senate Office Building, Washington, D. C.

Re the Florida canal.

MY DEAR SIR: The failure of Congress to make adequate appropriation of funds to continue the construction of the Florida canal would be a serious mistake.

The statement that if built it would injure Florida agriculture and never be used by steamships is an absurd piece of propaganda in the interest of the railroads. The history of Holland gives the lie to the first part of that statement. The absurdity of the second part is evident from the fact that its use will reduce the time of the voyage by 1 whole day in sailing from Atlantic to Gulf ports.

Buenos Aires is 7,178 statute miles from Liverpool. If the Florida canal is dug, its use will place United States farms 2,292 miles up the river from New Orleans, no farther away from Liverpool than Buenos Aires. In my opinion, it is a most important link in the intracoastal waterways of the Atlantic and Gulf coasts.

Respectfully yours,

JOHN L. BOGERT, Editor,
Memorial Society of Naval Architects and Marine Engineers.

RURAL ELECTRIFICATION—ADDRESS BY HON. JOHN E. RANKIN

Mr. NORRIS. Mr. President, I have a copy of a radio address delivered by Hon. JOHN E. RANKIN, Member of the House of Representatives from Mississippi, on the subject of The New Frontier—Rural Electrification. I ask unanimous consent that the address may be published in the CONGRESSIONAL RECORD.

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

THE NEW FRONTIER—RURAL ELECTRIFICATION

Mr. RANKIN was introduced as follows:

"One of the most earnest and best informed men in Washington on the subject of rural electrification is Hon. JOHN E. RANKIN, who represents the first district of Mississippi in the House of Representatives.

"Mr. RANKIN has been one of the leaders in the House for the administration's power policies.

"More recently he assisted in the fight in the House for the bill which makes permanent the Rural Electrification Administration and authorizes Federal loans of approximately \$400,000,000 over a period of 10 years, to bring electricity to the farm homes of the Nation.

"He is known as the father of rural electrification in the South.

"Mr. RANKIN will now address you on the subject I have indicated. Congressman RANKIN."

Mr. RANKIN. My friends of the radio audience, I want to thank the National Grange for inviting me to address you at this time on one of the most vital questions that ever confronted the American farmers—that of rural electrification.

We are now engaged in the conquest of a new frontier, clearing away the underbrush of drudgery and privation, exterminating the wolves of loneliness and poverty, driving out the ruthless savages of greed and extortion, and laying the foundation for the future development of what is to us the most sacred of all earthly habitudes—American homes.

Through our program of rural electrification we are making it possible for the farmers and their wives and children to enjoy the blessings of this modern electric civilization in which we live.

We are taking to the people in the rural districts all the advantages of city life, but leaving behind those demoralizing influences from which it seems that city dwellers cannot escape.

We can never have national prosperity until we restore the prosperity and improve the living conditions of the people in the rural districts, the farmers who produce the raw materials to feed and clothe the world—who fight the Nation's battles in times of war and sustain its institutions in times of peace.

This can be done by providing them with cheap electric energy with which to light their homes, their barns and outhouses, pump their water, operate their radios, washing machines, vacuum cleaners, electric stoves, feed grinders, and other electrical appliances necessary to lift the burdens from the shoulders of the farmer and relieve his wife and children of the nerve-racking, back-breaking, health-wrecking, and youth-destroying drudgery that has so long been the lot of country women in the average farm home.

Although the use of electricity for the purpose of lights and power originated in America, yet we are far behind practically every other country in the world in rural electrification. While less than 10 percent of our farms in the United States have electricity, and most of them are charged three or four times what it is worth, foreign countries have electrified their rural homes at reasonable rates. For instance, France has 90 percent of her farms electrified, Germany 90 percent, Norway 90 percent, New Zealand 65 percent, Japan 90 percent, Holland and Switzerland 100 percent. They have all their farms electrified.

What we are trying to do is to electrify every farm home in America at rates the farmers can afford to pay.

We have just passed through Congress a bill providing \$410,000,000 to be loaned to the farmers of this country through the Rural Electrification Administration during the next 10 years for the purpose of building rural power lines, etc., and supplying the farmers with cheap electric lights and power. These loans are to be made, as a rule, to States, counties, municipalities, or cooperative nonprofit associations operating for the purpose of supplying electricity to the farmers at the lowest possible rates. These loans are to extend over a period of 25 years and bear interest at the rate of about 3 percent.

I started this movement in my home district in Mississippi a few years ago by organizing county electric-power associations. In some instances we put two or more counties together. We buy our power at wholesale from the T. V. A. at about 6 mills a kilowatt-hour. You can do the same thing. If you are not within the distribution radius of the T. V. A., Boulder Dam, Grand Coulee, or some other public power project, you can buy your power at wholesale or generate it yourselves through a local plant for anywhere from 5 to 8 mills a kilowatt-hour. Then you can sell it at retail at practically the same rates our farmers in the T. V. A. area are paying, which are as follows: First 50 kilowatt-hours per month, 4 cents a kilowatt-hour; next 50 kilowatt-hours per month, 3 cents a kilowatt-hour; next 100 kilowatt-hours per month, 2 cents a kilowatt-hour; next 200 kilowatt-hours per month, 1 cent a kilowatt-hour; next 1,000 kilowatt-hours per month, 4 mills a kilowatt-hour.

This not only pays for the electricity but also amortizes these rural lines in less than 20 years. This is all these farmers will ever have to pay, and we hope to get these rates reduced.

I have before me a large stack of letters from farmers who are now being served through our rural electrification program. One of them says, "It is the most wonderful thing that has ever happened to the farm homes." Another one says, "It is better than a gold mine or an oil field." Another says, "It means the difference between drudgery and luxury."

I have just tabulated reports made by 159 of these farmers, and I find that 156 of them have radios, 144 have electric irons, 80 have electric fans, 28 have washing machines, 24 have vacuum cleaners, 24 have water pumps, 34 have electric ranges, and 80 have electric refrigerators.

Here is one who has lights in his home and garage, a radio, electric refrigerator, electric iron, percolator, vacuum cleaner, electric fans, toaster, and waffle iron, washing machine, and water pump. Last month he used 95 kilowatt-hours of electricity, for which he paid \$3.40, including \$1 payment on his line. This serves a family of five people.

Here is one who has lights in his home and his barn, a radio, electric refrigerator, electric iron, electric range, fans, washing machine, water pump that supplies water for his family and 60 head of stock. Last month he used 111 kilowatt-hours of electric energy, which cost him \$3.72, including \$1 payment on his line.

Another one uses lights, radio, refrigerator, electric range, and water pump. Last month he used 146 kilowatt-hours of electricity, which cost him \$4.42, including \$1 on his line.

Here is one who has lights in his home, barn, and garage, a radio, electric refrigerator, electric iron and vacuum cleaner, electric fans and water pump. Last month he used 45 kilowatt-hours of electricity, which cost him \$1.80, including 45 cents to pay for his line.

I could quote hundreds of these messages, but this will give you some idea of what can be done through rural electrification to make the farmer's home brighter and to relieve it of drudgery and make farm life so attractive that your children will not want

to leave the farm and crowd into the congested tenements of our already overcrowded cities.

This is the greatest farm-relief movement of all time. It will take people back to the farm and will double the values of farm homes. It is like the dawning of a new civilization.

I wish you could all read the mail I get from farm women, expressing their gratitude for what this cheap power is doing to relieve their burdens and to brighten their lives.

If every farmer in America realized exactly what this means they would join in this movement with the enthusiasm of a crusade—wake up their public officials and demand that they represent them openly and aboveboard in this great struggle for human justice.

If every farmer and every official will join us in this fight, we will electrify every farm home in America at the T. V. A. rates and make this the most prosperous, the most powerful and most contented agricultural country the world has ever known.

NORRIS DAM—ARTICLE BY R. L. DUFFUS

MR. NORRIS. Mr. President, I have here an article published in the New York Times of last Sunday, entitled "A Dream Takes Form", written by Mr. R. L. Duffus, having to do with Norris Dam in the T. V. A. I ask unanimous consent that it may be printed in the RECORD.

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

[From the New York Times of Apr. 19, 1936]

A DREAM TAKES FORM IN T. V. A.'S DOMAIN—THE VISITOR DISCOVERS IN THE VALLEY A LABORATORY DESIGNED TO CHALLENGE THE LIFE OF MILLIONS

By R. L. Duffus

NORRIS, TENN.—The storms which have whirled and whistled through the New Deal agencies during the past year have left one—the one of which the President is probably proudest—intact. Despite hurricanes, whether political and figurative or shockingly real, the T. V. A.'s banners still wave over the ramparts of great dams from Norris, on the Clinch, above Knoxville, to Pickwick Landing, in southwestern Tennessee. Where armies marched and fought in the War between the States, T. V. A. linemen are stringing wires. Where the flatboats of the pioneers slid down muddy, swollen streams, where two or three generations later the Union gunboats crawled, cranes and steam shovels are at work. The thunder of the cement mixers would drown out all but the heaviest artillery.

The T. V. A. is a dream taking tangible form, of surpassingly more importance than any bickering between Government and private enterprise as to which shall furnish electricity. It is the first organized attempt in American history to manipulate the destinies of an entire watershed and its people.

Whether this attempt is wise or unwise, a menace or a rainbow, depends entirely on one's point of view. The facts are visible for friends and opponents alike to see. There can be little dispute as to what the Tennessee Valley has been or as to what is now happening to it. If the power issue is for the moment laid aside, there can be no question that the essential thing that is happening in the valley now is not coercion but education. The famous power "yardstick" does exist and will certainly compel power companies in the valley to lower their rates and scratch gravel for new customers. But the stick that the observer on the spot is likely to think about, whether the spot is a gigantic dam or an electrified village, is the school teacher's pointer.

Nor was there ever a class or a laboratory quite like this, over which preside Dr. Arthur E. Morgan, president of Antioch College; Dr. Harcourt A. Morgan, former president of the University of Tennessee; and David E. Lilienthal, lawyer and rate expert.

The classroom includes parts of seven States, or a total area of more than 40,000 square miles—about the size of Kentucky. It looks out on a much wider area over which T. V. A. electricity and T. V. A. gospel will be distributed. The class is 2,000,000 strong, with 4,000,000 more outside the valley but within T. V. A. influence.

The laboratory demonstrations set up for the edification of the T. V. A.'s pupils are tremendous in magnitude. Six great dams are completed or being built. Power plants in operation before the year is out will yield 205,000 kilowatts 24 hours a day and 365 days in the year. Future installations may raise this total, on existing and proposed dams, to 660,000 kilowatt-hours.

In its recent report the T. V. A. suggested five new dams—at Fowler Bend, on the Hiwassee, in North Carolina; the Fontana Dam, on the Little Tennessee; and dams at Watts Bar, Gilbertsville, and Coulter Shoals, all to be completed by 1944.

Dams and dredges will deepen the river until a boat drawing 9 feet of water can safely steam from Paducah to Knoxville. Mighty reservoirs will hold back the floodwaters and maintain the channel depth at slack seasons. Behind the reservoirs, on mountain farms, on fertile or once fertile lower slopes, the processes of erosion are being arrested by proved methods. From the old nitrate plant no. 2 at Muscle Shoals phosphate fertilizer is going out to demonstration farms to bring moribund acres back to life. Near dam sites new model villages have sprung up, some of them destined to be permanent.

But these physical things are tools, not ends, in themselves. When the Tennessee Valley Act was passed 3 years ago most people,

even in Washington, were thinking of the valley in terms of electric power. Those terms are still valid, but the objective has broadened until it has become the revivification of the life of a people. Whatever the validity of the means adopted, the conception has elements of splendor.

Large areas of this region have been blighted by wrong uses of the land, by the wash of a myriad of little streams carrying away the fertile topsoil, by the long after effects of an old war, by that war's destruction of an old social and economic system which was never adequately replaced. Traveling through it one comes again and again on the traces and monuments of 70-year-old battles—at Nashville, Franklin, Chickamauga, Chattanooga, and many other less familiar fields. From bloody Shiloh, near the new Pickwick Dam; from Corinth, in Mississippi, where old trenches can still be seen, eastward to the heights of Lookout Mountain, the armies reeled and flowed, leaving their debris of dead and dying men, trampling down crops that, in one sense, never grew again. Then silence fell, and not until recently, over large areas, was it broken.

The valley is one of tremendous contrasts, in the shape and nature of the land, in climate, in the education and general welfare of the people. It has modern cities, like Knoxville and Chattanooga. It has bleak cabins on dreary upland acres, where life has changed but little since some pioneer wagon broke down, some horse or mule went lame, and a family's migration was halted, a century or a century and a half ago.

Corn holds sway in the mountains of the northeast—sometimes as grain, sometimes as illicit liquor; in the center and in the west the land of cotton thrusts into Tennessee out of Georgia, Alabama, and Mississippi. In the east streams tumble down wildly out of the hills, the Tennessee hurries past Chattanooga and Shiloh, but at Paducah it moves quietly enough, broad and muddy, into the Ohio.

Some symbols run clear across the valley, from east to west, from north to south. One is the mule, descendant, perhaps, of a stock that used to be bred in old Mexico and brought eastward and northward over the Santa Fe Trail. The number of mules in the Tennessee Valley is prodigious. Over almost every road, from the muddy byway, where motor cars venture at their peril, to the concrete highways ambles the mule, sometimes ridden, sometimes attached to a rickety cart. Too often he is an emblem of poverty and of slow, heavy time, to which no value is attached.

Another symbol of the "breeze way" or "dogtrot" cabin. Long ago a pioneer whose family was expanding built a second log cabin end-on to the first, connected the two with a floor and roof but no walls, and produced the first "breeze way." The idea was good, for its day. But the "breeze-way" has come to stand for a poor way of living, on poor land, with little or no stock, on a limited diet, without sufficient schooling or adequate medical care, without plumbing, without electric lights, without telephone, with a narrow and constricted social life.

Good land, well cultivated, grows better houses than this, as one sees readily enough when one goes north from Florence, in Alabama near Muscle Shoals, through the Tennessee blue-grass country toward Nashville. Here the fields look as rich and the common farmhouses as neat and comfortable as those of Iowa, and many a gracious and dignified old plantation house with lofty porticos and well-kept grounds still stands. Is this part of the valley inhabited by a more intelligent and industrious race than other parts? No; it is underlaid by phosphate deposits which elsewhere are lacking and which here enrich the soil.

The valley is a pageant, sometimes sad, sometimes smiling, nearly always beautiful. Often, following down along the bottom lands of some yellow river one is amazed at the loveliness of hills and plains. Here one would look for happy farms, for fat herds of cattle, for orchards bursting with spring into blossom, even for vineyards ascending the sun-soaked slopes. And more often than not these blessings are not there.

The smoky vistas are sweet in the soft spring light; but in rickety and unpainted dwellings, in the absence of cattle, in the deadening sense of discouragement, one finds proof that something is wrong. At dusk many a cabin is dark or lighted only by the flicker of open fires. The roads—even those marked red on the automobile maps—vary amazingly from concrete to macadam, from macadam to dust or mud.

The trouble is not that people in the valley prefer mules to automobiles, wells and springs to plumbing, darkness to light, mud to concrete. They want these good things, but they do not grow in a depleted soil. They do not grow on cruelly gullied hillsides, on slopes where red and gray patches show that the topsoil has washed away, on land that has lost its nitrates and phosphates. They cannot be grown by a discouraged people, no matter how good the human stock from which those people are bred. And good stock it is—90 or 95 percent of the T. V. A.'s labor force has been recruited from the neighborhoods in which it is employed, and no one who sees it in action or sees what it has accomplished will sneer at it.

The traveler must not yet look for miracles—and yet he will find a few. He will find the practically completed Norris Dam, 25 miles above Knoxville, set as precisely as a jewel between two high banks that were virgin 3 years ago. At Joe Wheeler, a few miles above Muscle Shoals, he will see another new dam, also practically completed, stretching like a white causeway across the wide stream; at the old Wilson Dam at Muscle Shoals he will hear the whir of generators and see smoke rising and drifting in the misty air from the tall chimney of the fertilizer plant.

Fertilizer is not a poetic subject, but there is poetry of a modern sort in the grinding and mixing of rock, in furnaces where flames surge to temperatures of 2,850° F., in yellow dust going out to give life to dying soil. There is poetry in a sack of phosphate that will make rich crops grow where scrawny ones grew before.

The traveler will see three dams in the making—at Chickamauga, just above Chattanooga; at Guntersville, in Alabama; at Pickwick Landing, in Tennessee. He will see that the making of a dam is a miracle. North Chickamauga Creek is in the way; the engineers will give it a new channel and bring it out below their dam. They want to know what there is under the water to hold up their earth and concrete bulwarks; they drill fanatically, bringing up many thousands of feet of rock cross sections. They draw roads, culverts, switches, buildings, locks, embankments, on a map, and in time those things are there on the surface of the earth.

At Pickwick this spring one could see a dam-building bee in full career. Dam building is a man's job. The huge concrete mixer towers perilously. The machines are stopped. Men sluice them out, then crawl inside. They merge. The thunder begins again.

Down below the engineers have constructed a cofferdam of steel sheet piles driven in 60-foot circles, filled in with sand. Inside this dam a massive lock is being built—the highest single-lift lock in the world. The cement comes out into huge buckets, a crane lifts them as a farm boy would swing a milk pail, flits them just above the heads of men working in the lock. A Negro jumps to a lever at the bottom of the bucket, throws his full weight on it, the bucket disgorge and men settle its contents into place with vibrators driven by compressed air.

The April high water topped the cofferdam. Warned 36 hours in advance the engineers took out all equipment that water could damage and let the river in. The flood crest, 2 feet above the walls, did no harm, and as the river dropped the engineers were ready to pump out and resume work.

Over the hills, straddling down from Norris, comes a line of tall towers. They will carry Norris power down the valley. Three important cities—Knoxville, Chattanooga, and Memphis—have voted to use T. V. A. power. Dayton, where the famous "monkey trial" took place and William Jennings Bryan died, is a T. V. A. patron; Florence, Sheffield, and Tuscumbia, near Muscle Shoals, will take T. V. A. power when some legal difficulties have been smoothed out; Corinth and its county of Alcorn already have it; Tupelo, in Mississippi, a tragic storm center in the recent hurricane, has it and uses it in amazing quantities.

In or near Corinth you can see some demonstrations of what electricity on the farm can do: a poultry raiser enlists it to keep even temperature in his brooders and incubators; a gardener heats his seedbeds with it and makes sweetpotatoes, tomatoes, and eggplant grow at a season when Nature never intended them to do so; a farmer uses it to kill harmful bacteria in his soil. This is a beginning, a mere inkling of what electricity can do on a farm. It can pump, grind, refrigerate, saw, milk. It has scores and scores of uses.

Agricultural colleges, experiment stations, and county agents in parts of the seven States are studying furiously to see what can be done in the valley with new supplies of electricity, fertilizer, and hope. Six thousand farmers' clubs are conducting experiments under expert direction.

Three years ago critics of the T. V. A. had a standing argument. Electricity, they conceded, would be a fine thing on the farm. But could the Tennessee Valley farmer pay for it? One had only to look at the farmer and his home to realize that he had little cash. How could he take on a new luxury?

The T. V. A.'s answer to this argument, which is here offered for whatever it may be worth, is that electricity on the farm is not a luxury but an economy. First, says the T. V. A., you fill up your gullies, terrace your land, strip plow your slopes, and let the water flow down as slowly as possible. You collect the water behind dams and produce power. You use part of this power to make phosphate fertilizer, and with the fertilizer you grow legumes which enrich and hold your soil. You use some of the rest of the power on the farm itself. You diversify your farming, especially if you have been depending on the soil-murdering cotton as your one crop. You raise vegetables, berries, fruits; you raise fodder crops and feed them to dairy cows and meat cattle.

Electricity makes your labor more productive; the one-mule farm becomes an electric farm. You build a big walk-in electric refrigerator, either alone or in cooperation with your neighbors, and in it you store your meat and other perishable products until the market will absorb them at a good price.

As your cash income increases you can spend more on your land and on yourself and your family. You will be able to pay your taxes, and your community can support better roads, schools, and other public services. The vicious cycle of crop failures, defaulted taxes, poverty, and community decay will be reversed. In time industries can be brought in. At the beginning, at least, they will process the valley's own agricultural and mineral products, furnishing more employment and keeping more money at home.

To carry out this program the T. V. A. must educate the farmer, or, better still, persuade him to educate himself. Perhaps the word education suggests indoctrination. Perhaps it suggests millions of Russians being turned into communists by not being allowed to hear any other gospel. Perhaps it suggests millions of Germans compelled to goosestep from the cradle to the grave, millions of Italians getting their view of the world through Mussolini's eyes.

This isn't the sort of education the T. V. A. has in mind. The T. V. A. rests its case on giving advice as to the best ways of doing things and leaving it to individuals and communities to decide for themselves how the advice works out.

The T. V. A. doesn't even pretend to have arrived at final truths. It is trying to bring to the valley a new technique of running farms and using electricity in towns and cities. Such a technique cannot possibly be final.

Mainly the T. V. A. believes in learning by doing. It is convinced that demonstrations of better farming, of wiser and more ample use of fertilizers, and of the services of electricity will prove irresistible. It looks to see the leaven spread naturally through the valley.

If this leaven does spread in the valley of the Tennessee, it cannot help affecting other American valleys. Consider the basic reasoning behind the T. V. A.: A river valley is the most perfect geographical unit. Its people are interested, as a whole, in the control and use of the river. Piecemeal planning will not provide for such control and use. A river as large as the Tennessee cannot be developed by private enterprise—the job is too big and there are too many uncertainties in it. Therefore Government must do the developing and private enterprise can step in where Government leaves off. Between Government and purely private enterprise there will be a natural growth of cooperative associations, particularly in the rural regions.

Other river valleys would furnish other problems. The Ohio, already practically canalized by its chain of locks and heavily industrialized, would require an altogether different treatment; the Missouri and the Arkansas, flowing for long distances through dry and sparsely settled country, would be still another sort of picture puzzle to put together.

But the principle of dealing with rivers and river valleys as wholes is undoubtedly involved in the Tennessee experiment. If that experiment succeeds, it will certainly be tried elsewhere.

VAN A. BITTNER

MR. HOLT. Mr. President, I ask to have printed in the RECORD a statement by me about Van A. Bittner.

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

I want to call to the attention of those interested in unionism in West Virginia the record of Mr. Van A. Bittner.

Mr. Bittner called at my office not once but on five different occasions, and each time requested me not to fight Walter Thurmond, internal-revenue collector for the State of West Virginia. I asked Mr. Bittner how he could do that, since Thurmond had been one of the bitterest foes of unionism in the State and had been president of the Logan County Coal Operators Association during one of the worst industrial strife in the history of the United States. Miners were beaten, clubbed, and gagged. His reply was that we could forget those things because of the coming election.

I read to Mr. Bittner the letter Walter Thurmond sent to President Harding in 1921, in which he said:

"Our information is, and we believe that investigation in Kanawha and Boone Counties will show, that thousands of men went into the recent revolt and attacked citizens of our country, went under coercion and threats of death by their leaders. Our information is these men were drafted for service and were notified by their leaders that if they did not respond they would be either hanged or shot and that the so-called spontaneous uprising by the United Mine Workers was the result of a deliberate, well-laid plot by the officials of that organization, who dominate their members through fear of an invisible government, with power of life and death over its members. This death penalty was inflicted by this organization on some of its members within the past 2 weeks.

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"This has prevented the organizers of the United Mine Workers from coercing and intimidating our employees into joining the United Mine Workers; and when they have been prevented from violating the laws of our State, they immediately accused the officers of the law, who prevent them from carrying out their unlawful acts, of being thugs, outlaws, and gunmen, which they themselves are doing, this for the purpose of covering up their own unlawful acts. We submit to you, as a peaceful, law-abiding community, with an industrious, contented industrial population, with no semblance of labor trouble or disturbance, our county has been subjected to greater indignities and outrages at the hands of members of the United Mine Workers of America from Kanawha, Boone, and other counties than has ever been suffered by any community of American citizens in the history of our country, and if our Government permits thousands of men to organize and arm themselves and march against the inhabitants of a peaceful county, with threats of arson and murder against the population thereof, without any adequate punishment therefor, we seriously fear that the days of free government in this country are numbered."

That is what Walter Thurmond thought about the United Mine Workers when the field was unorganized. Yet Mr. Bittner asked me to accept Thurmond.

I am calling to Mr. Bittner's attention the testimony that he gave before a committee of the United States Senate in 1928 about Walter R. Thurmond and also testimony of Walter Thurmond in the district courts of West Virginia in which he admits that they paid \$61,517 one year and \$46,630 for another year for the employment of deputy sheriffs to patrol the mines, and that he had contributed \$15,000 for the prosecution of the United Mine Work-

ers in the State courts. I need not call to the attention of those in southern West Virginia, in Logan and Mingo Counties, the activities of Walter Thurmond; but it is my desire to call to their attention the recent moves of Van Bittner to join with Mr. Thurmond in his political activities. I need not call to the attention of one who has lived in Logan County how the Baldwin-Felts thugs were used to beat up the miners who were fighting for their just dues.

Yet Mr. Bittner says: "I know Walter is with us now!"

If men like Thurmond had control in West Virginia now, there would be no United Mine Workers or any other union labor.

When the local unions of Logan County passed resolutions condemning Walter Thurmond and praising President Roosevelt, Mr. Bittner went to Logan County and prohibited any further resolutions. I requested him, in a letter and wire to him, to explain this action; and he said, "My criticism against local unions passing these resolutions was general. It is necessary for us to have discipline." * * *

"We do this in order to present a solid front in protecting the best interests of our people."

Much the same situation is true in northern West Virginia, where Mr. Bittner endorsed and pushed the candidacy of C. E. Smith, who for years was an outstanding foe to unionism in that section of the State when unions were weak. I have placed in the RECORD Mr. Bittner's own testimony about Ned Smith, and also can call to your attention the well known "good morning" column written by Ned Smith, where the laboring men were said to be guilty of every crime on the calendar. I do not intend to accept these overnight friends like Smith and Thurmond, who are now claiming to be friends of labor, but when they had the opportunity tried to destroy unionism in every way possible.

Mr. Bittner pleaded and begged with me not to fight either Smith or Thurmond. I did not accept his judgment. Also he overlooked the matter regarding Mr. Thurmond's connection with the Coal Operators Association. The miners in Logan County know about Walter Thurmond's activities in behalf of the yellow-dog injunction; and yet Mr. Bittner says Walter is a fine fellow, and begged me not to call attention to this publicly.

Also, I would like to show Mr. Bittner's attitude on the scrip bill in the legislature.

The miners in West Virginia have for years been trying to get away from being paid in scrip. A bill known as house bill no. 51 was introduced and passed in the house of delegates. Immediately Van A. Bittner addressed a letter to the house against the bill. This can be found on page 9, February 4, 1935, House of Delegates Journal. He specifically says that the bill which would do away with scrip "is a fantastic proposition that will help no one, and will create considerable trouble in the mining industry in our State." He also says, "If a law is enacted making scrip transferable and payable at face value, then we will be faced with condition among many men in the mining industry of scrip being made legal tender and no money for wages will be paid at all." Also—

"The only trouble that has ever been reported to me relative to the issuance of scrip since the signing of the wage agreement is that some men draw scrip and have it cashed by pawnbrokers or others at a discount; and if a law was passed making scrip transferable and payable at face value, this condition would become worse, instead of better."

Further, he says:

"We are certainly not going to assume an attitude of being in favor of any bill before the legislature that simply inconveniences the operators and brings no good whatever to the miners and their families."

The bill was passed, but Mr. Bittner was at work to force reconsideration, and today scrip is being issued in West Virginia because Mr. Bittner helped kill the bill that would do away with scrip. I myself have always felt that the miners should be paid in cash, and they should not be forced to accept scrip.

Is Mr. Bittner the friend of labor when he does these things?

I intend to issue later a statement to labor relative to the autonomy situation, in which I will show that Mr. Bittner has beaten down and forced out every move to allow the miners in district 17, of which he is president, the right to vote on their own officers. The miners themselves cannot oppose Bittner, who rules with an iron hand, with no regard for the miners' wishes.

Mr. Bittner is trying to sacrifice labor to build up his own selfish and personal career.

MISSISSIPPI RIVER FLOOD CONTROL

The Senate resumed the consideration of the bill (S. 3531) to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928.

THE VICE PRESIDENT. The question is on agreeing to the first amendment reported by the Committee on Commerce.

MR. VANDENBERG. Mr. President, the pending bill is the \$272,000,000 Overton flood-control bill in respect to the lower Mississippi River. I wish to speak only briefly concerning it, and chiefly for the purpose of putting the Senate on notice respecting the size and expense of the challenge in relation to flood control as a whole, which is rapidly accumulating for our attention. It ultimately becomes a staggering

contemplation from a Treasury and taxpayer standpoint. We dare not confront a segment of the problem by itself. We must take the ultimate problem as a whole.

This happens to be only one of numerous flood-control proposals which this Congress will confront. It seems to me worth while, I repeat, to understand generally the nature and extent of the complete problem before we undertake to deal with any of it on a piecemeal basis.

Of course, flood control is very difficult to discuss objectively. It involves a dramatic challenge to the human heart against which no one would wish to seem to stand. None of us would be parsimonious in dealing with a flood problem. As I have frequently told the distinguished Senator from Louisiana [Mr. OVERTON], the author of the pending bill, I want to go along with him in respect to any realistic and practical answer to the problem insofar as it fits into the general scheme of things.

It is a perfectly natural inclination to move quickly to the rescue whenever this dramatic flood-control situation challenges the attention of the Congress; but this should not blind us to the inevitable fact that "haste makes waste." While I would not measure dollars against human lives in respect to a contemplation of this nature, nevertheless I repeat we must be realists and we cannot safely escape the hard fact that a tax flood—I repeat the phrase, "tax flood"—can be as devastating and deadly often as are the cruel forces of Nature upon occasion. In other words, we must temper the generosity with wisdom. We must be prudent and practical.

Mr. President, against that general statement I want briefly to recite to the Senate what is waiting for its attention in respect to this general problem, because I do not believe we can deal with one sector intelligently and wisely except as we understand the thing as a whole.

I am referring chiefly to the fact that in the Commerce Committee of the Senate there is still pending a so-called omnibus flood-control bill which at one time had reached a total authorization in excess of \$700,000,000, which subsequently has been cut back by the Commerce Committee to the neighborhood of \$400,000,000, but which is now again in a process of rewriting which, in my humble judgment, may carry it literally into the billions of dollars. We are a rich Nation; but there comes a time when even our resources may be exhausted. It is not the habit of the time, in respect to expenditures, to count the cost. I decline to go along with any such prodigal philosophy, whether it deals with floods or anything else.

Heretofore we have contemplated Federal responsibility in connection with floods largely on the basis of major stream problems as in the Mississippi Valley, where there is a definite and specific interstate responsibility. Even in the acceptance of that interstate responsibility in these few larger situations we have always built upon the basis of local contributions. These are our traditional precautions.

Mr. President, the Commerce Committee 1 week ago voted 9 to 4 in favor of an amendment to the omnibus flood-control bill; an amendment which in terms would practically accept Federal responsibility for every flood condition in the United States, whether it be interstate or local. Furthermore, that committee voted 9 to 4 to abandon the one and only check against extravagance and against "pork barrel" flood legislation when it voted to abandon local contributions.

Mr. President, if we are going to abandon local contributions, and if we are going to accept Nation-wide responsibility for every flood condition which exists anywhere in this land, it represents an ultimate equitable responsibility of a minimum of \$8,000,000,000 and probably more. This is the naked reality.

After the committee had thus taken what to me was an amazing step and had voted thus to abandon utterly the traditional safeguards with which Federal responsibility heretofore has been surrounded, it was reported to the committee that a bill of this nature probably would be vetoed by the President. I hope the report is true, because if any bill ever deserved a Presidential veto it would be a bill which would accept Federal responsibility for every flood condition in the

United States and completely abandon the philosophy of local contributions.

When this rumor reached the committee, the chastened committee voted to reconsider its previous action, and it was reconsidered, and the matter now stands in a state of flux. That seems to be a paradox, to be standing in a state of flux, but I think the Senate will understand what I am trying to say. It remains to be seen what the final decision of the Commerce Committee will be, and ultimately, of course, what the final decision of the Senate will be upon this tremendously important thing. I am unwilling to go ahead with the Overton bill without reminding the Senate of these other considerations.

The trouble is that flood control heretofore has been chiefly dramatized upon the Mississippi River, where everybody concedes there is a national responsibility. More recently we have discovered the even more dramatic flood challenge in the upper reaches of tributaries of the Mississippi River and in many unrelated sections of the country. We confront the inevitable problem of assessing and measuring our responsibility in all these other flood situations, because any rule which is announced for one section of the country we must be prepared equitably to apply to every other section of the country.

There is where the general problem rests at the present time. It rests in an undecided question before the Commerce Committee, which may ultimately bring us a flood-control policy involving an ultimate immeasurable responsibility which may run into eight, ten, fifteen, or twenty billions of dollars. So far as I am concerned, I want to put my colleagues upon notice that we must be exceedingly careful lest we establish any piecemeal precedent which will encourage and approve this larger, final net result. In such circumstance precedents become of major importance.

So far as I am concerned, I am not disposed to challenge the Overton bill in its major phases after it shall be amended, as I understand the distinguished senior Senator from Louisiana [Mr. OVERTON] intends to ask that it be amended. Nevertheless, in the face of all the balance of the flood-control challenge which is waiting to roll in upon us the moment the Commerce Committee releases the flood-gates, I think it is absolutely important that we should go exceedingly slow.

It seems to me that the perfectly obvious policy to be followed by this particular session of the Congress is to do precisely what the President of the United States proposed in a letter to the distinguished senior Senator from Arkansas [Mr. ROBINSON] when he suggested that we deal only with emergent situations at the present time and await a well-rounded, Nation-wide, substantive survey of the entire flood-control necessity before we undertake to answer any piecemeal phases of it beyond the immediate emergency. In other words, believe it or not, I am speaking for the President.

There is a perfectly obvious reason for this method of consideration, Mr. President. The State of Ohio offers a very excellent example of the reason. There are two flood conservancy districts in the State of Ohio paralleling each other. One of those districts has completely met its own flood problems on the old, traditional basis of local responsibility. It has paid all the expense by taxation upon its own people. That was the established basis of approach to these indirect flood questions as related to Federal responsibility heretofore.

Immediately paralleling that precise conservancy district in Ohio is another district, whose spokesman appeared before the Commerce Committee within the past week and asked—and appropriately, if we are to enlarge the Federal responsibility—that those things which had been done in the neighboring Ohio conservancy district at the expense of the home folks should now be done in this particular Ohio district at the expense of the Federal Government. The point I am making is that the new policy, under which the second Ohio district had a perfectly logical right to come to Washington and ask for aid, is a complete departure from the old policy; and I am making the point that if this

departure is to occur in one instance, we must be prepared equitably to pursue it into every section of the United States.

It is upon that basis, I repeat, that I think the President of the United States is completely wise when he urges us to confine ourselves at the moment to emergency flood situations, and then to commit this new Nation-wide problem in its entirety to appropriate expert authority, which during the recess can at least bring us scientifically a preliminary survey of the whole situation, which will include not only those direct flood-control factors which heretofore have been emphasized but which will also include all the other related factors of flood control to which our attention is now appropriately being directed.

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

Mr. VANDENBERG. I yield to the Senator from Nebraska.

Mr. NORRIS. I am interrupting the Senator, not because I am advocating any particular policy or disagreeing with the Senator; in fact, so far as the Senator has stated the national policy, or what ought to be first considered before we decide whether or not it shall be a national policy, I think I am in entire agreement with him; but I should like to call his attention to and get his suggestions as to a proposition of this kind:

The Senator refers to Ohio, where, without any doubt, the local authorities have done a magnificent work and have done it at their own expense. They have done a work that will relieve, to the extent of the waters impounded, the damage from flood waters of the Mississippi River even in the State of Louisiana, because most of the water would go down there; and, as compared with the entire Nation, it is a small amount. If we are going to establish a national policy, however, as I see the matter, we must take up what would ordinarily be called local matters and combine them, and in that way get a national policy.

Suppose, however, we take a case like the recent flood, which was referred to the other day by the Senator from Massachusetts [Mr. WALSH]. Certain damages occurred on the Connecticut River, I believe. When the State authorities investigated, when they consulted engineers and experts to see what could be done to prevent a return of such floods, they found it would be necessary to go away up in the mountains, probably hundreds of miles away from the place where the damage was done, and conserve the waters there. In other words, often they would have to go outside of their own State into another State in order to remedy the difficulty. Even if we were going to do as Ohio did, it would be manifestly impossible for one State to remedy the situation. Its authorities would have to go into another State, perhaps into several different States, and there build the necessary flood-control dams.

We are going to meet such conditions all over the United States; and, although I admit it is a mammoth problem when we put it together, it seems to me the American people are going to solve it, regardless of its size; and they might just as well be confronted with the fact that it is a national problem, and that nobody outside of the Congress of the United States can remedy the situation.

Does the Senator from Michigan agree with that?

Mr. VANDENBERG. Completely. In fact, Mr. President, I think the distinguished Senator from Nebraska has entirely confirmed the conclusion I am undertaking to sustain—namely, that this problem has become exceedingly complex; that it has become interrelated across State lines; and that it is going to be necessary for us to depart in some fashion from the previous traditional rule. That is all the more reason why we should be exceedingly prudent in determining the basic rule that shall be applied in the present instance, meaning in respect to the floods which have recently occurred; because, as the able Senator from Missouri [Mr. CLARK] has repeatedly argued before our committee, whatever precedent is now established in respect to the instant floods in the East must be a precedent for dealing with floods in the Middle West and in the West and everywhere else in the United States.

So it is the precedent which at the moment becomes exceedingly important; and it is because of the importance of the precedent that I repeat my belief that the President of the United States is absolutely correct when he urges that we confine ourselves as closely as possible to emergency situations so far as the present session of Congress is concerned, and commit the new and enlarged challenge to which the Senator from Nebraska has appropriately referred to proper expert authorities for the kind of a survey and report which can produce a comprehensive answer instead of a piecemeal answer.

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

Mr. VANDENBERG. I yield.

Mr. SHIPSTEAD. Is the Senator now speaking of this bill, or of the bill that is in the Commerce Committee?

Mr. VANDENBERG. I am now speaking generally. I shall come to this bill in just a moment.

Mr. SHIPSTEAD. Will the Senator tell us if there is any sign that an omnibus bill will come from the Commerce Committee?

Mr. VANDENBERG. I am unable to answer the Senator's question. The committee is sharply divided in respect to the question of policy. It has voted one way within a week, and reconsidered that vote 6 days later, and has left the matter for subsequent umpiring at a meeting next Friday.

Mr. SHIPSTEAD. Mr. President, if the Senator will permit a short observation in line with what he said about the local States and communities contributing to flood control, I believe that when we come to look into the matter of flood control it will be tied up with what will be found to be a very serious question of erosion.

Mr. VANDENBERG. I agree to that.

Mr. SHIPSTEAD. In that case it seems to me it would be unjust to have the Federal Government assume all responsibility for expenditures, because where prevention of erosion is carried out, the lands will be benefited, it will save them from destruction, and the owners ought to pay a part of the expense.

Mr. VANDENBERG. I agree 100 percent with the Senator.

Mr. SHIPSTEAD. So I think we shall be in the wrong if we establish a policy whereby the Federal Government is to pay all the expense of whatever program is undertaken.

Mr. VANDENBERG. But, Mr. President, there again is testimony which emphasizes the need for judicial attention to this question. The Senator from Nebraska first rises and, I think, makes an excellent case for the necessity of Federal responsibility in certain situations; whereupon the Senator from Minnesota rises and makes an equally excellent case against Federal responsibility in other situations. The problem is to find the correct formula that can be equitably applied throughout the United States.

Mr. NORRIS. Mr. President—

Mr. VANDENBERG. I yield to the Senator from Nebraska.

Mr. NORRIS. I think any student of the subject will reach the conclusion that wrapped up in the flood-control problem is the problem of erosion. It is a very important item, too; I think probably, in the end, as important as anything in the problem. But if holding back flood waters will assist in the prevention of erosion, as I think it will when the program is carried out, we shall ultimately reach, as we go down the scale, smaller and smaller and smaller and more numerous dams that will be necessary to prevent erosion.

There are persons who, with very great logic, wish to start at the other end of the program, and commence with small dams on individual farms and increase the size until we get to the larger ones. Personally I should like to commence at both ends, so far as that is concerned; but, again, if we are going to demand contribution we cannot, as I understand, say to a man, "We wish to have you build a dam here to prevent erosion on your land." That is something which, under the Constitution and the Liberty League, we cannot compel a man to do. He can either take it or let it alone; so we immediately run into that difficulty.

Mr. VANDENBERG. The Senator is quite correct, and again he is exemplifying the fact that the problem is utterly complex, and that is the thing I am trying to say again and again—that it is entirely too complex for us to attempt to meet it by piecemeal legislation, in which we deal with this particular flood, which suddenly challenges us with its dramatic tragedies, forgetting that the whole thing is integrated in a common Nation-wide problem.

The Senator from Pennsylvania [Mr. GUFFEY] has ably argued to the Committee on Commerce that the proper method of handling floods is not to deal with them primarily at the point of ultimate disaster, as in the alluvial valley of the Mississippi, but that the logical thing to do is to trace the flood menace to its source, no matter if it be a thousand miles away, and deal with it through reservoirs, and so forth.

Very well, Mr. President; if we are ultimately to deal with the flood menace by tracing the flood to its source and impounding the waters in reservoirs—and I confess that appeals to me greatly as a matter of logic—then are we going to need the full extent of the spillway or floodway program of flood control which has been built upon a totally different theory, namely, the theory that the flood shall be taken care of where it finally climaxes its jeopardy?

The whole problem is wrapped up in this complex challenge, and I confess that it is with the greatest reluctance that I concede to the Overton bill a right of passage at the present time in its prospectively amended form. But it does have credentials, to which I shall subsequently allude, which may reasonably indicate that it would be a part of any subsequent plan; and, after all, it is only an authorization; and I assume that in the light of the President's purpose to provide a national answer to this question there will be no conclusive commitments to the works under the Overton bill until the national program is subsequently available.

I noticed a dispatch from Washington in the Associated Press only yesterday. I read as follows:

Starting an exhaustive study of the country's 15 major drainage basins, Interior Secretary Harold L. Ickes yesterday asked the cooperation of local authorities in preparing a National Resources Committee report on steps needed to prevent floods.

The drainage basin study, to be directed by Frederick H. Fowler, of San Francisco, was ordered by Ickes a day after President Roosevelt signed a bill liberalizing Reconstruction Finance Corporation lending regulations and authorizing loans of \$50,000,000 to repair damages from recent storms and floods.

PART OF NATIONAL PLAN

Ickes, who is Chairman of the Resources Committee, said the study would be part of a national water plan to be submitted to the President as a guide for administration policy. It will embrace:

1. The outstanding problems of water use and control.
2. The broad outlines of a reasonable and interested plan of development.
3. The specific construction and study project which in the light of available information are consistent with the broad plan.

That is the approach to this flood problem which I approve, and that is the approach which it seems to me the Congress should pursue. If we are to pursue that sort of an approach, I submit that we should not have an omnibus flood-control bill, in which there may be rewritten the basic flood responsibility of the American Government to an extent which may be involved in commitments running literally into billions of dollars in the course of the years. And in the same feeling I repeat my reluctance to approve the Overton bill even in its amended form. But let me speak specifically of the Overton bill, Mr. President, and then I shall be done.

When the Overton bill came from the Committee on Commerce, and in the form in which it now confronts the Senate, from my point of view, it was utterly and absolutely indefensible. So far as I am concerned, in confronting questions of this character, I am bound to rely upon the expert recommendations of the expert branches of the Government in respect to these problems.

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

Mr. VANDENBERG. In just a moment. So far as I am concerned, I am unwilling to approve a step, either of flood control, or river and harbor project, or any related water-

way project, without the affirmative recommendation of the Board of Rivers and Harbors Engineers and the approval of the War Department.

Now I yield to the Senator from Louisiana.

Mr. OVERTON. Mr. President, the Senator from Michigan states that he is unwilling to approve any project unless it meets with the affirmative recommendation of the Army Engineers, the engineers of the Rivers and Harbors Board, and the Secretary of War. Permit me to call his attention to the statement made by General Markham in the course of the hearings conducted in respect to the pending bill, and also in respect to the omnibus flood-control bill now being considered by the Senate Committee on Commerce. He stated that the problem of the lower Mississippi Valley should be treated as an independent problem. It is in effect a *sui generis* problem. It is a problem of levees and floodways.

Let me further call the attention of the Senator to the fact that the report of the engineers to which he refers is that, in effect, nothing that can be done by way of reservoirs or other methods of controlling the flood waters of the Mississippi will dispense with the necessity for either the floodways recommended in the Markham plan and the Jada-win plan or the levees recommended in those plans.

Let me further call his attention to the fact that the report made by the Secretary of War on the pending bill declares that, with the amendments which I propose to offer, the bill is in accord with the program of the President. Therefore, it has Executive approval and expert engineering approval, and I think it meets the objections which possibly the Senator from Michigan might make to the bill.

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

Mr. VANDENBERG. In just a moment. The Senator from Louisiana has somewhat anticipated my own conclusions in respect to the matter. I have already said to him that I considered that the plan for handling superfloods in the alluvial valley of the Mississippi has very formidable credentials which I am unwilling to ignore, in spite of my reluctance to do anything piecemeal in respect to this legislation. As I continue to trace the chronology of his own bill, I think the Senator will find that I am substantially in agreement with him, with one exception.

I now yield to the Senator from Minnesota.

Mr. SHIPSTEAD. Mr. President, the point of the engineers has always been that levees and dykes should be built on the lower Mississippi, and that all the flood control ought to be taken care of in the lower Mississippi.

While I am not an engineer, I have a great deal of respect for the Army Engineers, but it seems to me that their point of view is contrary to all logic. After all, the water comes from above, and flows down by drainage, and because of lack of forests. There are many factors which enter into the flowage of this water down the Mississippi Valley all at one time. It has always seemed to me that the logical thing to do would be to hold the water back, not to produce floods, but to prolong the flow-off of the water.

What is it that causes a flood? A great deal of water coming in the spring of the year, or during a period of great rains, is forced through drainage systems and ditches and through the creeks and the rivers down the Mississippi.

When your kitchen floor is flooded with water from the kitchen sink, you do not build ditches to carry the water away; you go to the sink and control the water where it starts until you are ready to use it.

There is another matter involved. When water which is rapidly drained from a region of country is treated as a public enemy instead of as an asset, its power for good is destroyed and damage is inflicted upon the country above.

I am not willing to say that levees should not be built; I am not sufficiently familiar with the lower Mississippi to pass judgment upon this bill; but when we come to discuss the question of a real flood-control program, the first thing we must bear in mind is that we have been dealing with floods on the lower Mississippi since the country was settled, and each flood that comes along does more damage than the one which preceded it. So the program we have been following

ever since 1800 has not been effective in preventing floods. However, at some future time I shall go into the matter in detail.

Mr. VANDENBERG. Mr. President, I am interested in the comments of the able Senator from Minnesota [Mr. SHIPSTEAD]. He is always an intelligent man to listen to on any subject to which he addresses his attention. So far as I am concerned, however, I confess the limitations of a layman in respect to problems of this nature, and I am prepared to do almost anything which the Board of Engineers for Rivers and Harbors recommends, but I am not prepared to do anything against which they recommend. Then if there shall be any mistake made the mistake will be made in those expert sections of the Government which hold a primary responsibility for such situations.

Mr. COPELAND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from New York?

Mr. VANDENBERG. I yield.

Mr. COPELAND. I cannot see any conflict between the purposes of the pending bill and the general study referred to by the Senator from Michigan. As he knows, we in the Commerce Committee have been striving earnestly for weeks to attempt to establish a policy which has to do with a division of costs between the Federal Government and the localities benefited as regards the various localized projects. To speak of the pending bill particularly, there is not a thing in it which conflicts with or makes unnecessary any activity which we have in mind with regard to the omnibus bill.

Is it all right for me to continue to speak?

Mr. VANDENBERG. Oh, yes.

Mr. COPELAND. No matter what may be done in the upper reaches of the great river, the Mississippi, and its various tributaries, taking in the Ohio River and its tributaries; no matter what may be done in connection with projects included in the omnibus bill, there will never come a time, even if those projects shall be completed, when there will be such control of the headwaters as to render unnecessary the provision made in the pending bill. I spoke of that the other day, and I wish to speak of it again today. Even with the completion of the great project which is contemplated in connection with the safety of Pittsburgh, as I said the other day, the people of Pittsburgh are not going to be assured that their feet will not get wet.

The contemplated project, when completed, will at the very most lower the crest of the flood 7 feet when the reservoirs above are empty; and under the normal protection afforded by the reservoirs, the best that can be expected is a lowering of 5 feet. So after the crest of the flood shall have been lowered 5 feet in the Golden Triangle in Pittsburgh, there will still be a great volume of water rushing down the Ohio and rushing to the Mississippi also from tributaries to the west of the Mississippi. Therefore, as I see it, there will always be the menace in the lower Mississippi which will necessitate a run-off such as is contemplated by the gigantic work proposed in the pending bill.

The point I wish to make is that while I am in sympathy with much that the Senator has said, yet I can see no conflict whatever between the President's position, as indicated by what the Senator has said, or the omnibus bill upon which we are now working, and the particular bill under consideration. It is a part of a great plan which ultimately must be carried into effect in the United States in order to give protection to American citizens.

There are other incidental uses of these projects, though, perhaps, I should not say incidental, because they are really important. I refer to forestation, soil-erosion prevention, and power development. All those things will ultimately come in connection with protection against floods, and the national program in connection therewith.

Mr. VANDENBERG. Mr. President, the able Senator from New York is chairman of the Senate Commerce Committee, and during the last few weeks has been struggling as earnestly as a man could struggle to keep the omnibus flood-control bill within rational limitations. I disagree

with him when he says that there is not an inherent conflict between the omnibus flood bill and the announced Presidential policy, and the policy to which I subscribe, because I cannot escape the feeling that if we ever write a policy proposal such as is now contemplated in the Commerce Committee, which in general terms accepts complete and unlimited Federal responsibility for all flood conditions in the United States, we will not only have bashed in one end of the Treasury but we will have laid the groundwork for a renewal of the old logrolling legislative methods and the production of the old pork-barrel appropriation bills, which were the curse of Congress and the country until they were curbed. It seems to me that is perfectly inevitable if we announce a fundamental purpose to accept complete Federal responsibility for all flood conditions in the United States without the existing traditional check of the requirement of local contributions.

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

Mr. VANDENBERG. I yield.

Mr. COPELAND. I am sure the Senator knows my own view regarding this matter too well to let the impression prevail that I should be satisfied to let the Federal Government make all expenditures, regardless of benefits which may come to individual States or communities. I should be quite unwilling to do that.

Mr. VANDENBERG. Let me interrupt the Senator at that point to state for the Record that the Senator was one of our lonesome minority of four that voted against the proposition to which I refer on the first roll call in the Senate Commerce Committee.

Mr. COPELAND. I should say, Mr. President, that I do not feel lonesome when I am with the minority, because I am so rarely with the majority that I feel entirely content. However, I have an ambition to present at this session of Congress a bill which cannot be charged by anybody to be a "pork" bill. I think it is possible to write a formula which will make clear what is the responsibility of the Federal Government and what is the responsibility of the local communities or of the individual States.

In the omnibus bill, for example, there is a provision dealing with the Connecticut River. In order to control floods in Massachusetts and in Connecticut, reservoirs must be built in New Hampshire and in Vermont. They are of no value whatever to New Hampshire and Vermont, but they have an important relationship to safety in Massachusetts and in Connecticut. It would be very difficult—impossible, perhaps—to have any sort of a tri-State pact which would make possible the allocation of costs and the imposition of taxes upon the communities benefited in two other States by reason of building reservoirs in Vermont and New Hampshire. I could speak of a dozen other similar instances.

There are features connected with what I might call scientific flood control which are properly Federal, where the Federal Government must intervene, where the Federal Government must use its funds because of the impossibility of composing differences between States or localities. Of course I agree, however, with the Senator from Michigan that if the entire cost of all flood work is to be borne by the Federal Government we should have to go to every rivulet in the United States and spend Federal money; and I suppose even the tears which we shed might be considered appropriate for Federal regulation, because ultimately they run off into a rivulet, and so into a stream, and ultimately into navigable water.

It must be possible, however, to find some formula by which we may properly place upon the Federal Government the items which appropriately belong there. At the same time, as regards other matters which are local, where the benefits are local—as, for example, in Pittsburgh, where even now some of the property owners are contemplating moving out of the Golden Triangle into safer places—certainly if the Federal Government is going forward to give safety of an ordinary nature, some sort of burden ought to be imposed upon the persons locally benefited, because they will save money in the long run.

So I do not think there is any difference of opinion between the Senator from Michigan and myself; but I do wish to see a plan worked out, both in the pending bill—and I think it has been worked out in that bill—and in the omnibus bill, so that we cannot be charged with putting together a great receptacle known as a "pork barrel", and which I shall resist to the very end, so far as I am concerned.

Mr. VANDENBERG. Mr. President, I think there is no basic difference between the Senator from New York and myself upon the subject. He refers to the fact that the tears we shed ultimately contribute to the waters which accumulate. I am very sure that if we ever embark upon the policy which was voted by the Commerce Committee a week ago—and, fortunately, subsequently reconsidered—if we ever embark upon that policy, the tears which will be shed by the taxpayers of the United States before they get through will cause a flood which will require an entire new survey in order to conserve them.

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

Mr. VANDENBERG. I yield.

Mr. NORRIS. On the other hand, if the tears we have shed, and that are still being shed, and if the money represented by the debts we contracted that are still being paid and are going to be chargeable to generations yet unborn, which came about because we went into the World War, had been spent on a program of flood control such as the Senator himself has said would cost upward of \$10,000,000,000, we would have even now the greatest system of internal waterways and transportation in the world, and we would have millions of dollars protected by reason of control of floods which we did not have previously. So, as a matter of fact, we could well spend the large amount referred to, especially over a term of years, that we spent within the period of a few years before and after we entered the World War.

Mr. VANDENBERG. Mr. President, let me go back to the Overton bill and conclude. I promised the distinguished senior Senator from Arkansas that I would intrude upon his program for about 10 minutes this morning. I ask him to acquit me of all the responsibility for exceeding my time.

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

Mr. VANDENBERG. I yield to the Senator from Louisiana.

Mr. OVERTON. I should like to make a contribution on the subject of tears by paraphrasing, if I may, the lines of Lord Alfred Tennyson:

Tears, idle tears, I know not what they mean,
Tears from the depth of some divine despair
Rise in the heart and gather to the eyes,
When I look upon the happy autumn fields—

Of the lower Mississippi Valley and realize what will happen to them unless this bill shall be passed by the Congress.

Mr. VANDENBERG. Mr. President, in the presence of that moving appeal I hasten to a conclusion.

When the Overton bill was reported from the Commerce Committee, if I may pick up the thread of my argument, I was unqualifiedly opposed to it for the reason that the Secretary of War, under date of February 15, had stated in respect to section 12 of the bill:

It is impossible to estimate the ultimate cost to the United States of these many things. The Department feels that the Government should not be burdened with such an immeasurable responsibility.

Upon the basis of that statement and upon the basis of my opposition to the bill in the committee, I offered a substitute which contained the literal recommendations of the War Department and the Chief of Engineers. I am not calling the substitute up, Mr. President, because it is my understanding that the senior Senator from Louisiana will present a complete substitute for section 12, which, instead of bearing the condemnation of the War Department and General Markham, enjoys their affirmative approval. I understand my substitute no longer will be necessary because my purpose already is achieved.

Mr. OVERTON. May I state that the Senator is correct, and I will offer such an amendment?

Mr. VANDENBERG. Therefore, Mr. President, so far as section 12 is concerned, my opposition is eliminated.

Now, I am forced to refer to a paragraph in the same letter of February 15 in respect to section 5, which chiefly interests the able Senator from Arkansas. I now read from the letter of the Secretary of War in respect to section 5:

Section 5 of the bill authorizes the construction of a system of levees to protect land in the backwater areas of the White River, and provides for payment by the United States of the entire construction cost of the system. This work is not recommended in the report. The requirement that the Government bear the whole construction cost is not in accord with the policy established by Congress in similar cases. Section 6 of the act of May 15, 1928, provides for the construction by the United States of levees protecting lands in areas subject to backwater influences of the Mississippi River on condition, among others, that local interests contribute 33 1/3 percent of the costs of the work. This is a reasonable requirement in all cases of like character, and the Department is unable to recommend that the entire cost of the construction of levees in a backwater area be borne by the United States.

Mr. President, the Overton bill, as a whole, involves the probable expenditure of \$272,000,000 in the States of Arkansas and Mississippi. My understanding is that section 5 involves only \$12,000,000 of the sum total. From my point of view, I think it would be infinitely wiser to withdraw section 5 of the bill at the present time, so that we might cling literally to the formula of having an affirmative approval by the governmental experts in respect to the thing that we do in connection with this complicated contemplation.

The Senator from Arkansas made a very persuasive argument yesterday as to why the judgment of the Secretary of War and of General Markham upon this particular subject is not equitably well founded. He almost persuaded me that he was right; he may be right; but, in view of the fact that we are to have, as I have indicated in the quotation from the Associated Press, a complete, authentic survey of the entire problem within the next few months, and inasmuch as, manifestly, we cannot reach all these projects with our expenditures during the next few months, it seems to me we would be in far finer position, and so would the project described in section 5, if it were eliminated from this bill and were to await inclusion in the general plan. I repeat, however, that, in view of the fact that it is such an inconsequential item as compared with the whole, I am not disposed to stand upon my opinion respecting it. I should like to vote against section 5, but I shall vote for the bill if it shall be amended as proposed by the Senator from Louisiana. I will do so, however, only because it is an authorization—not an actual appropriation—and the actual, ultimate expenditures will be made only after we have the final benefit of a conclusive Nation-wide survey of the flood-control problem as a whole.

GREAT LAKES EXPOSITION

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 233) providing for the participation of the United States in the Great Lakes Exposition to be held in the State of Ohio during the year 1936, and authorizing the President to invite the Dominion of Canada to participate therein, and for other purposes, which were, on page 2, line 10, to strike out "Agriculture" and insert "Agriculture and"; and on page 2, line 10, after "Commerce", to strike out all down to and including "add", in line 11.

Mr. BULKLEY. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ADDITIONAL COPIES OF HEARINGS ON THE REVENUE ACT OF 1936

The PRESIDENT pro tempore laid before the Senate a concurrent resolution from the House of Representatives (H. Con. Res. 48), which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, empowered to have printed for its use 2,000 additional copies of the hearings held before the said committee during the current session on the bill entitled "The Revenue Act of 1936."

Mr. HAYDEN. I move the adoption of the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

CONSTITUTIONALITY OF BITUMINOUS COAL CONSERVATION ACT, 1935 (S. DOC. NO. 197)

Mr. GUFFEY. Mr. President, I ask unanimous consent that the argument of Hon. John Dickinson, Assistant Attorney General of the United States, before the Supreme Court of the United States in behalf of the Government officer defendants in the case of Carter against Carter Coal Co., Helvering, et al., March 12, 1936, in support of the constitutionality of the Bituminous Coal Conservation Act of 1935, be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Pennsylvania is granted and the argument will be printed as a Senate document.

REVISING THE VERSAILLES PEACE TREATY, BY REQUEST OF PRESIDENT OF UNITED STATES, TO REMOVE HATREDS AND TO APPLY MONEY TO DEBTS DUE THE UNITED STATES INSTEAD OF PAYING FOR ARMAMENTS

Mr. LEWIS. Mr. President, I have in the last few moments enjoyed the discussion as projected by the able Senator from Michigan [Mr. VANDENBERG], in which he referred to the necessity of the Government, or whoever shall be behind the pending bill as sponsors, making some provision for an expenditure apparently involving an appropriation of \$272,000,000. Sir, I make note of the amount in order that attention may be called to the great necessity for money on the part of the Federal Government, and to the fact that the money should be from a source which legitimately should be called upon for payment. I will impose on the Senate a few moments while I again allude to one of those sources from which there should have come long since past to this Government the money with which to meet its immediate necessities.

Mr. President, this morning there was introduced for the RECORD, by the Senator from Indiana [Mr. MINTON], supported by the Senator from Alabama, an address delivered by a representative of the press speaking for the London Times, an eminent author of name of Sir Wilmott Lewis. I was attracted by his address and to one feature. Let me add, however, that I am not a stranger to the gentleman, and he is not to me. His eminent qualities as a scholar of literature and of history could well be mentioned in tribute by anyone who knew him; but one of my own experiences with this eminent international writer will not be without some interest to my distinguished colleagues.

Sir Wilmott delights to say that during the war I came in from some period of duty and addressed a gathering of French who were officials mostly, and added that I delivered my address in French to the French gathering, and when I had finished, said Sir Wilmott, "I was compelled to rise and tell them in English what this talk of Lewis was all about." [Laughter.]

In this respect, sir, I again turn to Sir Wilmott Lewis for the moment. I observe that this distinguished representative of the London press—scholar that he is, and now something of an adopted American—in his speech to the Associated Press called attention to the tribute that was due the press for ever presenting those claims of the citizens and those rights of a people which were evident within both their privileges and their just demands. Sir, I wonder why the great paper, the London Times, either from its own expression and its own editorials or from the facile pen of its distinguished representative here, has never a word in behalf of the payment of a debt which is due the United States of America from certain of its renowned debtors, and principally from that to which the distinguished writer alludes as "Great England."

Mr. President, I am moved by the fact—an interesting fact to me, sir—that an eminent statesman representing the English Government alludes to a speech I made on this honorable floor some time past touching the debts, and that the statesman alludes to me as one who "constantly irritates the friendly relations" between England and this country. He

would have me cease, that I might more completely cultivate what he calls "peace."

I am flattered by the notice of my observations; but I also observe that another speaker refers to the debts and says the reason why money could not be advanced in behalf of these obligations, if I quote him literally, is because every country has the right to consider first its necessary defense. In that, I wholly concur; and it is because of that, and looking to my own country and her necessary defense in many forms, and the expenditures involved in all these improvements touching flood control, that debt payments become essential.

I observe that the colleague of the eminent legislator referred to concludes by calling attention to the fact that these demands on the part of America for the payment of debts overlook the fact that there is nothing with which to pay them; and he delights himself in indulging a line of the famous Latin—and if I shall be in error I hope to be corrected by my friend from North Carolina [Mr. BAILEY], and particularly by my eminent friend the Senator from Utah [Mr. THOMAS]—I think the quotation was from the Eclogue of Virgil, where the observation is concluded, "Ex nihilo nihil fit"; "Out of nothing comes nothing", if I translate it literally. I know some eminent speakers to whom that allusion might be correctly made—that "Out of nothing comes nothing"—and some of those are not altogether limited to America. [Laughter.]

Mr. President, I do not wish to exchange classics with the distinguished spokesman of the British Parliament; but my mind, in turn, can but recall that a better reference and a more appropriate one for the representatives of this great Government will be found in a line from Horace—and, if I do not do it an injustice, I think it tells us that—"Vita sine virtute mors est"; in other words, "Life without a virtue is death."

Sir, I turn then to this Government and ask, where is the virtue in professing that there is nothing with which to pay these debts, while in the meantime even to this morning comes to us the official report from this distinguished Government, in a legitimate and let me say commendable report—if the facts be as related—that England has now paid its obligations and has amounts in American money of \$5,450,000 in its treasury, a surplus in excess of its immediate needs? Sir, at this moment it presents in its industrial report a list of 35 of its people, residents and citizens, who have in their income-tax returns disclosed a profit and an increase in the year of more than \$5,000,000.

If these situations exist, as appears as officially reported, who in the public life of these great debtors or elsewhere may correctly say that there is nothing out of which they may pay their money that is due us, or that they are compelled to use their money for what they speak of as "defense"? In other words, sir, in anticipation of conflict somewhere, somehow, and the preparation for it, they shall absorb all the revenues that may be addressed and appropriated for conflict, but none of those revenues are to be paid to discharge the honest debts to this land, this America, which saved them in the very late conflict in which great peril stood immediately before them.

Mr. President, I am in the meantime attracted by the attitude of one of our debtors, France. We find, in declaration from the representatives of France in the last week, first, the expression that it is pledged in honor for an advanced loan to Rumania and to Ethiopia, and in the meantime the assertion and very frank statement that if there were money that could be applied to debts it would have to be reserved as a sustaining fund behind the franc, which has been traveling up and down in a circuitous and whimsical route very like the wheeling flight of some bird in an unascertained atmosphere.

Mr. President, we have from one of the other representatives of that great country that it is something of a shame—if I may use the exact word—that America should be constantly holding up France as being unwilling to pay its debts when we know that France has ever paid every obligation

to the United States ever due, and harking back to the allegation that the United States did not enter the war in behalf of France, nor expend its money in behalf of the debtors, but France "came to the rescue of the United States by sacrificing her people and all her treasure to rescue the United States from being invaded by a common foe" which would have led to our "complete annihilation." For that we express great gratitude, even though it is born in imagination and has its issue from a conception of falsehood.

Mr. President, if it be true that these great nations feel they must exhaust their treasures for armament, France lately declaring that that which is in process of construction is essential in view of what she says is now the new construction of Germany, let us ask ourselves for the moment, Is there not a way to avoid all this? What is the absolute evil? I make bold on this floor to say that it is the construction and application of what is known as the Treaty of Versailles. It is the penalties of that treaty, the different forms of punishment laid upon the routed or defeated enemy.

Does it not occur to those debtors that some treatment of the United States in a manner respecting its rights that could appeal to its people would have had a very interesting suggestion to the President of the United States upon the theory that we, a signer of the peace treaty though we did not ratify its provisions later, authorize the President in his sense of generosity and Christianity looking for peace and brotherhood to summon the signers of the Versailles Treaty to a new reconsideration, to something of a review of its terms and something of a reconsideration and remolding of its penalties such as is done in this country with decisions of the high courts of the land or with legislation that comes from this honorable congressional body?

The President of the United States may invite this gathering to assemble in the United States, far removed from the political influences, prejudices, and hatreds of their neighboring geography, and afford a completely impartial consideration. By assembling here, sir, the reviewers might reach a conclusion that wounded Germany could accept, that righteous France would adopt, and that just England would approve.

This being so, sir, and then following peace again being restored to these people, the need of these armaments increasing to the amount of millions would cease; the necessity for the payment of all their money for the increase of weapons of offense would end; and the uncertainty of temper that keeps them in constant fever of fear and annihilates their sense of peace and propriety ever, sir, with the agitation of more conflicts would be quelled and ended.

I take the liberty to suggest some consideration of this thought on the part of these eminent debtors, differing, sir, from the mere matter of money and the mere matter of paying from their treasures. I present this solution looking to the welfare of their future. I suggest that our debtors might well invite the President of the United States to summon such a gathering, with a view to modification of the Versailles Treaty along lines which the people of this country could approve, which would bring again, sir, a revival of friendship to these nations of the earth and bring them back to a new conquest, in the language of the great French savant, Lamartine:

Victoire sans le guerre; conquerants sans l'armes.
Victory without war; conquering without arms.

To this object, sir, I take the liberty of bringing to the attention of the Senate what I feel could be now the suggestion to these eminent debtors of one of the methods they could take that would make a strong appeal to this great Government to lend itself to that which finally would produce the results of peace and revive the harmony of distracted mankind among the nations that are now threatened with the annihilation by war of civilization in their own midst. I beseech them to turn to America, and realize that in our bosoms is hope for peace; in our hearts is all of friendship; and in our wisdom we suggest the method of complete restoration both of brotherhood among themselves and the harmony of friendship again with America.

I thank the Senators for allowing me to enter into this debate at this time.

MISSISSIPPI RIVER FLOOD CONTROL

The Senate resumed the consideration of the bill (S. 3531) to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928.

The PRESIDENT pro tempore. The amendments reported by the committee will be stated.

The amendments were, in section 13, page 9, line 3, after the word "That", to strike out "\$275,000,000" and insert "\$272,000,000", and at the end of the bill to insert a new section, so as to make the bill read:

Be it enacted, etc., That the project for the control of floods of the Mississippi River and its tributaries, adopted by Public Act No. 391, approved May 15, 1928 (45 Stat. 534), Seventieth Congress, entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", is hereby modified in accordance with the recommendations of section 43 of the report submitted by the Chief of Engineers to the chairman of the Committee on Flood Control, dated February 12, 1935, and printed in House Committee on Flood Control Document No. 1, Seventy-fourth Congress, first session, as hereinafter further modified and amended; and as so modified is hereby adopted and authorized and directed to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers.

SEC. 2. That the Boeuf floodway, authorized by the provisions adopted in the Flood Control Act of May 15, 1928, shall be abandoned as soon as the Eudora floodway, provided for in Flood Control Committee Document No. 1, Seventy-fourth Congress, first session, is in operative condition and the back-protection levee recommended in said document extending north from the head of the Eudora floodway, shall have been constructed.

SEC. 3. That the levees along the Mississippi River from the head of the Morganza floodway to the head of the Atchafalaya River and down the east bank of the Atchafalaya River to intersection with the west protection levee of said Morganza floodway shall be raised and enlarged to 1928 grade and section.

SEC. 4. That neither of the projects for the flood control of the St. Francis River or the Yazoo River, hereby authorized, shall be undertaken until the States or other qualified agencies shall have furnished satisfactory assurances that they will undertake, without cost to the United States, all alterations of highways made necessary because of the construction of the authorized reservoirs, and meet all damages because of such highway alterations, and have agreed also to furnish without cost to the United States all lands and easements necessary to the construction of levees and drainage ditches constructed under this project: *Provided*, That the reservoirs for control of headwater flow of the Yazoo River system may be located by the Chief of Engineers, in his discretion: *And provided further*, That the Chief of Engineers may, in his discretion, substitute levees, floodways, or auxiliary channels, or any or all of them, for any or all of the seven detention reservoirs recommended in his report of February 12, 1935, for the control of floods of the Yazoo River: *And provided further*, That the Chief of Engineers, with the approval of the Secretary of War, may modify the project for the flood control of the St. Francis River as recommended in said report, to include therein the construction of a detention reservoir for the reduction of floods and the acquisition at the cost of the United States of all lands and flowage necessary to the construction of said reservoir except flowage of highways: *Provided further*, That the estimated cost to the United States of the project is not increased by reason of such detention reservoir.

SEC. 5. The Chief of Engineers, under the supervision of the Secretary of War, shall at the expense of the United States Government construct a system of levees substantially in accordance with general plan shown on map designated as sheet no. 1 entitled "Tributary Levee Location Survey—White River Levee District—Proposed Levee Location" accompanying report dated April 2, 1925, and filed in office of First and Second Mississippi River Commission Districts, Memphis, Tenn. The Chief of Engineers shall have the right to alter, change, or modify said plan as to the grades and levee sections: *Provided, however*, That no work shall be commenced on the above-mentioned project until the State, levee boards, or other responsible local interests have given assurances satisfactory to the Secretary of War that they will (a) provide without cost to the United States all rights-of-way necessary for the construction of said project; (b) provide drainage facilities made necessary by construction of levees; (c) acquire and provide without cost to the United States all flowage and storage rights and easements over, upon, and across the lands and properties within the protected area in the event it becomes necessary in the judgment and discretion of the Secretary of War or the Chief of Engineers to use said area, or any part thereof, for an emergency reservoir; (d) hold and save the United States free from liability for damages on account of the use of said area for reservoir purposes during said emergency.

SEC. 6. That the United States shall provide the drainage made necessary by the construction of floodway levees included in the modified project.

SEC. 7. That the United States shall construct, at its own cost, such railroad and highway crossings over the floodways provided

for in the modified project as are deemed necessary by the Chief of Engineers for the convenience of the public: *Provided*, That the appropriate railroad or highway agencies agree to accept and maintain and operate these crossings without cost to the United States.

SEC. 8. That, in addition to the construction by the United States of roads in connection with floodways as heretofore provided, the Federal Government may, in the discretion of the Chief of Engineers, and within the limits of available funds, construct additional roads to afford access to those portions of the levee lines not otherwise accessible.

SEC. 9. The sum of \$15,000,000 is authorized to be appropriated as an emergency fund to be allocated by the Secretary of War on the recommendation of the Chief of Engineers in rescue work or in the repair or maintenance of any flood-control work on any tributary of the Mississippi River threatened or destroyed by flood heretofore or hereafter occurring: *Provided*, That the unexpended and unallotted balance of said sum, or so much thereof as may be necessary, may be allotted by the Secretary of War, on the recommendation of the Chief of Engineers, in the reimbursement of levee districts or others for expenditures heretofore incurred or made for the construction, repair, or maintenance of any flood-control work on any tributaries or outlets of the Mississippi River that may be threatened, impaired, or destroyed by the flood of 1927 or subsequent flood; and also in the construction, repair, or maintenance, and in the reimbursement of levee districts or others for the construction, repair, or maintenance of any flood-control work on any of the tributaries or outlets of the Mississippi River that may have been impaired, damaged, or destroyed by caving banks or that may be threatened or impaired by caving banks, of such tributaries, whether or not such caving has taken place during a flood stage: *Provided further*, That if the Chief of Engineers finds that it has been or will be necessary or advisable to change the location of any such flood-control work in order to provide the protection contemplated by this section, such change may be approved and authorized.

SEC. 10. After the Eudora floodway shall have been constructed and is ready for operation, the fuse-plug levees now at the head of the Boeuf and Tensas Basins shall be constructed to the 1914 grade and the 1928 section. The fuse-plug levees at the head of the Atchafalaya Basin on the west side shall be constructed to the 1914 grade and the 1928 section. The fuse-plug levees at the head of the Atchafalaya Basin on the east side of the Atchafalaya River shall be constructed to the 1914 grade and 1928 section, and after the Morganza floodway has been completed, shall be raised to the 1928 grade as provided in section 3 of this act. Thereafter said levees shall be reconstructed and maintained as herein provided, subject to the provisions of section 3 of this act. Any funds appropriated under authority of this act may be expended for this purpose.

SEC. 11. That the back-protection levee north of the Eudora floodway shall be constructed to the same grade and section as the levees opposite on the east side of the Mississippi River: *Provided*, That this levee extending from the head of the Eudora floodway north to the Arkansas River shall be so located as to afford adequate space for the passage of floodwaters without endangering the levees opposite on the east side of the river and shall be constructed contemporaneously with the construction of the Eudora floodway; except that, until the Eudora floodway is in operative condition, there shall be left in this back levee north of the head of the Eudora floodway openings which shall be sufficient, in the discretion of the Chief of Engineers, to permit the passage of all floodwaters to be reasonably contemplated in the event of any break in the riverside fuse-plug levee prior to the time the Eudora floodway shall be in operative condition.

SEC. 12. The United States shall forthwith acquire flowage rights for all floodwaters that will pass by reason of diversions along the Mississippi River south of the Arkansas and along the Atchafalaya Basin, as contemplated in the modified project herein adopted, and rights-of-way for all guide or protection levees contemplated thereby; and, at the time of acquiring such rights, shall pay to the owner thereof just compensation for such property so taken or damaged; and, thereafter, no liability of any kind shall attach to or rest upon the United States for any further damage by reason of such diversions or floodwaters: *Provided*, That, in addition, and in order to facilitate the acquisition of such flowage rights and rights-of-way, the Secretary of War is authorized to enter into agreements with local levee districts, boards, commissions, or other agencies for their acquisition and transfer to the United States of such flowage rights and levee rights-of-way in conformity with local custom or legal procedure in such matters and to the satisfaction of the Chief of Engineers and for the reimbursement of such local levee districts, boards, commissions, or other agencies, for the purchase price thereof at prices previously agreed upon between the Secretary of War and the governing authority of such agencies.

SEC. 13. That \$272,000,000 is hereby authorized to be appropriated for the carrying out of the modified adopted project, and all unexpended balances of appropriations heretofore made for the prosecution of said flood-control project are hereby made available for the purposes of this act.

SEC. 14. If any provision of this act, or the application thereof, to any person or circumstances, is held invalid, the remainder of the act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

The amendments were agreed to.

The PRESIDENT pro tempore. Those are all the committee amendments.

MR. OVERTON. Mr. President, I send to the desk an amendment which the Committee on Commerce has authorized me to propose to the bill. This amendment, and two other amendments which I propose to offer, were agreed upon between the Chief of Engineers and myself, as the author of the bill.

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

MR. OVERTON. Gladly.

MR. VANDENBERG. Will the Senator be good enough to have printed in the RECORD the letter from the Chief of Engineers?

MR. OVERTON. It has already been printed in the RECORD.

MR. VANDENBERG. I thank the Senator.

The PRESIDENT pro tempore. The amendment offered by the Senator from Louisiana on behalf of the committee will be stated.

THE CHIEF CLERK. On page 5 it is proposed to strike out lines 6 to 12, inclusive, and in lieu thereof to insert the following:

SEC. 7. That the United States shall construct, at its own cost, one railroad and one highway crossing over the Eudora floodway and not to exceed three railway and two highway crossings over the Morganza floodway, and not to exceed one railway crossing (together with suitable physical connections therewith) and one highway crossing over the floodway west of the Atchafalaya River provided for in the modified project: *Provided*, That equitable agreements can be made with the railroad and highway authorities concerned and that the appropriate railroad or highway agencies agree to accept and maintain and operate these crossings without cost to the United States: *Provided further*, That the railroads crossing the Morganza and West Atchafalaya floodways agree, in consideration for the crossings constructed, to waive all claims against the Government for any damages that may occur by reason of overflows in the Morganza and West Atchafalaya floodways: *And provided further*, That other railway and highway damages shall be adjusted as provided for in section 12.

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

The amendment was agreed to.

MR. OVERTON. Mr. President, I offer a second amendment which the committee has authorized me to propose to the pending bill.

The PRESIDENT pro tempore. The amendment offered by the Senator from Louisiana, on behalf of the committee, will be stated.

THE CHIEF CLERK. On page 7, in section 10, it is proposed to strike out lines 8 to 11, inclusive, and in lieu thereof to insert the following:

Thereafter those stretches of said levees which are left as fuse-plug levees shall be reconstructed and maintained as herein provided, subject to the provisions of section 3 of this act. Any funds appropriated under authority of this act may be expended for this purpose.

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

The amendment was agreed to.

MR. OVERTON. Mr. President, I offer the third amendment which the committee has authorized me to propose.

The PRESIDENT pro tempore. The amendment offered by the Senator from Louisiana, on behalf of the committee, will be stated.

THE CHIEF CLERK. On page 8, in section 12, beginning with line 4, it is proposed to strike out all down to and including line 2 on page 9, and in lieu thereof to insert the following:

SEC. 12. In order to facilitate the United States in the acquisition of flowage rights and rights-of-way for levee foundations, the Secretary of War is authorized to enter into agreements with the States or with local levee districts, boards, commissions, or other agencies for the acquisition and transfer to the United States of such flowage rights and levee rights-of-way, and for the reimbursement of such States or local levee districts, boards, commissions, or other agencies, for the cost thereof at prices previously agreed upon between the Secretary of War and the governing authority of such agencies, within the maximum limitations hereinafter prescribed: *Provided*, That no money appropriated under the authority of this act shall be expended upon

the construction of the Eudora floodway, the Morganza floodway, the back protection levee extending north from the Eudora floodway, or the levees extending from the head of the Morganza floodway to the head of and down the east bank of the Atchafalaya River to the intersection of said Morganza floodway until 75 percent of the value of the flowage rights and rights-of-way for levee foundations, as estimated by the Chief of Engineers, shall have been acquired or options or assurances satisfactory to the Chief of Engineers shall have been obtained for the Eudora floodway, the Morganza floodway, and the area lying between said back-protection levee and the present front-line levees: *Provided further*, That easements required in said areas in connection with roads and other public utilities owned by States or political subdivisions thereof shall be provided without cost to the United States upon the condition that the United States shall provide suitable crossings, including surfacing of like character, over floodway guide-line levees in said areas for all improved roads now constituting a part of the State highway system, and shall repair all damage done to said highways within the said floodways by the actual use of such floodways for diversion: *Provided further*, That when such portion of said rights as to all of said areas shall have been acquired or obtained and when said easements required in connection with roads and other public utilities owned by States or political subdivisions thereof have been provided as hereinabove set forth, construction of said flood-control works in said areas shall be undertaken according to the engineering recommendations of the report of the Chief of Engineers dated February 12, 1935 (House Committee on Flood Control Doc. No. 1, 74th Cong., 1st sess.), and the Secretary of War shall cause proceedings to be instituted for the condemnation of the remainder of said rights and easements, as are needed and cannot be secured by agreement, in accordance with section 4 of the Flood Control Act of May 15, 1928: *Provided further*, That in no event and under no circumstances shall any of the additional money appropriated under the authority of this act be expended for the acquisition of said 75 percent of the flowage rights and rights-of-way hereinabove contemplated in excess of \$20,000,000: *Provided further*, That the Chief of Engineers is authorized, out of the funds herein authorized to be appropriated, to purchase flowage easements over lands and properties in the floodway west of the Atchafalaya River and lying above the approximate latitude of Krotz Springs: *Provided further*, That none of such easements in said West Atchafalaya floodway shall be purchased until options covering at least 75 percent of the total value of such easements as estimated by the Chief of Engineers shall have been obtained at prices deemed reasonable by the Chief of Engineers and not exceeding in the aggregate \$2,250,000 for said 75 percent of said easements with respect to the floodway west of the Atchafalaya River: *Provided further*, That easements required in said West Atchafalaya floodway in connection with roads and other public utilities owned by States or other political subdivisions shall be provided without cost to the United States upon condition that the United States shall provide suitable crossings, including surfacing of like character, over floodway guide-line levees for all improved roads in said West Atchafalaya floodway now constituting a part of the State highway system, and shall repair all damage done to said highways within said West Atchafalaya floodway by the actual use of such floodway for diversion: *Provided further*, That no flowage easements shall be paid for by the United States over properties subject to frequent overflow in the Atchafalaya Basin below the approximate latitude of Krotz Springs: *Provided further*, That payment for rights-of-way, easements, and flowage rights acquired under this section, or reimbursement to the States or local interests furnishing them, shall be made as soon as the Chief of Engineers is satisfied that such rights-of-way, easements, or flowage rights have been acquired in conformity with local custom or legal procedure in such matters; and, thereafter, no liability of any kind shall attach to or rest upon the United States for any further damage by reason of diversions or floodwaters: *And provided further*, That if the Secretary of Agriculture shall determine to acquire any of the properties within the floodways herein referred to, for national forests, wildlife refuges, or other purposes of his Department, the Secretary of War may, upon recommendation by the Chief of Engineers, in lieu of acquiring flowage rights, advance to or reimburse the said Secretary of Agriculture sums equal to those that would otherwise be used for the purchase of easements desired by the War Department and the Secretary of Agriculture is authorized to use these sums for the purpose of acquiring properties in the floodways in question.

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

The amendment was agreed to.

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

Mr. KING. Mr. President, there are provisions of the bill which do not meet my approval. I had intended to submit some observations, in which some of my objections to the bill would be stated; and I also had intended briefly to discuss what I conceive to be the unsound and unwise policy which has been pursued in dealing with the broad question of flood control.

However, it is desired by a number of Senators to pass the bill at the earliest possible moment. I shall, therefore, if opportunity is afforded before adjournment this afternoon, discuss the points to which I have just alluded; and if opportunity is not afforded today, I shall seek recognition for this purpose some time tomorrow.

The PRESIDENT pro tempore. The bill having been read three times, the question is, Shall it pass?

The bill was passed.

STATE TOBACCO CONTROL COMPACTS

Mr. BAILEY. Mr. President, in the absence of the chairman of the Committee on Agriculture and Forestry, the Senator from South Carolina [Mr. SMITH], with his consent, I move that the Senate proceed to the consideration of Senate bill 4430, being a bill relating to compacts and agreements among States in which tobacco is produced. I make the motion with notice that I shall offer the House bill as a substitute.

The PRESIDENT pro tempore. The Chair informs the Senator that the House bill is on the table calendar, and the Senator may move to take up the House bill.

Mr. BAILEY. Is the House bill on the calendar?

The PRESIDENT pro tempore. It is on the table calendar.

Mr. BAILEY. Then I move that the Senate proceed to the consideration of House bill 12037, relating to compacts and agreements among States in which tobacco is produced, providing for the control of, production of, or commerce in, tobacco in such States, and for other purposes.

Mr. TYDINGS. Mr. President, before action is taken on the motion may I ask the Senator from North Carolina whether it has been called to his attention that Puerto Rico, whose people are large growers of tobacco, has been left out of consideration in the bill, and if he knows whether or not there will be objection to the inclusion of amendments which will give Puerto Rico a standing similar to that accorded the States insofar as agreements or tobacco compacts are concerned?

Mr. BAILEY. Mr. President, I understand that the Senate is now considering the bill.

The PRESIDENT pro tempore. The motion to proceed to the consideration of the bill has not been agreed to.

Mr. BAILEY. I will answer the Senator, pending the motion, in the affirmative, and I intend to make a statement about that which I think will satisfy the Senator from Maryland.

Mr. TYDINGS. My reason for bringing the question before the Senate at this juncture is that the Puerto Rican people and the Bureau of Insular Affairs have just now called this matter to my attention, and I have not had opportunity to digest thoroughly the objections to the bill in its present state which they have presented to me. It is my disposition not to delay this measure, but I want the assurance that Puerto Rico, having no representative in this body, will receive equal treatment with that accorded the States which are specifically mentioned in the bill. If that is the wish and the agreement of those who are interested in furthering the passage of the bill, certainly I have no other objection to it at all; but I wanted that understood.

Mr. BAILEY. Mr. President, the junior Senator from New York [Mr. WAGNER], being necessarily absent, left with me the special request that I should consent to an amendment providing with respect to Puerto Rico that the base years, instead of being 1933, 1934, and 1935, should be made any 3 normal years during the last 10 years. The trouble was that in 1933, as the consequence of a hurricane which swept Puerto Rico, their production of tobacco fell from an average of about 25,000,000 pounds to 16,000,000. Of course, it would be inequitable to establish as a base any 3-year period when in one of the years they produced only 16,000,000 pounds. I ask the Senator if that will not meet the objection?

Mr. TYDINGS. I think that will meet one of the principal objections. But may I point out to the Senator from North Carolina a further objection? As I understand the bill, Puerto Rico has no standing in it such as that accorded North Carolina, Maryland, Connecticut, and other States, and what

Puerto Rico desires is to have representation in the vote where the policy is decided. Would the Senator have any objection to including such language as would give Puerto Rico, for the purposes of tobacco control, equal standing with that of a tobacco-growing State?

Mr. BAILEY. Mr. President, I could not possibly have an objection to that. Let me say in fairness, however, that I cannot make such an agreement, but it should be left to the Senators from Wisconsin, Connecticut, Pennsylvania, and Ohio. The Senator from Connecticut is present, and I will leave it to him. That does not affect the bright-tobacco belt in the remotest degree, but so long as the bill contains provisions with respect to States producing other than bright tobacco, I feel that I must refer that matter to the Senators from those States.

Let me go a little further. If it were necessary, in order to get the authorization or the consent of the Congress to the compact in the bright-tobacco belt, embracing Kentucky—we include that State, although it is really in the burley belt—Tennessee, Virginia, North Carolina, South Carolina, and Georgia, I would be perfectly willing to strike out all the bill relating to other States and to Puerto Rico. My concern is wholly with the bright and burley tobacco. But I cannot even do that without a very courteous, considerate regard to the other States.

Mr. TYDINGS. With the indulgence of the Senator from North Carolina, I shall take the liberty of reading a very short memorandum which has just been put into my hands, which explains the position of Puerto Rico:

H. R. 12037, Senate bill 4430, relating to compacts and agreements among States in which tobacco is produced providing for the control of production of, or commerce in, tobacco in such States, and for other purposes.

Section 1 of the bill authorizes the States in which tobacco is produced to negotiate compacts for the purpose of regulating and controlling production and commerce in tobacco in such States. Puerto Rico is not included in this section.

Later on I will ask that Puerto Rico be included.

Section 9 provides that if any compact entered into among three or more of the States of Pennsylvania, Ohio, Wisconsin, and Connecticut becomes effective, or if any association or associations are formed, the membership of which includes at least two-thirds of the producers of cigar-filler tobacco and cigar-binder tobacco in three or more of said States, commerce in cigar-filler tobacco produced in Puerto Rico shall be regulated during the period in which any such compact remains effective or such associations continue to operate in the manner provided for in the bill.

It is clear that Puerto Rico is refused her right to go along with the States of the Union in negotiating compacts for the production and commerce in tobacco. While it remains optional for one State out of four in section 9 of the bill to stay out of a compact, it is mandatory for Puerto Rico to regulate its production and commerce in tobacco.

The unfairness of that is at once apparent.

The above bill passed the House and is ready for Senate action with the objectionable conditions imposed on Puerto Rico.

What Puerto Rico desires:

1. In the first place, Puerto Rico wishes to reiterate her desire to keep tobacco production under control as carried out by the A. A. A.

2. Secondly, Puerto Rico wants to enter into compacts jointly with other States and on equal terms. To attain these ends it is suggested and requested that the following amendment be made to H. R. 12037:

Insert in section 2 at the end of line 19 on page 2 the following subparagraph:

"State" includes Puerto Rico and "State legislatures" and "State act," and similar phrases wherever used in this act, include Puerto Rico."

Then they wish to strike out sections 9 and 10 of the bill.

My only reason for interrupting at this stage is that Puerto Rico does not have any representation in the Senate, and, the bill having already passed the House, some of these things on first blush seem manifestly unfair, and it appears to me that the request that Puerto Rico be given standing in the bill and treatment such as is accorded to States growing tobacco is just and fair.

I do not desire to delay the passage of the bill, but as chairman of the Committee on Territories and Insular Affairs it seemed to be my particular duty to call this matter

to the attention of the Senate, and I know the Senate will deal fairly with it when the amendments are presented.

Mr. BAILEY. Mr. President, let me say that insofar as Puerto Rico is involved nothing can be done by this measure, or under this measure, which would affect its crops this year. This bill approves a compact by way of a statute of the Commonwealth of Virginia with respect to the flue-cured belt, but it approves nothing with respect to Ohio, or Pennsylvania, or Connecticut, or Puerto Rico. It simply makes provision that in the event the States I have just mentioned should enter into a compact, then a quota should be placed upon Puerto Rico—and Puerto Rico desires a quota.

I am not concerned about that; I simply wish to treat my colleagues in the Senate with the proper consideration. I should be perfectly willing to confine the bill to Tennessee, Kentucky, Virginia, North Carolina, South Carolina, and Georgia, and stop there; but the Department of Agriculture and the Committee on Agriculture and Forestry thought best to present a bill that would embrace the production of all tobacco in this country.

There was no intention on the part of anyone to treat the people of Puerto Rico unjustly, but I do think that when it was undertaken to fix as the base period the years 1933, 1934, and 1935 the fact was overlooked that the hurricane had reduced the output of tobacco in Puerto Rico in 1933 from an average of 25,000,000 pounds to only 16,000,000, and in 1934 from an average of 25,000,000 to a relatively small figure.

After conference with the junior Senator from New York [Mr. WAGNER], who is very much interested in the matter, and who was compelled to leave the Chamber, I agreed that I would propose an amendment providing fair treatment to Puerto Rico with respect to the quota.

The Senator from Maryland brings up the proposition as to whether Puerto Rico shall be put upon an equal footing with Ohio, Wisconsin, Pennsylvania, and Connecticut in the matter of agreements or compacts. I am not going to argue against that. Puerto Rico, however, is a Territory or an island possession, and the other political units are States. There is the distinction. Further, the bill before us does not affect the crop in Puerto Rico for the present year, and if there is anything wrong about the bill it can be corrected later.

Having said that, I wish to keep the floor, if possible, while I inquire of the Senator from Connecticut [Mr. LONERGAN] if he is agreeable to an amendment affecting the consequences desired by the Senator from Maryland. If other Senators are agreeable to such an amendment, I am agreeable to it; but I cannot foreclose them.

Mr. LONERGAN. Mr. President, I agree with the proposal to fix the quota on the basis of the average normal crop during any 3 years in the past 10 years. I think it would be a mistake at this time to agree that Puerto Rico be included with the sovereignties named to participate in the compact. Is a Territory a sovereignty?

Mr. KING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. BAILEY. I yield.

Mr. KING. I inquire of the Senator from Connecticut if he thinks it would be fair, simply because Puerto Rico is not yet a sovereign state, that it and its people should be placed at a disadvantage in a measure so very important, so very vital to the happiness and welfare of the people of Puerto Rico. As the Senator knows, they have practically only two crops—sugar and tobacco. They are in a far less favorable condition for economic security and protection than is the State of Connecticut, where so many industries thrive and where so many revenues are open for the employment of the people.

Mr. LONERGAN. If we should agree on a quota basis fixed on the normal production during any 3-year period, does the Senator believe that Puerto Rico would be protected?

Mr. KING. I confess that I am not sufficiently advised as to all the factors which would form a proper basis upon which to predicate a judgment. It appeals to me simply from a sense of justice that those three or four million people whom we have taken under our control, and who are dependent for their livelihood upon tobacco and sugar, should not in any circumstances be placed under any disadvantage. As a matter of fact, if any advantage is to be given or any discrimination is to be made, it should be given to them, because of the inferior position politically which they occupy.

Mr. LONERGAN. I am in agreement with most of what the Senator has said; and when I obtain the floor I shall read some telegrams which have been sent to me by tobacco growers and dealers in my own State, all friendly to the proposition in behalf of Puerto Rico.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina that the Senate proceed to the consideration of House bill 12037.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 12037) relating to compacts and agreements among States in which tobacco is produced providing for the control of production of or commerce in tobacco in such States, and for other purposes.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER (Mr. NEELY in the chair). Does the Senator from North Carolina yield to the Senator from Kentucky?

Mr. BAILEY. I yield.

Mr. BARKLEY. The object of the pending bill, as has already been stated, is to make it possible for the tobacco States to enter into a compact, with the consent of Congress, under the Constitution, to reduce their production of tobacco. If Puerto Rico is included within the permissive grant of Congress to enter into a compact with the other tobacco States or Territories, the only object would be that by entering into that compact Puerto Rico would bind herself to a reduction of her production. If Puerto Rico under such a compact should reduce her production of tobacco, it seems to me it would be advantageous to the tobacco growers of the United States. If she does not see fit to enter into such a compact she will be no worse off than she now is under the terms of the bill, because she is not included in that part of it. She might still be subject to the quota referred to in section 9, I believe, which it is proposed to amend.

So it seems to me that it is not a very important matter whether Puerto Rico is included within the compact-making section or not, because if she should enter such a compact it would be for the purpose of reducing her own production, which she might not wish to do.

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

Mr. BAILEY. I yield.

Mr. KING. I am not quite certain that I comprehend the position taken by the Senator. As I understand, there are provisions in the bill which will compel Puerto Rico willy-nilly to submit to reduction in the production of tobacco. If she is to be emancipated from the operations of the pending bill, and may produce as much tobacco as she pleases, without any inhibitions, then I think there is nothing in the contention that we should take cognizance of her appeal in this matter.

Mr. BARKLEY. Of course, the quota provision here applies only in the event four States—Wisconsin, Ohio, Connecticut, and Pennsylvania—enter into a compact. If three of those States do not enter into a compact, which is a different situation from the general compact provided for in section 1, Puerto Rico is not affected. Only in the event that three of those four States enter into a compact does the quota situation apply to Puerto Rico. If no compact were entered into, Puerto Rico would be absolutely free from any restriction, as I understand.

Mr. BAILEY. Mr. President, I understood the Senator from Utah had an amendment. Does he intend to press the amendment?

Mr. KING. Mr. President, I handed an amendment to the Senator some time ago. If the Senator is alluding to

that amendment, I will say that I intend to offer it at the appropriate time. I do not wish to interfere with the Senator's address.

Mr. BAILEY. I am willing to have the Senator offer the amendment at this time.

Mr. WALSH. Mr. President, what is the present status of the bill? Is it open to amendment?

The PRESIDING OFFICER. The bill is open to amendment.

Mr. WALSH. There are no committee amendments, I assume.

Mr. BAILEY. There are no committee amendments.

Mr. WALSH. May I, then, present an amendment which will not be contested?

Mr. KING. I shall be through in a moment, Mr. President. I shall now read the amendment which I intend to offer.

On page 2, line 16, after the word "act", I propose to insert a colon and the following:

Provided further, That nothing in this act shall be construed to grant the consent of Congress to negotiate any compact for regulating or controlling the production of, or commerce in, tobacco for the purpose of fixing the price thereof, or to create or perpetuate monopoly, or to promote regimentation; but such consent shall be limited to compacts for the regulation and control of production of, or commerce in, tobacco, in order thereby to enable growers to receive a fair price for such tobacco.

I shall offer that amendment at the appropriate time; but I do not wish to take the Senator from North Carolina from the floor.

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

Mr. BAILEY. I yield.

Mr. ADAMS. The inquiry I wish to make is of a legal nature, as to whether or not Puerto Rico occupies such a status as a political entity that it may enter into a contract or compact. Does it have the elements of sovereignty? I rather understood that it was a possession of the United States; and I am really asking, for information, whether or not we may place it in the status of a State so that it may independently make contracts.

Mr. BAILEY. I question whether we could recognize it in its capacity as a sovereign; but Puerto Rico does have a government, and it has a Governor representing it. For that reason I should not unduly press the point on the technical ground of law. The Constitution, however, authorizes the consent of Congress to compacts between the States; and if the Senator desires a strict construction of the Constitution, it refers to the States, not the Territories, not the possessions.

I do not desire to press that point too far. I wish the people of Puerto Rico to know that I intend to treat them fairly. I should also like the Senate to know it. I think there can be no question about the matter. For that reason I am putting forward the amendment as requested by the Senator from New York, to give the people of Puerto Rico a fair quota, and I think that is all they need. I think they will be entirely satisfied with it. I think the other matter is technical, and really amounts to nothing of a substantial character.

Mr. BARKLEY. Of course the constitutional inhibition is against the States making any compacts without the consent of Congress. If they were all Territories and not States, I assume they could make any sort of compacts they might see fit to make, subject to the general laws governing them, because they were not States. It is, however, really a technical matter about which I think we need not concern ourselves here because, Puerto Rico being a State, it is very doubtful whether the Constitution prohibits Puerto Rico from entering into a compact with any other political entity.

Mr. BAILEY. Mr. President, when we shall have treated Puerto Rico fairly she will benefit by the control of production just as Wisconsin might benefit or as Pennsylvania might benefit. She will then get just as much benefit as any State. I question whether she should ask for any more than that. We shall give her a perfectly fair deal. Now there comes up a little technical question about the right to sit in and make a treaty. I question whether she has such

right; but I would not like to offend the Puerto Rican people. I want them to feel that I am very friendly and that the United States Government is so.

Now I yield to the Senator from New York.

Mr. COPELAND. Mr. President, I am glad my colleague [Mr. WAGNER] has approached the Senator from North Carolina; I have had no conference with him, but somehow or other the people of Puerto Rico regard my colleague and myself as being, in a sense, their Senators. We have a very large Puerto Rican population in New York City.

Mr. BAILEY. I think that is a great tribute to their wisdom and their discrimination.

Mr. COPELAND. That is very kind of the Senator; but I wish to make plain, if I can, what I understand the people of Puerto Rico want. Had I been here earlier I should have spoken of the fact that the Governor of Puerto Rico, Governor Winship, is on his way here now about this bill. What they are anxious to do is to have inserted in this bill, following the subparagraph on page 2, after line 19, where the definitions begin, the following:

State includes Puerto Rico; and State legislature and State act and similar phrases wherever used in this act include Puerto Rico.

Then they would be on exactly the same plane in this measure as are the States.

I look upon Puerto Rico as so much ours, and we have so much responsibility for them, that wherever we can and wherever we should it is our obligation to do what we can to protect the few crops which they raise. I was quite resentful some time ago when there was such a quota of sugar provided for Puerto Rico as did not meet their requirements. Under conditions which the Senator from North Carolina in his wisdom has pointed out there has been a great difference in production from year to year.

Mr. BAILEY. We propose to correct that.

Mr. COPELAND. If their request to have included in the definitions a statement that would give Puerto Rico the same status as that of the various States of the Union involved were granted and sections 9 and 10 were omitted from the bill, then they would be exactly on the same basis as the States.

Mr. BAILEY. If we omit from the bill sections 9 and 10, Puerto Rico, Ohio, Wisconsin, and Connecticut are out. The sections up to 9 and 10 relate to the bright-tobacco belt. I would be willing to do that but for the fact that we would run into trouble when the bill goes back to the House, and I want this measure to become a law. If it goes back to the House without the provision for the other tobacco-producing States, I am afraid we will encounter difficulty in conference.

Mr. COPELAND. May I ask the Senator what is his advice? What does he recommend? I know from what he has said that he is eager to have Puerto Rico given sufficient protection.

Mr. BAILEY. Let me state, in answer to that question, what I propose. If the Senator will turn to page 7 of the bill, lines 8, 9, and 10, he will see that provision is made for the base period on which the quota is calculated, that period being the years 1933, 1934, and 1935. With the junior Senator from New York I have drawn, and am proposing at his request, an amendment that makes a correction there and substitutes a provision under which they can use as a base period any 3 normal years during the last 10 years.

Mr. COPELAND. "Any 3 normal years."

Mr. BAILEY. Any 3 normal years. In place of the figures "1933, 1934, and 1935", in line 10, I propose to insert the words "any 3 normal years."

Mr. COPELAND. I would take it, then, if I may interrupt the Senator.

Mr. BAILEY. The Senator has before him the data and he can pick out the normal years, and see that that will give Puerto Rico about 26,000,000 pounds of tobacco a year.

Mr. COPELAND. I think if the Senator would exclude 1932 with 6,000,000 pounds, 1933 with 16,000,000 pounds, and 1934 with 25,000,000 pounds it would be better.

Mr. BAILEY. The year 1932 is not in the bill, and 1933, when the production was 16,000,000 pounds, could be excluded.

Mr. COPELAND. Pardon me, but will the Senator be good enough to read once more the proposed amendment?

Mr. BAILEY. It is proposed to amend by striking out, on page 7, line 9, the words "the crop years" and insert in lieu thereof the words "any three normal crop years", making the language read "during any three normal crop years." Does the Senator follow that? Then it is proposed to strike out the figures "1933, 1934, and 1935" in line 10 on the same page and insert in lieu thereof the words "during any three normal crop years during the last 10 years."

That will give the Department of Agriculture absolute freedom to take the normal years in the last decade. Under that Puerto Rico could not possibly suffer any injustice.

Mr. COPELAND. I think probably that statement is correct. If I had my choice—

Mr. BAILEY. I send forward the amendment at this time, in order that it may be before the Senate.

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

Mr. BAILEY. I yield to the Senator from Kentucky.

Mr. LOGAN. I am getting more confused the further the discussion continues. I wish to understand the legal aspects of this question. What is it that it is proposed to have the Congress ratify? Is it the Virginia act which was recently passed proposing a compact, or are we attempting to confer power upon the States which they already have, or are we attempting to ratify a compact that will be made in the future?

Mr. BAILEY. Mr. President, I can answer the question. We are proposing to give consent to a compact between the bright tobacco States upon the basis of the Virginia act. That answers that question.

Mr. LOGAN. Mr. President—

Mr. BAILEY. Now let me answer the other question. With respect to the other States and Puerto Rico which produce tobacco, we are not giving consent; we are simply providing that in the event there should be compacts between such States, Puerto Rico would be brought in on a basis with such States. I think I have made that perfectly clear.

Mr. LOGAN. The Senator has made it clear; but if that should be done and Wisconsin, Pennsylvania, Connecticut, Ohio, and Puerto Rico should be included in a compact, then it would have to come back to Congress for ratification before it could be effective, would it not?

Mr. BAILEY. I think so.

Mr. TYDINGS. I do not see it that way.

Mr. BARKLEY. Mr. President, if the Senator from North Carolina and my colleague will yield, the history of consents of Congress, from the information I have been able to gather, is that they do not have to come back unless the acts granting consent by their own terms require that they shall come back for ratification. I recall that in the act which granted the consent of Congress to certain States in the Colorado River section to enter into a compact which involved certain Federal activities and rights in that locality, that act required that the compact should be brought back and ratified by Congress; but, unless the act itself stipulates that the agreement shall be brought back, Congress has heretofore on other occasions exercised its right simply to grant consent without requiring that the compact be brought back for ratification.

Mr. LOGAN. I should like to ask another question. I am for the bill which has been presented, but I doubt whether it will be effective. I want to vote for it, however, because the tobacco producers must have some relief, but how can we ratify a compact before it has ever been made, before we have ever seen it, or know what its terms are? Does not the provision of the Constitution that no State shall, without the consent of Congress, enter into any agreement or compact with another State, mean that the States themselves must have agreed on the compact and then, when it comes to Congress, exactly in the nature of a treaty, Congress ratifies the specific thing without delegating an unknown power? So it seems to me that perhaps the compact would have to come back to Congress and be ratified. In view of the fact that it has not been done heretofore, if it has never been questioned by the Court, we are without

any guidepost to follow, but the Constitution would seem to indicate that it must be ratified by Congress after it is made.

Mr. BARKLEY. Mr. President, I do not know just why such an interpretation is necessary because, for instance, we have already by act of Congress consented to the making of compacts between certain States with respect to stream pollution. Those compacts were not required to be brought back for ratification. Congress may consent that two or more States may enter into a compact on a subject which is stipulated in the act granting the consent.

Mr. LOGAN. If the terms of the compact are prescribed, I think that would be valid.

Mr. BARKLEY. Where that is done, it is not necessary, in my judgment, that the compact be brought back for ratification by Congress unless in the act granting consent it is stipulated that it shall be brought back; and in that case, of course, it must be done.

Mr. BAILEY. Mr. President—

Mr. BARKLEY. Let me say further if that were required in this case the act would be wholly ineffective, because before the compacts could be entered into and brought back for ratification, the Congress would, in all likelihood, have adjourned, and they would not be effective until Congress should meet again in 1937.

Mr. LOGAN. I agree that that is the difficulty, but at the same time all our difficulties come about by trying to find short cuts to do something and not taking the necessary time. It would be infinitely worse to have the States enter into a compact and later have it declared invalid, for that would leave a vast amount of confusion. I know that some such legislation should be enacted. If this is the best we can do, then I want to do it, but I am seriously of the view that there should be some provision that the compact shall not be effective until the Congress shall have approved it, unless we ratify the Virginia law, as has been stated by the Senator from North Carolina, and I think we could do that, because then we would have a specific thing before us; but that leaves out the other States and Puerto Rico.

Mr. BAILEY. I think there is some confusion on the subject of ratification. Congress consents; it does not ratify; and it approves the Virginia act as a basis of the compact with respect to bright tobacco.

The Senator from Massachusetts [Mr. WALSH] rose a moment ago and desired to interrupt me. I now yield to him.

Mr. WALSH. Mr. President, a few days ago I asked for a legal opinion from the acting solicitor of the Labor Department in reference to interstate compacts, as one such compact is pending before the Committee on Education and Labor, of which I am chairman. I should like to have that legal opinion inserted in the RECORD in connection with this debate.

Mr. BAILEY. I shall be delighted.

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

MEMORANDUM RELATING TO INTERSTATE COMPACTS

The power to make compacts among the States rests on article 1, section 10, paragraph 3, of the Federal Constitution, which provides that "no State shall, without the consent of Congress * * * enter into any agreement or compact with another State, or with a foreign power * * *." Question arises as to the distinction between an "agreement or compact" permitted subject to congressional consent and a treaty or alliance absolutely prohibited by paragraph 1 of the same section of the Constitution. The cases have not explored this distinction. But in referring to the problem the cases have quoted Story's *Commentaries* with approval to the effect that the prohibition of any "treaty, alliance, or confederation" applies to treaties of a political character such as treaties of alliance for purpose of peace and war. But the terms "compact or agreement" permitted by paragraph 3, refer to agreements which are undertaken for "the mutual comfort and convenience of States bordering on each other", do not compromise the supremacy of the United States or the sovereignty of the several States (*Virginia v. Tennessee*, 148 U. S. 503, 519 (1894); *Wharton v. Wise*, 153 U. S. 155, 170 (1893)). There is no record to show that Congress has ever declared a compact invalid on the ground that its political consequences and implication place it within the category of prohibited treaties.

The Constitution does not state when or how congressional consent shall be given. Acquiescence to the terms of a compact may precede or follow the making of the compact or agreement. Moreover, consent may be implied from acts of Congress and need not be expressly given. Thus in *Virginia v. Tennessee* (supra), con-

sent by Congress to an agreement between these two States fixing the boundary was found in subsequent Federal legislation establishing districts for judicial, revenue, and other purposes which recognized the boundary as established by the compact.

House Joint Resolution 146 seeks to give general consent to interstate compacts for the promotion of uniform labor laws. There is previous legislative precedent for the passage of broad resolutions assenting in advance to compacts relating to a defined subject matter. Thus in 1911 an act was passed authorizing interstate compacts for the conservation of forests and the water supply (36 Stat. 961, 16 U. S. C. A., sec. 552). And in the second session of the Seventy-third Congress legislation was enacted granting States the right to enter into compacts for mutual assistance in the prevention of crime and authorizing the establishment of agencies deemed desirable by the States for the purpose of making the compacts effective (48 Stat. 909, 18 U. S. C. A., sec. 420 (1934)).

While the compact clause implies in terms to all consensual transactions between States, dicta in *Virginia v. Tennessee* (supra) have raised the question whether the consent of Congress is needed for every compact or agreement. In considering the validity of that compact, Mr. Justice Field wrote that "there are many matters upon which different States may agree that can in no respect concern the United States." And, as to these, the assent of Congress, express or implied, is not needed. But the decision in fact rested on the ground that implied consent had been given after the compact was made. However, it is best to obtain such assent in order to allay any doubt as to the possible validity of a particular compact because of lack of congressional approval.

Originally most interstate compacts were authorized to settle boundary disputes. The case of *Virginia v. Tennessee* (supra) involved a compact relating to boundaries which had been signed 100 years before the case was finally settled in the Supreme Court in 1903. The control and advantageous use of navigable rivers which form the boundaries between States has furnished the subject matter for other compacts. Thus, in *Wharton v. Wise* (supra), the agreement which the Court scrutinized concerned the respective rights of Maryland and Virginia on the Potomac River. An important compact between New York and New Jersey set up the New York Port Authority to administer the interests of these two States in New York Harbor. Another compact between the same States signed in 1833 provided that the New York police should have police authority over the whole width of the Hudson River, although the actual boundary between the two States is in midstream. Further, the interstate-compact device has been utilized to apportion State indebtedness in the case of *Virginia v. West Virginia*. In the agreement of separation between the two States it was stipulated that the debt of Virginia be apportioned between the two States on a fair basis. Congress approved the agreement in the act of 1862, whereby West Virginia was admitted into the Union. This agreement was the basis of a series of cases before the courts, which did not end until 1919, when West Virginia finally made provision for payment acceptable to Virginia. This case assumes importance because the Supreme Court considered the problem of the enforcement of compacts against a State and declared that it had the power to order execution against a State which failed to fulfill its obligations under an agreement. As a result of the settlement, however, this issue was never finally decided by the Court.

The interstate compact has been commonly used as a device to settle difficulties between the States. Since the adoption of the Federal Constitution Congress has given its consent to 56 compacts. More than 30 of these have received congressional approval since 1918.

In conclusion, it may be noted that the courts have never raised serious question concerning the validity of interstate agreements. If properly negotiated and ratified, such agreements have received legal recognition. Moreover, in several cases the Supreme Court has suggested in its decisions the interstate compact as the proper device for a solution of the difficulties involved in the litigation before the Court. Thus, in *New York v. New Jersey* (256 U. S. 296, 313), involving question of sewage disposal in New York Bay, the Court said:

"We cannot withhold the suggestion, inspired by the consideration of this case, that the grave problem of sewage disposal presented by the large and growing populations living on the shores of New York Bay is one more likely to be wisely solved by cooperative study and by conference and mutual concession on the part of representatives of the States so vitally interested in it than by proceedings in any court, however constituted."

Also see *Washington v. Oregon* (214 U. S. 205, 217, 218; 1919). *Minnesota v. Wisconsin* (252 U. S. 273, 283; 1909).

Mr. WALSH. In some accidental way the State of Massachusetts has been omitted from among the States enumerated on page 6. It is not generally known that in the State of Massachusetts there are a number of producers of filler tobacco and wrapper tobacco for cigars. Accordingly, Massachusetts should be included among the list of States.

Mr. BAILEY. If the Senator will propose the amendment, I shall have no objection.

Mr. WALSH. With the Senator's permission, then, I propose an amendment, on page 6, line 3, after the word "Wisconsin", to insert the word "Massachusetts."

Mr. BAILEY. That is most agreeable, and I hope the amendment will be accepted.

Mr. WALSH. I ask that the amendment be adopted at this time.

The PRESIDING OFFICER. Let the amendment be stated by the clerk.

The CHIEF CLERK. On page 6, line 3, it is proposed, after the word "Wisconsin", to insert the word "Massachusetts", so the sentence would read:

If, pursuant to this act, any compact entered into among three or more of the States of Pennsylvania, Ohio, Wisconsin, Massachusetts, and Connecticut becomes effective—

And so forth.

The amendment was agreed to.

Mr. BAILEY. I yield now to the Senator from Utah [Mr. KING].

Mr. KING. Mr. President, I now desire formally to offer my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 16, after the word "act", it is proposed to insert a colon and the following:

Provided further, That nothing in this act shall be construed to grant the consent of Congress to negotiate any compact for regulating or controlling the production of, or commerce in, tobacco for the purpose of fixing the price thereof, or to create or perpetuate monopoly, or to promote regimentation, but such consent shall be limited to compacts for the regulation and control of production of, or commerce in, tobacco in order thereby to enable growers to receive a fair price for such tobacco.

Mr. KING. Mr. President, a similar amendment was insisted upon when the Senate had the oil-compact bill under consideration. I think we should not by any act of ours indicate that we approve of any practice, policy, or agreement between the States that would make for monopolistic control of the market.

Mr. BAILEY. Mr. President, there is nothing in the bill that would provide for monopoly; there is nothing in the bill that would provide for price fixing. The whole purpose of the bill is to bring about a situation in which the farmers may get fair prices for their tobacco. I do not see how the amendment is inconsistent with the purposes of the bill, if the Senator insists upon it. My trouble is that we must have this proposed legislation enacted now if it is to be worth anything to the bright-tobacco producers.

Mr. KING. The bill will have to go to conference, and I am sure there will be no objection to any declaration by this body or the other body against any policy that would make for monopolistic control of any commodity. Knowing the predilections—and I do not say this by way of harsh criticism—of some officials of the Department of Agriculture, I am not so sure that efforts might not be made to fix prices and to support policies which might justify monopolistic control of commodities.

Mr. BARKLEY. Mr. President, will the Senator yield.

The PRESIDING OFFICER. Will the Senator from North Carolina, who has the floor, yield to the Senator from Kentucky?

Mr. BAILEY. I am glad to yield.

Mr. BARKLEY. I am not going to oppose the amendment of the Senator from Utah; but on its face it seems inconsistent. There is no object to be served in trying to deceive ourselves. What we are trying to do is to bring about a reduction in the crop of tobacco so the price will indirectly be affected to the producer. There would be no objective in simply allowing the States to bring about a compact to reduce production unless it would enable the farmer to obtain a higher price for his tobacco. The amendment of the Senator provides that the bill shall not be construed to authorize monopoly. None of us desires to sanction monopoly, and certainly there has never been and could not be a monopoly among the farmers in the production of tobacco. It is only among the manufacturers and those who frequently farm the farmers that monopolies are found.

It seems to me while the objective desired by the Senator's amendment is good as a sort of caution and resolution, it

does contain the element of inconsistency because what we are trying to do is to make it possible for the farmer to increase the price of his tobacco—not to fix it, because nobody wants to fix it, but to bring about an even keel between production and consumption so there will not be large surpluses such as occurred prior to the enactment of the A. A. A. law.

Mr. KING. I do not desire to occupy any time in argument because I understand the Senator from North Carolina is willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, will the Senator from North Carolina yield to me?

Mr. BAILEY. I am glad to yield to the Senator from Florida.

Mr. FLETCHER. Florida is interested in this measure because a good deal of tobacco is produced in that State. I should like to have Florida included in the list on page 6, following the amendment offered by the Senator from Massachusetts [Mr. WALSH] where "Massachusetts" was inserted. I move an amendment to insert the word "Florida" after the word "Massachusetts" at that point.

Mr. BAILEY. That is most agreeable to me.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 6, line 3, after the word "Massachusetts", inserted by the adoption of the amendment of the Senator from Massachusetts [Mr. WALSH], the Senator from Florida proposes to insert the word "Florida", so as to make the sentence read:

If, pursuant to this act, any compact entered into among three or more of the States of Pennsylvania, Ohio, Wisconsin, Massachusetts, Florida, and Connecticut, becomes effective—

And so forth.

Mr. BYRNES. Mr. President, will the Senator from North Carolina yield?

Mr. BAILEY. Certainly.

Mr. BYRNES. I wish to suggest to the Senator from Florida that my information is that Florida is already included under the provisions of the bill because Florida raises the type of tobacco which is provided for under the Virginia act. The section of the bill to which the Senator has offered the amendment provides for a different type of tobacco from that which is grown in Florida. What the Senator seeks to accomplish is really accomplished by the provisions of section 1.

Mr. FLETCHER. If that is true—

Mr. BAILEY. I am not so sure about that.

Mr. TYDINGS. Mr. President—

The PRESIDING OFFICER. The Senator from North Carolina has the floor. Does he yield to the Senator from Maryland?

Mr. BAILEY. I yield.

Mr. TYDINGS. As I understand, the amendment of the Senator from Florida has been adopted and that automatically takes him off the floor. I do not want to take the Senator from Florida from the floor. I am seeking recognition in my own right.

The PRESIDING OFFICER. There has been no vote on the amendment offered by the Senator from Florida.

Mr. BAILEY. Mr. President, I understood I had the floor and had yielded to the Senator from Florida and then to the Senator from Maryland.

The PRESIDING OFFICER. There is so much confusion in the Chamber and Senators are so constantly violating the rule with reference to addressing the Chair and seeking recognition that it is difficult to know just what is taking place. Senators will please be in order.

Mr. BAILEY. Mr. President, I do not believe the Senator from South Carolina [Mr. BYRNES] is correct in his statement. The first portion of the bill relates to States which are mentioned in the act of the Commonwealth of Virginia. Florida is not mentioned in that act. I wish the Senator from Florida to be fully protected. Why not let his

amendment be adopted? Then, if it proves to be improper or surplusage, it may be stricken out in conference. I do not wish to leave the Senator from Florida in a doubtful position under the circumstances.

Mr. FLETCHER. I will say to the Senator that that was my own view of the matter.

Mr. TYDINGS and Mr. BYRNES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Carolina yield; and if so, to whom?

Mr. BAILEY. I yield first to the Senator from Maryland.

Mr. TYDINGS. Mr. President, as I understand, it is in order to offer an amendment.

Mr. FLETCHER. Not until the pending one is disposed of.

Mr. TYDINGS. How are we going to dispose of it?

Mr. BAILEY. I shall yield the floor in one moment. I have been yielding for discussion; but let me say one word and then I shall take my seat.

Mr. TYDINGS. I do not wish to take the Senator off the floor.

Mr. BAILEY. The philosophy of the proposed legislation is fairly in accord with the philosophy of our Republic. I wish to make that clear before the Senate. In the Hoosac Mills case the Supreme Court held that the power to control the production of crops did not rest in the Congress or the Federal Government, and said—I think this was obiter, but they said it—that that is a power reserved to the States.

Very well. If that is a power that is not in the Congress, but is in the States, then here is the first step in a great movement to do what has been discovered to be necessary in this country, and that is to bring about a reasonable control of the production of crops to prevent the destructive influences of unwieldy surpluses. So we are passing this bill in pursuance of the power of the States; and all the States are asking is that the Congress give a consent which it was specifically provided in the Constitution might be given.

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

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

Mr. BAILEY. I do.

Mr. MCKELLAR. Under the terms of the bill, may any State which raises flue-cured tobacco, or dark-fired tobacco, as we commonly call it, take part in effecting this arrangement?

Mr. BAILEY. Any State mentioned in the bill may take part in it; and any State that is not mentioned would certainly be welcomed in, because the whole idea is control.

Mr. MCKELLAR. That is true of burley tobacco, of course?

Mr. BAILEY. Kentucky and Tennessee are mentioned because they do produce burley tobacco. They are in the bill.

Mr. BARKLEY. In other words, Mr. President, the Senator means they are in the Virginia act, which is made the pattern after which this compact will be framed.

Mr. BAILEY. Yes; I have the Virginia act here.

Mr. President, that is all I have to say.

Mr. MCKELLAR. Mr. President, before the Senator yields the floor, all I desire to be assured is that Tennessee may come in if she desires, under the terms of the bill.

Mr. BAILEY. Tennessee is in the bill as it stands. Let me verify that, to be perfectly sure about it.

Mr. BYRNES. Mr. President—

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

Mr. BAILEY. Before I yield let me answer the inquiry of the Senator from Tennessee. He will find that North Carolina, Kentucky, Tennessee, South Carolina, and Georgia are in subsection (b) of section 3 of the Virginia act, and are, therefore, in the proposed legislation.

Mr. MCKELLAR. I thank the Senator.

Mr. BYRNES. Mr. President, if the Senator now will yield—

Mr. BAILEY. I yield to the Senator from South Carolina.

Mr. BYRNES. The only reason why I made the suggestion to the Senator from Florida was that the language of section 1 specifically says:

That any compact, compacts, agreement, or agreements negotiated and agreed upon by the States referred to in the act of the General Assembly of Virginia, approved March 13, 1936 (known as the Tobacco Control Act)—

Which States have been read by the Senator from North Carolina—

or by any other State or States producing any type or types of tobacco referred to in said act, which is in conformity with said act and relating to the type or types of tobacco specifically referred to in said act, shall become effective to the extent and in the manner provided for in said act without further consent or ratification on the part of the Congress of the United States of America.

Mr. FLETCHER. But Florida is not referred to in the act.

Mr. BYRNES. But the bill specifically says—
or by any other State or States producing any type or types of tobacco referred to in said act.

Of course the type of tobacco produced in Florida is similar to the types of tobacco referred to in the Virginia act, so it would come in; and by the language of section 1 the action of the State in entering into the compact is ratified by this bill. Under section 9 there is a great question as to whether there is, or could be, any ratification of a compact entered into, when such compact has not been set forth in the bill.

Mr. BAILEY. Mr. President, at this point I should like to inquire of the Senator from Florida in just what form he has his amendment.

Mr. FLETCHER. It merely adds the word "Florida."

Mr. BAILEY. At what point?

Mr. FLETCHER. Page 6.

Mr. BARKLEY. After "Massachusetts."

Mr. BAILEY. Oh, after "Massachusetts"? Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. WALSH. Mr. President—

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

Mr. BAILEY. I do.

Mr. WALSH. Is the kind of tobacco mentioned in section 6 a different kind of tobacco from that mentioned in the Virginia act?

Mr. BAILEY. Entirely.

Mr. WALSH. So the Senator from Florida considers the tobacco raised in his State to be of the character and kind raised in Pennsylvania, Connecticut, and Massachusetts?

Mr. BAILEY. It is the cigar type of tobacco, while the North Carolina and Virginia tobacco is for use in the manufacture of smoking tobacco, and especially cigarette tobacco.

Mr. FLETCHER. It will not do any harm to insert the word "Florida."

Mr. BAILEY. Mr. President, I yield the floor.

Mr. KING. Mr. President, before the Senator yields the floor, I desire to ask him a question.

For the first time I have seen the act which seems to be the basis of any compact between the States. I notice that it is really a criminal code. It provides for the punishment of persons for infracting some of its provisions, selling improperly, and what not. I was wondering if, by the measure which is now before us, there will be imported into every State every criminal provision of the Virginia act. In other words, if we pass this bill, will all the States that are parties to the compact endorse or take over the provisions of this bill, and will all the provisions of this bill constitute acts of the several States and be enforceable within those States, including the criminal provisions?

Mr. BAILEY. Mr. President, it is perfectly clear to me that nothing will be imported into North Carolina from Virginia. North Carolina will either adopt an act similar to the Virginia act, or not; and South Carolina, Kentucky, and Tennessee will do precisely the same thing. Congress imposes nothing upon the States. The matter of State sovereignty I am willing to leave to the State of Virginia, one of the most conservative of all the Commonwealths. It has proposed this legislation and is out in front of the other

States. We simply submit the measure to North Carolina, South Carolina, Kentucky, Georgia, and Tennessee. If they do not wish the criminal statute, there is no power on earth that can impose it on them; but the thing I like about the proposal is that if this undertaking to enable the States to execute powers which the Supreme Court says Congress does not have, and the States do have, is a success, then each State is responsible to its own people; and that brings home the great doctrine of local self-government. I am willing to trust it in North Carolina; I take it the Virginians are willing to trust it in Virginia; and the people of Utah would be willing to trust it to their legislature. The members of the legislature have to come back to the people every 2 years and give account of their stewardship. I wish to appeal to the Senator from Utah that this is precisely along the lines of his thinking, as I understand. It is a reference to the States of the power of local crop control in view of the decision of the Supreme Court that Congress does not have that power, and is therefore a recognition of the great doctrine of local self-government. That, I am sure, will appeal to the Senator from Utah.

Mr. KING. Mr. President, I think the Senator is right in interpreting my attitude toward local self-government in contradistinction to this movement for centralization of all power and authority in the Federal Government; but I think the Senator has not answered my question. The point I had in mind was this:

By the ratification by North Carolina, South Carolina, and the other States, of the Virginia act which is the basis of the compact, with all of its criminal provisions, does the more formal act of ratification import into those States all the provisions of that act?

Mr. BAILEY. Oh, no!

Mr. KING. Or must the legislatures of the respective States that become parties to the compact pass acts on the subject; and may they pass acts that will be departures from the provisions of the Virginia statute?

Mr. BAILEY. I thought I made that clear when I said nothing could be imported by way of law from one State to another, but I will answer the question flatly. There is no power under heaven whereby the Congress of the United States can impose upon North Carolina a law of the State of Virginia.

Mr. KING. There is no doubt about that; but I do not think the Senator has yet quite answered my point.

By ratifying the compact, does the State of North Carolina ratify all the provisions of the Virginia act, or may it pass an act excising from the Virginia act, if desired, any of its provisions or adopting them *holus bolus*?

Mr. BAILEY. We shall have to have an act similar to the Virginia act in order to comply with the terms of the consent; but the word "similar" does not necessarily mean word for word; and the State of North Carolina will pass upon its own pains and penalties, as every State will.

Mr. KING. Undoubtedly.

Mr. BAILEY. I think that answers the question.

Mr. BYRNES. Mr. President, will the Senator yield before he takes his seat?

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

Mr. BAILEY. I do.

Mr. BYRNES. The answer to the Senator from Utah [Mr. KING] is contained in the language on the first page, in line 8, where it is provided that the State acts shall be essentially uniform and in no way conflicting. That is the only provision affecting the actual respective State acts.

Mr. BARKLEY. Mr. President, I should like to bring to the attention of the Senator from North Carolina a situation which he and I and others interested have discussed in private.

As this bill was originally introduced in the House under the designation of H. R. 11928 it contained sections 3 and 4, which are brief, and I will read them:

Sec. 3. The shipment or transportation in interstate or foreign commerce by any person from any State of tobacco produced or marketed in violation of any compact or any State act is hereby prohibited.

Section 4 reads as follows:

All tobacco produced or marketed in any State which is a party to a compact entered into pursuant to the provisions of this act shall, except for the actual transportation of such tobacco in interstate or foreign commerce, be subject to the laws of such State, and the sale or marketing of such tobacco shall be subject to regulation by such State.

As the Senator knows, the House committee struck out those two sections as the bill was reported and as it was passed, they are not in the bill which we are now considering, and the Senate committee which reported the Senate bill likewise left out those two sections.

Many of the tobacco growers in my State, and probably many in the Senator's State, and perhaps in all of the States, feel that the elimination of those two sections very materially weakened the benefits which will be conferred by the enactment of this measure, and many of them were hoping that here in the Senate we might restore those two sections to the bill.

In the House, as I understand, some question was raised as to the constitutionality of those two sections, and other objections were raised on the part of possible noncompact States which might be affected by the legislation. However desirable those two sections might be if it were possible to include them in the bill, what is the Senator's view as to the wisdom of attempting to restore those sections, in view of the lateness of the season and the likelihood of arousing controversy over them in the other body, if not in this one?

Mr. BAILEY. Mr. President, I have made inquiry on that point, and I made the inquiry after conference with the senior Senator from Kentucky. It is my information from very high sources in the House that should the sections which are stricken out be restored in the Senate, it would be fatal to the legislation. That being so, and all of us being under the necessity of moving rapidly—the farmers are planting their tobacco in the rows today—I do not think we can afford to undertake anything of that sort, and I am sure from what I know about the Senate that there would be opposition on the floor of the Senate, and we would have more difficulty and delay. I do not know how it would go in the Senate, but I know there would be opposition.

Mr. BARKLEY. I thank the Senator. My observations from conferences with other Senators lead me to the same conclusion which has been reached by the Senator from North Carolina, and while I myself would prefer, if it were possible, that these sections be included, the legislative situation and the state of the planting season in the States involved are such as to lead me to the conclusion that it is not wise to attempt to restore the sections.

Mr. LONERGAN. Mr. President, I ask unanimous consent to have inserted in the RECORD as a part of the proceedings the telegrams which I send to the desk.

The PRESIDING OFFICER. Is there objection?

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

SUFFIELD, CONN., April 21, 1936.

Senator AUGUSTINE LONERGAN:

I protest against the quota placed on Puerto Rican tobacco. The Connecticut tobacco growers depend greatly on this tobacco in order to make a good cigar. Won't you use your best effort to make this quota vetoed? Anything you may do to help the Connecticut tobacco growers will be more than appreciated.

FRANK S. BRACKNESKI.

SUFFIELD, CONN., April 21, 1936.

Senator AUGUSTINE LONERGAN:

The Connecticut tobacco industry depends largely on Puerto Rican fillers; therefore, the quota on such tobacco grown in Puerto Rico would prove a detriment to tobacco growers. Please help the tobacco growers by preventing the passage of such a quota.

HOWARD E. HASTINGS.

WEST SUFFIELD, CONN., April 21, 1936.

Senator AUGUSTINE LONERGAN:

The Puerto Rico quota will do immense harm to the tobacco industry in Connecticut, as Connecticut growers depend on Puerto Rican fillers to make good cigars. Anything you can do to help the Connecticut grower will be greatly appreciated.

CHRISTOPHER MICHAEL.

SUFFIELD, CONN., April 21, 1936.

Senator AUGUSTINE LONERGAN:

To the interest of tobacco, Connecticut growers, every effort should be made to prevent the passage of the quota placed on Puerto Rican tobacco. This tobacco is necessary in conjunction with Connecticut tobacco to make good cigars. Please do everything you can to help the Connecticut tobacco growers.

GEORGE KING.

—

HARTFORD, CONN., April 21, 1936.

Senator AUGUSTINE LONERGAN,

Washington, D. C.:

We strongly protest against the Puerto Rico quota for provision of Kerr control bill as detrimental to the interest of the Connecticut Tobacco Growers Association. The wrappers grown in Connecticut depend mainly for the fillers grown in Puerto Rico for the manufacturing of cigars. Puerto Rico does not grow any wrapper tobacco to compete with the State of Connecticut. Anything you can do for us in this matter will be greatly appreciated.

HARTMAN TOBACCO CO.,
ALBERT NEWFIELD.

—

HARTFORD, CONN., April 21, 1936.

Hon. AUGUSTINE LONERGAN,

Senate Office Building:

Connecticut Havana seed tobacco, of which we are the largest handlers, is used quite largely as a binder in combination with Puerto Rico, as well as with Pennsylvania and other domestic tobaccos. I feel very strongly that any quota imposed on importations of Puerto Rican tobacco, as provided in the Kerr bill, should be very carefully considered as to reasonableness of same.

J. W. ALSOP, INC.,
J. W. ALSOP, President.

—

SUFFIELD, CONN., April 21, 1936.

Senator AUGUSTINE LONERGAN,

Deliver floor of Senate:

Connecticut tobacco growers depend greatly on Puerto Rican fillers which are necessary to make good cigar. Please see what can be done to prevent the quota placed on Puerto Rican fillers. The passage of such quota would greatly affect Connecticut tobacco industry.

Mrs. A. WEISCUICKAS.

—

HARTFORD, CONN., April 21, 1936.

Senator AUGUSTINE LONERGAN,

Deliver on floor of Senate:

Ninety-eight percent of all Puerto Rico fillers go into cigars made with a Connecticut broadleaf binder and Connecticut Valley shade-grown wrappers. A plentiful supply of Puerto Rico fillers available at all times essential for the continuance of the present good market for broadleaf and shade grown. New cigars coming on the market in last several years are using this triple combination and finding an ever-increasing favor with the public. Principle of Kerr bill to regulate production and prices of cigar-leaf tobacco through the medium of interstate compacts is admirable and necessary. Principle of established quota for Puerto Rico is vicious and uneconomic in principle and contrary to all established policies. No quota placed on Sumatra tobacco in trade agreement with Holland. Puerto Rico should be controlled as any other part of the United States. Would appreciate using your influence in changing that part of bill relative to the establishment of quotas on Puerto Rico as the best method of insuring the continued prosperity of the shade and broadleaf farmer of Connecticut.

GEORGE E. GERSHEL.

The PRESIDING OFFICER. Does the Senator from North Carolina desire a vote on the amendments which he has sent to the desk?

Mr. BAILEY. Those are the Puerto Rican amendments. I should like to have action on them.

The PRESIDING OFFICER. The clerk will state the first amendment.

The CHIEF CLERK. It is proposed to amend, on page 7, line 9, before the word "crop", by striking out the word "the" and in lieu thereof inserting the words "any three normal."

Mr. COPELAND. Mr. President, I know exactly what the Senator has in mind, but I want the RECORD to show it. It so happened that in 1932 there was a hurricane in Puerto Rico and the tobacco crop was destroyed, so that the production that year was less than 25 percent of normal. Not only were the plants destroyed, so as to interfere with the production that year, but the crop of 1933 was about half normal. By 1934 the A. A. A. came along, and there was some reduction of crop by reason of that.

What I assume the Senator means by the language of his amendment is that normal years are the years, in reality, which exclude 1932, 1933, and 1934, which were abnormal for the reasons I have mentioned.

Mr. BAILEY. That is my understanding. I would take the normal years as being the years by which we arrive at an average for the decade, leaving out the abnormal years.

Mr. COPELAND. I am in perfect understanding with the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment offered by the Senator from North Carolina.

The CHIEF CLERK. It is proposed to amend, on page 7, line 10, by striking out "1933, 1934, and 1935" and inserting in lieu thereof the words "during the last 10 years."

Mr. KING. Mr. President, I desire to ask the Senator from New York and the Senator from North Carolina a question. Is it important to include Puerto Rico in this bill? Would it not be better and fairer for the Puerto Ricans, in view of the calamitous condition to which the Senator from New York referred, as well as other economic and political conditions, not to attempt to bring Puerto Rico within the operations and confines of the measure before us?

Mr. BAILEY. Let me say to the Senator that it is important just in this sense. Over on the House side of the Congress Members from the cigar-tobacco producing States are very much interested, and if we should strike section 9 and the following sections from the bill, it would probably mean the destruction of the bill. That is one reason why we are going so far to treat Puerto Rico with the utmost fairness. I do not think it would be safe to strike from the bill what we may call the cigar-filler sections. I fear it would be fatal to the legislation, and so I am willing to make most any concession concerning Puerto Rico in order to keep them in the bill.

Mr. KING. But it does seem to me, Mr. President, that the provision found in subsection (c) on page 7 is too drastic, too much of an effort toward regimentation. It reads:

The Secretary shall establish for each farm in Puerto Rico for each crop year a tobacco-marketing quota.

It seems to me that to compel the Secretary of Agriculture to establish for each farm in Puerto Rico a quota is going too far.

Mr. BAILEY. I may say to the Senator that that is what is done with regard to the States when they enter into a compact, except that the Secretary of Agriculture does not establish the quota; it is fixed by a commission. The whole idea is the establishment of quotas.

The Senator has offered an amendment which prevents anything like price fixing or regimentation, and I think he ought to feel very well satisfied that he has that stopped.

Mr. KING. Mr. President, I feel such a deep concern for the people of Puerto Rico, and I know so well their fears, their apprehensions, the economical, political, and industrial problems which beset them that I confess I would go a great deal further for their protection than I would as to some other people in other parts of the world; and for the Congress of the United States, superimposing its power upon them, to attempt to control their lives, their thoughts, their actions, their economy, seems to me rather tyrannous and oppressive.

Mr. COPELAND. Mr. President, I very largely share the views expressed by the Senator from Utah. I feel that we did Puerto Rico a great injustice when we fixed the quota on sugar. Puerto Rico is not favored, as are the States of the Union, by diversity of crops and industries, but is limited in her opportunities. I have been much touched during the last 6 months to learn of the distress of Puerto Ricans, of the unemployment in the island, and the importance of finding some sort of industrial activity to engage the attention of the citizens of that Territory.

I must say that I think the Senator from North Carolina and others interested in the pending bill have shown a spirit of generosity. I think they have tried to deal fairly with Puerto Rico. When I came on the floor I had expected to be disagreeably insistent upon the inclusion of Puerto Rico in the list of those who should take part in the compact; but I can see, as pointed out by the constitutional lawyers of the

Senate, that there would be some difficulty about the inclusion of Puerto Rico in a group making up such a compact as the Constitution provides.

It is true, however, I am sure—and if I am not correct, I wish the Senator from North Carolina would correct me—that even though Puerto Rico be not included with the States which have a part in the compacts, yet Puerto Rico will have all the advantages which accrue to the States which actually participate in any compact. Therefore, if the quota fixed is a quota representative of the prosperous, productive years in Puerto Rico, then Puerto Rico will share in all the advantages of the compact, and those of us who are interested, as we all are, I am sure, in the welfare of Puerto Rico will have no just cause for complaint. Therefore, so far as I am concerned, I shall interpose no objection to the passage of the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment of the Senator from North Carolina will be stated.

The CHIEF CLERK. On page 7, line 16, before the words "crop years", it is proposed to strike out "the" and to insert in lieu thereof the word "such"; in the same line, to strike out the figures "1933"; in line 17, to strike out "1934, and 1935"; in line 19, to strike out "1933, 1934, and 1935"; and in the same line, to strike out "the", before the words "crop years", and to insert in lieu thereof the word "such".

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time and passed.

The VICE PRESIDENT. The House bill having been passed, without objection, Senate bill 4430, of similar tenor and import, will be indefinitely postponed.

DEPORTATION OF ALIEN CRIMINALS

Mr. KING and Mr. MCKELLAR addressed the Chair.

The VICE PRESIDENT. The Chair understood that the Senator from Tennessee desired to call up an appropriation bill.

Mr. MCKELLAR. That is true.

Mr. KING. Mr. President, an understanding was reached earlier in the day that following the passage of the tobacco-compacts bill which has just been passed the Senate would consider Senate bill 2969, the alien deportation bill, and I rose for the purpose of moving the consideration of that bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah that the Senate proceed to the consideration of Senate bill 2969, to authorize the deportation of criminals, and so forth.

Mr. DAVIS. Mr. President, 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	Connally	King	Pope
Ashurst	Coolidge	La Follette	Radcliffe
Austin	Copeland	Lewis	Reynolds
Bachman	Couzens	Logan	Robinson
Bailey	Davis	Lonergan	Russell
Barbour	Dickinson	Long	Schwellenbach
Barkley	Dieterich	McAdoo	Sheppard
Benson	Donahey	McGill	Shipstead
Bilbo	Duffy	McKellar	Steiner
Black	Fletcher	McNary	Thomas, Okla.
Borah	Frazier	Maloney	Thomas, Utah
Brown	George	Metcalf	Townsend
Bulkeley	Gibson	Minton	Truman
Bulow	Glass	Moore	Tydings
Burke	Guffey	Murphy	Vandenberg
Byrd	Hale	Murray	Van Nuys
Byrnes	Harrison	Neely	Wagner
Capper	Hastings	Norris	Walsh
Caraway	Hatch	Nye	White
Carey	Hayden	O'Mahoney	
Chavez	Holt	Overton	
Clark	Johnson	Pittman	

The PRESIDING OFFICER (Mr. CLARK in the chair). Eighty-five Senators having answered to their names, a quorum is present.

REGULATION OF WHALING

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3413) "to give effect to the convention between the United States and certain other countries for the regulation of whaling, concluded at Geneva, September 24, 1931, signed on the part of the United States, March 31, 1932, and for other purposes", which were, on page 2, line 4, after "whale", where it appears the second time, to insert ", excepting dolphins and porpoises"; on page 2, line 23, to strike out "is" and insert "and the Secretary of Commerce are"; on page 3, line 4, after "Convention", to insert "and to make the necessary joint regulations therefor"; on page 3, after line 6, to insert "The Secretary of Commerce is hereby authorized and directed to assemble and collate the statistical and biological data submitted as required by this act or any regulation made pursuant thereto, and is further authorized and directed to conduct such statistical and biological studies as may be necessary to carry out the terms and provisions of said convention and this act"; on page 3, line 21, to strike out "the Treasury" and insert "Commerce for each vessel or other craft engaged in the taking and killing of whales and for each floating reduction ship, shore whaling station, or other plant used in the processing of whales"; on page 3, line 24, to strike out "complete"; on page 3, line 24, to strike out all after "whale" down to and including "fertilizer", in line 2, page 4, and insert "as provided in section 6 of this act"; on page 4, line 7, to strike out "the Treasury" and insert "Commerce"; on page 4, line 9, after "issue", to insert "for each floating reduction ship, shore whaling station, or other plant used in processing whales, and a fee of \$250 for each vessel or other craft in excess of two engaged in the taking of whales in connection with any one such ship, station, or plant, and all moneys received for licenses shall be covered into the Treasury of the United States"; on page 4, lines 14 and 15, to strike out "it shall be the duty of"; on page 4, line 15, after "Navy", to insert "may"; on page 4, line 15, strike out "to"; on page 4, line 21, after "authority", to insert "in his discretion"; on page 5, line 2, after "act", to insert ": Provided, That within 6 months after payment of forfeiture the person or persons making such payment may institute proceedings in said district court to recover said forfeiture, less costs, on satisfactory proof said vessel did not violate any provision of this act or any regulation made pursuant thereto"; on page 5, line 3, to strike out "shall" and insert "may"; on page 5, line 9, after "act", to insert "or any regulation made pursuant thereto"; on page 5, line 14, after "act", to insert "or any regulation made pursuant thereto"; and on page 7, after line 8, to insert:

Sec. 15. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this act and said convention.

Mr. McNARY. In the absence of the senior Senator from South Dakota [Mr. NORBECK], and at his request, I move that the Senate concur in the House amendments.

The motion was agreed to.

DEPORTATION OF ALIEN CRIMINALS

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah [Mr. KING] that the Senate proceed to the consideration of Senate bill 2969.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 2969) to authorize the deportation of criminals, to guard against the separation from their families of aliens of the noncriminal classes, to provide for legalizing the residence in the United States of certain classes of aliens, and for other purposes.

Mr. REYNOLDS. Mr. President, prior to continuing my argument in opposition to the Kerr-Coolidge bill, I wish to make a statement to the Members of the Senate in order that my position may be made clear not only to them but

to my constituents. I ask permission of my colleagues to make this statement, because I think it due my constituents, many of whom are tobacco farmers in North Carolina, and likewise to the people throughout the country, that they should know my attitude on the so-called deportation bill.

The present occupant of the chair will probably recall that several days ago the bill now under consideration was then before the Senate, at which time I discussed it on two consecutive afternoons. At that time I agreed that the then pending question, which was the so-called alien-deportation bill, should be laid aside in order that the Senate might devote itself to the proceeding incident to the impeachment of a Federal judge, but I permitted the deportation bill to be laid aside, so to speak, with the understanding that when the impeachment proceedings had been concluded I would still be in possession of the floor. The impeachment case having been concluded, I recognized the fact that there was to come before the Senate emergency legislation of great interest to the people of the country and, not being desirous of placing myself in the position of defeating or delaying any of that proposed legislation, I agreed to give up the floor in order that such emergency legislation might be considered and acted upon.

Mr. VANDENBERG. Mr. President—

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

Mr. REYNOLDS. I yield.

Mr. VANDENBERG. The Senator from Tennessee has now left the floor. I was anxious to know if it is contemplated that the appropriation bill will be considered by the Senate this afternoon?

Mr. HAYDEN. Mr. President, on behalf of the Appropriations Committee, I can say that it is not expected that the appropriation bill will be considered until tomorrow.

Mr. VANDENBERG. I should like to ask, if I may, the Senator from Tennessee, who has now returned to the Chamber, when it is expected that the next appropriation bill will be brought before the Senate?

Mr. MCKELLAR. It was expected that the appropriation bill would be considered today, but it seems that an arrangement has been made whereby the Senator from North Carolina [Mr. REYNOLDS] will proceed this afternoon, and the appropriation bill will be called up tomorrow.

Mr. VANDENBERG. I thank the Senator.

Mr. REYNOLDS. So, Mr. President, in order that emergency legislation might be considered, I was very happy indeed to have the opportunity of being of what help I could be in securing action upon the measures in question. The flood-control bill came up and was passed, after which I was exceedingly desirous of bringing to the attention of the Senate the bill pertaining to the tobacco compacts, in which I was greatly interested, because my State of North Carolina produces more tobacco than does any other State in the Union. North Carolina has within its borders the largest tobacco warehouse in the world; North Carolina contributes to the Federal Government more money annually than does any other State in the Union, with the exception of the State of New York, and that is attributable very largely to the fact that in North Carolina we are great manufacturers of tobacco in its various and sundry forms for the market throughout the entire world.

I was also interested, Mr. President, in that measure because in North Carolina there are tens upon tens of thousands of toiling, hard-working tobacco farmers who are vitally interested in having action upon the bill which the Senate has passed today.

I now wish to state upon the floor of the Senate for the benefit of my constituents and my friends in North Carolina that I did everything that was humanly possible to bring about the enactment of the tobacco-compact bill, and, Mr. President, I want my constituents in North Carolina, and particularly the growers of tobacco, to know—and I hope the gentlemen of the press who represent the newspapers of North Carolina will so state to the tobacco farmers of North Carolina—that I have made a great sacrifice upon the floor of the Senate in order to serve my constituents in North Carolina—"and how"? [Laughter.]

Mr. President, I know of no question in which I am more deeply interested than in the question of the deportation of habitual alien criminals, and the restriction of immigration under the laws of this country, and in order that I might serve the farmers of North Carolina, who were expecting the tobacco-compact bill to be passed yesterday, as it has passed today, I was forced to limit my argument upon the pending Kerr-Coolidge bill to 3 hours. There is so much to be said about it that I have looked forward with great pleasure to the physical activity involved in speaking upon the floor of the Senate 10 hours a day for 30 days.

Mr. President, I have not as yet launched into my argument in regard to the bill now pending because under an agreement into which I was necessarily forced to enter in order that the tobacco-compact bill might be considered my time on the pending bill was limited to 3 hours, and I therefore felt that I had a perfect right to utilize a portion of my time to explain to the Senate and to my constituents in North Carolina and to the people of America as a whole why my argument upon the pending bill was thus limited.

But I am a man of my word, Mr. President. I consented to limit my argument to 3 hours as a result of an agreement having been made to permit the tobacco-compact bill to come before the Senate and to be considered and passed today in order that the farmers of North Carolina and other tobacco-producing States of the Union might be benefited by the enactment of such legislation. I shall endeavor to keep within the time agreed. I made an agreement to speak only 3 hours upon the bill. I shall now proceed with my argument on the pending bill.

Mr. President, I am exceedingly regretful that every Member of this distinguished body is not present today, but that is impossible because, unfortunately, some of our Members are confined to hospitals, and others, as a result of over-work, have been forced to remain in their homes in order that they may regain their former good health.

I desire to preface my remarks by stating that there is no more important question before the American people today than the question involved in the bill now before the Senate, for it will not only affect those who at present reside within the confines of this great country, but it will affect generations upon generations to follow. If ever we are to begin checking immigration into this country in order that America may be retained for Americans, if ever we are to begin the ejection and deportation of habitual alien criminals from this country, we must begin now.

Mr. President, for the benefit of the members of the Senate, I wish to restate that the Kerr-Coolidge bill has been misnamed. It is said that it is a deportation bill. I say that it is quite the contrary. I say that, on the contrary, it is an importation bill, because instead of ejecting from the shores of this fair land the habitual alien criminals, it will import them into this country. I believe I shall be able to prove that statement, for when we legalize the presence of those who entered here illegally and who have remained here illegally in violation of our laws, we are breaking down and opening up the floodgates of immigration. Why is that so? It is because every alien whose presence we legalize will remain here and we will be compelled to permit the members of his family from shores beyond the seas to enter this country outside of and beyond the quota of 153,000 a year.

Mr. President, we have arrived at a time when the Members of this body and the Members of the other branch of the United States Congress will soon reach the forks of the road. There they will have to go either to the right or to the left. There they will have to stand for America for Americans or vote for America for the aliens. There is but one question here to be decided. Are we for America for Americans, or are we for America for the aliens? That is the question to be decided by this body and later to be decided by the other House of our National Congress.

Mr. President, I am not the only person who stands within the shadow of the dome of this magnificent Capitol of the greatest country upon the face of the earth opposing this bill. I am not the only person who stands within the shadow of yonder flag opposing the bill. However, I want

Members of this National Legislature and the American people generally to know who stands in opposition to the passage of the Kerr-Coolidge bill, and I am now delighted and feel honored to call the roll of honor.

Those organizations which stand flat-footedly and 100 percent against this bill are the American Federation of Labor, the American Legion—

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

The PRESIDING OFFICER (Mr. MCGILL in the chair). Does the Senator from North Carolina yield to the Senator from Washington?

Mr. REYNOLDS. I yield only for a question, because every moment is going to count with me. I do not want to be discourteous to my friend, for whom I have a deep affection, but he will appreciate the fact that I am limited to a 3-hour address, and I must make utilization of all that time.

Mr. SCHWELLENBACH. I should like to know by what authority the Senator states the American Federation of Labor is opposed flat-footedly to this bill?

Mr. REYNOLDS. I shall be very glad indeed in a few moments to read communications from the principal organizations I shall mention.

I repeat, I am backed 100 percent and flat-footedly and unhesitatingly and enthusiastically in opposition to this bill by the American Federation of Labor, by the American Legion, by the Veterans of Foreign Wars, by the Disabled Veterans of the World War, by the Military Order of the World War, by the Daughters of the American Revolution—who are in our great Capital now in annual convention—by the Sons of the American Revolution, by the Patriotic Order of Sons of America, by the Association of Firemen and Engineers of the United States with their 500,000 members, by the Junior Order of United American Mechanics with their 500,000 members throughout the length and breadth of this country, and in addition thereto by 110 other patriotic societies in America whose endorsements I have for the enlightenment and benefit of the Members of this body.

Mr. President, I propose to prove every statement I make. In my last argument here I recall that in discussing the question with my friend the Senator from Massachusetts [Mr. COOLIDGE] a question arose as to where the first shot was fired during the Revolutionary War.

My good friend the Senator from Massachusetts the other day said some contention had been made that the first shot of the Revolutionary War was fired in New Hampshire. I wish to say, in passing, that, regardless of where the first shot was fired, or where the shot was fired that was "heard around the world", I hope that when this matter shall have been finally determined upon the floor of the Senate, the defeat of this bill will be a shot that will be heard around the world by every single alien who proposes to enter this country in violation of our immigration law. If the shot that sounds from the Senate Chamber around the world when this bill is defeated is heard by every alien who intends to enter our country in violation of our laws, I say it will be the second best thing that has been done in America since we freed ourselves from the power of those who live beyond the blue waters of the Atlantic.

The first shot of the Revolutionary War may have been fired in Massachusetts or New Hampshire, Mr. President; but I desire to say that the shots that were fired during the Revolutionary War that ended the war, that turned the tide of the war, that brought about victory for the patriots of the Revolutionary War, were fired in my State of North Carolina, at Kings Mountain, not far from which place the first Constitution of the United States was drafted.

Mr. President, North Carolina having decided the Revolutionary War, I shall proceed with an argument of this question and endeavor to substantiate the statements I made a moment ago as to the organizations that are with me in opposition to the un-American Kerr-Coolidge bill which has been brought here, and which will do what? Which will bring about the legalized entry into this country within the next 3 years or more of millions of immigrants, all of whom will be able to come into this country legally outside the quota of 153,000 persons annually.

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

Mr. REYNOLDS. Only for a question.

Mr. SCHWELLENBACH. In view of the fact that section 3 of the bill, which refers to permitting certain classes of aliens to remain in this country, relates only to 2,862 persons, I should like to ask the Senator to explain how large are the families of these aliens, since he comes to the conclusion that the bill will permit millions of their relatives to come in.

Mr. REYNOLDS. Mr. President, I am deeply grateful to my friend from Washington for that inquiry. The only figures mentioned in connection with the bill are the figures 2,862. The number which is now 2,862 was only about 1,500 1 year ago, when Mrs. O'DAY, Representative from the State of New York, secured the passage of what was known as the O'Day resolution, which for a period of 1 year, ending on March 1, 1936, prevented the deportation of about 1,500 or 2,000 aliens. But since the O'Day resolution was introduced in the House of Representatives, the number of 1,500 or 2,000 aliens who were caught has been increased to 2,862. The 2,862, Mr. President, represents only a very small fraction of the aliens in America who entered the country illegally, and who have remained here since then in violation of the law. In other words, the number 2,862 represents only the aliens who entered illegally who have been caught by the Immigration Service of the Department of Labor. In furtherance of the statement I made a moment ago to the effect that the number of 2,862 represents only a fraction of the total number involved, I venture the assertion that there are in this country as a minimum no less than 1,000,000 aliens who have come in illegally, in violation of our immigration laws.

I am glad to find sitting here with open ears and watching with anxious eyes none other than my distinguished colleague Hon. JAMES J. DAVIS, of the State of Pennsylvania, who, I feel assured, will verify my statements. If any man in the United States knows and is familiar with the immigration and deportation laws of our country, my colleague from the State of Pennsylvania is that man, because under two Presidents he served as a Cabinet member in charge of the Department of Labor, during which many years of service to his Government and to his country he made a special study of immigration and deportation, and of the measures that have been enacted and that should be enacted for the protection of the American people who desire to preserve America for Americans.

Sections 2, 3, and 4 of the bill if passed will make legal that which now is and for some time has been legal. Under sections 2, 3, and 4 the entry will be legalized of millions of aliens who are not now entitled to remain here because they slipped into our country in violation of its laws and remained here ever afterward.

Mr. DAVIS. Mr. President—

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. REYNOLDS. I gladly yield to the Senator from Pennsylvania.

Mr. DAVIS. The query of the distinguished junior Senator from Washington [Mr. SCHWELLENBACH] has prompted me to seek information regarding one particular section of the bill, because I am sure the Senator from North Carolina has studied it. I refer to the admission of a large number of aliens by the so-called interdepartmental committee. I should like to read a portion of the section to the Senator and ask him for his opinion regarding it. I am just an ordinary, every-day sort of a person; and the Senator from North Carolina, being one of the leading lawyers of his State, can best answer this question:

Sec. 4. (a) An alien who was or hereafter may be admitted to the United States—

Hereafter—

An alien who was or hereafter may be admitted to the United States as a nonimmigrant under section 3 of the Immigration Act of 1924 (43 Stat. 154; U. S. C., title 8, sec. 203), or as a student under subdivision (e) of section 4 of that act (43 Stat. 155; U. S. C., title 8, sec. 204), and who is of a class admissible to the United

States in a nonquota or preference-quota status, may make application to the Commissioner of Immigration and Naturalization for a change to the status of a person admitted as a nonquota immigrant under subdivision (a) of section 4 of that act (43 Stat. 155), as amended (U. S. C., title 8, sec. 204 (a)), or as a person admitted by virtue of a preference in the quota under clause (A), paragraph (1), of section 6 of that act (43 Stat. 155), as amended (U. S. C., title 8, sec. 206 (a)).

(b) If the Commissioner of Immigration and Naturalization finds that said alien—

(1) At the time of his application would be entitled to a non-quota visa or to such preference in the quota if he were outside the United States;

(2) Did not enter the United States as a nonimmigrant or student to evade the quota provisions of the immigration laws—

And so forth.

In other words, if the alien came in here intentionally as a student, and then decided that he wished to remain here, would the interdepartmental committee have the right to admit him; or, if he came into this country as a visitor—and I think the ships of the various ports clear about 1,000,000 visitors every year—if any of them came here and remained here, and then decided to make application for admission, would the interdepartmental committee under this bill have power to admit them?

Mr. REYNOLDS. They would have that power, Mr. President.

In substantiation of what I said a moment ago in regard to those who oppose the bill, I wish to give the Members of this body some idea as to the great interest that is being displayed by these organizations and even by State legislatures throughout the country.

Yesterday I sent to the desk a resolution which had been forwarded to me by the House of Representatives of the Legislature of the State of South Carolina and it was printed in the RECORD. I particularly call this resolution to the attention of the Senators from South Carolina in order that they may know what their constituents think about the matter. It was a resolution approving the action of United States Senator REYNOLDS and Representative STARNES in introducing their alien-deportation bill.

I mention at this time a bill drafted by Representative STARNES and myself because, before the completion of my argument, I shall make a motion to return the pending bill to the Committee on Immigration for further consideration. I shall make two other motions, one of which will involve the Reynolds-Starnes bill; and, in view of the fact that a large number of the resolutions I shall read, and a large number of the telegrams I have received, and a large number of the letters I have received from time to time from the organizations I have mentioned, take into consideration the Reynolds-Starnes bill, it will be necessary for me from time to time to mention both bills.

I proceed with the reading of the resolution from the Legislature of the State of South Carolina:

Whereas it has come to our attention that United States Senator REYNOLDS and Representative STARNES have introduced in the Congress of the United States a bill to the effect that aliens convicted of crime in the United States, aliens belonging to any organization having as its object the destruction of the American Government, and aliens afflicted with certain diseases be deported and returned to the country from which they came; and

Whereas it is the thought of this house that the enactment of such a bill into law would be of great benefit to the United States and its citizens: Now, therefore, be it

Resolved by the house of representatives, That it heartily endorses the action of Senator REYNOLDS and Representative STARNES in proposing such a law and earnestly urges all Members of Congress to vote for said bill; and be it further

Resolved, That copies of this resolution be forwarded to the said authors of the bill and to each Member of Congress from South Carolina.

Mr. President, I read a telegram, under date of March 31, 1936, addressed to me at Washington, D. C.:

Revision of Kerr-Coolidge bill does not meet with the approval of Veterans of Foreign Wars.

Right here I wish to advise the Members of the Senate that this bill made its appearance upon the floor of the Senate once before, and that there was such an uproar, there was so much opposition by the patriotic orders of America, and by labor organizations, that the bill went back to the

Committee on Immigration, where more hearings were had, and where a revision was made, but I allege the changes were not in keeping with the desires of the American people and were not in conformity with the wishes of those who desire to protect and maintain America for Americans.

In speaking of America for Americans I wish to remind the Presiding Officer of this body that for several days past I have heard statements upon the floor of the Senate about unemployment increasing, about the millions upon millions of people being out of employment in this country, and I wish to ask a question of the Members of this body. It is well that I ask it now, so that they will not be embarrassed when they reach home after the adjournment of the present session of the Congress and set about to ask votes of their respective constituencies to return them here. I wish to ask the question, What have we, as a body of legislators, done to relieve the great unemployment situation? Have we stopped the thousands upon thousands who are coming annually to our shores and prevented them taking jobs from Americans? We have not. Have we ejected from this country millions of aliens who have come across our borders illegally from Canada and from the countries to the south of us? Have we ejected them from this country in order that our American boys and our American men might have the jobs they fill? We have not.

The very thing we could have done to reduce unemployment we have been afraid to do, evidently, because we have not done it. Again I say, are we for the American laboring man, or do we prefer those who come from shores beyond, who have come into this country and taken jobs which rightly belong to the American laboring man? I say we have not done a thing. Insofar as I am concerned, I stand upon the floor of the Senate unhesitatingly declaring that I am for the American laboring man against the people of any other country upon God's earth; and I want the world to know it.

We hear talk about unemployment. It has been estimated that there are as many as 7,000,000 aliens in this country. They are living, are they not? If they are living, they either have to be working and earning money or they have to be on the Federal dole, one of the two. They have to have clothing to cover their bodies, they have to have food to fill their stomachs, they have to have roofs under which to live, and they have to have fire with which to warm themselves, and those things can come in only one of three ways, either through work by the sweat of their brows, or by the charity of the American people, or the dole of the American Government, which means money of the taxpayers of the United States. I say that it has been estimated that there are as many as 7,000,000 of these aliens.

Mr. President, it must be remembered that our situation in this country is different from the situation in any other country upon the face of the earth. We are a mechanized country. We are users of machinery to save labor, and every time there have been patented and manufactured and put into operation labor-saving devices, work has been eliminated for the toilers of the United States in numbers estimated at from 5 to 5,000. We do not find that to be the case in other lands.

Senators who have traveled extensively, whether in the Eastern Hemisphere or in the Western Hemisphere, know that one may motor through Italy, and there he will see a farmer with a one-furrow plow, drawn by a donkey or a milk cow, or perhaps a couple of milk cows, breaking the ground in some beautiful valley. If that beautiful valley, stretching for miles and miles, which is clothed in the shadows from the towering peaks and kissed by the brilliant sun of Italy, were transplanted to America, what would happen? Within 24 hours after that great area had been transplanted to America, mechanized America, with its labor-saving machinery, that old milk cow or the old mule with which the Italian was plowing the valley—and there are thousands of them—would be displaced by labor-saving machinery in the form of tremendous engines pulling plows making 40 furrows at a time.

Go, if you will, into the East, to Bombay or Calcutta, India. Proceed, if you will, anywhere along the northern coast of

Africa. Visit, if you will, any of the countries of continental Europe. Go to Turin, in Italy, and there, in a massive building as large as the Senate Office Building what do we find? A mere handful of stenographers transacting the business of their government under the operation of their superiors? No; we find thousands upon thousands of Italian girls and Italian boys making out the records with pen and ink. But if that building were transplanted to Washington today, that one building, with its 3,000 clerks, Italian boys and girls, making out the records with pen and ink, it would not be here more than 24 hours before those 3,000 boys and girls would be dismissed and there would be instead perhaps a few hundred expert stenographers with their labor-saving machines typing the records for future reference.

Mr. President, that is the condition which exists throughout the world; and yet we in the United States, with our labor-saving devices, with 12,625,000 men out of employment, and with 750,000 girls and boys annually reaching the age of 18 in this country, we have not seen fit to stop the yearly flow of thousands upon thousands of aliens who are coming into this country to take the places and positions which the sons and daughters of this land should have. We have not seen fit to deport the millions of alien criminals now in this country, who have illegally entered, who are here living upon the taxpayers of our land, or taking the jobs which belong to American citizens. I cannot understand it. I cannot fathom it in my mind.

Mr. President, the telegram which I started to read is from Francis H. Kinnicutt, president, Allied Patriotic Societies, Inc.:

On behalf of the Allied Patriotic Societies, Inc., I desire to state that the changes reported on Saturday in the Senate deportation bill, S. 2969, are, in our opinion, entirely inadequate and insufficient to cure fundamental defects in the bill. The bill seems primarily designed to make it possible to keep in the country over 100,000 illegally entered aliens who are now mandatorily deportable.

In other words, Mr. President, every one of those 2,862 aliens, 98 percent of whom entered this country illegally, according to Colonel MacCormack, and a great percentage of whom have violated the laws of our country since they have been here, is under our present law mandatorily deportable. But the Immigration and Naturalization Service has the gall and the nerve to say, "No; we will not deport them! We wish to break down the immigration law", the law that the patriots of this country, through the body at this end of the Capitol and the body at the other end of the Capitol, enacted years ago for the protection of America. The Department of Labor, through the Immigration and Naturalization Service, has the gall, has the brass, has the nerve to say to the American people and to this body, "We wish you to change the laws which you have made. We wish you to amend the law so that we may let these criminal aliens stay in this country."

Mr. President, why such a position should be taken is beyond my comprehension. I cannot understand why anyone should desire to break down the immigration laws which have been built up. I cannot understand why anybody should wish to keep in this country, to allow to mix with our blood strain, habitual alien criminals, many of whom have dishonored their own flags, some of whom have deserted the armies of their country, many of whom have debauched American womanhood, many of whom had the gall to bring into this country alien women for immoral purposes, many of whom are jailbirds, and many of whom are admitted thieves, which I shall prove, and I defy any man in this body to prove the contrary.

Mr. President, the point I am making is that the passage of the pending bill will result in breaking down the immigration law we have built up. The passage of the bill will result in opening the flood gates. It is a bill which will prevent our Government from sending alien criminals out of the country. Why do we wish to enact a law which will result in retaining such people in this country?

Before I refer to some of the individual cases I desire to read some telegrams.

A telegram from the Patriotic Societies, Inc., of New York City, says:

The bill seems primarily designed to make it possible to keep in the country over 100,000 illegally entered aliens who are now mandatorily deportable.

I assert there are now more than a million such aliens in this country.

The Allied Patriotic Societies, Inc., have already, at their February conference, and later by vote of the board of directors, specifically approved and voted their hearty support to the bill introduced by you and Mr. STARNES, S. 4011.

FRANCIS H. KINNICUTT,
President, Allied Patriotic Societies, Inc.

Mr. President, that is one endorsement. Those persons are interested. They are from the State of New York.

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

Mr. REYNOLDS. I gladly yield to the Senator from Pennsylvania.

Mr. DAVIS. Sometime earlier in the afternoon a query was addressed to the Senator from North Carolina with reference to the stand of the American Federation of Labor. I have just talked to a representative of the American Federation of Labor, who told me that they were bitterly opposed to three sections of the pending immigration bill.

Mr. REYNOLDS. May I inquire whether or not those are sections 3, 4, and 5?

Mr. DAVIS. That is correct.

Mr. REYNOLDS. Then, as I understand it, Mr. President, I did not overstate the facts. I spoke correctly and with authority when I stated that the American Federation of Labor is opposed to the passage of the pending bill. Of course the American Federation of Labor is opposed to the bill because the members of the American Federation of Labor know that there are today in this country 12,625,000 persons out of employment. Of course they are opposed to the bill because the members of the American Federation of Labor know that between fifteen and twenty million other persons are on Federal relief by way of governmental jobs, by way of actual emergency relief, by way of public works developments.

The great American Federation of Labor, being interested in the American laboring man who earns his bread and his meat by the sweat of his brow, bitterly oppose the bill; and why? They oppose the bill because it will result in permitting to stay in this country several hundred thousand aliens to compete with our American men, to compete with our American women. How much longer are we going to be the laughingstock of every country upon the face of the earth because of letting persons from foreign lands come to this country illegally and take jobs which should belong to our own citizens?

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

Mr. REYNOLDS. I yield.

Mr. DAVIS. Inasmuch as the Senator has investigated the twenty-eight-hundred-odd cases of persons who illegally entered this country, and whom the measure now pending proposes to cover, will the Senator inform me whether he has ascertained from the Commissioner of Immigration and Naturalization how many of those 2,800 persons have work; and, if they were not here, how many citizens of this country, or those who are aliens but who have been legally admitted, would have the jobs?

Mr. REYNOLDS. In answer to the Senator's inquiry, I will state that I have made inquiry in regard to that matter, but I have been unable to obtain from anyone any definite information on the subject. Why? Because, Mr. President, we have not the slightest idea as to how many aliens there are in this country; because we have been lax in the administration of our immigration laws; because we have been lax in everything pertaining to aliens. Our sympathies have been going to them and not to the American people. I think it is high time that our sympathies should turn to our own firesides, to our own thresholds, to our own homes, to our own people. The American people deserve sympathy before aliens from abroad, who have sneaked into this country, deserve sympathy. We have no idea—it is only a guess—as to how many aliens there are in this country, because, unlike every other country on the face of the earth, we do not require registration of aliens when they come into this

country. When they come here, do we ask them whether they are aliens? We do not. When they go on relief rolls, do we ask them whether or not they are aliens? We certainly do not. When they apply for jobs in restaurants, or hotels, or anywhere else, do we ask them whether or not they are American citizens, whether they came in here legally or illegally? We do not. Our laws are shamefully lax; and, as lax as they are, some would undertake to tear down and destroy the work which has already been done to protect America and Americans.

A man said to me the other day, "I do not understand this situation. I have hundreds of friends who are out of work. They go here and there to look for a job, and they find some foreigner, some alien, holding down the job. They go elsewhere and still they cannot find work. Our forefathers years ago came to this country and ran the Indians off the continent, and now the aliens are going to run us off. We shall have to emigrate somewhere if we do not stop this business."

Mr. President, why should we not stop it? How much chance of obtaining a position does anyone think any of us would have if we landed in Italy, or in France, or in Germany, or in Great Britain, or in any other country of continental Europe, or in any other country in the world, for that matter? The moment we got there we should be registered and we should be watched every minute we were there; and if a job were vacant, does anyone think that an American would get it? No, Mr. President, he would not. They would see to it that one of their own citizens got it. But we, big-hearted oafs, shed tears over those who do not care anything about us, saying, "Come in, you poor fellows. Come on in; we are so sorry for you. You take this job." Meanwhile, the poor American, with the soles of his shoes worn off, and holes in the seat of his pants, and not even a hat to cover his head, cannot get a job anywhere! What do we mean, Mr. President? The American people know what we mean. I am glad that I understand it; and I am glad that I am availed the opportunity of letting the American people know that I am standing on this floor and voting for them. I want first to take care of our home folk; then we can go into foreign fields if we so desire.

Mr. DAVIS. Mr. President—

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

Mr. REYNOLDS. I gladly yield to the Senator from Pennsylvania.

Mr. DAVIS. Does the Senator know the number of immigrants who came to this country from 1820 to 1923?

Mr. REYNOLDS. I have a rough idea, but I know the Senator from Pennsylvania is thoroughly familiar with the figures, having been Secretary of Labor in a previous administration. I should be very happy for him to provide me with the exact number, if that is what he has in mind.

Mr. DAVIS. Immigrants came into this country from 1820 to 1923 to the number of 35,202,506. We have been very generous in allowing foreigners to come to our shores.

Mr. REYNOLDS. I thank the Senator for providing me with that information.

Now, Mr. President, I wish to make myself plain; I want in my simple and humble way, if I can, I want to make myself understood to this effect: We have no objection at the present time to the entrance of aliens who will make good citizens, men and women of fine character from the shores beyond, recognizing freely and generously, as we do, that the development of this country in commerce and science has been due, to some degree and extent, to those who have come from foreign shores; but I raise my voice against permitting habitual criminals, who have come here in violation of our law, to remain here. I do not have to call upon the American people to back up the position or stand I am taking, because the backing of the American people is today here with us.

Mr. President, I should like to read another communication. Here is a letter—

Mr. DAVIS. Mr. President—

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from North Carolina yield further to the Senator from Pennsylvania?

Mr. REYNOLDS. I am glad to yield.

Mr. DAVIS. Before the Senator proceeds further with the reading of the protests, I should like to ask him if he has made a thorough investigation of the 2,800 cases and whether he finds that some of the aliens in that list have been criminals or are now criminals or, having been criminals, have been pardoned?

Mr. REYNOLDS. I certainly have. I have two or three books full of facts here regarding many of the cases. The other day I talked about a fellow by the name of Georges Gaston Grenier, from "Paree." According to the report sent here by Colonel MacCormack, of the Immigration Bureau, one would think that fellow descended from heaven with wings, clothed in raiment of white, and had found footing upon a pedestal of ivory; but I began to look into the record of that gentleman and I found that I was not far wrong. The report stated that he was O. K. I read the report; and I have it here; but I investigated the case for myself, and my investigation disclosed that he was a rather angelic fellow, because that report showed that he stole an airplane, and that he slipped into this country in violation of the law. I am talking about one of these men whom they want to leave in this country to mingle with the citizens of your State, Mr. President, and my State. I am talking about a man they want to leave in this country to build up Americanism, to contribute to the glory and the honor of America.

Mr. President, why do we permit immigrants to come into this country at all? Why should we permit any of them to come in here? The only theory upon which they are permitted to come is that they may be of help to America. The theory is that when we let immigrants into this country they will contribute something to the country and will help America. Yet we are trying to keep in this country such men as Georges Gaston Grenier, who stole an airplane; and not only did Georges do that but he was indicted on some other charge involving immorality and was convicted. Georges came here for immoral purposes, the record shows. What did Georges, this man of good character, this "lily white" man so gloriously painted by the adroit brush of Colonel MacCormack, do? He had deserted from the army, deserted the flag of his country. What was the reason the Department gave for keeping him here, stating that it was a hardship case, and that it would be terrible to send him back? They said, "If you send him back, he might be court-martialed." That goes to prove, to my mind, that it is not desired to send him back, because he may be punished by the country that wants to punish him.

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

Mr. REYNOLDS. I am delighted to yield to my colleague from Utah.

Mr. KING. I do not want to interrupt my friend, but I am sure he would like to know the facts.

Mr. REYNOLDS. Yes, sir.

Mr. KING. Let me state the facts with respect to Grenier. I just came into the room and heard the Senator mention his name.

The allegation was made by the Senator that Grenier deserted from the French Army, stole a French military airplane which he flew into Italy, and that after coming to the United States he perjured himself in his declaration of intention to become a citizen.

In these allegations the fact that each of them was completely refuted in the record was entirely ignored.

A report in the file proves that the French Government investigated the case and found no record of the alleged service in the French Army or of birth in France.

The board of review in 1932 found that Grenier was not born in France but in Greece, and that his correct name was not Grenier but probably George Zolotas, which is the name under which he entered the country and under which he applied for citizenship.

Grenier, therefore, according to the record, is not a French citizen, did not serve in the French Army, did not desert from it, did not steal an airplane, and did not perjure himself in his application for citizenship.

The statement that Grenier twice entered the country illegally is not correct except in the most technical sense.

As a matter of fact, he would have a legal status in the country were it not for a highly technical construction of the law. He came here as a seaman before June 3, 1921, and would be eligible for registration were it not for the fact that he subsequently paid a visit of less than an hour in Canada. His return from that visit is held to constitute a new entry and to enable his deportation.

The statements as to Grenier's having formerly been married and divorced and as to an illicit relationship during the period of his former marriage and the birth of his illegitimate child are correct.

On the other side of the picture there is the fact that he legally adopted the child and has cared for her, and that he has since been happily married, has settled down, provides for his wife and family, and is respected and esteemed by his neighbors and employers.

The able Senator from North Carolina called this a "lily white" case. The facts will determine its character. I am not extenuating—

Mr. REYNOLDS. Mr. President, if the Senator will excuse me a minute, my time is limited.

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

Mr. REYNOLDS. I will give the Senator time. I have given the Senator 5 minutes, and I should like to have 5 minutes added to my time.

Mr. KING. The Senator may have 10 minutes more if he wants them. I have finished.

Mr. REYNOLDS. I went over to the Bureau and looked at the record in the case of Grenier. I am not disputing what my good friend says, but there is just a difference of opinion. I want to read what my record shows. The files of the Immigration Bureau show that Grenier entered the country illegally in 1926; that he was a deserter from the French Army; that he stole an airplane; that he gave false testimony in applying for United States citizenship; that he was convicted of a bastardy charge; that he admits certain relations with other women than his wife while married to his first wife.

The record shows that he was divorced by his first wife and has since remarried, had a child, settled down, and is now considered qualified to be rated under the classification of a hardship case.

The decision in the case of Grenier, judging by the files of the Department, rests to a great extent upon a report submitted by the Immigrants Protective League, which says in part:

Mr. Grenier has a record in the past which is anything but enviable. Since his second marriage, however, he has settled down and assumed his responsibility toward his home and toward his community. Like many young men, he went through a period of seeing how wild he could be. We do not believe this indicates he is thoroughly immoral or dishonest, especially in view of the more recent years. Separation now would mean great hardship for his present wife and son.

Grenier, according to the records, made two illegal entries into this country, his first arrival being dated back in 1919, and at that time he came into the country under false papers which he had purchased. He was ordered deported to France in 1932, but managed to stay the deportation order, and it eventually was canceled at the suggestion of the board of review, which gave considerable weight to the report of the welfare agency that examined into his history. One of the moving considerations which led the welfare agency in its report to recommend leniency in the case of Grenier was that if he should be returned to France he would face court martial.

That is the record I have. If I am in error I want to be advised. I do not want to do something that is not proper. I do not want to lay the blame upon anyone who is not deserving of blame.

Let me refer to another case, so my eminent friend from Utah will be availed an opportunity to talk with Colonel MacCormack tomorrow and ask the colonel what he has to say about this case. I do not want to take advantage of anyone. I hope the Senator from Utah will remain in the Chamber to listen to this next case.

Mr. KING. Mr. President, I hope the Senator will pardon me for not remaining, because I have a committee meeting which I must attend immediately.

Mr. REYNOLDS. The next case is that of Marie or Mary Kolacheck. This case is particularly interesting in that it

discloses the possibilities that have arisen through the Department of Labor's failure to enforce the immigration laws. Marie Kolacheck and her sister Frances were known and notorious as prostitutes in Galveston, Tex. Marie was proven to be the proprietress of a house of prostitution in which her sister was an inmate. There was Frances, who was an inmate of this bawdyhouse, and she was employed by the proprietress of the bawdyhouse, her sister Marie. They were aliens.

By the exercise of influence and the expenditure of considerable money for legal services, the two women fought deportation for years. Marie married an American, thereby losing her citizenship in Czechoslovakia, from which she had originally come illegally. She came into this country illegally, ran a bawdyhouse for years, made a lot of money, employed good lawyers, brought influence to bear, fought deportation, and found the only way in God's world she could stay in this country was to marry some American, and so she married one.

The Government's hands were tied in her case, as her native land refused a passport. But this condition did not apply to Frances, the sister, whom she had kept in her bawdyhouse for gain, because Czechoslovakia furnished the passport on March 23, 1933, for Frances. There was a woman who had entered the country illegally in violation of our law, had remained here in violation of our law, had been an inmate of a bawdyhouse, helping her sister who ran it, remaining here illegally all the time, and the Department of Labor got a passport for her back to Czechoslovakia. Did she go? She did not go. Let us see what happened.

That passport continued in the files of the Department of Labor as a part of the records to the present time. In the face of the evidence supplied by court proceedings, law enforcement officers, and the Immigration Bureau's own representative in Galveston, coupled with the fact that on July 29, 1933, the board of review of the Department of Labor definitely turned down the application made in the alien's behalf for a stay of deportation, she was permitted to remain in the country through the direct intervention of Commissioner MacCormack.

The board of review in the Department of Labor said, "No; we are going to send her away", but she was permitted to remain in the country through the direct intervention of Commissioner MacCormack.

That is the statement I am making. There she was, having illegally entered the country, spent days upon days in a bawdyhouse helping her sister violate the law every day. The board of review said she must go out. I am now charging she was permitted to remain in the country through the direct intervention of Commissioner MacCormack.

Note the dates: On July 29, 1933, the board of review stated:

It is therefore recommended that deportation be proceeded with and request for stay of deportation be denied.

Get that date squarely in your mind. On July 29, 1933, the board of review said she must be deported. Mind you, just 2 days later, August 1, 1933, Commissioner MacCormack wrote over his own signature:

I am now directing a further investigation to be made. In the meantime, of course, the girls will not be deported.

On October 4, 1933, upsetting all previous recommendations and records, the Department records disclose a new finding which says, referring to the case of Marie:

Deportation will work a great hardship on her.

There is one of the so-called hardship cases, a woman here for years in a bawdyhouse, who came here illegally and entered the bawdyhouse run by her sister, and yet Colonel MacCormack says it would "work a hardship" for her to have to leave. I expect it would. Of all the things ever said upon the face of the earth, listen to this that he said:

Her education and social behavior have been acquired in the United States.

[Laughter.]

Her education and social behavior have been acquired in the United States! It would work a hardship on that precious

little rose to have to be returned to the land of her birth. He said further—I hate to read this next sentence because I am getting so sick of Americans who are trying to throw off the responsibility of America for Americans and who are fighting and talking for aliens who get in here illegally. Why not keep America for Americans instead of fighting for aliens who have illegally entered our country?

Let me read what Commissioner MacCormack said further. It is my opinion that the masses of the American people are getting tired of this kind of thing.

Here is what the Department of Labor says through the Immigration Service:

This country has greater responsibility toward her than her native country.

Did this country have anything to do with putting her in a bawdyhouse? Did this country have anything to do with getting her into this country illegally? It did not; but we ought to keep her here because she will contribute to the moral uplift of the country, so says this Department of the Government! We ought to keep her here—this poor, lovely little flower—because to deport her would work a hardship upon Marie!

Why, according to this description you would think she is as pure as the newly fallen snow. So the colonel said, "Poor little Marie! We ought to keep her here. She got her education and her social standing in America."

I have quoted that from the record. Let us see what else they say:

This country has greater responsibility toward her than her native country.

And so on December 11, 1933, the board of review of the Immigration Service, again considering the case of Marie, ordered that her deportation be delayed until such time as Congress could enact legislation covering her situation.

Colonel MacCormack says, "No; it will be a hardship on you, Marie, to go back. We will keep you here, Marie. We do not want to do you an injustice, Marie. You will contribute to the morale of our great America. We want you to stay with us. We appreciate all that you have done"; and so she remains here.

I ask, are we going to permit the Department of Labor and the interdepartmental committee to make the laws, or are we going to make the laws? In the Kerr-Coolidge bill they are asking us to break down all that has been built up for the protection of America for Americans.

Let me pick out here, at random, another case, that of a man whom it is desired to keep in this country. Let us see about Mr. Emil Henry Carstens.

Those who are sponsoring the passage of this bill would have you believe that the persons who are now being considered are all persons of good character, and that they should not be sent back to their respective homes because to do so would work a hardship upon them. Let us see whether or not it will work a hardship on us for them to remain here. Let us find out about that. We are going first to consider whether or not permitting these persons to remain here will work a hardship upon the American people. If it will not work a hardship upon us, let them stay; but let us see about this case.

Pass this bill and leave a million aliens in this country, taking American jobs, disrupting and destroying the morals of the people, if you wish. If you can stand it, I can stand it; but I will say that the American people will not stand it.

I am going to bring to the attention of the Senate another one of the cases of men who ought to have been deported, but whom the Department is holding here. It is holding this man Carstens here—why? God knows. I do not know.

Included in the list of hardship cases submitted by the Department is the record of Emil Henry Carstens, who, when the record was prepared in 1935, was, and still is—now, listen—was, and still is, serving a sentence in Sing Sing Prison!

Here is a fellow who has been in the penitentiary at Sing Sing. He is now in Sing Sing prison, New York State, following his conviction for grand larceny. Do we need any more thieves in this country? I do not think so. The De-

partment, moved by the fact—here is what moved the Department; the Department was moved to tears, I presume—moved by the fact that the man has an American wife, contemplates applying the rules of the hardship classification to him after his release from prison!

Here is an alien who came into this country, committed theft, was convicted and sent to Sing Sing Prison, and is still there; and Mr. MacCormack, of the Immigration Service in the Department of Labor, says we should leave that criminal, that jailbird, here in America, to associate with your constituents and my constituents—why? Because, Mr. MacCormack says, to deport the alien would work a hardship on him!

Let us see what the record says. The Department, moved by the fact that the man has an American wife, contemplates applying the rules of the hardship classification to him after his release from prison.

If that fellow has been in the penitentiary for years, how is it going to be a hardship on his wife to deport him? She has become accustomed now to being without him. He is subject to deportation. Here is a fellow coming out of Sing Sing prison, an alien, and Colonel MacCormack says he ought to be permitted to remain in this country.

Well, let us see: I will pick out another one just at random. Let me show you how they work some of these things. There are tricks in all trades.

Francisco Chavez: This alien came into the country illegally. He was arrested at Galveston, Tex. There is only one point in this case that is interesting. The records of the Department show that at the time of his arrest for deportation he was separated from his wife. After the warrant of deportation was issued—he is one of those smart guys—he effected a reconciliation with his wife and automatically won classification as a hardship case.

Mr. President, I wish to state that I propose to make a motion to recommit the pending bill to the Senate Committee on Immigration for further consideration, but out of consideration for my colleagues, all of whom are not in the Chamber at the present time, I shall not ask for a quorum.

Mr. President, I hope I may have credit for the 15 minutes I lost in yielding to other Senators.

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

Mr. REYNOLDS. I yield.

Mr. DAVIS. I wish to ask the Senator why he speaks about the time. There is no rule which would prevent him from taking as much time as he may desire to take.

Mr. REYNOLDS. In order to get consideration of and action on the tobacco compact bill, I agreed to limit my discussion of the pending bill to 3 hours. Of course, that has nothing to do with anyone else who desires to discuss the bill at great length, and I hope that my colleagues will find sufficient interest in this un-American bill to discuss it to the fullest extent.

Mr. President, I have dozens upon dozens of cases I might cite, but I shall now read some communications from those who are opposed to the bill. I hold in my hand a telegram from Mr. Devereaux, of the Veterans of Foreign Wars. The telegram is dated March 31, 1936, and reads:

WASHINGTON D. C., March 31, 1936.

Senator ROBERT R. REYNOLDS,

Senate Office Building, Washington, D. C.:

Revision of Kerr-Coolidge bill does not meet with approval of Veterans of Foreign Wars. It is not satisfactory and we are opposed to the bill. In general, we object to time limitation and unlimited discretionary powers conferred. Bill leaves opening for assembling of political power, which will defeat ends of justice and permits legalizing entry of unknown numbers of illegal entrants. We endorse unqualifiedly Reynolds-Starnes bill and urge its enactment. Kerr-Coolidge bill should be defeated.

VICTOR E. DEVEREAUX,
Director, Department of Americanism,
Veterans of Foreign Wars of United States.

On April 6, 1936, the commander in chief of the Veterans of Foreign Wars wrote me as follows:

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D. C., April 6, 1936.

Hon. ROBERT REYNOLDS,

United States Senate, Washington, D. C.

My DEAR SENATOR REYNOLDS: We have been noticing your splendid fight against the adoption of the Kerr-Coolidge bill in the

Senate recently, and we want you to know that we are 100 percent behind you on that fight.

The Reynolds-Starnes bill, which would provide mandatory deportation of criminal aliens and alien Communists, registration and fingerprinting of all resident aliens, and preliminary impartial examinations and tests by our consuls in foreign countries before visas are granted to applying immigrants and, would cut down the present immigration quotas to 10 percent of what they are now at the same time making provision for preferred treatment of immigrants with relatives in this country is much preferable than the Kerr-Coolidge bill, and we sincerely hope that you will be successful in your efforts to have such more mandatory legislation enacted at this session of Congress.

With best wishes for your success and the success of your associates in this fight, I am,

Very sincerely yours,

JAMES E. VAN ZANDT,
Commander in Chief.

Mr. President, I have a telegram dated Baltimore, Md., March 30, 1936, addressed to me, which reads as follows:

State Council of Maryland Junior Order United American Mechanics heartily endorses the Starnes-Reynolds bill and sincerely urges its prompt and favorable consideration.

H. L. MENNERICK,
State Secretary, Junior Order United American Mechanics, Baltimore, Md.

So the Juniors, with their 500,000 members in every State of the Union are with us.

I have here a telegram dated New York City, April 1, 1936, addressed to me, which reads as follows:

NEW YORK, N. Y., April 1, 1936.

Hon. ROBERT R. REYNOLDS,
Senate Office Building:

Chamber of Commerce of the State of New York has long supported legislative proposals for mandatory restriction of immigration, the deportation of alien criminals, and the registration of all aliens in United States, which your bill embodies.

CHARLES T. GWINNNE,
Executive Vice President, Chamber of Commerce of State of New York.

So we have with us the chamber of commerce of the great Empire State, the only State in the Union which contributes more every year to the Federal Treasury than does my State of North Carolina.

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

Mr. REYNOLDS. I yield.

Mr. CLARK. Is the Senator referring to the tobacco tax?

Mr. REYNOLDS. I refer to all the taxes that come out of North Carolina.

Mr. CLARK. The tobacco tax is paid by residents of Missouri, Illinois, Ohio—by everyone who buys a cigarette.

Mr. REYNOLDS. That is quite true, and I am happy to know that, because the gentlemen who reside in the State of Missouri, the State of Illinois, and all the other States recognize the superiority of North Carolina tobacco—cigarettes, cigars, chewing tobacco, snuff, and pipe tobacco. [Laughter.] I thank the Senator from Missouri.

Mr. President, I have here a letter from the president general of the National Society of the Sons of the American Revolution, and I shall read all of this letter, because, although of great length, it discusses each and every section of the Kerr-Coolidge bill. The letter is dated April 1, 1936, is addressed to me, and reads as follows:

The Coolidge bill, S. 2969, having been reported to the Senate with certain amendments, we wish to take this opportunity to inform you that as representatives of the National Society of the Sons of the American Revolution we feel that this bill with the amendments thereto does not meet the objections heretofore made by our representatives before the Immigration Committee, both in the Senate and in the House, on the so-called Kerr bill.

The chief objection that was raised at the time of the hearing before the Senate and the House committees was to the discretionary power granted to the interdepartmental committee in deporting criminal aliens.

There are a number of other features in this bill that do not meet with the policy of this organization which have been stated in resolutions heretofore passed by the national body.

Accordingly we as representatives of the National Society of the Sons of the American Revolution urge you to oppose to the utmost of your ability the so-called Coolidge bill, and hope that it will not be passed at this session of Congress.

We are familiar with the Reynolds-Starnes alien deportation and registration bill, and we wish to heartily endorse this without reservation or qualification. We believe that this represents what

the patriotic Americans have striven for for many years, and is for the best interests of the American people.

Very truly yours,

HENRY F. BAKER,
President General.
FRANK B. STEELE,
Secretary General.

Mr. President, I ask that a letter addressed to me under date of April 1, 1936, by Amos A. Fries, National Society Sons of the American Revolution, and the enclosure, be printed in the RECORD as a part of my remarks, following the letter I have just read from the president general of the National Society of the Sons of the American Revolution.

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

The letter and enclosure are as follows:

WASHINGTON, D. C., April 1, 1936.

Senator ROBERT R. REYNOLDS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Replying to your letter of March 31, I am giving reasons why the Sons of the American Revolution are opposed to Senate bill S. 2969, Seventy-fourth Congress, second session, as amended by Senator KING March 30, 1936.

Very sincerely yours,

AMOS A. FRIES,
National Society Sons of the American Revolution.

SUMMARY

P. S.—The amended bill is bad for four fundamental reasons:

(1) The bill would largely increase the number of aliens coming into the United States for permanent residence, and who could become citizens, over the numbers now coming into the United States.

(2) The bill provides for a commission with power to set aside mandatory immigration laws or the decisions of our courts.

(3) It provides for legalizing illegal entries into the United States, and thus encourages aliens to break our immigration laws, thereby tending to make worse our already bad alien situation.

(4) The bill fails to provide for registration, which alone will enable us to solve the criminal and unlawful alien problem in the United States.

OBJECTIONS OF THE NATIONAL SOCIETY OF SONS OF THE AMERICAN REVOLUTION TO SENATE BILL 2969, AS AMENDED BY SENATOR KING ON MARCH 30, 1936

Senate bill 2969, as amended by Senator KING on March 30, 1936, is different in a few minor details only from the original S. 2969 as submitted by Senator COOLIDGE February 24, 1936.

The amended bill is therefore subject to most of the objections made by the Sons of the American Revolution to the original S. 2969.

The amended bill is objectionable in four important provisions or omissions, viz:

Section 3:

(1) It will increase many times in the next few years the ten to fifteen thousand aliens that have been coming legally into the United States under the present strict enforcement of the clause against permitting aliens who might become public charges to enter the United States. This would be brought about through section 3 (a), paragraphs (1) and (2), which for 3 years beyond the passage of the act would allow the proposed interdepartmental committee to legalize the illegal entry of persons who had been in the United States 10 years or who had been in the United States at least 1 year and has a father or mother, husband or wife, or a child, stepchild, adopted child, or an illegitimate child if legally recognized as such, or an older brother or sister, if the alien who sneaked in is a minor.

The chairman of the House Immigration Committee in questioning the representative of the Sons of the American Revolution suggested there might be a hundred thousand or more aliens in the United States with the various family relations referred to above. It has been estimated that the number which might come in or remain here, having already sneaked in, might amount to as many as 1,250,000. If the suggestion of the chairman of the Immigration Committee of the House be correct, the number thus coming in or to be allowed to remain though now illegally here would be at least 100,000—or more than the total number of immigrants coming into the United States since President Hoover began the strict enforcement of the law against admitting aliens liable to become public charges.

Section 4 (a) and (b), paragraphs (1), (2), and (3), will increase immigration through changing aliens who are in the United States temporarily as families of merchants, students, travelers, alien seamen, etc., to permanent immigrants if the "Commissioner of Immigration" so decides.

(2) The second great objection to this bill is the proposal to legalize the illegal entry of aliens as under section 5 (a), paragraphs 1, 2, 3, and 4.

In the same manner, aliens illegally in the United States through overstaying their time as students, travelers, etc., can be turned into legal entries under section 4.

Both cases just set forth under (2) above are an encouragement to aliens to break our laws to get into the United States. These provisions encourage lawbreaking and thus are wholly bad for that reason alone.

Sections 6 (b), (1), and (2) simply prescribe reports of numbers of aliens illegally or temporarily in the United States that have been changed to legal immigrants, a procedure the S. A. R. believes fundamentally and wholly unsound.

Section 6 (c) provides for deduction of aliens, whose illegal or temporary status was changed to a permanent and/or legal status, from the total quota allowance of the countries of their origin.

But this is in addition to aliens legally admitted to the United States and may far exceed those so legally admitted, and thus raise our present low immigration by regular methods to several times the number now so admitted legally each year.

Section 7 is just an increase of \$8 in fees to be collected from aliens illegally or temporarily herein return for being granted, what ought to be a priceless privilege, that of having an opportunity to become a citizen of the United States.

Sections 8 and 9, we believe O. K., as it should facilitate the apprehending and decreasing of illegal entries of aliens into the United States.

Section 10, just the usual clause for making rules and regulations to carry out the law. This clause is superfluous.

Section 11: This section is opposed absolutely by the S. A. R. They don't believe any commission, individual, or department should be clothed with authority to set aside laws of the United States or decisions of our courts in behalf of aliens, many of whom would be lawbreakers if not actual criminals.

Section 12 would be O. K. if the bill were O. K., but the bill is not O. K.

Section 13 is not important one way or the other.

Reynolds-Starnes provision

(3) Finally, the National Society, Sons of the American Revolution, believes any law a joke and a farce that does not provide for registering all aliens by finger printing, photographs, and other marks of identification, and for check-ups, at least annually, of the residence of all aliens. None of the evils of our immigration laws concerning criminal aliens, or aliens illegally in the United States, can ever become better, or really avoid becoming worse, without registration of all aliens and at least a yearly check-up of the residence of all aliens in the United States.

P. S.—As regards the first section of the proposed bill (pp. 1 and 2) subparagraph (1), page 2, is approved; subparagraph (2), page 2, is approved in principle, but the limiting to 5 years seems too short a period, and, most important, the S. A. R. objects to the clause that makes any deportation under this paragraph subject to the approval of the Commissioner of Immigration and Naturalization.

Subparagraph (3), page 2, by using the words "knowingly and for gain", and "or on more than one occasion", is seriously faulty, in that it allows relatives, or friends, or even paid agents of societies to knowingly aid the breaking of our immigration laws at least once, because they do not violate the law for gain.

Subparagraph (4), page 2, has the same objectionable feature as subparagraph (2), page 2; that is, making any deportation under that paragraph subject to approval of the Commissioner of Immigration and Naturalization.

Section 2, page 3, requires the same approval of the Commissioner of Immigration and Naturalization, and that is opposed. Also we believe the 30-day period now allowed by law is long enough. The wisdom of permitting a pardoned criminal alien to remain in the United States is strongly questioned (as Bruno Hauptmann a possibility).

SONS OF THE AMERICAN REVOLUTION,
By AMOS A. FRIES,
Chairman, Immigration Committee.

Mr. REYNOLDS. Mr. President, the National Society of the Sons of the American Revolution is a great patriotic order of America which believes in protecting America for Americans, an organization which believes in giving sympathy to America before we waste sympathy on aliens who have come to this country illegally and have remained here illegally.

I have before me a letter from the Crusaders, the headquarters of which are located in the city of New York. This letter is addressed to me under date of March 30, 1936, and reads as follows:

THE CRUSADERS,
New York, N. Y., March 30, 1936.

The Honorable ROBERT REYNOLDS,

Senate Office Building, Washington, D. C.

DEAR BOB: I am enclosing copy of a broadcast I made in support of your bill known as the Reynolds-Starnes bill. I meant to advise you that I was going to make it, thinking you might like to listen in, but due to the rush here I neglected it.

I am glad to advise you that the response we received from all over the country was practically unanimously in favor of this bill. Of course, we got some mail from reds and pinks opposing it, as we expected, but I am certain that these would not amount to a small fraction of 1 percent of the total. On the other hand, those that favored the bill were most emphatic in their support.

I want to congratulate you on your excellent work in this connection, and if there is anything you can think of that we can do to help, just call on us.

With kindest personal regards, I remain,

Sincerely yours,

FRED G. CLARK.

Mr. Clark is the head of the national organization known as the Crusaders, situated in the State of New York.

On April 1, 1936, I received a telegram from Mr. Clark, reading as follows:

The returns from radio address of Voice of the Crusaders Monday evening, March 23, reveal an overwhelming sentiment in favor of Reynolds-Starnes bill and strong opposition to Kerr-Coolidge bill. Actually more than 99 percent strongly favor immediate legislation which will accomplish the purpose for which Reynolds-Starnes bill is designed.

That will inform Senators of the overwhelming sentiment of the American people for the deportation of alien criminals, and for restricted immigration.

The telegram continues:

The Crusaders, whose membership includes men and women in all walks of life from every State in the Union, heartily endorse the Reynolds-Starnes bill, and urge its immediate passage.

FRED G. CLARK,
National Commander.

I have here, Mr. President, a brief radio address delivered by Mr. Clark over a Nation-wide hook-up in favor of the Reynolds-Starnes bill, which is as much unlike the Kerr-Coolidge bill as night differs from day, because the Kerr-Coolidge bill will have the effect of letting in criminal aliens, while the Reynolds-Starnes bill will have the opposite effect of deporting them. The Kerr-Coolidge bill invites them in; the Reynolds-Starnes bill keeps them out.

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

Mr. REYNOLDS. I gladly yield to my distinguished colleague from Pennsylvania.

Mr. DAVIS. I have spent some time reading the Reynolds-Starnes deportation bill. If I understand the Coolidge bill correctly, if it were passed, it would be necessary to employ a great many persons to go out and look for aliens, whereas the Reynolds-Starnes bill makes it compulsory on their part to come to a central place designated by the Immigration and Naturalization Service for the purpose of enrolling themselves, so that the Service may ascertain whether or not they are legally here. Is that correct?

Mr. REYNOLDS. The Senator is eminently correct, and I thank him for his contribution.

Mr. DAVIS. The result of the passage of the Kerr-Coolidge bill would be to build up a tremendous bureaucracy at the expense of the American taxpayer, while with the passage of the Reynolds-Starnes bill the regular bureau would be able to take care of the work.

Mr. REYNOLDS. Quite so.

I now have before me a brief radio address, which I mentioned a moment ago as having been delivered by Mr. Fred G. Clark, national commander of the Crusaders, who advised me by telegram that 99 percent of those who wrote him favored the passage of the Reynolds-Starnes bill. Ninety-nine percent of all the responses he received as a result of his radio address were in support of the passage of the Reynolds-Starnes bill. I ask that the radio address be published in the RECORD at this point as a part of my remarks, in order that Senators who are not here may have the opportunity of reading what the national commander of the Crusaders had to say, and particularly what he had to say in reference to the responses he received, all of which goes to show that with 12,625,000 persons out of work, with sixteen to twenty million persons on relief, living on the Government, our people are demanding that the Congress give consideration to the American people and stop giving money and sympathy and consideration to those from beyond the seas who have illegally entered this land and who have remained here illegally.

I ask that the radio address be printed in the RECORD at this point.

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

The address is as follows:

Senator REYNOLDS, of North Carolina, recently demanded the deportation of hundreds of thousands of aliens on relief who have received hundreds of millions of dollars from the taxpayers of the United States. There has been much heated argument recently in Congress over the alien problem in general and the proposed Reynold-Starnes and Kerr-Coolidge bills in particular. On the

surface this battle may look innocent. Down deep, one of the most important issues before the country is being fought out between those who thoroughly believe in maintaining fundamental American principles and those who lean toward red internationalism. Perhaps these are strong words, but there are times in the lives of men and nations when strong words are necessary.

Cut the alien controversy into two sections, bring them both out in the open, and we can understand them better. The facts are these: Estimates on the number of aliens in this country vary. The minimum is placed at about 5,000,000. There are, however, competent students on the subject who contend that there are more than 7,000,000. The number of aliens on relief is estimated by statistical experts at from 600,000 to 1,500,000. Yet, again, there are students of this situation who believe the number on relief will run well over 2,000,000. But if we accept the minimum figures, the picture is gloomy enough.

Most countries are very strict about their alien population. Whenever an American citizen becomes an object of charity in any European country, his apprehension and deportation becomes automatic and immediate. There is never any argument about it. But here, faced with such a serious emergency in our own affairs that millions of our own flesh and blood are walking the streets, we pay out hundreds of millions of dollars to aliens on relief. And we take one more puzzling step! We give profitable employment to several million aliens while legions of our citizens are numbered in the ranks of the idle. That's something to think about!

Most of the aliens in this country have been here many years. Why don't they become citizens? The answer in most cases is simple. Hordes of these aliens came to this country to escape the military duties of citizenship in their native land. By refusing to become citizens here they escape the obligation of defending this country in times of emergency. But every citizen here is under direct obligation and, in an emergency, the Government can and does call on him to defend his home, his community, and his country with his life if necessary. There are many other obligations that are placed on the shoulders of citizens that these aliens escape.

But the main reason why radical aliens refuse to accept citizenship is the cardinal principle of all these men and women throughout the world who believe in communism that it is not only a crime but absolute sacrifice to admit allegiance to any government that in any way opposes "red" theories. A Hindu, because of his religious belief, would rather die than eat beef. A Communist will actually go to jail before he will incriminate himself in the eyes of his followers by doing anything that would signify his allegiance to our Government. Many Communists—aliens and otherwise—fool our Government officials when called in for investigation during strikes by declaring that they do not carry a "red" card and therefore cannot be considered members of the Communist Party. Very few Communists ever register and take out a "red" card. Not one "red" agitator or speaker in a hundred ever takes out a card which forces him to admit to Government investigators or to the police that he is a member of the Communist Party. They take this precaution to escape deportation or other difficulties with the law.

No; we are not pulling tall feathers from the American eagle in making these statements. We are not putting patriotism on our sleeves. We are quoting simple facts. The Communist Party is not—in any sense of the word—an American institution. It does not profess to be such. Its leaders not only frankly admit but are proud to declare that they take orders from Moscow, and that the Communist branch in the United States of the Russian Communist Party must live up to all the rules laid down in Moscow.

Secondly, the Communists not only want to overthrow our Government—they are not even willing to leave us the flag that has flown over this free Nation for 159 years. They want to remove the blue and white from our flag and leave just the "red" of international communism. And somehow the idea of hauling down the Stars and Stripes does not appeal very much to the genuine citizen of either birth or choice. Now, before we shed any tears over this alien who refuses to accept any responsibility in this country and who has no respect for our Government, let's calmly look into the justice of this whole controversy.

What right has this Government to pay out hundreds of millions of taxpayers' dollars to aliens who would be instantly deported if they were living in any other country on the face of the globe? Why should we—who are having such a hard time caring for ourselves—take money out of the pockets of millions of our hard-working citizens, who actually need this money for bread for their own families, and give it to aliens who are either plotting the overthrow of our Government or at least are so opposed to our Government that they refuse to assume the obligations of citizenship? What right have we to penalize American citizens and give preferential benefits to the alien who refuses to become American?

Now, don't misunderstand us. This country was largely developed by foreign-born who were proud of the opportunity of coming here * * * proud of the flag that some of them helped create. Yes; they honored the flag that guaranteed them liberty which they did not enjoy in the country they left. They were proud of the Government that guaranteed them rights they had never dreamed of in their fatherland. And they were more proud of their citizenship papers here than of all the possessions with which they were endowed. But there is a vast difference between the aliens who came here and immediately accepted all obligations in this country and were loyal under all circumstances and the legions of aliens now troubling us who despise our Gov-

ernment and all it stands for and are working night and day to bring about its downfall.

Can anyone justify the steady employment of 3,500,000 aliens, who refuse to accept the obligations of citizenship, when 8,000,000 American citizens, gladly accepting all the responsibility of citizenship, are in the ranks of the unemployed? We should like to hear from everyone listening in on this program as to his or her honest opinion in this matter. This country has long been the haven of the oppressed. We sincerely hope that we can—when economic conditions change—admit into this country selected people, willing and eager to work, from foreign countries—men who have the right attitude toward our Government and our people; men and women who recognize the vast difference between the onerous restrictions of other countries and the freedom that can be enjoyed under this constitutional democracy that recognizes all men as equal before the law.

But the time has come—and we can ignore it no longer—when we should stop pampering alien responsibility dodgers, especially at a time when our own genuine citizens are in such urgent need of work and sustenance.

Now, a word regarding the two important immigration and deportation bills before Congress. The Reynolds-Starnes bill, which is a desirable bill dealing with alien immigration and deportation, and the Kerr-Coolidge bill, an undesirable piece of legislation that, in our opinion, should be defeated. The Reynolds-Starnes bill should have the support of every American. It is enthusiastically endorsed by all of the patriotic organizations of the country and the American Federation of Labor. The Reynolds-Starnes bill makes it mandatory on our authorities to deport all aliens convicted of crime in this country and those aliens afflicted with diseases constituting a menace to the community. This bill also makes it mandatory to deport aliens belonging to organizations whose objective is the overthrow of the Government by violence.

Now we come to the Kerr-Coolidge bill. This proposed piece of legislation, endorsed by the Department of Labor, has a suspicious similarity to the Dickstein bill, introduced in the House in 1934. The Dickstein bill, opposed by the American Federation of Labor and all patriotic organizations, was then overwhelmingly voted down in the House of Representatives. The Kerr-Coolidge bill is not an act clarifying our present immigration legislation. The apparent objective of this bill is to make it possible to prevent the deportation of thousands of aliens who should be deported, because it leaves the authority to deport in the hands of the Secretary of Labor, whose word is both final and autocratic.

There are more than 2,000 aliens in this country whose deportation should have been carried out long ago—who have either been convicted of crime or are afflicted with diseases dangerous to the community or are members of organizations dedicated to the purpose of overthrowing our Government, by force if necessary. These undesirable aliens are being allowed to stay in this country by some mysterious force, and it appears to us that the Kerr-Coolidge bill has been largely framed to keep those 2,000 people in this country with other legions of aliens who should be deported.

This is a country of laws—not dictators—and the deportation of undesirable aliens should be mandatory and not left to the whims or fancies of a single individual bureaucrat! The American Federation of Labor is throwing its entire strength against the Kerr-Coolidge bill. Every patriotic organization is up in arms against this proposed act, fighting desperately with all the power at its command.

Whether this country is to remain American with American ideals and American principles adopted by and administered by people who believe in constitutional democracy or whether we are to be permeated with alien ideas and destructive alien activities, depends largely on what we do with these two all-important measures before Congress. The Crusaders appeal—without prejudice—to all American citizens to demand that aliens in this country either get American or get out! And make it mandatory, when aliens flout our fundamental laws of justice, that they get out whether they want to or not. It's time to take care of American citizens first! Let's drown out the Third Internationale with the strains of *Wake Up America!*

MR. REYNOLDS. Mr. President, there is in this country an organization known as the Brotherhood of Locomotive Firemen and Enginemen, with a membership of over 500,000 persons. There is no more honorable body anywhere in our whole land. The vice president and legislative representative of that organization is Mr. Arthur J. Lovell. In his letter he takes up the Kerr-Coolidge bill section by section. I am going to read the letter now, because I desire Senators who are present to hear what Mr. Lovell, the vice president of that great organization, with a membership of 500,000 persons from coast to coast, from Canada to Mexico, has to say about the bill. That organization is against the Kerr-Coolidge bill, as is every other patriotic organization in the United States. Mr. Lovell directed this letter to me on April 1, 1936.

MR. DAVIS. Mr. President, does that organization include in its membership practically all the firemen and engineers in this country?

Mr. REYNOLDS. Yes; railroad firemen and engineers all over the United States.

Mr. DAVIS. And does it also include conductors?

Mr. REYNOLDS. Yes, sir.

The letter reads as follows:

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEERS,
Washington, D. C., April 1, 1936.

Hon. ROBERT R. REYNOLDS,

United States Senator, Washington, D. C.

MY DEAR SENATOR: We have just received copy of amendment (in the nature of a substitute) submitted by Senator KING to the Coolidge bill, S. 2969, and we are availing ourselves of the first opportunity to advise you of our views with respect to this proposed legislation.

So far as we can determine, none of the serious objections to S. 2969 have been overcome in the substitute bill. The bill is essentially for the relief of aliens illegally and unlawfully in the United States and would put a premium on evasion and violation of our existing immigration restriction laws.

Section 1 provides that an alien who entered the United States, either from a foreign country or an insular possession, either before or after the passage of the act, shall be deported in the manner provided in sections 19 and 20 of the Immigration Act of February 5, 1917, etc., followed by some highly important qualifications and subject to the discretion of the Commissioner of Immigration and Naturalization. As a matter of fact, in practically all of the instances cited in the bill the alien could be proceeded against and deported under existing Federal law.

Section 2 would weaken the provisions of existing immigration laws and would open the possibilities for the exercise of political influence to defeat a meritorious deportation. Under this section if an alien is convicted of a crime and later pardoned he may escape deportation. The approval of the Commissioner of Immigration and Naturalization would be no safeguard.

Section 3 provides that after an alien who has illegally entered the United States and successfully evaded detection for a period of 10 years, or who has successfully evaded detection for a period of 1 year, if he has a relative legally resident in the United States, he may not be deported if the so-called interdepartmental committee can be induced to permit him to remain, and when so permitted to remain automatically becomes eligible for citizenship.

Section 4 provides that nonimmigrants, upon application to the Commissioner of Immigration and Naturalization, may have their status changed to that of a nonquota immigrant or preference-quota immigrant. It seems to us that instead of this section holding out the reward of permanent quota admission to aliens who break their promise and breach the condition-precedent agreement by which they obtained temporary admission, this section should provide for the immediate deportation of temporarily admitted nonimmigrants and nonquota aliens who break their word and violate their agreements and should make such deportation a bar to reentry.

Section 5 provides that the registry of aliens at ports of entry may be made as to any alien not ineligible to citizenship in whose case there is no record of admission for permanent residence, if such alien shall make a satisfactory showing to the Commissioner of Immigration and Naturalization that he entered the United States prior to July 1, 1924, has resided in the United States continuously since such entry, is a person of good moral character, and is not subject to deportation. Fortunately section 6 provides that the burden of proof shall be upon the alien to establish every requisite fact.

Section 6 further provides for a tabulation or compilation of records of aliens permitted to remain in the United States under the provisions of this bill and the opening of a "charge account" against quotas of future years.

Section 7 applies to the collection of entrance fees and is necessary if the bill should be enacted into law.

Section 8 empowers the Secretary of Labor to designate persons holding supervisory positions to issue warrants for the arrest of aliens. It is our understanding that for years the Secretary has delegated the power to assistants and arrests are made and warrants are issued with little delay. If this provision of law is necessary, it would appear that there is no good reason why it should not be enacted without being connected with other legislative matter which we believe is wholly against the public interest.

Section 9—we have previously stated our objections to this section, which is similar to the original bill. Any such authority as contained in this section should be restricted to competent, experienced officers and not delegated to "any employee."

Section 10 is the usual provision for the issuance of rules and regulations.

Section 11 provides for the composition of the interdepartmental committee. We are opposed to the delegation of power to any such committee. The Secretary of Labor is charged generally with the enforcement of the immigration laws and it is very unlikely that the interdepartmental committee would deviate from the policy of the Secretary of Labor. We are opposed to the proposed substitution of persons for laws.

We see no objection to section 12, and if the bill is enacted this provision would seem desirable.

Section 13 provides for the repeal of the provision of law granting quota preference to immigrants skilled in agriculture, and we have no objection to that provision.

SUMMARY

While the amendment in the nature of substitute for S. 2969 contains certain modifications and improvements over the original bill, it still confers very broad discretionary powers on the Commissioner of Immigration and Naturalization and the interdepartmental committee. The bill is claimed to strengthen the deportation laws, when, as a matter of fact, with one inconsequential exception, the bill, if enacted, would not add a single mandatorily deportable alien to existing law but, on the contrary, would substitute for the mandatory provisions of law the discretion of the Commissioner of Immigration and Naturalization and the interdepartmental committee. The chief object of the bill is to "permit to remain in the United States" aliens who are illegally and unlawfully in the country.

Assuring you of my cooperation and assistance and with best wishes, I am,

Yours very truly,

ARTHUR J. LOVELL,
Vice President, National Legislative Representative.

MR. BARKLEY. Mr. President, I believe the Senator will not be able to conclude his remarks today.

MR. REYNOLDS. No; I shall not.

MR. BARKLEY. Will the Senator yield at this time so that an executive session may be held?

MR. REYNOLDS. Certainly.

APPROPRIATIONS FOR TREASURY AND POST OFFICE DEPARTMENTS—CONFERENCE REPORT

MR. GLASS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10919) "making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 7, 8, 9, 16, 19, 21, 23, 35, 37, 46, 55, 56, 57, and 58.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 10, 12, 15, 18, 20, 24, 31, 33, 39, 40, 41, 47, 50, 51, 53, 54, 62, and 64, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$1,050,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$155,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$1,373,210"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$475,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$17,566,458"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "or for the permanent enlargement of the capacity of any existing aviation shore station"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$23,690,788"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$1,320,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "not exceeding \$1,000 for expenses of educational exhibits, specifically approved by the Secretary of the Treasury"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$366,135"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and

agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$569,810"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$769,150"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$447,500"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$206,240"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$104,930"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "Salaries of inspectors: For salaries of fifteen inspectors in charge of divisions and five hundred and seventy-five inspectors \$2,219,500.," and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$586,500"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$6,775,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$186,900,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$134,900,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$7,125,000"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$12,875,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$14,900,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$4,675,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$625,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 26, 48, 49, and 52.

CARTER GLASS,
KENNETH MCKELLAR,
CARL HAYDEN,
FREDERICK STEWART.

Managers on the part of the Senate.

LOUIS LUDLOW,
JOHN J. BOYLAN,
EMMET O'NEAL,
JOHN TABER,
CLARENCE J. MCLEON.

Managers on the part of the House.

Mr. GLASS. Mr. President, I will state to the Senate that there is only one item in controversy. The House conferees felt compelled to take that item back to the House.

I ask for the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

PAYMENTS TO EASTERN CHEROKEES

Mr. THOMAS of Oklahoma. Mr. President, I submit a Senate resolution which simply asks for information from the Comptroller General.

Some years ago the Congress passed a jurisdictional bill enabling the Cherokee Indians to go into the Court of Claims. The case was prosecuted; but, for some reason, the Court of Claims did not take into consideration or assume jurisdiction of some facts which the Indians thought they were entitled to have considered.

There is now pending before the Committee on Indian Affairs an amendment to the original jurisdictional bill; but before the Committee on Indian Affairs can adopt the amendment with any degree of satisfaction it is necessary to have some information, and I submit this resolution asking for the information from the Comptroller General. If there be no objection, I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution submitted by the Senator from Oklahoma, which will be read?

The resolution (S. Res. 285) was read, as follows:

Resolved, That the Comptroller General of the United States, for the information of the Senate, is hereby requested to advise the Senate of the amounts appropriated by Congress in payment of the lands and improvements of the Eastern Cherokees ceded by them by treaty of December 29, 1835 (7 Stat. 478); what charges against such funds were found justly due and payable by the Supreme Court of the United States; after deducting such just charges, whether or not the balance bore interest, and if so, from what date and at what rate. He is further requested to advise the Senate what amount or amounts of payments were made thereon to the Eastern Cherokees per capita since the dates of appropriation; and the balance due the Eastern Cherokees per capita, if any, after applying such payments made in accordance with the established law governing partial payments. Also what gratuities, if any, have been paid to the Eastern Cherokees per capita.

Mr. AUSTIN. Mr. President, in view of the lateness of the hour and the conditions in the Senate, and my understanding that there would be no legislative business transacted, I shall feel obliged to call for a quorum if any business is to be transacted. I should not object, but I should have to ask for a quorum.

Mr. THOMAS of Oklahoma. In order to obviate the necessity of calling a quorum, I ask that the resolution be printed and lie on the table, so that I may call it up at a later date.

The PRESIDING OFFICER. The resolution will be printed and lie on the table.

EXECUTIVE SESSION

Mr. BARKLEY. 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. 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 nomination of John L. M. Irby, of South Carolina, to be State director of the Public Works Administration in South Carolina.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nomination of R. Henry Norweb, of Ohio, now a Foreign Service officer of class 1 and counselor of embassy at Mexico City, Mexico, to be Envoy Extraordinary and Plenipotentiary to Bolivia.

He also, from the same committee, reported favorably the nomination of Fay A. Des Portes, of South Carolina, now Envoy Extraordinary and Minister Plenipotentiary to Bolivia, to be Envoy Extraordinary and Minister Plenipotentiary to Guatemala.

He also, from the same committee, reported favorably the nominations of sundry officers in the Diplomatic and Foreign Service.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The reports will be placed on the Executive Calendar.

POSTMASTER AT KNOXVILLE, TENN.

Mr. MCKELLAR. Mr. President, from the Committee on Post Offices and Post Roads I report favorably the nomination of H. Woodruff Booth to be postmaster at Knoxville, Tenn. I ask unanimous consent for the immediate consideration of the nomination.

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

Mr. AUSTIN. Mr. President, what is the nature of the report?

Mr. MCKELLAR. It is a favorable report on the nomination of a postmaster at Knoxville, Tenn. I should like to have the nomination considered at this time.

Mr. AUSTIN. Very well.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MCKELLAR. I ask unanimous consent that the President may be notified.

The PRESIDING OFFICER. Without objection, the President will be notified.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. MCKELLAR. I ask unanimous consent that nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc. That completes the calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 56 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, April 22, 1936, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 21 (legislative day of Feb. 24), 1936

POSTMASTERS

ARIZONA

Paul D. Snyder, Ajo.
John R. Livingston, Chloride.
James A. Metzger, Grand Canyon.
Francis K. Pomeroy, Mesa.
Martin Layton, Safford.
Charles G. Montgomery, Whiteriver.

ARKANSAS

Albert L. White, Lepanto.
Kenneth W. Crook, Pangburn.

COLORADO

Roscoe D. Mutz, Fowler.
Joseph B. Perkins, Fruita.
George W. Snider, Granby.
Clyde D. Moslander, Grand Junction.
Charles M. Burrell, New Castle.
Anna L. Grabow, Ouray.
Meryl D. Haynes, Seibert.
Floyd E. Cooper, Silverton.
Mark S. Cole, Yampa.

ILLINOIS

Clarence D. Lawson, Aledo.
John M. Vandaveer, Greenfield.
Helen C. Mowen, Macon.
Clare A. Ruffner, Mason.
Herman J. Hemann, New Baden.

INDIANA
Nathan P. Lewis, Campbellsburg.
William H. Ashba, Delphia.
Robert C. Mayhall, Edinburg.
Matthew Halbig, Haubstadt.
John Nichols, Odon.
Fonzo Martin, Shelburn.
Elijah A. Gebhart, Warren.

IOWA
Rose M. Fischbach, Granville.
Vern U. Waters, Havelock.
Louis A. Hasselbrink, Kellogg.
Joseph L. Lichty, Luverne.
George M. Smith, North English.
Clifford P. Shane, New Virginia.
Viola F. McCartan, Pocohontas.
Hattie Bandy, Redfield.
Lyman L. DeFreece, Sidney.
Peter T. Belgard, Tipton.

KENTUCKY
Elizabeth R. Smith, Irvine.
John A. Gross, Vine Grove.

LOUISIANA
Moise Bellard, Church Point.
Mary K. Roark, Marion.

MASSACHUSETTS
Aloysius B. Kennedy, Rochdale.
Susan F. Twiss, Three Rivers.
Edward J. O'Day, West Brockfield.

MICHIGAN
Theodore M. Lampert, Ada.
Nora Donovan, Bangor.
Roy W. Maddock, Benzonia.
John L. Burkart, Big Rapids.
Mildred C. Lesh, Blanchard.
Cecil Plum, Bloomingdale.
Margaret Ackerson Rush, Clarksville.
Edward Nelson, Coleman.
Irving L. Dixon, Concord.
Laura J. Diver, Deerfield.
Charles A. Bigelow, East Tawas.
Leo J. Navarre, Essexville.
Judson E. Richardson, Evart.
Earl Hudson, Gobles.
Homer Fisher, Grand Haven.
Michael E. Mussatto, Gwinn.
Frank L. Friend, Harbor Springs.
William C. Radue, Hermansville.
Alfred H. Pfau, Howell.
Stephen F. Jakobowski, Inkster.
Hazel B. Erickson, Le Roy.
Bert Lowery, Manchester.
Walter R. Mason, Milan.
Bartlett E. O'Grady, Paw Paw.
Karl E. H. Beyer, Remus.
Adelbert L. Stebbins, Sheridan.
Lewis L. Peterson, Springport.
Lydia T. Bing, Tawas City.
Franc S. Gillespie, Tecumseh.
Adam Przybylski, Wyandotte.

MISSOURI
Joseph H. Hardgrove, Atlanta.
Harry O. Travis, Belle.
Roy Clodfelter, Essex.
George Petrus, Hermann.
Ruby M. Farr, Kingston.
Newton E. Young, Sr., La Plata.
John Y. Glasscock, Maysville.
George E. Scott, New Hampton.
Mary S. McMahill, Osborn.
Edgar E. Smith, Owensville.
G. Emmett Moore, Parkville.

Floyd E. Birkhead, Winfield.
Charles H. Oney, Wright City.

NEW JERSEY

William J. Dugan, Greystone Park.
Thomas E. Downs, Jr., South Amboy.
Robert Freeman Kearse, Vauxhall.

OKLAHOMA

George J. Martin, Guthrie.

TENNESSEE

William Davis Dulaney, Blountville.
H. Woodruff Booth, Knoxville.
William L. Moore, Selmer.

TEXAS

Oliver A. Hale, Abilene.
Annie K. Turney, Alpine.
Pearl Knox, Anson.
Angus G. Vick, Belton.
Wilson Bradley, Bryan.
Eunice C. Burroughs, Buffalo.
Erin M. McAskill, Edinburg.
Daisy E. Billingsley, Eliasville.
Robert B. Truett, Franklin.
Kirby J. Preston, Gladewater.
Crown Dickson, Kilgore.
Roger S. Guyton, McCamey.
William E. Thomason, Nacogdoches.
Elbert L. Tubb, Oakwood.
John E. Cooke, Rockdale.
Nora B. Starnes, Winona.
Brett Hargrove, Woodsboro.

UTAH

Robert H. Barton, Layton.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 21, 1936

The House met at 12 o'clock noon.

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

Our Father which art in heaven, hallowed by Thy name. Thy kingdom come. Thy will be done in earth, as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil: for thine is the kingdom, and the power, and the glory, forever. Amen.

THE JOURNAL

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that the reading of the Journal of yesterday's proceedings be dispensed with and the Journal stand approved.

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

There was no objection.

By unanimous consent, the Journal of the proceedings of yesterday was approved.

ORDER OF BUSINESS

Mr. BANKHEAD. Mr. Speaker, before proceeding with the memorial services, a change in the parliamentary situation makes it necessary for me to submit a unanimous-consent request on account of the indisposition of the chairman of the subcommittee in charge of the Interior Department appropriation bill.

Mr. Speaker, I ask unanimous consent that on tomorrow it may be in order to consider omnibus bills on the Private Calendar under the rule.

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

There was no objection.

RECESS

The SPEAKER. Pursuant to House Resolution 467 the Chair declares the House to be in recess for the purpose of

holding memorial services as arranged by the Committee on Memorials.

Accordingly, the House stood in recess to meet at the call of the Chair.

MEMORIAL SERVICE PROGRAM

Prelude, Sacred Selections (11:30 to 12) ...United States Army Band
Presiding Officer The Speaker of the House of Representatives
Invocation The Chaplain, Dr. James Shera Montgomery
There Is No Death O'Hara

Dorothy Reddish

Scripture Reading and Prayer The Chaplain
Roll of Deceased Members The Clerk of the House of Representatives
Devotional silence.

Address Hon. ULYSSES S. GUYER
Representative from the State of Kansas
Out of the Night a Bugle Blows Constance
Dorothy Reddish

Address Hon. JOHN J. O'CONNOR
Representative from the State of New York

Cornet solo—Nearer My God to Thee Ralph Ostrom
From the United States Army Band

Benediction The Chaplain

IN MEMORIAM

Senate

Hon. HUEY PIERCE LONG, a Senator from the State of Louisiana.
Died September 10, 1935.

Hon. THOMAS DAVID SCHALL, a Senator from the State of Minnesota.
Died December 22, 1935.

House of Representatives

Hon. CAP R. CARDEN, Fourth Congressional District of Kentucky.
Died June 13, 1935.

Hon. CHARLES VILAS TRUAX, at large, Ohio. Died August 9, 1935.

Hon. HENRY MAHLON KIMBALL, Third Congressional District of Michigan. Died October 19, 1935.

Hon. WESLEY LLOYD, Sixth Congressional District of Washington. Died January 10, 1936.

Hon. STEPHEN A. RUNN, Ninth Congressional District of New York. Died March 31, 1936.

MEMORIAL SERVICES

The Speaker of the House of Representatives presided.

The Chaplain, Dr. Montgomery:

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit, that we may perfectly love Thee and worthily magnify Thy holy name. Through Jesus Christ our Lord. Amen.

Dorothy Reddish sang There Is No Death, by O'Hara.
The Chaplain, Dr. Montgomery:

The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures; He leadeth me beside the still waters. He restoreth my soul: He leadeth me in the paths of righteousness for His name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil; for Thou are with me; Thy rod and Thy staff they comfort me. Thou preparest a table before me in the presence of mine enemies; Thou anointest my head with oil; my cup runneth over. Surely goodness and mercy shall follow me all the days of my life; and I will dwell in the house of the Lord forever. Amen.

Though I speak with the tongues of men and of angels, and have not love, I am become as sounding brass, or a tinkling cymbal. And though I have the gift of prophecy, and understand all mysteries, and all knowledge; and though I have all faith, so that I could remove mountains, and have not love, I am nothing. And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not love, it profiteth me nothing. Love suffereth long, and is kind; love envieth not; love vaunteth not its self, is not puffed up. Doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil; rejoiceth not in iniquity, but rejoiceth in the truth. Beareth all things, believeth all things, hopeth all things, endureth all things. Love never faileth: but whether there be prophecies, they shall fail; whether there be tongues, they shall cease; whether there be knowledge, it shall vanish away. For we know in part, and we prophesy in part. But when that which is perfect is come, then that which is in part shall be done away. When I was a child, I spake as a child,

I understood as a child, I thought as a child; but when I became a man, I put away childish things. For now we see through a glass, darkly; but then face to face: now I know in part; but then shall I know even as also I am known. And now abideth faith, hope, love, these three; but the greatest of these is love. (I Cor. xiii.)

Lead, kindly Light, amid the encircling gloom,
Lead thou me on!
The night is dark, and I am far from home—
Lead thou me on!
Keep thou my feet; I do not ask to see
The distant scene—one step enough for me.
I was not ever thus, nor prayed that thou
Shouldst lead me on;
I loved to choose and see my path; but now
Lead thou me on!
I loved the garish day, and spite of fears,
Pride ruled my will. Remember not past years.
So long Thy power hath blest me, sure it still
Will lead me on
O'er moor and fen, o'er crag and torrent, till
The night is gone,
And with the morn those angel faces smile,
Which I have loved long since, and lost awhile.

Hear us, Infinite Spirit, while we breathe the chant of the ages: Holy, holy, holy, Lord God Almighty; heaven and earth are filled with Thy goodness; glory be unto Thy holy name. Hear us and lead us to repose our confidence in Thee. We thank Thee for the blessed gift of life; inspire us to live wisely, labor industriously, and at the last hand it back to Thee without a blemish. Guide us by Thy law, rule us by Thy love, and lead us in the pathway of a just and honorable service for our country.

We praise Thee for the words that fell from the lips of our Master:

Let not your heart be troubled; ye believe in God, believe also in me. In my Father's house are many mansions; if it were not so I would have told you.

Heavenly Father, the sands of life run swiftly; we know not when the silver cord shall be loosed, the golden bowl be broken, but so long as faith and hope and love shall live, so long is the immortality of the soul assured. Be this the comfort, the hope of the sorrowing ones of our deceased Members in whose memory we have assembled. May we go forward with patience and fortitude and at the last may we be able to look back without regret in the closing hours of this earthly life and pass serenely to our eternal home. In the name of our Savior. Amen.

ROLL OF DECEASED MEMBERS

Mr. Patrick J. Haltigan, reading clerk of the House, read the following roll:

HUEY PIERCE LONG, SENATOR FROM THE STATE OF LOUISIANA

Lawyer; railroad commissioner; member of the public service commission, State of Louisiana; Governor; elected to the United States Senate, November 4, 1930. Died September 10, 1935.

THOMAS DAVID SCHALL, SENATOR FROM THE STATE OF MINNESOTA

Lawyer; elected a Representative to the Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses; twice elected to the United States Senate. Died December 22, 1935.

CAP R. CARDEN, FOURTH CONGRESSIONAL DISTRICT OF STATE OF KENTUCKY

Lawyer; farmer; banker; elected a Representative to the Seventy-second, Seventy-third, and Seventy-fourth Congresses. Died June 13, 1935.

CHARLES VILAS TRUAX, REPRESENTATIVE AT LARGE, STATE OF OHIO

Farmer; editor; director of agriculture, Ohio, 1923-29; vice chairman, Democratic State Central Committee; delegate Democratic National Convention, 1924; nominated for United States Senate, 1928; elected a Representative to the Seventy-third and Seventy-fourth Congresses. Died August 9, 1935.

HENRY MAHON KIMBALL, THIRD CONGRESSIONAL DISTRICT OF THE STATE OF MICHIGAN

Graduate of the literary and law departments of the University of Michigan; practicing attorney for 27 years; elected a Representative to the Seventy-fourth Congress. Died October 19, 1935.

WESLEY LLOYD, SIXTH CONGRESSIONAL DISTRICT OF THE STATE OF WASHINGTON

Lawyer; elected a Representative to the Seventy-third and Seventy-fourth Congresses; assistant Democratic whip of the House; member of the Committee on the Judiciary. Died January 10, 1936.

STEPHEN ANDREW RUDD, NINTH CONGRESSIONAL DISTRICT OF THE STATE OF NEW YORK

Lawyer; alderman, city of New York; elected a Representative to the Seventy-second, Seventy-third, and Seventy-fourth Congresses. Died March 31, 1936.

Then followed 1 minute of devotional silence.

Hon. ULYSSES S. GUYER, a Representative from the State of Kansas, delivered the following address:

ADDRESS OF HON. ULYSSES S. GUYER

Mr. Speaker:

Leaves have their time to fall,
And flowers to wither at the north wind's breath
And stars to set, but all,
Thou hast all seasons for thine own, O Death!

Veneration for the sepulcher and reverence for the dead belong to the most ancient instincts of the human race. To respect and to honor the memory and dust of our ancestors is common alike to the savage and the civilized. This inclination to consecrate the grave and to enshrine the memory of our departed ancestors may have been and doubtless was the beginning of the worship of Deity, for in that black night of prehistoric darkness the human soul reached out toward the only symbol of Deity it possessed—its earthly parentage.

Thus today, both in harmony with the precedents of the House and the customs of mankind, we meet to honor those who have gone to that "undiscovered country" and who for a brief time were associated with us in this forum fashioned by our fathers in the Constitution. This day the discord of party passion divides us not. Individual interests and personal ambitions are forgotten. The battle for supremacy and the struggle for precedence sleep for the moment like those we mourn. All that is sordid, all that is ignoble in this game of politics retreats in silence from the presence of death.

There are no minority views in this committee's report. It is accepted by unanimous consent without debate. That report constitutes the epitaph of the seven strong men who are the objects of this memorial. Their work in this forum is finished. Their record is completed. Their roll calls have all been answered. Their speeches have all been uttered. Their offices have been vacated by the decree of fate. Soon others will occupy their places and the current of life will resume its accustomed course.

It is one of the inexplicable mysteries of life in which one surrenders his peace of mind, his tranquillity of soul and life under his own vine and fig tree for a disappointing, disillusioning ignis fatuus in the morass of public life. Yet, arduous as the duties are, we are loathe to leave its unrivaled associations, and every Member may refer with pride to his membership in this forum of the people. The duties and growing exactions upon its Members increasingly draw upon their powers of endurance and resistance, which constantly increases their mortality. I have been a Member of this House for 10 years under five Speakers, three of whom have gone to that undiscovered land where there is always a quorum present.

In my humble opinion, the Presiding Officer of this House holds in his credentials of election as Speaker the supreme testimonial of exalted character, unimpeachable integrity, and superlative ability. He is no accident. He must prove his fitness for this great office through a long series of years in the fierce furnace of political debate, the fisticuff of parliamentary strategy and maneuver, and by his ability to manage strong and intelligent men under the most trying and difficult circumstances. That, in my opinion, was what led the late Nicholas Longworth to twice declare upon this floor, "I would rather occupy that chair than any other office in the world."

While in the roster of public offices a Member of this House is not the most exalted, membership in the House

holds the opportunity for the highest type of public service. The principal difference between the higher and lower offices is that the higher are the more exacting and the more disappointing and disillusioning. Men speak of the Presidency as the greatest office in the world, and we do not dispute that estimate. But what a tragic and disappointing illusion!

With more or less familiarity I have known the last seven Presidents; knew each before his elevation to the high office, met each while serving his term, saw all of them after the expiration of their terms, except one, who escaped in the embrace of death, and every one of them withered under the devastating experience like the grass withered under the furnace breath of the drought of 1934. The Presidency saps the life like a vampire and like a vampire mocks.

I saw Woodrow Wilson stumble down into the valley and the shadow amid the wreck of his shattered dream of peace, disappointed, disillusioned and heartbroken beyond the dream of despair. I saw that world-famous smile of William Howard Taft, which they said would never wear off, fade forever among the things that were. Warren G. Harding, as Senator, might still be in the land of the living. We were all so sure that the cold, calculating, imperturbable equanimity, the impenetrable stoicism of Calvin Coolidge would be proof against the lethal draught, but now we know that a happy decade or mayhap a tranquil score of years were shorn from his span of life. One of the seven by reason of his superlative strength and his indomitable will survived a decade in the generous hope of again sacrificing himself upon that alluring altar, but before his dream came true he expired like a steed plunging back into his burning barn. I saw Herbert Hoover, too sensitive for such an office, grow old while I looked at him.

There are living six widows of former Presidents and the wife of the only ex-President, eloquent tribute to the eternal feminine and tragic evidence of Presidential mortality. Let no one deceive himself into believing that the present incumbent, in spite of all his playful laughter and gallant front, is not corroding under the acid of this enervating ordeal. We sigh, "Uneasy lies the head that wears a crown", but no more uneasy than the head that is pillow'd in that snowy palace at the other end of the Avenue. We speak of "the white light that beats upon a throne", but it is no whiter and not nearly so hot as that which flames about the Presidential chair. But this office confers immortality upon one's name, so scores of patriots surge to immolate themselves upon this alluring but fatal altar.

During the last holiday season I drove past that gleaming palace, with its noble portico afire with a rainbow of Christmas lights, and I thought as I mused upon the somber shadows that lurked among its stately columns and hid in its classic corridors that we should write above those iron gates what is etched on the lintels of Dante's Inferno:

Lasciate ogni speranza voi ch'entrate.

Shakespeare, in his tragedy of greatness, puts upon the lips of Marc Antony the naked truth concerning human greatness. Antonius was standing above the body of his assassinated friend and comrade, that "piece of bleeding earth", that pathetic clay that but yesterday was Julius Caesar, "whose word might have stood against the world." As he gazed upon this prostrate form he exclaimed:

*O Mighty Caesar! dost thou lie so low?
Are all thy conquests, glories, triumphs, spoils,
Shrunk to this little measure?*

Massillon, delivering the funeral oration of Louis XIV in the Cathedral of Notre Dame, exclaimed, "Dieu, seul, est grand"—God, alone, is great! Such is the tragedy of human grandeur! The old Romans had a lucid saying: "Sic transit gloria mundi"—so passes the glory of the world.

This service reminds us of the swift mutations of life. Nothing in life is permanent or static. Nature abhors both a vacuum and dull monotony. Life is a stream on whose bosom is etched everlasting change. The earth is full of life,

music, beauty, and loveliness. But its beauty and loveliness do not last. It changes as swiftly as the wings of light.

Beauty comes and beauty goes,
Like the petals of a rose.
Song is but a moment's bliss,
Fleeting as a lover's kiss.
Dawn's bright promise of a day,
Quickly crumbles in decay.
Spring is but an eerie, banshee light,
Vanishing in a burst of flight.
And in all this transiency,
Only God and hope remain to me.

The passing of these colleagues of ours brings into sharp relief not only the eternal change of all things but the mystery of death. Life too, is quite as much a mystery. What is life with all its wondrous, mighty energies? Its definition and its source have escaped all our sages and philosophers. What is death? Only the poet can approach a definition. Nancy Byrd Turner has recently given her version and vision of death under the title, *Death is a Door*:

Death is only an old door
Set in a garden wall.
On gentle hinges it gives, at dusk,
When the thrushes call.
Along the lintel are green leaves,
Beyond, the light lies still;
Very willing and weary feet
Go over that sill.
There is nothing to trouble any heart,
Nothing to hurt at all.
Death is only a quiet door
In an old wall.

But what a pitiable little span is human life. When viewed only from its troubled surface, what a strange and pathetic tragedy. Yesterday the warm, sweet current of life; today still in the chill of death. Yesterday the thrill and exhilaration of superiority and preeminence; today the democratic equality of the dust. Death, like love, "levels all rank." There is no caste in the dominion of the sepulcher. Death is the universal decree. The earth itself is but one vast mausoleum. We touch it not without desecrating a myriad sepulcher. The very rocks that wall us in are but the dusty archives of life that throbbed in dead and forgotten ages. All that lives must die.

The hand of the king that the scepter hath borne,
The brow of the priest that the mitre hath worn,
The eye of the sage and the heart of the brave,
Are hidden and lost in the depth of the grave.

But it has been said that there is no life without death. That death is the prophecy of life.

Plato, thou reasonest well!
Else whence this pleasing hope, this fond desire,
This longing after immortality.

Bryant teaches us a beautiful lesson relative to the migratory bird:

There is a Power whose care
Teaches thy way along that pathless coast—
The desert and illimitable air—
Lone wandering but not lost.

* * * * *
He who from zone to zone,
Guides through the boundless sky thy certain flight,
In the long way that I shall tread alone,
Will guide my feet aright.

The bird that sunward guides its flight does not know that eternal summer laughs beneath the tropic sun. He has never seen the leaves that never fade nor felt the heat that never cools. His native home was where arctic ice drove summer from the earth he knew. But in his little fluttering heart the Almighty had planted this cosmic urge to seek a land of everlasting summer; and when the bird arrives, there the summer is. Neither nature nor nature's God ever deceived his children.

I used to have a friend who was a great lawyer and a greater poet and philosopher, though he wrote all of his

poetry in the form of prose. In an essay discussing the conservation of energy and the well-known fact that always and everywhere in nature nonextinction is her most imperious command; that matter and energy were indestructible and eternal. He tells it so much better than anyone else ever did, so I will quote briefly:

Each meanest mote of matter's dust doth hide a king, divinity doth hedge. He may his vesture's fashion change, or may put on the Gyges ring: he ne'er shall abdicate.

Though worlds may crash and matter wreck, or seethe in flame with fervent heat, and seeming chaos come again, without a tremor, still enthroned, his royal plumage all unscathed, his power nor jot nor tittle 'bates.

When comes the time, and come it shall, when seemingly this solid earth, yon flaming sun, and all that his wide eye beholds, in sheer vacuity dissolves. * * * his crown serene he still shall wear, shall still his royal scepter wield.

If this mote of matter, Judge Keplinger's humble but regal grain of dust, shall survive the wreck of worlds, what shall we say of mind and soul and energy? Mind and energy are eternal. I am mind, I am energy! I am immortal!

I know of no better manner of concluding this faltering memorial to those of our number who have gone to the land of their dreams than by quoting a little poem by the great dramatic critic, William Winter. About a quarter of a century ago Mr. Winter was very ill and close to the gates of eternity. He recovered, however, and afterward wrote this poem, and, in my humble opinion, no sweeter honey of its kind has dripped from the hive of genius since Tennyson wrote *The Crossing of the Bar*. In the gentle faith of Him who walked by the tideless sea and in the calm philosophy of William Winter, as expressed in this poem, we can look toward the sunset trail with confidence and hope:

One other bitter drop to drink,
And then—no more!
One little pause upon the brink,
And then—go o'er!
One sigh—and then the lib'rant morn
Of perfect day.
When my free spirit, newly born,
Shall soar away.

One pang—and I shall rend the thrall
Where grief abides,
And generous Death shall show me all
That now he hides;
And, lucid in that second birth,
I shall discern,
What all the sages of the earth
Have died to learn.

One motion and the stream is crost,
So dark, so deep!
And I shall triumph, or be lost,
In endless sleep.
Then onward, whatsoe'er my fate,
I shall not care!
Nor sin nor sorrow, love nor hate
Can touch me there.

Dorothy Reddish sang *Out of the Night a Bugle Blows*, by Constance.

Hon. JOHN J. O'CONNOR, a Representative from the State of New York, delivered the following address:

ADDRESS OF HON. JOHN J. O'CONNOR

Mr. Speaker, once again the House of Representatives stands in recess, in tribute to those Members of Congress whom we have lost, by death, since we last met on such occasion.

In his oration in memory of the first Athenians who fell in the Peloponnesian War, Pericles commended the fitness of the Athenian public funeral, but doubted the wisdom of any speech, declaring that where men's deeds have been great, they should be honored in deed only, and that the reputation of many should never depend upon the judgment, or want of it, of one, and their virtue exalted or not, as he spoke, well or ill.

Most of us believe "they shall not pass this way again." But America was aware of their "passing." They had the distinctive honor, not always appreciated, to be singled out from among our 127,000,000 of the Nation's people to be included within the small group of 531 men and women who form the legislative branch of the Government.

Each and every one of them was conscious of that honor and its obligations and responsibilities. No one of them was a "backyard" Congressman, concerned only with his own State or his own district. They all appreciated that their correct title under the Constitution was Representative or Senator "from" the State of their residence, and not merely "of" that Commonwealth. Their ideas and the conception of their obligations were not provincial. They were "nationally minded", an example well worth emulation.

It has not been given to all men to have lived in the days through which they, our deceased colleagues passed. To have lived during the last generation is a privilege never before afforded in history, and unlikely to be repeated or surpassed.

These colleagues of ours who sat shoulder to shoulder with us, who agreed with us, or contended with us, passed through the most momentous three decades of civilization. That they were aware of it we are sure. Their participation in it vouches for that.

They left us when they had reached perhaps the peak of their ambitions. In measure greater or less they had satisfied what Arnold called:

The highest earthly desire of the ripened mind, the desire of taking an active part in the great work of government.

It was their privilege to see man conquer distance on land through the development of the automobile. Above their heads they saw coursing through the air giant man-made birds, propelled by humans—their ears were startled to hear voices carried through illimitable space without wires—what they had toiled at with their hands they saw performed a hundredfold by "Frankenstein" machines, terrifyingly human in operation, though soulless and ruthless in their consequences. All this was called by some of their contemporaries "progress", the economic going forward of civilization, the scientific conquering of the universe, emancipation from the slavery of labor. The economic and social readjustment necessary from these innovations concerned these colleagues of ours, as their records well prove. Reared in the school of individualism they, like their constituents, looked askance at times at this irresistible march of the forces of nature and invention. To meet the changed conditions they gave the best that was in them to solve the economic and social problems of the Nation they represented. Their predecessors had no such problems. Until the turn of the twentieth century progress was comparatively even in its tenor. It was a great privilege to play an important part in an unparalleled period of dynamic change.

While our colleagues, whom we honor today, were afforded the opportunity to live through, and take leading parts in, such an economic and social readjustment, at the same time they were to witness and participate in the greatest armed conflict in all history, among practically all the leading civilized nations of the world. None of their forbears ever lived through such days and, please God, may their descendants never pass through such an experience, the effect of which even time may never eradicate. At first hand, and through their own eyes, our beloved colleagues saw countless millions of educated men, in arms, bent on destroying their fellow men with new implements of war which their fathers had never envisioned.

With airplane, with centaurlike tanks, with death-dealing gas, civilization brawled. None knew the terrifying results more than our departed colleagues—they lived it. They saw millions slaughtered and maimed, thousands upon thousands of their own boys, out of the four million in arms, killed or incapacitated. That experience was theirs, and it was their solemn duty to reconstruct and to salvage. We, who knew them well, know what a prominent part they played in this post-war rehabilitation. It is rarely that we could commemorate the service of any one group of men whose outstanding services in behalf of the veterans of the World War would stand out so pronounced.

In their time, these colleagues of ours saw nearly every old established government of Europe fall, and a new order instituted. Monarchies and kingdoms gave way to democracies, social states, or dictatorships. Never in history, in

a space of so few years, was the change so rapid. All this they saw occurring in the outside world. They gave attention to all this change, because their vision was not nationally self-contained. They did not believe in erecting a barbwire enclosure around their own country, either to keep their own people in, or their blood relations out. They realized that America was an integral part of the world, born of it and, to an extent, dependent on it. They wore no dark glasses to blur out the Atlantic or the Pacific.

While all these chimerical changes were going on abroad, in their own land these beloved colleagues of our experienced new and unprecedented changes. They saw a Nation struggling under a tremendous war debt, principally consisting of billions loaned to those nations called our allies. They saw the post-war cost of war—a billion dollars a year to take care of our soldiers who defended their country and other nations.

In 1921 they saw our country plunged into a depression, from which our farmers have never emerged, only to be followed by those delusive boom years, until that unparalleled and unprecedented crash of 1929.

It is disputable which years were more interesting and awe inspiring, or worth while, in which to live—those dreadful war days of 1914 to 1918, or those stressful years of depression from 1929 until recently. Either were much worth while—the experience—not only for the individual who lived through them but for the morale of our people. The immediate cost is apparent, but the ultimate gain will be worth all the cost and all the suffering entailed. Aristotle said:

The powers of evil and horror must be granted their full scope; it is only thus that we triumph over them. Only when they have worked their uttermost will, do we realize that there remains something in man's soul which is forever beyond their grasp and has power in its own right to make life beautiful.

Our colleagues knew, ere they passed from this mortal sphere, that never again would our country be dragged into a foreign martial conflict. They also knew, and gave their all to the end, that, out of the great economic depression, a new order would arise making it impossible that there be a recurrence of such suffering. Oh, they were called "socialists" and other terms of alleged opprobrium when they joined in working out the remedies suggested and put them into effect. They were compelled to withstand all the jibes and shafts of ridicule shot at them by the die-hard conservatives, and the "rugged individualists." But they stood their ground, and before they passed on, they enjoyed the satisfaction of having had a part in helping to pull this Nation out of the greatest economic abyss into which it had ever sunk.

They lived through these recent years of government consciousness on the part of the people. They saw the growth of untoward criticism of men in public life, by press, through radio, by individuals who had no conception of the subject about which they carped and who would not dare offer themselves before the electorate.

They lived through the recent years of all the "isms", from parlor, from soap box, and from pulpit. They, our colleagues, were the targets of the venom of blatant tongues in press and via radio. They learned that what were heretofore considered sacred personalities were no longer revered by the raucous, snarling broadcaster or the irresponsible columnist.

They went all through that—patriots as they were, confident of the justice of the cause they advocated. They were not swerved by the threats of selfish minorities or blocs or groups or deterred by abuse from their inferiors.

To have carried on through those days, not yet quite over, is no small compliment, especially when they beheld the rise of the demagogue, the official who caters to any minority, however small, provided it is sufficiently leather-lunged. Democracy which they knew when they entered public life had deteriorated within their time to the "bloc", the "drive", the "march", and the "lobby." "League" this and "union" that came into being in the closing years of their life to attempt to dictate by threats the orderly process of a democracy. While they saw other public officials succumb,

they, may it always be said to their credit, stood steadfast, obedient to the oath to which they subscribed and to their obligation to represent their people.

Read the list. Who among that number, of those we now hold immortal, would today succumb to the "points" of this one or the "platform" of that self-appointed dictator of our Nation's destinies?

We shall miss them because we have need right now of more of their stalwart type, ready to submerge their own interests to serve.

It was such men as these, our colleagues, Mark Twain had in mind when he gave his advice on how to take life.

Take it—

He said—

as though it were—as it is—an earnest, vital, and important affair. Take it as though you were born to the task of performing a merry part in it—as though the world had awaited your coming. Take it as though it were a great opportunity to do and achieve, to carry on great and good chances to help and cheer a suffering, weary, heartbroken brother. Now and then a man stands out from the crowd, labors earnestly, steadfastly, confidently, and straightway becomes famous. The world wonders, admires, idolizes. The secret of the power that elevates the few is to be found in their industry, application, and perseverance under the promptings of a determined spirit.

These men of ours did "stand out from the crowd." It is only those who do so stand out who are the targets for the arrows of the supercilious critics—yea, even the assassin's bullet.

It is not only wars which produce heroes. Most of our revered and still honored national characters did not achieve their everlasting fame on the battlefield. Contrary to many temporary indications, God has really endowed his people to be eventually appreciative of service well performed. Such appreciation is rarely expressed during life. Nor is it always adequately expressed in a contemporary eulogy. Time, however, is the recorder, in whose indelible, permanent record is written the only true biography. "The good men do" is not "interred with their bones."

President Alderman, formerly of the University of Virginia, once said:

In the case of a statesman, all experience warns us not to attempt to fix his final place in history until the generation that knew him and loved him or hated him shall have passed away and a new generation, to whom he was not a familiar figure, shall have come upon the stage, capable of beholding him with eyes undimmed by emotion and judging him with minds unclouded by prejudice or by passion. Loyalty and duty and reverence nonetheless urge us to set down, while memory is clear and events are fresh, what we know of men upon whom their fellow men placed great burdens of power.

A prince once said of a king struck down:
"Taller he seems in death."
And the word holds good, for now, as then,
It is after death that we measure men.

We have not foregathered today, however, Mr. Speaker, to measure, but rather to express our deep-seated feelings at their passing from us. They were our daily companions and our friends. We like to assuage somewhat the irreparable loss to their families and our own grief by feeling that they have just "lay down to pleasant dreams."

A cornet solo, *Nearer My God to Thee*, was played by Ralph Ostrom, of the United States Army Band.

The Chaplain, Rev. James Shera Montgomery, D. D., pronounced the benediction:

The grace of our Lord Jesus Christ and the love of God, the Father, and the communion of the Holy Spirit be with you all. Amen.

HON. HUEY PIERCE LONG

Mr. MALONEY. Mr. Speaker, it is with somber reflections that we speak on this occasion, because this is memorial exercise day. It is the day that has been set aside in order to pay tribute to those illustrious citizens—our colleagues—who have been called from their daily labors by the Father of all time. These sad events come to us daily, but somehow we cannot accustom ourselves to them, and although we accept them we never become reconciled and are filled with much sorrow and grief.

Mr. Speaker, one of our most eminent citizens was called from his daily labors last September. That citizen was in the full bloom of manhood and health and had dedicated his life's work for the public good. That illustrious citizen was Senator HUEY PIERCE LONG who was cut down by a cruel bullet directed by the aim of an assassin on September 8, 1935, in the hours of work and in the vigor of health and unlimited energy. With a strong constitution he battled for his life for 30 hours. While he was battling, the prayers of thousands of his fellow citizens were offered that his life would be spared so he could carry on as the protector of his wife and children and complete his services to his country; however, the wound proved fatal, and our beloved Senator passed into a quiet eternal sleep closing his earthly work on September 10, 1935.

This tragedy shocked the Nation, and the people in all walks of life in the State of Louisiana were visibly affected. One of the greatest outpourings of State citizenry visited Baton Rouge, La., on the day that his body was placed in a burial spot in a sunken garden on the grounds of the beautiful State capitol. That a virile and young man was taken from his people in the midst of health was indeed sad, but it was more pathetic to see him taken from a wife and three fine children, who needed his love, care, and protection. The heart of the Nation went out to them with fullest sympathy.

Senator LONG had been honored by the State of Louisiana many times. He had served as public service commissioner, as Governor, and when he was taken from us he was the senior United States Senator and chairman of the State central committee and national committeeman of the Democratic Party of Louisiana.

Senator LONG has left many monuments in his State that generations yet to come will see and know of him by his work. His life's efforts were devoted to the uplifting of the underprivileged. He was a great friend for the encouragement of education. He devised ways and means whereby all school children in the State of Louisiana would have free schoolbooks. He also inaugurated night schools for adults. He added facilities to the State University that permitted the tripling of the enrollment and made it easier to obtain a higher education for those who were desirous. He devised ways and means by which a new mansion, a new statehouse, an airport, and a bridge across the Mississippi River were constructed. These are all major improvements that will serve the people for generations with much convenience. He inaugurated the first complete paving program for the State. These and many other improvements are left as marks of his effort and foresight.

Senator LONG was held in the highest affection by the people of his State, and there was nothing in their gift that he could not have had for the asking. While the Senator had many titles, his closest friends always called him "Huey", and I think that he preferred this salutation to any title that he had earned. I always called him "Huey." I met him during his first term as public service commissioner on public business. From that time on I was thrown in constant contact with him, which occasioned me to know him intimately. He was always anxious to do something for the general good. He was of a very generous disposition. He was determined in his convictions and asserted his views in an aggressive and open manner. But with all this he was reasonable. When you could show him logically that he was in error, he would make acknowledgment and change his views. He was tireless in his labors, and those who joined with him on any undertaking were never surprised when he would call them up in the wee hours of the morning for some information or assistance, because when he undertook a task he labored both day and night—hours meant nothing to him. His signal and continuous victories attested beyond any doubt to his competency as a political leader, and I am convinced that you gentlemen of the House and Senate recognized his ability many times in his debates upon the floor of the Senate. I think he demonstrated to the world at large his skill as a debater on many subjects,

which the RECORD will corroborate, and for continuous speaking you recall how he held the Senate floor for the near record time of 15 hours. I have heard many statements made, with which I agree, that it was a great loss to the Nation when HUEY LONG passed away.

I knew him to be a devoted son, a loving husband, and an affectionate father. He was a tried and true friend—to know him was to love him.

Whatever vales we yet may wander,
What sorrow come, what tempest blow,
We have a friend, a friend out yonder,
To greet us when we have to go—
Out yonder someone that we know.

Mr. FERNANDEZ. Mr. Speaker, Louisiana has already eulogized a great soul that has passed away into what many of us believe the realm of immortality. Little would the brief biography that my late beloved friend inserted in the Congressional Directory reveal such startling achievements and such an amazing and brilliant career during his entire period of public service for the people of Louisiana, who were so endeared to him.

HUEY PIERCE LONG, Democrat, of New Orleans, born in Winnfield, La., on August 30, 1893; became a practicing attorney in 1915; held offices of railroad commissioner, public-service commissioner, and Governor; was elected in November 1930 a Member of the United States Senate without opposition, and his term was due to expire in 1937. Such is in the Congressional Directory.

O Mr. Speaker, this summary does not commence to tell of the uphill and courageous fight this man, as a young man, had to wage in order to study law; it does not tell, even infinitesimally, the love and ambition that inspired this then young man to achievement of his goals. He rose to master the art of law; he succeeded in elevating himself, through the grace of his people, to high public office. From the very first office he ever held he was a benefactor of the people, who honored him, and to even those outside of the district in his State, at the time he was member of the Louisiana Public Service Commission, of which he later became chairman. In that capacity he lowered rates of telephones and carriage and of utilities. Even yet as a young man he accepted the office of Governor of Louisiana in 1928. Adversity stalked this genius in the first 2 years of his reign as Governor, but, alas! my beloved friend triumphed over his adversaries, submitted his gigantic public-improvement program to the people of Louisiana, and received approval of the vast majority of Louisiana's electorate.

HUEY PIERCE LONG's achievements are perpetual monuments to his genius, perseverance, and determination. These are the monuments of our beloved late leader's contribution to Louisiana: Thousands of miles of paved roads and gravelled roads—3,160 miles of paved roads and 4,858 miles of gravelled roads constructed in Louisiana from 1928 to 1935; 23 of the finest bridges, all toll free, crowned by the Huey P. Long Bridge over the Mississippi River at New Orleans, all constructed from 1928 to 1935; a State capitol of unexcelled design, architecture, and beauty to house the entire State administration; New Orleans' million-dollar lake-shore development, including sea wall and bathing beaches; Shushan Airport, one of the finest in the world, with A-1 rating; hospitals and enlargements thereof and other vital State institutions; gradual amelioration of taxation so as to saddle taxes on those best able to pay, thus retaining Louisiana's finances in above-par status; schoolbooks to all school children of all schools and free transportation to all rural school children, thereby elevating the literate standing of the State of Louisiana to a high-ranking position in the Nation.

Time and again this man who dared champion the cause of the masses went before the people of his beloved State, and he triumphed each successive time with greater majorities. Yet the narrower his opposition the seemingly more prejudiced it became—yes, so prejudiced until one night in the massive corridor of the State capitol he founded and built the assassin's bullet struck Louisiana's leader.

Oh! the ways of the world. Consider the anguish of his family and his friends and the people of Louisiana, whom he loved and who loved him, when that great mortal succumbed to the assassin's bullet on September 10, 1935. The tragedy of Baton Rouge! What in reality was the monument of HUEY PIERCE LONG—his beloved State capitol—turned out to be a Mount Calvary, where he was to shed his blood for the cause of Louisiana.

But HUEY PIERCE LONG did not die without religion. His work seemed to be guided by Divine Providence. The love in his mind uppermost was his God. His heart was one of real prayer and contrition—a prayer to be spared to continue the great work he was executing, a contrition to join his Master, where most of us believe that life just begins.

Alas, Mr. Speaker, we of Louisiana mourn the loss of HUEY PIERCE LONG. We are grieved by his passing, touched by the sorrow of his beloved family. He who gave all he had for Louisiana. He who entrenched himself within the heart of every Louisiana-loving person. He who entrenched himself within the hearts of his fellow men by a service and spirit that became so centrifugal in force and powerful in effect that friendship became cemented. He who underwent the mental tortures of Gethsemane, subservient to his own great mind that subjected him to the one principle, to be a great benefactor for the people he loved; such great devotion that he could not run away from the mental anguish. He who followed the noblest of pursuits courageously and resigned himself to martyrdom. Oh, may his martyrdom only spur us on to continue our beloved late leader's ideals.

For as ye would do unto those, so would you do unto Me.

O Mr. Speaker, Louisiana is grieved for her lost leader, but she is not torn asunder. She is united stronger than ever in a shining, brilliant memory of an uncrowned king who believed in "every man a king", who has answered the call.

His love for God, his love for mankind, his logic, his principles, all blend into one giant hue of brilliant splendor to shine on and on in glorious memory, in solemn perpetuation, in supreme prestige within the hearts of all who loved him, all who have admired him, throughout Louisiana, the Nation, and the world.

Mr. DeROUEN. Mr. Speaker, it is a sad and solemn occasion whenever we are gathered here to pay tribute of respect and regard to the memory of one of our departed comrades. Yet our meeting here speaks the fact that great men, great in merit of mind, in character of life, in virtue of public integrity, have died. Truly, sir—

The boast of heraldry, the pomp of power,
And all that beauty, all that wealth e'er gave,
Awaits alike the inevitable hour.
The paths of glory lead but to the grave.

The late Senator HUEY P. LONG was not cradled in luxury, nor were the muscles of his early boyhood softened in indulgent ease. He did not have the advantage of a liberal education; but during the years he worked on the farm and kenned his lessons in the village school, he girded himself for his life's work, with vision of advancement and place and achievement that stirred within him. He quickly prepared himself for the profession of law. His rise at the bar was rapid, continuous in its progress, and certain and conspicuous in its achievements. While still a very young man, he was one of the recognized leaders in a bar of exceptional ability. His success not only brought him prominence but also material reward. His imagination was fired with the echoes of political struggle, in which he was only too eager to take a part; and his pulse quickened as out of the mists of the years that stretched before him phantom arms seemed to beckon on to the public arena. He had not long to await his opportunity.

Courage is not a very rare thing; ability is not a very rare thing; superabundant energy is not a very rare thing; vision is not a very rare thing; a quick master mind is not a very rare thing; but it is very, very seldom that we find all these admirable qualities combined in one man as they were

in Senator HUEY P. LONG. He had unlimited courage, wonderful ability, great energy, and a far-reaching vision enrooted in a master mind, and for it the country will ever be grateful.

It was my good fortune to know Senator LONG as Public Service Commissioner, as Governor, and as United States Senator. Owing to our strenuous lives in different parts of the country, we were not thrown together in his earlier political life so as to become bosom friends. But we were always on best of terms, although at times we differed on certain policies. When he came to Washington, we began to exchange ideas, and I learned to admire him for his many noble qualities.

From the very beginning of his political history until its close by death, Senator LONG was constantly and conspicuously in the public eye, owing to his ambition, his aggressiveness, his unique personality, and his unparalleled popularity. He was often misjudged, frequently vilified and abused by the press; but he towered above all criticism. He was the greatest champion of the masses of the people of our great State of Louisiana. He unshackled them from the old traditional, blue-blood, "ring" politics. He opened their eyes to material progress and development and new forms of legislation. He preached his doctrine of a new day in a better way to great crowds that he held spellbound from the beautiful hills and streams of north Louisiana to the Gulf-kist prairies and marshes of south Louisiana. Thus, with the consciousness of his power and of his predominating influence with the voters, who recognized in him an aggressive exponent of the principles in which they inherently believed, he was content to trust his political fate and fortune to their keeping. And they elected him and his coworkers by unprecedented majorities to the greatest offices of the State.

Although he had his own peculiar way of handling national issues, I soon discovered that he was thoroughly sincere in his convictions and that his every impulse was in sympathy with struggling humanity—the poor laborer, the farmer, the children—as boundless as the fathomless depth of space. He was passionately imbued in his advocacy of better charitable institutions, free schoolbooks, night schools for adults, free public education, including college work, better highways and bridges, mortgage moratorium, share the wealth by a more even distribution of wealth. He was not so much against the rich as he was hungry for means of making everyone happier, healthier, and wealthier—every man a king!

His ideas on national issues, whether we agreed with him or not, gave food for thought. They opened the eyes of many who had not seen the light. He contributed original ideas and ideals in the consideration of national problems that will influence national legislation long after we are gone and forgotten. He planted the seed in younger minds which will replace us in every important office of this land. Through the mediums of the mail, the press, the radio, and on the floor of the United States Senate, he marshaled his ideas and plans and ambition with his whole force and power and logic that made an impression, for or against, on every man, woman, and child of this country.

Senator LONG had one quality which I often thought made his way more difficult for him. He was constantly seeking not the path of the least but that of the most resistance. Pertinacity, persistency, fidelity, and ceaseless activity were the qualities of our departed friend. He was by nature aggressive rather than defensive; communicative rather than receptive. His virtues were positive, not negative virtues. There was nothing passive about the man. He was a nervous, restless, active, inquiring, and doing mind, sometimes belligerent, always forceful; the kind of mind that always presses home the attack and scorns to feint or parry. And how he did love a good fight!

He was one of the most epideictic and panegyric orators of his time. He knew the Bible, and he unsparingly quoted from the Holy Scriptures as his base for almost every issue. He knew human nature and knew how to appeal to their inner feelings and desires. On the political hustings he could arouse the enthusiasm of his audiences as no other

man. He would speak several times a day to crowds that would invariably overflow the largest halls in every parish of our State. The day or night was never too disagreeable, the journey never too long or difficult, and nothing caused him to weaken in presenting his cause, as he saw it, to his people. It was the continuous outpouring of himself, the giving of all that was in him, that contributed so largely to his unparalleled popularity with the voters of Louisiana.

Before he came to the United States Senate he was a national figure. Louisiana made more progress in 4 years than it had in 50 years previous, and Governor LONG had been the unquestioned leader in guiding every step of progress. Very characteristic of him, as soon as he took his oath of office as United States Senator he began filling the Chamber and galleries every time he took the floor to thunder his ideas on national legislation. He was an indefatigable worker and surrounded himself with the best posted and most efficient personnel. He had voluminous data at his finger ends. He was a strong debater and participated in many hot verbal contests on the floor of the Senate. He was quick with these apropos bits of repartee so indispensable in a debater. He was neither timid nor half-hearted. There was no trouble to discover how he stood on any major issue. He was either wholly for a proposition or wholly against it, ever alert at his post, unwearied in labor, strong and frank in debate, seeking out and challenging every wrong.

Throughout the South and the Nation there was universal sorrow when he died. His national popularity had not been tested, but he was one of the best known statesmen and had a great following. He was in the full vigor of life. His achievements were merely in their infancy. A great future was ahead of him. Having made himself not only a national figure but an international figure, he would have been a great influence on our national destiny had he lived a few more years.

Sad to realize, Senator LONG's voice will never again be heard, but his influence, written in memory's halls, will be felt not only in this generation but for generations to come.

He was a good friend of mine. We often had our little chats in which he would reveal his plans with such vivid determination. I can see him in the last political battle of his career unfurling his battle flag to Louisiana's breezes. I can see him bright and clear of eye, robust in health, and exuberant in spirits. I can see him as he stood in the historic Chamber of the mightiest legislative body on earth, the United States Senate, battling with all the courage of an olden knight for the cause of the poor and oppressed. I can see him when he was the very embodiment of life, intensely human, a man with a host of devoted friends, with strong beliefs, with earnest convictions, with unfaltering purpose; and I can see him as he lay cold in death, a victim of an unfortunate circumstance, in the beautiful State capitol building which he erected, surrounded by his loved ones, mourned by his legions of devoted friends, lamented by his thousands of true supporters, with his earthly work done—a remarkable man gone home to meet his God and to receive his reward.

His like we will never see again. His great spirit is at rest. He sleeps in the soil of his native State, snugged closely to her heart. Sweet be his sleep, glorious his awakening. With peace to his ashes and honor to his memory, permit me to conclude by quoting Theodore O'Hara:

Rest on, embalmed and sainted dead!
Dear as the blood ye gave!
No impious footsteps here shall tread
The herbage of your grave;
Nor shall your glory be forgot
While Fame her record keeps,
Or Honor points the hallowed spot
Where Valor proudly sleeps.
Yon marble minstrel's voiceless stone
In deathless song shall tell,
When many a vanished year hath flown,
The story how ye fell.
Nor wreck, nor change, nor Winter's blight,
Nor Time's remorseless doom,
Can dim one ray of holy light
That gilds your glorious tomb.

Mr. LUNDEEN. Mr. Speaker, ladies and gentlemen of the House—

In the Valley of Decision,
Down the Road of Things—that-are,
You gave to us a vision,
You appointed us a star,
And through Cities of Derision
We followed you from far.

On the Hills beyond Tomorrow,
On the Road of Things-to-do,
With what strength of hand we borrow,
As we borrow soul from you,
We know not sloth nor sorrow,
And we build your vision true.

Senator LONG battled forces unconquered by others and insurmountable to the average man, but he was a warrior bold, with unlimited courage and political genius. He held the State of Louisiana in the palm of his hand. He wrote its legislation; he built its hundred-million-dollar roads and its huge bridges; he lifted the State out of the mud; he breathed life and vigor into the university and built a capitol to the heavens; he furnished education to thousands of young men who never before even dreamed of school and college. The people of Louisiana, especially in the rural areas, fairly worshiped the ground he walked on. His enemies found much fault with him; they were bitter in their criticism; they cursed him; they damned him; they threatened to kill him; and finally they did assassinate him.

I cannot help believing the world is better because of HUEY LONG. He came out of an environment of suppression and poverty, from a land of meager opportunities. He burst through the chains that held him and forged ahead to national leadership. When he spoke the Senate galleries and halls were crowded. No other man now in the Senate could do that. The people who drifted into our offices always inquired, "Where is HUEY LONG?" "When can we see LONG?" "When will Long speak?" This was so true that it became monotonous. He fascinated the young and he roused the old.

A storm that blows through a neighborhood does damage, and perhaps LONG did some damage; but he cleared the way, and he swept the skies clear of the poisonous breath of old-time controlled Louisiana politics. He fought corporate dictatorship. He substituted his own strong control. This he proclaimed as liberty and liberation for the masses.

He aimed at national power. He thundered "Share the wealth" until the Money Trust shuddered in retreat. With poisoned fang Wall Street struck back. He incurred the most deadly hostile opposition, until groups of men met in secret and plotted his death. Strangely enough, on the floor of the Senate he predicted his own assassination. He knew he was a marked man, and that in all probability he would fall on the political battlefield of America.

For when the one Great Scorer comes
To write against your name,
He writes not that you won or lost—
But how you played the game.

Certainly the band of conspirators who were responsible for HUEY LONG's death played a bloody game, and the chapter which tells of their evil deed reads like the dark pages of the Medieval Ages. I am glad to know that the Legislature of Louisiana recently passed a resolution to investigate the death of HUEY LONG, and I ask that the Congress of the United States pass a resolution of investigation. We are slow to act, it seems. Certainly we are not safe in our political liberties when assassins stalk through the land to strike men down because of their political views and opinions.

Out of the night that covers me,
Black as the pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

In the fell clutch of circumstance,
I have not winc'd nor cried aloud;
Beneath the bludgeoning of chance
My head is bloody but unbowed.

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate:
I am the captain of my soul.

HON. THOMAS D. SCHALL

Mr. ANDRESEN. Mr. Speaker, the sudden and tragic passing of Hon. THOMAS D. SCHALL, a Senator from my home State of Minnesota, terminated the career of one of the most colorful figures in our national public life. His friends loved him for his sterling qualities, and his enemies feared him for his uncompromising and fighting spirit.

The handicap of blindness gave him a second sight, and with the aid of his loving wife he was able to muster facts and information far beyond the capacity of others.

TOM SCHALL, as he loved to be called by his friends, was one of the leading orators of his day. For many years he represented the Tenth Congressional District of Minnesota in this House. The people of Minnesota honored him by electing him as one of its Senators. The rank and file of our citizens had confidence in his ability and integrity and the humble loved him because he was one of them.

Senator SCHALL was a family man. He loved his home and dear ones. Though misfortune came to him and several members of his family, he was always cheerful and carried on his public fight as a crusader of old.

The public service rendered by Senator SCHALL will be written into the pages of the history of Minnesota and the Nation. His untiring efforts and accomplishments will be an inspiration to the youth of America. Blindness did not stop him from reaching his goal. Work and perseverance were rewarded by the people of Minnesota.

I had the privilege of serving in Congress with Senator SCHALL for nearly 10 years, and during these many years I always found him courteous, helpful, and sincere in his effort to properly represent the people of Minnesota in the United States Senate.

A higher power has taken away one of Minnesota's distinguished sons. May this Divine power continue to guide the destiny of our great country in the path of truth and justice.

Mr. KNUTSON. Mr. Speaker, the life and career of THOMAS D. SCHALL, late a Senator from Minnesota, should be an inspiration to every American youth. From early boyhood he was obliged to contend with obstacles that would have discouraged one with a less indomitable will to go forward. Everything that TOM SCHALL got out of life he had to fight for and in doing so formed a character that was unbending and unyielding. His education was attained by burning midnight oil. At the age of 29 he lost his eyesight. He was then a successful lawyer in Minneapolis.

Undaunted by this tragedy, he continued in his chosen field, and with the able assistance of a fine and loyal wife he in a large measure overcame this greatest of all physical handicaps. His ability to memorize what had been read to him was one of his outstanding gifts. His knowledge and grasp of pending legislation was a matter of constant surprise to his friends and coworkers; and this information he sometimes used with telling effect and in such a way as to discomfit his opponents. TOM SCHALL did not know the meaning of the word "fear." Indeed, fearlessness was one of his outstanding characteristics. Senator SCHALL was an orator of exceptional ability and as a campaigner had few equals in our part of the country. Certainly none excelled him. His departure was a severe loss to his party, especially at this particular time when there is such a tragic dearth of those who dare to speak their mind on current events and happenings. The loss is national rather than sectional, and in the coming contest he will be greatly missed.

May his soul know that peace that was denied it here on earth.

Mr. MAAS. Mr. Speaker, the death of THOMAS D. SCHALL, late Senator, State of Minnesota, has taken from the national arena one of its most colorful and forceful figures. TOM SCHALL, as he preferred to be called, was always on the firing line. He served for a number of terms in the House of Representatives and then the people of Minnesota promoted him to the United States Senate. In both Houses he was always energetic, active, and effective. To him, obsta-

cles were stepping stones, and though much tragedy visited his life, his indomitable spirit carried him on with unfailing cheerfulness. Although blind he saw much that many of us with our normal eyesight failed to see. He had one of the most remarkable memories of his time and one that often produced awe in those around him. He was blessed with a devoted and loving wife, who was in fact his eyes for him. She was constantly at his side, reading to him the written words which he committed to memory with great fidelity.

TOM SCHALL was always a crusader. His life and career were indeed colorful and can be the inspiration to the youth of America as an example of a man who fought his way from humble origin to the highest places. Though gone, Tom will not soon be forgotten.

Mr. PITTINGER. Mr. Speaker, I was present at the funeral of the Honorable THOMAS D. SCHALL, Senator from Minnesota, on December 26, 1935. No finer tribute has ever been given to the memory of a public servant than the tribute paid the late Senator SCHALL by Rev. Charles Fox Davis, who delivered the funeral sermon.

The services were held in the beautiful Lakewood Chapel, Lakewood Cemetery, Minneapolis, Minn.

Reverend Davis, a life-long friend of the Senator, spoke as follows:

My friends, after having listened to the sweet songs of the soul which were sung, and after having repeated the words of the gentle Nazarene who lifted the veil of the future as none other ever has or will, and having offered our prayer to our Heavenly Father whose love broods over men at all times and everywhere, and having felt the soft appeal of the organ notes which sometimes moves the soul within us more profoundly than articulate words, it would be a simple thing for us to take a last look at the quiet face of our friend who lies so still beneath the national emblem—the American flag—and the flowers, and then watch loving hands carry his broken body to its earthly resting place beneath the snows of winter in the bosom of mother earth in this silent city of the dead. But, because it is the custom of the day, after our loved ones slip away from us, to pay gentle tribute to their memories, this we do in our friend's memory at this time.

"IF LIFE WERE ALL

"If life were all,
Where were the recompense
For all our tears?
The troubled toil
Of all the long drawn years,
The struggle to survive,
The passing show,
Were scarce worth while
If life were all.

"If life were all,
What were it worth to live?
To build in pain,
So soon to learn
Our building were but vain,
And then to pass to some vain nothingness,
Were scarce worth while,
If life were all.

"If life were all,
How might we bear
Our poor heart's grief,
Our partings frequent,
And our pleasures brief?
The cup pressed to the lips,
Then snatched away,
Were scarce worth looking on,
If life were all.

"Life is not all,
We build eternally,
And what is ours today
To make existence such,
Is ours always.
We stand on solid ground
That lasts from aye to aye,
And makes earth's sojourn worth the while,
Life is not all, I say.

"Life is not all,
I do not understand the plans;
I only know that God is good,
And that his strength sustains.
I only know that God is just;
So in the starless, songless night,
I lift my heart to Him and trust;
And God my spirit witness gives,
Life is not all."

—Anonymous.

Firmly we believe with the poet, as did our friend gone, that life is not all; that beyond that bank of shadows which men call death there is another life where we take up the higher, eternal tasks prepared for those who leave their earthly trestle boards upon which they have done so well with their earthly problems.

"Death is another Life.
We bow our heads
And, going out, we think,
And enter straight
Another golden chamber of the King's,
Larger than this we leave, and lovelier."
—Anonymous.

The entire State of Minnesota, as well as the Nation, was shocked and saddened when it was flashed from radio, telegraph, and newspaper that Minnesota's junior Senator, THOMAS D. SCHALL, had been stricken down in an automobile accident; that the doctors in charge gave but slight hope of recovery, and each bulletin issued by them from the Senator's couch of pain was eagerly awaited, while prayers went up to God that his useful career to his State and the Nation might not be broken, for men and women of all political faiths joined in the prayer that his busy and useful life might be spared. For all leaders were in demand in the council chambers of the Nation, and not one could be spared until order was brought out of chaos, and a happy, contented America return once again.

It was last Sunday at noon that I sat listening to the radio, being stirred in my soul by the Christmas music with which the ether was charged and surcharged. Coming from the great choir of some cathedral was the Gloria in Excelsis, rendered with much feeling and beauty, when suddenly and abruptly the anthem stopped and a voice tremulous with emotion announced the sad fact that Senator SCHALL had passed; that suddenly the silver chord had been loosened, life's golden bowl broken, and that he had come to the end of life's trail and had crossed the Great Divide and had entered that nightless, painless, deathless land. That his soul had—

"Climbed the great world's altar stairs,
Which slope through darkness up to God."

My thoughts, made cheerful and meditative by the sweet music to which I had been listening, had been along the line of how Christmas was such a magician to humanity each year; how Father Time had turned Christmas into a beautiful golden drawbridge for the transit of the old year and the advent of a new one, thus relieving the old year of much of its regret and giving added courage to all to commence with faith and hope the new one approaching. I am used to the immediate and sudden in my work as a minister, but I tell you that the announcement coming in the midst of a beautiful anthem made me stop the music, arise, and enter into another room, making me deeply meditative. I began to try to reconcile the providence of Him of whom it is written, "He is too wise to err and too good to be unkind", with the tragic, swift death of our friend. I became perplexed in my trying to reason the problem out, for life at times seems so chaotic, purposeless, disconnected, and strange, as though the good Father above were not keeping house and we seem to be living in an orphaned world; that there is no kindly Providence arching our lives. Then there came into my memory the words of the poet:

"Leaves have their time to fall,
And flowers to wither at the north wind's breath,
And stars to set—but all,
Thou hast all seasons for thine own, O Death!"

Then quiet came to me, and another voice more beautiful than an earthly poet's whispered, "What I do now thou knowest not; but thou shalt know hereafter. Let not your heart be troubled, neither let it be afraid." After that I understood. To understand our friend's sudden home going called for faith, and that reason could not solve it—but "some day we'll understand."

Our friend was cut down in the morning of life's afternoon. Had he but have reached 80 golden summers, while there would have been sorrow at his going, we would have said that it was a warrior who had fought his fight, run his race, and, after having served his day and generation, had fallen upon sleep. For just as the farmer, when the summer sun has done its ripening work upon the fields, goes in and reaps the golden grain, even so does that reaper, Death, gather the aged from our firesides—love them as we may. However we may love the aged about us, when they leave us we feel that they have rounded out their lives and leave us for that country where the inhabitants never grow old and the gates of that city are never shut.

Yes; taken away from us in the morning of life's afternoon. From the many physical activities and exercises he was taking daily; from his practice of walking, horseback riding, shooting, and other vigorous things he was doing to keep both body and mind alert; with his versatility of nature's gifts and those acquired, it is no wonder that we learned that his gifts were clicking as never before and that he was fully preparing himself for the impending political battle and congressional debate which were so close at hand, for he was always getting a good start, so as to be ready for the great and trying tasks which are plainly visible on the national horizon.

Further, within his active personality there were ideals he had never reached; programs he was planning to carry out, and loved ones to care and plan for. TOM SCHALL, with his fighting heart, had already scented the battle from afar, and never was better pre-

pared, so I have learned from his friends, to enter into discussion with his colleagues of various political faiths in Washington, to try to solve the great socio-politico-economic problems which are awaiting a solution at the hands of the American people, and must be solved, and that rightly, if America is to reach her ultimate destiny. He stood ready with pen, on platform, and in debate, to do his part at this most critical juncture of the Nation's life. Yet suddenly, "in the twinkling of an eye", the "last clear call came", and he has changed worlds.

There is a text in the Old Book which seemingly symbolizes his swift passing. It reads: "His sun is gone down while it is yet day." You have watched the sun in the early morning come through the gates of the east with a flaming sunrise. Suddenly you have seen the whole earth illuminated with light, the golden beams of the rising sun shining through the interstices of the foliage, and within yourself you have said: "Today will be glorious with golden sun and blue sky above." But at noon, looking toward the south, no sun was to be seen. During the morning the drab, slatey clouds sprang up in the west and covered the blue dome and sun, and when you looked toward the west at eventide there was no sun sinking amid a sea of purple glory. Practically the sun went down while it was yet day.

Senator SCHALL's eventful life was a sun, and from it radiated hope, courage, light, truth, justice, and a real patriot's love for his own America. He possessed qualities of heart and mind which make a man a man wherever you might meet him. There is no need, though I knew him closely for many years, of my summing up those qualities here this hour. Let me quote to you a few excerpts from others, selected from the newspapers of the land in which there were columns in his favor. Let me also add that these eulogies were written in the calm of editorial rooms, whose papers, many of them, were strongly partisan and not aligned with the political party or faith of our friend gone. They were written by men who had worked side by side with him in the interests of the Nation for two decades and more, and they speak of intimacy with him. Here are a few of them: "A man of character, ability, and brilliancy, self-made and well made. A graduate of the University of Minnesota and also a college of law, with degrees from both, with a postgraduate course in the school of hard knocks and adversity."

"A vigorous and striking personality in the political life of the Nation."

"He had a fighting heart and asked no quarter."

"SCHALL's work and influence in the council chambers of the Nation was of the highest order."

"He was a careful, painstaking, conscientious representative of the people. Had he two eyes he could not have been more efficient than he was."

"TOM SCHALL's struggle to State and National recognition is one of the most stirring stories of the State of Minnesota, or any State in the Union, for that matter."

"An outstanding example of ability and ambition transcending physical handicap that triumphed over affliction."

"He impressed his personality and opinions upon the Nation and also his colleagues. His forceful personality will be very much missed."

Further, it was the late outstanding Theodore Roosevelt who said of Senator SCHALL: "I believe in Tom SCHALL with all my heart."

I have been reading to you the exact words taken but yesterday from the press of this Nation, by outstanding men, some of whom were his political opponents throughout his career, which prove conclusively of his place, standing, and value as a man and statesman. May I not add the words of the Book of Books, "He being dead, yet speaketh."

I knew our friend close-up for many years, in his home life, professional life, and with my visits with him at Washington when engrossed with national problems. Many years ago I was invited to attend an oratorical contest at the State university. Being interested as a young man in that phase of university life, I attended it with one of the professors of the institution. I did not know any of the contestants personally at the time. I listened in an impartial way to the different youthful orators, but there was one in that gathering that gripped me tremendously, by his voice, delivery, and subject matter. I had observed the fact that he was not as well dressed or groomed as the others, but I felt that nature had given to him in excess of the others on the program one of her unpurchasable gifts—the power of impartation. My friend with me predicted good things in the coming years for the young man, and I was of the same opinion. Further, I have on record what President Northrop and also what Dr. Richard Burton predicted concerning him, both of whose predictions came true. Yes; his power of speech, courage, force of character, rugged individualism gave him an individuality all his own.

My friends, our friend's struggle with poverty as a lad, his career from the first hour he came to Minnesota, commencing with the task of caring for horses and cattle on the hills and in the valleys of Ortonville, that town that is on the border line between South Dakota and Minnesota—"out where the West begins"—on up through the years, through graded school, high school, the higher seats of learning, soon after graduating from the University of Minnesota and a college of law; having his natural eyes forever darkened through total blindness; still onward until he reached one of the few highest seats in the Nation's Capitol, is as courageous, as challenging, and inspiring a biography as I know anything about in the annals of American history. Thousands upon thousands who struggle for the honors which came to our friend, with every comfort and protection of parents, home life, affluence,

and other struggle-saving means, fail in the attempt, but TOM SCHALL, overcoming almost insurmountable difficulties, arrived. It is a living illustration of the quatrain:

"The heights of great men, reached and kept
Were not attained by sudden flight;
But they, while their companions slept,
Were toiling onward thru the night."

THE SOUL OF TOM SCHALL

I knew the soul of TOM SCHALL. Far on into the night in the quiet of his own home we have discussed such profundities as God, the great Teacher of the soul, the gentle Nazarene, immortality, religion, and other kindred things. Sometimes political and also national problems were the topic of conversation, but I never talked with him but that religion was injected into the conversation. TOM SCHALL lived in a large universe and gave the Creator plenty of room to work His sovereign will. I never heard him criticize a man's religion in all the years I knew him. He permitted his fellow citizens to worship God according to the dictates of their own conscience. I found him well versed in comparative religion, particularly the religions now extant. He knew both the modern and the conservative interpretation of the great beatitudes of the Christ; but the fundamentals, love to God and to one's neighbor, were the great principles which actuated his life. He always endeavored to "live by the side of the road and be a friend to man." Lastly, time and again he has told me, as friend to friend, that from a youth up through the years he had always been inspired with the thought that God had called him to do a special work, and that was the secret of his success. Others to whom he had whispered the secret of his own soul have always told me that this thought of God being with him, he had admitted, was the secret of his success. Let us not wonder, then, that he fought like a crusader and died with his armor on. But he has gone from us! Gone—did I say?

"No; I cannot and I will not say

That he is dead.

He is just away!

With a cheery smile and a wave of the hand,
He has entered into that unknown land,
And left us dreaming, how very fair it
Needs must be, since he lingers there.
And you, O you, who the wildest yearn,
For the old-time step and the glad return;
Think of him, passing on as fair in the love
Of there, as the love of here.
Think of him still as the same, I say.

He is not dead. He's just away."

—Riley.

To his beloved family, whom he loved so fondly that no language spoken could fathom its depths of meanings, if your loved one could but speak to you audibly here and now, in the language of another, I am sure that this is what he would say:

"Let there be no funeral gloom, my dears,
Now that I am gone.
No black raiment or graveyard grimness.
Think of me as having withdrawn into the dimness,
Yours still, and you mine.
Think and remember only the sweetest of our love together,
And, forgetting the rest,
Where I wait, come thou gently on."

And now, in a very little while, after his own brethren of the Masonic fraternity have uttered their beautiful funeral ritual over their sacred dead, loving hands will take his silent form and bear it away to a sacred spot in this silent city where lie the wasted forms of so many of our kith and kin, and gently they will lay it down beneath the white drifted snow, forever out of human sight. Of that quiet moment and place, let me offer this prayer:

"Warm summer sun, shine brightly there,
Warm summer wind, blow gently there;
Green sward above, lie light, lie light,
Good night, my friend! Good night! Good night!"

Mr. BUCKLER of Minnesota. Mr. Speaker, it is my privilege to speak in memory of the late Senator of my State of Minnesota, Senator THOMAS DAVID SCHALL. Senator SCHALL, having been born in Michigan, was not a native of Minnesota, but much of what he came to be was a product of that State and a symbol of a rugged period in its history.

Life to Senator SCHALL was a fight. He fought deprivation and obstacles as a boy. He fought for and won the opportunity of an education. He stuck to his course when others around him were dropping out for the then greater attractions of that young man's country, and at the age of 27 was admitted to practice law before the courts of his State. And later, at the age of 30, with all of the major obstacles safely hurdled—or so he thought—he suddenly confronted an even greater hurdle—blindness. Then began his greatest fight, a fight that led him to the highest political gift to be had in the State; a fight that continued unceasingly through a stormy political career and that did not end until life itself had ended.

Senator SCHALL, during those early years of struggle, had seen sights and dreamed dreams that were to his liking. This vision he continued to see. It was a vision of a golden age of opportunity. Minnesota was growing up and was enjoying the advantages of realistic maturity with the still keen enthusiasm of youth. Truly was it a golden age—golden grain moving in mile-long trainload after mile-long trainload into his Mill City of Minneapolis, millions of tubs of golden butter rolling through to the far centers of civilization, and in return for all of this a golden stream of financial aid for the building of a western empire. What matter that much of this was due to be changed? Senator SCHALL had seen it; he foresaw it as returning in the good old way; he continued to keep and to nurse and to fight for his vision.

It was not easy for Senator SCHALL to accept the changes of this changing age. In fact, acceptance of some of them was to him impossible. But to disapprove was not to be disinterested. Few men on either side of the Congress ever took keener interest in the proceedings, and no Member was ever more alert to the individual requests of his constituents. He fought for his friends and against those who opposed him. He fought with utmost courage and with utter disregard for the consequences of the bitterness of his attack.

Senator SCHALL has passed on, and with him has gone much that was symbolic of a picturesque period in the political progress of his State.

Minnesota and the Nation have lost a colorful and vigorous fighter.

Mr. LUNDEEN. Mr. Speaker, ladies and gentlemen of the House, THOMAS DAVID SCHALL, a Representative and Senator from Minnesota, was born in Reed City, Osceola County, Mich., June 4, 1878; moved with his mother to Campbell, Minn., in 1884; attended the common schools of Wheaton, Ortonville High School, and Hamline University, St. Paul; was graduated from the University of Minnesota at Minneapolis in 1902 and from the St. Paul College of Law in 1904; was admitted to the bar in 1904 and commenced practice in Minneapolis. He lost his sight in 1907, but continued the practice of his profession. He was elected as a Republican to the Sixty-fourth and to the succeeding four Congresses, March 4, 1915, to March 4, 1925. He was not a candidate for renomination, having become a candidate for election to the United States Senate. He was elected as a Republican to the United States Senate in 1924 and 1930 for two terms, commencing March 4, 1925, and ending January 3, 1937.

This is an impressive list of political victories won by a man who began as a youth without wealth or position. The road was not always easy. He met defeat in the primaries in 1910, when he ran as a Republican for the legislature, and was defeated for Congress in the Fifth District when he ran as a Progressive in 1912. He also met defeat in the primary of the special election for United States Senate in 1923. These defeats did not stop him. He filed again for the United States Senate in the regular election in 1924. This time he won the Republican nomination by a close vote and won the election by another close vote in the fall.

I first remember TOM SCHALL as a student at Hamline University. I was then at Carleton College, Northfield, Minn. The first time I ever saw him was when he stepped on the platform of the Congregational Church at Northfield in the State oratorical contest in 1897. Tom was then a freshman at Hamline University, and he won the State oratorical contest hands down, a feat which to my knowledge has never been duplicated by any other student in the State of Minnesota. Most winners are glad to make that high position in oratory as juniors or seniors.

He later won great renown in debate and oratory at the University of Minnesota, where he won the Pillsbury prize and competed in the Northern Oratorical League contests. This gift of speech served him well during his political campaigns. Generally he battled against the forces in power. Through campaign speeches and meeting the people in every town and crossroad, once elected he proved invincible in Minnesota.

Let it be said for SCHALL that he usually had the opposition of the great press of the State. Very few papers supported him. He announced his creed, "the Thomas Schall creed", and based his campaign upon this program. His campaigns were always hard fought; his enemies struck at him viciously, and he quadrupled the blows in return.

Not Heaven itself upon the past has power,
But what has been, has been, and I have had my hour.

A sight that will long linger in the minds of Minnesotans is of a street corner near the center of some village with TOM SCHALL talking from the back of an automobile or out in the country talking from some picnic platform. There he was thoroughly at home and delivered long political speeches which dealt with the situation from the Schall viewpoint.

I did not belong to his political party. I often differed with his views on some very important questions, but I must say for SCHALL that he was never afraid of any man, anywhere, at any time. He fought for his rights, according to the political education of the group with which he associated. He inspired sincere loyalty on the part of his closest followers, who were generally poor and without means of political contribution. This is especially true of the primary campaigns. In the fall election, with a few notable exceptions, he had the support of the regular Republican organization.

A man who served more than 20 years in the American Congress—10 in the House of Representatives and more than 10 in the Senate—leaves his mark upon the history of his time. Serving upon important committees, and occasionally blazing forth in strong and vivid language, he captured the imagination of his State. He was a commanding figure and became the center of every group into which he entered. His untimely death, in the very prime of life, when he was girding himself for a new battle, leaves the State of Minnesota stunned with the sorrow that one of its leaders has passed on.

Envy and calumny and hate and pain,
And that unrest which men miscall delight,
Can touch him not and torture not again.

A large group of friends and fellow citizens of TOM SCHALL attended services at Lakewood, December 26, 1935. It was a bitterly cold day. The large chapel was too small for those who wished to attend and many waited in the cold outside. The Reverend Charles Fox Davis delivered the address, one of the most touching and eloquent I have ever heard, and I ask you to read his remarks as reprinted in the permanent RECORD of Congress, by Congressman WILLIAM A. PITTINGER, on April 21, 1936.

It may be claimed for and said of him:
He was a large figure in the life of the Nation;
He occupied commanding positions in the Congress;
He left a deep and lasting impress on his day and generation.

TOM SCHALL selected his ladder and he climbed to the very top.

HON. CAP R. CARDEN

Mr. SPENCE. Mr. Speaker, in the death of Hon. CAP R. CARDEN the Nation has lost an honest, faithful, and capable public servant; his family a loving and devoted husband and father; and his colleagues a loyal, companionable friend.

Mr. CARDEN was born in Hart County, Ky., on December 17, 1866, the son of William P. and Frances M. Carden. He began the practice of law at Munfordville, in Hart County, Ky., in 1895. He served a term as sheriff and a term as county attorney of his county, and also served as master commissioner of the circuit court of Hart County for many years. He organized the Munfordville Bridge Co., which constructed a bridge over the Green River at that place. The bridge has since been taken over by the State of Kentucky and is now part of a national highway. He was an active promoter of the Mammoth Cave National Park and took great interest in that project. He was elected to the Seventy-second Congress from the Fourth District, to the Seventy-third Congress from the State at large, and to the Seventy-fourth Congress again from the Fourth District.

Throughout his congressional career he served upon the Committee on Agriculture. His district was almost entirely an agricultural district and he was deeply interested in the subject which meant so much for the happiness and prosperity of his people. He knew from experience the hardships and the ceaseless toil of the farmer. His constant desire was to help him to make his lot more pleasant.

During the first session of the Seventy-fourth Congress Mr. CARDEN was taken ill while in Washington. He was removed to his home in Kentucky, where he departed this life on June 13, 1935.

The fine qualities of Mr. CARDEN's mind and heart were recognized by the many friends he made among his colleagues. CAP CARDEN was a plain man of the people. He knew their hopes and their aspirations. He thought as they did. His love for his people and his home was not vocal but was deep-seated and constant. While he had a sincere and enthusiastic desire to serve his people, and the consciousness of the service he was rendering them gave him a deep sense of satisfaction and pleasure, the glamour of Congress appealed to him very little, for his heart was always in the hills of Kentucky among the people he loved and who loved him.

CAP CARDEN was a sincere and genuine man. Hypocrisy and false pretense had no place in his character. He was a keen and farseeing businessman, as his success in the little town which was his home during his entire life of almost threescore years and ten well attests. To his intimate acquaintances CAP CARDEN never appeared as one who had almost lived his allotted span or who had arrived at the place in life where the shadows are cast to the eastward. His cheery disposition, his enjoyment of life, his kindness made one regard him as still among the young.

It was my good fortune to take a trip to Hawaii with Mr. CARDEN a few years ago. While he never intruded or forced himself on others or apparently sought new acquaintances, it was not long before many of his fellow voyagers were calling him by his given name, and his companionship and presence were always sought in the jolly parties on the boat.

He had a deep-seated and abiding love for his home and his family, and his ambition was to enjoy his declining years in the quiet of his country home among his family and friends. He had announced he would not again be a candidate for Congress. His service here will be missed; others may take his place, the work he performed will go on, but the void this kindly, gentle, faithful man left in the hearts of those who knew him cannot be filled.

CAP CARDEN exemplified by his life the soundness of the philosophy that before you can receive you must give; that you can only get out of life what you put into it. Mr. CARDEN gave to the country his self-sacrificing service and his absolute loyalty; to his family, his unbounded devotion; and to his friends, his sincere friendship; and he received from his family and friends what he gave. The qualities of loyalty, friendship, and kindness which he possessed can never die. CAP CARDEN made the world happier and better for having been here. I am sure that somewhere over yonder where the ties of friendship are never broken we shall meet him again.

The works of divine Providence are hard to fathom. God moves in a mysterious way his wonders to perform. Why CAP CARDEN should have been stricken while in robust health and taken from his field of usefulness, his devoted family, and his many friends when he apparently had many years of useful, happy life before him, we do not know, but we must bow in submission to the Divine will.

The moving finger writes; and, having writ,
Moves on: nor all your piety nor wit
Shall lure it back to cancel half a line,
Nor all your tears wash out a word of it.

It may truthfully be said of Mr. CARDEN—

His life was gentle, and the elements
So mix'd in him that Nature might stand up,
And say to all the world "This was a man!"

Mr. MAY. Mr. Speaker, I rise for the purpose of paying appropriate tribute to the life and character of my late colleague, a Representative from the State of Kentucky, the Honorable CAP R. CARDEN, with whom I have had the honor to serve in this august body. He, with others of our colleagues, has answered the final call of the roll and has shuffled off the mortal coil and laid down to pleasant dreams. To know him was to love and respect him. He was born and grew up on a farm and at an early period in his young manhood showed such aptitude in the study of his chosen profession of the law that he was early admitted to practice in the courts of his native State.

By habits of diligence, industry, and close application to the study of his profession he soon became a leader of the bar of his State, and as such accumulated a comfortable estate, which by shrewd methods of investment and habits of thrift and frugality at the time of his untimely death amounted to a comfortable fortune. He was not only a successful lawyer and businessman of ability, but was likewise a profound student of the science of government and a faithful and fearless defender of the faith of the founders of the Republic. He was steadfast and unfailing in his loyalty and devotion to principle. Politically he was a Democrat, but never a partisan and ever a friend to all. From the early spring of youth through the ripening years of mature manhood he struggled and toiled for the things in which he believed and yet never rejoiced in the fall of even the most bitter antagonist. He was a man of deep and abiding conviction, of undaunted courage, and had uniform respect for the rights of others. He was a friend to man and loved to respect and recognize the liberty of the individual citizen. To disagree with his colleagues in their views upon public questions, which he often did, never carried in his heart and mind any lack of regard or respect for the views of others.

I believe it was Voltaire who, upon a historic occasion, once said of an opponent, "I wholly disapprove of what you say, but will defend to the death your right to say it", and to me, that, in a few words, symbolizes the whole career of the late CAP R. CARDEN, when dealing with those who opposed him in debate anywhere, everywhere, and all the time. He first came to this House in 1930, when dark clouds of depression hung heavily over the land, and yet he never, in all the dark days and distressing months and years that followed, lost faith in the virtue and ultimate triumph of his country. The years of his service here were times that demanded leadership of brave men, and he was at all times equal to the occasion and always measured up to the full stature of noble manhood. He was an optimist whose vision enabled him to see through the darkest clouds and behold the sunshine beyond. Finally, destiny decreed that he should pass, and wrapping the drapery of his couch around him, he laid down to pleasant dreams.

Mr. CREAL. Mr. Speaker, on the 13th day of June, 1935, death took from this House CAP R. CARDEN, who was serving his fifth year in Congress from the Fourth District of Kentucky, the district of Abraham Lincoln and Gen. Simon Bolivar Buckner. I had known him since I was a boy.

His life was one of broad and varied experience. A lawyer, banker, farmer, and public official—he was successful in all. He was retiring, modest, and never sought publicity or display of his talents; but he was a sound thinker, a safe, conservative businessman, and a man with the kind of well-balanced judgment which made him a valuable member of this body.

He voted at all times in accordance with his judgment and never catered to fads or wild schemes often proposed in this body. He was democratic in the extreme and met all men on terms of equality.

He had purchased the beautiful old homestead and farm of the former Governor of Kentucky and Confederate General, Simon Bolivar Buckner, a short distance away from the town of Munfordville, near the beautiful Green River, with its quiet, picturesque hills, such as abound only in Kentucky. He often expressed himself as intending to retire there after his term expired and spend his remaining days

in that ideal retreat where nature smiles benevolently and broadly on the Glen Lily Farm in the Green River Valley.

So long a familiar figure in the business life of his community and at the courthouse in his home town, it is difficult to imagine that there has departed from their midst this substantial, quiet, able, genial, typical Kentuckian, CAP R. CARDEN.

HON. CHARLES VILAS TRUAX

Mr. ASHBROOK. Mr. Speaker, ladies and gentlemen of the House, we are gathered here today in this historic Chamber to pay brief tribute to the memory of our colleagues who have fallen by the way during the past year. This is indeed a beautiful custom which I trust will never be abandoned. When I first came to Congress 30 years ago these memorial services were held at frequent intervals on the Sabbath day. Just why and when that custom was changed I do not know, but it occurs to me that there was more solemnity, more sacredness, more heart and feeling in the service in the old days in the old way, but possibly since I am no longer young it is not easy for me to tune myself to present-day ways and customs. I am happy, however, to be living in this modernistic age even though my love for the little red schoolhouse and the horse-and-buggy days will never quite disappear or be supplanted.

To serve as a Member of Congress is an honor and distinction which relatively few are permitted to enjoy. Those of us who are thus honored owe it to ourselves, to our constituents, and to our great Nation not only to live circumspectly but to discharge our duties honestly, faithfully, and intelligently; supporting the Constitution upon which our great Government rests to the best of our ability and understanding so that when on an occasion like the one which brings us together this afternoon—and it will come to all—final tribute may be truthfully and honestly paid to our memory, which will bring pride to the hearts of our friends and loved ones. An untarnished escutcheon, a well-spent and useful life, and an honorable name are the best heritage we can leave to our loved ones and friends who have so signalized us.

And may I here pay what I consider a deserving and honest tribute not only to the ones whose memories are freshest in our minds today but to all who have served or now serve in both House and Senate during the past 30 years, which includes the period of my acquaintance and service in Congress. During the span of three decades I have known possibly 2,000 Members who have come and gone; many men of many minds, but all actuated, I am sure, by high and patriotic purpose. I have not known all intimately and well, but sufficiently so that I feel warranted in making this broad, blanket statement, that nowhere can a higher type of citizenship be found in this or any other Nation than the chosen Representatives of the people who have here served and yet serve here.

I will grant, regrettably, a few instances have been manifest where the weakness of the flesh and possibly the intellect predominated. But easily 99 percent of that large number reflected only honor and credit upon themselves and their constituencies. And so my colleagues I repeat that it is an honor and distinction to serve as a representative of the 130,000,000 people of our great Nation. And may I here say that I sincerely believe nothing that I may pass on to those nearest and dearest to me will equal the knowledge that I was a humble Representative of the American people for many years, and that I strived as best I knew to honestly and faithfully discharge my duties here.

Mr. Speaker, I had some acquaintance with the two Senators and the five Representatives in whose honor we are assembled. They were all human, but I am sure had honest intent to discharge their duties as best they could with the light given them. I wish, however, to briefly pay especial tribute to my colleague, the Hon. CHARLES V. TRUAX, Representative at Large, from my State, Ohio. I had known him and of him casually for several years, but not until the campaign of 2 years ago, when our contacts were frequent, did my acquaintance become intimate and personal, which with

service in this body with him ripened into friendship, respect, and good will.

Congressman TRUAX served as director of agriculture of Ohio for 6 years, during the three terms of Gov. Vic DONAHUE. He was active and prominent in all farm organizations. He was a friend and champion of the farmer and agricultural interests, as well as of the soldier and the common people, whom God must have loved best else he would not have made so many of them. He was nominated for United States Senator in 1928, and while he received more than 300,000 more votes than the head of the State ticket he was defeated in the Hoover landslide. He was nominated for Congressman at Large in 1932, defeating a field of 11 candidates, and elected to the Seventy-third Congress. He was reelected to the present Congress in 1934, and doubtless had he more carefully conserved his health and physical resources—the failure of which brought the untimely close of his brilliant career—he would have continued here indefinitely without much doubt as the exponent and defender of equal justice and the rights of all the people.

We have all seen his striking and stalwart figure on many occasions pace back and forth in this Well like an infuriated animal at bay, denouncing in loud stentorian tones the things he believed vicious and bad. No more outspoken and courageous Representative ever served here than CHARLES V. TRUAX. He was a valiant warrior for the rights of the common people as he saw them, and an unconquered and unsubdued foe of corporate and corrupt interests. Ofttimes, perhaps, you could not agree, but I know you gave him credit for honesty and sincerity. He was an advocate to be courted, a foe to fear, but when the storm passed, the battle fought, he was as gentle, as kind, and as gracious as a sweet and lovely woman. No one doubted his courage, his honesty, his sincerity. He was gifted by nature as an orator. His fluent tongue, his strong, resounding voice, his fertile brain, each is stilled; but the memory of his many fine traits of character, his battle for the rights of the people, and his achievements will not soon be forgotten by those who knew and admired him. After life's fitful fever I am sure CHARLES V. TRUAX sleeps well.

Mr. FLETCHER. Mr. Speaker, on this memorial-day occasion I desire to pay tribute to Hon. CHARLES V. TRUAX, late Representative at Large from my State of Ohio. He was my distinguished colleague, neighbor, and friend.

Mr. TRUAX was a resident of Wyandot County in the congressional district which I have the honor to represent. We were closely associated in Congress. In many respects our interests in legislation paralleled through the years we served in this body.

CHARLES V. TRUAX championed the cause of the common people. In this he was earnest, sincere, and courageous.

He was one of the most picturesque and striking figures in the House of Representatives, where he often gave expression to his pride in being a son of the soil and a true dirt farmer.

Few men knew the needs of the farmers of our State as did Mr. TRUAX and few worked so earnestly and determinedly in sponsoring their welfare. Born and reared on an Ohio farm near Sycamore and educated in the rural schools, Mr. TRUAX rose to his place of distinction in State and National politics through ability and hard work.

He served our State as director of agriculture for a period of 7 years, beginning in 1923; chairman of his county committee; delegate to the national convention in 1924; nominated for United States Senator in 1928; and twice elected Congressman at Large from Ohio.

Mr. TRUAX always truly represented the masses of the people as director of agriculture in the State of Ohio and as a Member of Congress.

He is credited with being one of the best State-fair managers Ohio has ever known. One of his greatest achievements as director of agriculture was his successful management of big Ohio State fairs for a period of 6 years.

It was my privilege to know him for many years. I am familiar with the outstanding record he made for the cause

of the underprivileged, in whose behalf he gave unstintingly of his time, energy, and ability.

He was an indefatigable worker both in and out of Congress. His courageous service in the House and his honesty and sincerity of purpose are well and favorably known.

Citizens of Ohio have suffered the loss of one of their most useful legislators. The passing of my colleague takes from the State of Ohio and the Nation one of its outstanding political leaders and most distinguished citizens. His record of public service and his efforts to serve humanity, according to his understanding and convictions, will ever serve as an inspiration for those who follow.

CHARLES V. TRUAX was one of the most useful Members of the United States Congress. It is a tragedy that a man so young, so brilliant, and so much needed in the Halls of Congress should be taken away at the height of his usefulness and power.

Mr. LUNDEEN. Mr. Speaker, one of the finest and most progressive Congressmen I have ever known was CHARLES V. TRUAX, of Bucyrus, Ohio. Whenever the people needed a champion on the floor of the House of Representatives his voice came ringing through the Halls of Congress. He invariably voted with the people on issues between human rights and property rights.

The day Congressman TRUAX passed from this life we had a meeting of the Labor Committee in room 429 of the Old House Office Building. When we left the committee room TRUAX and I walked down the fourth floor lobby, took the elevator down to the street floor, walked across the street, and into the New House Office Building, to our office room, 1022. He stepped into our office, greeted the people there, looked out upon the courtyard and fountain, exchanged some friendly remarks, and left our office and the building forever. Within a few hours from that moment he went to meet his Maker.

I remember distinctly the debate on social-security legislation when the Lundein bill (H. R. 2827) was before the House after being reported favorably by the Committee on Labor. The able chairman of that committee, the Honorable WILLIAM P. CONNERY, had just spoken in favor of the bill, and others had championed social-security legislation along these lines, when up rose CHARLIE TRUAX, thundering:

There is only one thing that I see wrong with this bill. The gentleman from Minnesota in his bill proposes to tax inheritances, gifts, and all annual incomes of individuals and corporations in excess of \$5,000 per year. This provision of the bill, in my judgment, does not go far enough. We ought to tap right now, once and for all time, every fortune in this country of ours of \$1,000,000 and over.

And so it was, in battle after battle, whether it was the soldiers' bonus, the Frazier-Lemke bill, or farmers' or labor legislation, CHARLES TRUAX was always to the front fighting for the people, girded in the armor of righteousness, and a host in himself in every battle. I have never known a man since the days of James R. Mann, minority leader of the House during the war days, who had intimate knowledge of so many individual bills. He was an incessant worker. Long hours, insufficient exercise, and intensive application to congressional duties contributed to his death. He literally died for the people of Ohio and America in the battle for human rights against property rights.

CHARLES V. TRUAX was born on a farm and educated in country and public schools. He was a farmer, specializing in purebred Duroc Jersey hogs. He sold hogs to breeders in every State in the Union, in Canada, South America, Australia, and Japan. He was editor of the *Swine World*, published in Chicago, 1916 to 1921. He visited all hog-raising States as field representative and auctioneer.

He was coorganizer of the first National Swine Show at Omaha, Nebr., in 1917. He was director of agriculture for the State of Ohio 1923 to 1929. He was a delegate and the personal representative of the Governor of Ohio to the National Wheat Conference in Chicago in 1923 and to the National Agricultural Conference in Des Moines, Iowa, in 1926. He was coorganizer with George N. Peek and vice chairman

of the Committee of Twenty-two which sponsored the McNary-Haugen bills of 1926 and 1927.

He was chairman of the Democratic executive and central committees of Wyandot County 1920 to 1924. He was elected member and vice chairman of the Democratic State central committee in 1922, and was a delegate and secretary of the Ohio delegation to the Democratic national convention in New York in 1924. He acted as reading clerk in that convention. He called the roll on the one hundred and third ballot that nominated John W. Davis for President.

In the Democratic primaries of 1928 TRUAX was nominated for United States Senator, defeating a field of four opponents, including Gov. George White. He received 300,000 more votes than the head of the ticket in the general election. He was defeated by Dr. Simeon D. Fess, Republican, in the fall of 1928.

In 1932 he was nominated for Congressman at Large, receiving the highest vote in a field of 11 candidates. He was elected at large to the Seventy-third and Seventy-fourth Congress.

CHARLES TRUAX was a member of the Knights Templar Consistory, the Shriners, Elks, and the Farmers' National Union. He was married and had three children—Dorothea, John, and Charles, Jr.

Those who are left to mourn him, the members of his family, his children, and friends, have every right to be proud of the memory of CHARLIE TRUAX, fighting Congressman from the great State of Ohio. Congressman TRUAX was elected at large in 1932 by 1,206,631 votes, having a majority of 98,070 over his nearest opponent. He was reelected in 1934. I cite these figures to show that his position was overwhelmingly approved by the great State of Ohio, which he so ably represented on the floor of Congress. He was a warrior for the right. Like Saul of old, he could hang his shield upon the wall and truly say, "I have fought a good fight; I have kept the faith." The last words he spoke on the floor of the House of Representatives, August 9, 1935, were a plea for the farmer of Ohio and America:

Does not the gentleman believe that it does not make any difference how high the price of hogs or how high the price of cattle, when a particular farmer loses his farm he is out for the balance of his life? There are a half million going to lose their farms because of the failure of this Congress to enact the Frazier-Lemke law. (CONGRESSIONAL RECORD, p. 12819, Aug. 9, 1935.)

He was a man of the soil, born on a farm, and loyal to that great element of American population—the American farmer and the American farm family. Always he had the best interests of the Ohio and American farmer in mind.

Sometimes when TRUAX spoke the House roared its disapproval. His were minority views. He spoke his mind unafraid, braving the ridicule that often fell upon his head. Those who disagreed with his political views pay high tribute to his zealous battle for justice as he saw it. In my mind he was always on the right side, whether or not to be right was easy or popular at the time. To the last he was undaunted by jeers and jest of friend or foe.

Once to every man and nation comes the moment to decide,
In the strife of truth, with falsehood, for the good or evil side;
Some great cause, God's new Messiah, offering each the bloom or
blight,

Parts the goats upon the left hand, and the sheep upon the right,
And the choice goes by forever 'twixt that darkness and that light.

Then to side with truth is noble when we share her wretched crust,
Ere her cause bring fame and profit, and 't is prosperous to be just;
Then it is the brave man chooses, while the coward stands aside,
Doubting in his abject spirit, till his Lord is crucified.
And the multitude make virtue of the faith they had denied.
Count me o'er earth's chosen heroes—they were souls that stood
alone,

While the men they agonized for hurled the contumelious stone,
Stood serene, and down the future saw the golden beam incline
To the side of perfect justice, mastered by their faith divine,
By one man's plain truth to manhood and to God's supreme design.

For humanity sweeps onward: where today the martyr stands,
On the morrow crouches Judas with the silver in his hands;
Far in front the cross stands ready and the crackling fagots burn,
While the hooting mob of yesterday in silent awe return
To glean up the scattered ashes into history's golden urn.

HON. HENRY M. KIMBALL

MR. MICHENER. Mr. Speaker, I arise on this occasion to pay my tribute of love, honor, and respect to the life, character, and memory of our late colleague HENRY M. KIMBALL.

My acquaintance with Mr. KIMBALL was coextensive with his entering this body. When he came to Washington in the beginning of the Seventy-fourth Congress we lived at the same hotel; and our contacts, therefore, were more intimate than the professional contacts necessitated by our congressional work.

Mr. KIMBALL was a retiring man, modest to a degree, but behind this apparent reticence there was a most friendly personality. He was in no sense a showman. He was genuine and real in every way. He abhorred the superficial, and judged people for their true worth and not for what they feigned to be.

He was mindful of the responsibilities which membership in this body carries with it. His service was of too short a duration to make it possible for all of us to measure his true value as a legislator. He took his duties in this body seriously. He was a tireless worker, and familiarized himself with each piece of legislation coming before the Congress. His votes were always based upon logic, common sense, and an understanding of what he was doing. While his chief concern was for the common people, as we are wont to call them in these days, yet he had little tolerance for those who would agitate class hatred. He believed in the honesty, sincerity, and patriotism of all of our people, and proof alone was necessary before he would condemn.

He often told me, that in his view, a new Member of Congress could best serve his people by doing all things well and by his conduct meriting the confidence and respect of his colleagues. Those who have been in this body for any length of time will well understand that this course of conduct would have made him a power in the days that were to come.

To know HENRY M. KIMBALL was to respect him. He was well prepared for public service; a Christian gentleman with a fine education, a splendid lawyer, with a realization of the obligations of a member of the bar to the public and especially to our Government. Careful reading of good literature made him an entertaining and an interesting conversationalist. He stood well with his fellow men, and in his passing we lose a true friend, a distinguished colleague, and his place will be hard to fill. The memory of this splendid man will linger with us long.

MR. SADOWSKI. Mr. Speaker, last fall we were all shocked to hear of the sudden and untimely passing of one of our colleagues, the Honorable HENRY M. KIMBALL, of Kalamazoo, Mich. I take this opportunity to pay tribute to his memory.

Although his death came much too soon, Mr. KIMBALL enjoyed a full and active life. He possessed in his fine character and good sense of humor, those qualities which go to make friends everywhere.

A graduate of the University of Michigan, Mr. KIMBALL was actively engaged in the practice of law for 27 years, 17 of these years having been spent in active practice in Kalamazoo. When he was elected to the Seventy-fourth Congress it was the first time he had ever held a public office. However, he was well known and highly regarded in his home city and district, and the people never hesitated to place their trust in him.

Although I had the pleasure of serving with Mr. KIMBALL but one session of the Congress, I had come to know and respect him as a man of high principles and ideals, one who always followed what he considered to be the path of truth and wisdom. He served his State and his district loyally and with distinction. When the welfare of his people was at stake, partisanship was unknown to him. His primary purpose was to serve his country and his people.

Mr. KIMBALL, in the short time he served, had won for himself a place of distinction with his colleagues. The State of Michigan has lost a splendid citizen and the Nation an able counselor and legislator.

Mr. MCLEOD. Mr. Speaker, I wish to pay tribute to the memory of my late colleague and fellow member from Michigan the Honorable HENRY M. KIMBALL. His untimely death at the beginning of his service to the public is deplorable.

HENRY M. KIMBALL was born at Orland, Ind., on August 27, 1878. He received his education at Orland, Ind., High School, Hillsdale College, and the University of Michigan Literary and Law Departments. He practiced law for 27 years, the last 17 of which were spent in Kalamazoo, Mich.

I had no personal acquaintance with Mr. KIMBALL until he came to Washington as the Representative of the Third District of Michigan, and am therefore unable to speak of his early life or his accomplishments in business. However, his reputation as an able and capable lawyer extended throughout the State of Michigan.

My association with Mr. KIMBALL here in Congress, although all too brief, was long enough to develop a strong and affectionate friendship for him. He was a man of character, integrity, and ability and he inspired confidence and esteem. I was always deeply impressed by his exceptional devotion to duty and his apparent independence of thought and action. While a loyal partisan member of his party, he followed its leadership only when it was his conviction that to so do was the right and just thing for the best interests of his district, his State, and his country.

Mr. MAIN. Mr. Speaker, a few years ago the Honorable R. A. Nestos, then Governor of the State of North Dakota, was a guest at the Battle Creek Sanitarium. A splendid speaker, generous with his time and talent, he addressed a number of Battle Creek audiences. On one occasion he told a story which has remained embedded in my memory.

Norway, the native home of ex-Governor Nestos, is a land of rugged hills and valleys. The story is that of a young Norwegian who was minded to go out into the mountains to hunt for wild game. As he proceeded into the recesses of the mountains along one of the many valleys, a heavy mist enshrouded him, but he went forward. Presently, confused by the fog and deprived of his normal sense of proportion, he thought he discovered the outlines of a wild beast coming toward him down the mountain side. He raised his gun and was about to fire at this strange figure when the mist suddenly lifted and the young Norwegian discovered that the object which he had taken for a beast of the mountains was, in fact, the figure of one of his brothers carrying on his back another brother who had met with an accident on the hillside.

Prior to the advent of Mr. KIMBALL into the realm of national politics I had known him only as one attorney knows another in a neighboring county seat. We had enjoyed some professional contacts, but I had not had the opportunity of forming a real estimate of the worth and temper of the late Congressman. My viewpoint was obscured in the fog of legal precedent and the formality of the courtroom.

In the primary campaign preceding the nomination of Mr. KIMBALL for the office of Representative of the Third Congressional District I was affiliated with the campaign of his leading opponent. I am glad to say that in the usual smoke screen of political maneuvering I did not aim any barrage of unkind language or personal criticism at Mr. KIMBALL. After his nomination and the smoke of the primary contest had cleared away, I was surprised and delighted to discover that Mr. KIMBALL was in a very real sense a brother of mine, a member of the same national fraternity and of the same chapter of Delta Tau Delta. He had preceded me some years in attendance at Hillsdale College, and prior to his nomination I had not learned of our mutual fraternal relations. This discovery naturally served to deepen the esteem and regard in which I held the late Congressman from the Third District of Michigan.

He was a genial gentleman, with mind and temperament well adapted to intellectual refinements and legal distinctions. He was an ardent and able advocate in defense of our Federal Constitution. To know Mr. KIMBALL was to admire him, and to associate with him, even though on the

opposite side of a lawsuit, was to respect him. The Third Congressional District lost an able Representative in the passing of Mr. KIMBALL. The Nation has lost an unselfish public servant. Mrs. Kimball has lost a most estimable, husband. The daughter has lost a splendid father. His many friends have lost a genial comrade. It will be long before the substantial qualities in the character of HENRY M. KIMBALL grow dim in the memory of those who remain to mourn his loss. And never will his unique place in society and public esteem be filled in the same full measure that was so admirably achieved by this gentleman of sterling worth and charming personality.

My hat is off, and I bow in respect and tribute to the name and memory of my distinguished predecessor, my brother in Delta Tau Delta, the Honorable HENRY M. KIMBALL, late of Kalamazoo and the Third Congressional District of Michigan. May his untimely initiation into that greater fraternity, existing beyond the grave, serve to fix more clearly in our minds the ideals and sympathies of a brotherhood—universal in its scope, wide in its charity and affection.

Mr. BROWN of Michigan. Mr. Speaker, under leave to extend my remarks, I include the following address of Marvin J. Schaberg, president of the Kalamazoo (Mich.) Bar Association, at the funeral of the late Representative HENRY M. KIMBALL at Kalamazoo, Mich.:

It has been wisely said, "There are certain fundamental truths which are the crystallized wisdom of the ages founded on centuries of experience with what is good and bad for the human race." These truths form the foundation and groundwork for those rules of action and human conduct which constitute that great social institution which we call "the law", and the application of these principles to the benefit of society depends in no small degree on the extent to which these virtues are exemplified in the lives of those who practice law as a profession.

The life whose memory we honor here today was dedicated to the law a little over a third of a century ago when he began his studies in a class in our great university, of which it was my own good fortune to be a member. From that association and fellowship of years together at the same bar there developed a real appreciation of his manly character and a friendship which has been very dear.

HENRY KIMBALL embodied all that is fine and good in a lawyer. He did not consider his admission to the bar a mere license to obtain a livelihood nor as a means of selfish attainment. He chose his profession, in response to an innermost desire, because he saw and found in it a means of expression of those deeper and noble aspirations of the human soul—a craving to give to his fellow man freely and fully of that which he felt in his own heart he was best able to give, and the law was the vehicle by which he sought to convey those desires. In his dealings with the courts, with his fellow lawyers, and his clients there was always noticeable that deep regard for justice in its full and complete meaning and that pervasive touch of deep responsibility. There was nothing feigned about his purpose. He possessed the confidence of careful preparation and a knowledge of the law and the facts, powerful weapons which he handled with an artful dignity which commanded the highest respect.

In all of his professional contacts there was always noticeable a beauty of kindness, a fragrance of graciousness, the sunlight of gentility and courtesy, yet withal a subtle strength of purpose and determination that won for him an abiding friendship deep in the hearts of his brothers at the bar; and we all join in the sentiment that to him can well and justly be applied—that noble tribute paid long, long ago by one noble soldier to another as the final decree had been rendered, from which there is no appeal: "His life was gentle, and the elements so mixed in him that Nature might stand up, and say to all the world, 'This was a man!'"

Mr. BLACKNEY. Mr. Speaker, it was my privilege at the beginning of the Seventy-fourth Congress to make the acquaintance of our departed colleague, HENRY M. KIMBALL, of the Third District of Michigan.

This acquaintance quickly deepened into a sincere friendship, based upon his splendid qualities and abilities.

Congressman KIMBALL was a man ideally fitted for the duties and responsibilities of congressional life. He had a splendid educational background, was a fine lawyer, highly respected by both bench and bar, with an especially high concept of the duties of a legal practitioner.

He was a firm believer in the principles of America, a lover of her Constitution, and would have sacrificed his life, if need be, for his country's welfare.

In the short time that Representative KIMBALL served in Congress he made many friendships, and both sides of the House were impressed by his lofty concepts of citizenship, his pleasing personality, and his friendly smile.

Tennyson, in a beautiful poem, said:

And the stately ships go on
To their haven under the hill;
But O for the touch of a vanished hand,
And the sound of a voice that is still!

While our departed colleague has gone to his eternal reward, yet his memory will live on in the minds and hearts of the many men and women whom he loved and served.

Mr. MAPES. Mr. Speaker, under leave to extend my remarks, I include the following address delivered by me at the memorial services held for the late Representative HENRY M. KIMBALL at his home in Kalamazoo, Mich.:

HENRY M. KIMBALL took his seat as a Member of the House of Representatives in the Congress of the United States from the Third Congressional District of Michigan on the 3d day of January last with the hope and confidence on the part of his friends for a long and distinguished career for him in that body and with every reason on his part to look forward to many years of service there. He was stricken early in July after a service of only 6 months, and passed away at his home in Kalamazoo Saturday morning, October 19. His fidelity to his trust and to the commission with which the people of the Third Congressional District had entrusted him, causing him to ignore the warnings of his physician to take a rest from the active and exacting work of his office, undoubtedly hastened his death.

His service in the House of Representatives was short, but long enough to enable him to win the confidence and respect of all with whom he came in contact, and the deep and abiding friendship and affection of those who came to know him well. Quiet and unassuming in his manner, he possessed those qualities of heart and mind which give their possessor eventually a place of influence and leadership in the House of Representatives, as in other walks of life—ability, industry, and integrity.

The Third Congressional District of Michigan has had a long line of able and distinguished men represent it in the House of Representatives. My personal recollection of them goes back to the time when, as a boy in Olivet, I heard the Honorable Julius Caesar Burrows, who then represented the district, deliver one of those eloquent campaign speeches for which he was famous. Since I have been a Member of the House I have been more intimately acquainted with those who have represented the district. As a boy I knew John M. C. Smith. I was in college with Arthur B. Williams, and Joe Hooper and I were close friends. I first met Mr. KIMBALL after the election last year, when he came to Grand Rapids to talk with me about the work and life in Washington, but I soon found that he held the same high standards of public service and possessed the same high character and ability as his predecessors in office had possessed. He was a worthy successor of a worthy line of Representatives.

Mr. KIMBALL entered the House of Representatives well equipped by training and experience for public service. He was a student of public questions and had a good grasp and understanding of them. He was a man of mature judgment, of high character and ability. As a Member of the House he was faithful in his attendance, followed legislation and the debates carefully, and was active and alert in the performance of his duties generally. He was attentive and sympathetic to the requests of his constituents, and active and energetic in looking after their interests individually and the interests of his district as a whole. He was a member of the standing legislative committees of the House on the Census, on the Civil Service, and on Flood Control. He performed all the duties of his office faithfully and well. In his death the Third Congressional District, the State, and the Nation have lost the services of an able, efficient, honest, patriotic, and loyal public servant. His usefulness and influence, if it had been his lot to continue in the House, would unquestionably have increased with the passing of the years.

In the language of a friend on a similar occasion:

"At the meridian of his powers our colleague and friend took his departure from fireside and forum. Why a thing like this should be we do not know; it belongs to the endless mysteries of life. But somehow we know that in the economy of the universe and the endless years it must be well. The voice of Christian faith must speak and give meaning to these fleeting days of life and take from death its blighting tragedy. Somewhere there must be a kingdom where life's deeper meanings are revealed, life's injustices corrected, life's inequalities leveled, life's incompleteness made whole. It must be so in a land of far horizons and cloudless skies. Now we see through a glass darkly; but then, face to face."

As far as I am able to do so, I express the profound admiration and respect and the greatest affection of every member of the Michigan delegation in Congress, irrespective of party, as well as that of my own, for our departed friend and colleague, and extend to the members of his family, his devoted wife and daughter, our deepest sympathy.

HON. WESLEY LLOYD

Mr. SMITH of Washington. Mr. Speaker, when WESLEY LLOYD was suddenly summoned away he left a real void in this House and I lost "for a while" a personal friend whom I had known intimately over 20 years. Our first contacts, which ripened into a lasting friendship, were made in the course of our careers as practicing lawyers in the State of Washington.

In more recent years, in 1932, we both came to Congress together and serve districts which adjoin each other, the district which he represented embracing Tacoma and Pierce County having formerly been a part of the Third District, which I now have the honor to represent in this body. Consequently, WESLEY LLOYD and I had much in common, and each one of us was more or less familiar with the people, conditions, and problems of the district of the other and there existed between us a fine spirit of cooperation and unity of action in regard to many legislative matters vitally affecting the interests and citizens of our respective districts. I frequently sought his suggestions, counsel, and advice, which I valued highly and which he freely bestowed, and he often consulted me. I therefore miss his genial, thoughtful, kindly presence and companionship more than I can find words to express on this occasion.

Mr. Speaker, our departed colleague was an able, industrious, and conscientious Member of Congress who gained the respect and esteem of all those who came to know him. He served with distinction on the great Committee of the Judiciary, which is one of the truly important committees of this House, and the distinguished lawyers who sat with him there came to admire him for the fine analytical qualities of his keen legal mind and his marvelous gift of expression.

I desire to quote from an address delivered by WESLEY LLOYD at the annual Lincoln's Day banquet of the Pierce County Bar Association at Tacoma on February 12, 1931, which will preserve for posterity in the permanent records of this Congress his exalted and noble concept of the profession of the law which he loved and which he served so faithfully and honorably and which lawyers here and everywhere would do wisely to heed and emulate.

The layman, uninitiated in the mysteries of the law, is apt to conclude that the lawyer is the slave and disciple of precedent. He is visualized as some strange and almost forgotten character from the stories of Dickens, who spends his time in dungeonlike libraries, searching among the musty archives for ancient writs that may enable him to rob the grave, or desecrate the tomb, to enrich the wicked payers of fees to the detriment of society and the righteous.

Time may have been when precedent was the book of books for the legal searcher after knowledge, but the busy lawyer of today must, indeed, be prepared to blaze new trails and chart unknown seas, and his reckoning must be compassed by the pole star of truth, else he will be lost in a wilderness where there is no lamp of human experience to guide him.

If, in the practice of law, you try to follow precedent, to seek some recorded case from out the past to define with a nicety the conduct of men and women of today and tomorrow, in an age when imagination is foreshadowed by reality come true, when fact has fallen swift upon the feet of fancy which wander into an unreal world of dreams, you are doomed to failure, penury, and woe.

If our conception of the law is founded upon no more sacred altar than on statutes that may be repealed tomorrow, or the edict or decree of a judge that may be swept aside by his successor; if we have not charted our course by the pole star of truth, then our craft is but a priesthood of pretense and our association but a convention of puffedoggers and bill collectors.

The real law that is and forever must be our guide—the star that hangs immovable in the heavens; that ever flashes its cold and frosty gleam to beckon us on over the dreary wastes of an unexplored world—is justice. It is exemplified as right triumphant over wrong. Statutes may be enacted and repealed; majorities may rule by right or might; kings may decree, and judges may interpret; but no rule, or law, or edict, or decree can long endure unless it be founded upon the sense of justice that lives eternal in every human heart—the same yesterday, today, tomorrow, and forever.

If I have the right concept of the true function of the lawyer in his relation to his fellow man, I would dub him the doctor of human conduct. His idea is right; his purpose justice. Even though legislators and chancellors may temporarily sweep away the superstructure of the law, the foundation upon which it stands remains secure.

Precedents are not the law, but only evidence of the law. The law is eternal. It reposes as securely in the unspoiled heart of the

son of toil as in the breast of the chancellor in ermine. It is decreed as surely by the beggar at the gate as by the king on the throne. It lies as serenely in the mind of a little child as in the fertile brain of the mightiest conqueror whose footsteps ever shook the earth. It is justice, infallible and eternal. It was written in letters of flame upon the tablets of Moses, amid the flash of lightning and the crash of thunder upon Mount Sinai, and it is written in living fire in the hearts of men.

But I would not argue that books of precedent are without value. One cannot judge men unless he be able to know men. To know and weigh them in their relationships with each other, be able to understand their passions and longings, their weaknesses and follies, he must call upon not only his observations but the experiences of the past to guide him. He must know the stories of all men of all times, and when he calls to his aid the light that shines from out the past, no richer lore of human experience has ever existed than that contained in the recorded cases of the law.

When I look upon the rows and rows of leather-bound volumes, to me they are not of the dead past, but they breathe of life—as it was, as it is, and as it ever will be. They are not as the books of science. They are not mere compendia of information, of rule of thumb and calculation; nor even announcements of guiding rules, except insofar as every story of men and women is a guide to those who may come after them. Yellow and seared with age; musty and dusty and withered by decay and decrepitude; some badly printed, with the edges of the pages brittled by the passage of many years and the thumblings of many hands that are long since folded, they still sing stories of the living, throbbing world in which we live. As I read them, I look beyond the terse encomiums of the great jurists of the silent past—great in their day, but whose very names have been forgotten, save by the plodding scrivener who digested their wisdom and in his turn passed on to such reward as might await him, solaced that he had not reaped more than his share thus far.

I prefer to read the stories told of human beings like you and me; men and women, princes and paupers, the bully, and the cripple who crawled on broken limbs; the successful masters of their day, and the eternal misfits of life; of those who gave generously and received little in return; and of those who prospered in their wickedness, even as the green bay tree; of those who loved in the rosy sunlight of their dreams, and of those whose hatreds were as the poison from which men flee; master and man, haughty dame and scullery maid, the proud and the penitent, noble and haughty, boastful and begging, worthy and wanton, forceful and foolish, daring and devious, victorious and victimized; rich man, poor man, beggarman, thief; doctor, lawyer, merchant, chief; for one and all they have come or been brought into the temples of justice, told their stories, and been accorded their penalties or their rewards, good or bad, just or unjust, as human justice is fallible. In any event, their stories have been told, and a more or less complete record thereof speaks a history of the pulse beat of the average man and woman of all stations and conditions from the days of Blackstone to the present day. Those stories, quivering with life and human understanding, are written in those documents stored away in the vaults of Old Bailey and a thousand county courthouses—stories stranger than Arabian Nights, more wonderful than Gulliver's Travels, more veracious than the Bible upon which they are all attested, and thrilling as only the hopes and fears, and struggles and loves and hatreds, and joys and sorrows, and the anguished cries of human terror and distress and woe, can be thrilling.

But if I can bring you a message that may serve in some small measure to make you better lawyers as well as better men, I would say that, valuable as may be the books of the law, they must never be defied or allowed to become a fetish. They are, as I have said, not the law, but only the inconclusive evidence of the law. No man may become truly a great lawyer until, in addition to his knowledge of books, he has learned to commune with nature, to know himself, and to know men.

Go out, if you will, where the thunders roar, and the lightnings rend the heaven; hear the wind moan among the cliffs at night; see the awful might of old ocean in her angry moods; or gaze into a starlit heaven on a summer evening and contemplate the infinite; or hear the gentle breezes whispering secrets to the treetops; or nodding, sleepy daisies in fields where children play; go out upon the hillside where laughing waters come tumbling down to hide themselves in blue-green pools among the rocks, and cast a fly and watch it skim along the surface to trick the wary trout; or stand among the tufts in the early morning of a wintry day and watch the wild ducks racing from the north on singing wings of flight; learn to know the mind, and understand the loyalty of a wet and tired dog that caresses you with muddy paws—and, having chosen such surroundings, learn to know yourself and the promptings of your own purified heart, which will unerringly point the way to justice and the law.

Upon such fabric was written the law of Moses; from such a school came He who walked on Calvary and declared the law that finds its living roots in human conscience. From the school of human experience came the great teacher, Blackstone, and the mighty jurist, Marshall; and from the forest and stream and field, and from the hearts of men, and from the exalted wisdom of his own purified and sanctified heart, came the law that was taught to the saddened and immortal Lincoln—the law of justice, upon which he builded for himself a tomb, eternal in the hearts of men.

My colleagues, what was WESLEY LLOYD's philosophy of life? I think it is beautifully set forth in a prayer poem which he composed about 15 years ago and which he often recited at lodge meetings and sometimes included in his public addresses. It reads as follows:

My sins are grievous, Lord, let penance bring
Some slight atonement for my wandering;
For mistakes that I have made, for talents gamed away,
Oh, let me feel the lash and let me know the sting
That breaks the proudest heart with bitter sorrowing.

But let me not, O Lord, my sorrows bear in vain,
But let some good be born for every sting of pain.
Strength give my heart and hand, added luster to my brain,
And let my saddened lot bring unto earth some gain.
Though hollowed-eyed with care, for every sin I'll pay
But let me burdens bear for others on the way.

Oh, let me bring to childhood some laughter and some mirth
And let me give to youth the loves and hopes of earth,
To age bring pleasant memories and, too, surcease from care
And let me banish sorrow and sadness everywhere.
Then my soul shall find atonement, and the wings of thought shall
rest,
And a voice from somewhere whisper that somehow I've done my
best.

My friend, Wesley, I last saw you on that memorable afternoon in Tacoma, as you slept amidst a wilderness of roses and gardenias, lilies of the valley, chrysanthemums and heather, the loving tributes of legions of friends. To me you somehow appeared younger and I noted an expression of contentment upon your brow. You are now enjoying the eternal reward for all your labors and a state of bliss and happiness is your final lot, and until we meet again, old friend, hail and farewell.

Mr. EKWALL. Mr. Speaker, the passing of our friends from the stage of life affects us in various ways and produces in us conflicting emotions. Some we may know for many years, and while the knowledge of their passing may cause a certain feeling of regret, yet they are rather soon forgotten in the swirling maelstrom of human affairs. Others, however, are so possessed of character and personality and the indefinable attributes of nature that the memory of their friendship will continue on to the end of our days. The passing of such friends affects us as does the giant tree which, viewed for years upon the mountaintop, in the midst of a storm is struck by lightning, and, falling with a resounding crash, leaves a lonely space against the sky.

Mr. Speaker, such a man was our late friend and colleague, WESLEY LLOYD, of Washington. On the floor of this forum he was quiet and unobtrusive. He was content to let others occupy the Well of the House. A splendid lawyer, and a philosopher, he had a keen sense of humor, which enabled him to pass over the rough places of life with the minimum of damage to his friendships and ideals. He loved the members of his family with a consuming love. Many years ago WESLEY LLOYD and his wife had the great misfortune to suffer the loss of a young son. From this blow, our colleague never recovered, but, akin to the great tragedian on the stage, he carried on quietly and played his part, while bearing a hurt in his heart which could not be assuaged.

Mr. Speaker, if I would appraise a man's worth—if I would measure his stature—I would go to those who have known him most intimately, those who have associated with him in good times and in bad, those who have been with him when he was standing on the mountaintops of happiness and in the deep valleys of despair. Measured by this yardstick, and by every other method known to man, WESLEY LLOYD was a true American, a faithful public servant, a splendid citizen, an upright lawyer, a loving husband and father, and a loyal friend.

Mr. Speaker, I had the honor of being one of the Members appointed by you to accompany the body of our beloved colleague to its last resting place at Tacoma, Wash. On the train, returning from that sad mission, I penned a few lines

in memory of my friend and the friend of every Member of this splendid House of Representatives. I quote them with the hope that they may, even in the slightest degree, be of some comfort to his loved ones who survive:

"Wes', old friend, you've realized your hope
 That when at last this earthly life was o'er,
 They'd take you to the home you loved so well,
 Out West upon the old Pacific shore.
 Out where the sun dips slowly o'er the sea,
 And greets the stars of evening one by one,
 To keep a rendezvous of mystery,
 Until the East beholds it once again.
 You've labored long and well—the victory's won;
 You rest today in peaceful, friendly earth.
 And as Tacoma's own—a favored son,
 Her love will never wane—she knows your worth.
 Your countless kindly thoughts and words and deeds
 An everlasting monument will be.
 Enthroned in the hearts of living men,
 You'll live a million years—eternally.
 Your shroud will be the western sky you love,
 The giant firs will gently guard your sleep,
 And, standing by 'till you are called above,
 Majestic Rainier will her vigil keep.
 And so we say farewell to you, good friend;
 Some day, all in good time, at eventide,
 We'll launch our bark, and sailing 'round the bend,
 Greet you once more upon the other side.

Mr. SAMUEL B. HILL. Mr. Speaker, all hearts were saddened by the passing of Hon. WESLEY LLOYD on January 10, 1936. He was a Representative in Congress from the Sixth District of the State of Washington. He was first elected to the Seventy-third Congress in November 1932, and was re-elected to the Seventy-fourth Congress in November 1934. He passed away just 1 week after the convening of the second session of the Seventy-fourth Congress. Notwithstanding his comparatively short service in the National Congress, Mr. LLOYD had attained a prominence in the House that distinguished him as a man of great ability and an outstanding legislator.

At the very outset of his service he was assigned to the Committee on Military Affairs, where he served with credit to himself and the Congress. In his second term in Congress, as a recognition of his fine legal ability, he was placed on the Committee on the Judiciary. The Committee on Military Affairs and the Committee on the Judiciary are both exclusive committees and rank among the outstanding committees of the House.

It is seldom that a newly elected Member of Congress has such recognition as to be assigned to these great committees. Mr. LLOYD more than justified this recognition by the character of the high service he gave.

Additional evidence of the appreciation of his character and ability is the fact that he was made assistant whip of the House in both the Seventy-third and Seventy-fourth Congresses. He served in this capacity through the entire period of his membership in the House.

It seems an untimely event that took WESLEY LLOYD from the walks of men at a time in his life when he was just getting into the full stride of the larger accomplishments of his career. It is not for us to question the dispensations of Providence, but we are forced to wonder why some things have to be. The only answer is that His ways are beyond our understanding. However, the term of human life is not measured alone by years but by things done and distance traveled in the progress of human accomplishment. Measured by this standard, WESLEY LLOYD had a span of life far beyond that of most men his seniors in years. His was a full life, crowded with deeds done and to be done. He met his responsibilities in a big way as a big man can. He had a mental capacity and moral courage that made work a pleasure rather than a burden.

It is said that "a life that is lived is a tale that is told." WESLEY LLOYD's life would require volumes to tell of its preparation and fullness. He was born and reared on a farm at Argonia, Kans. His parents were Mr. and Mrs.

John Q. Lloyd. He had three brothers and two sisters. He spent his boyhood on this farm. Life on the farm was not easy. He worked early and late, as farm boys in those days were required to do. It was a far cry from those days and that work to the enviable position he attained later as a lawyer and as a Member of Congress. His early education was had in a country school, some miles from his farm home. He rode through the cold winter months to this school, frequently chilled to the bone, when a mere child. It was a one-room wooden building, not a comfortable, modernly heated brick building as most rural school buildings now are.

It was here that he got the rudiments of the education that equipped him for his career of after years. From work on the farm, from this country school, and from his early experiences in the associations and spirit of this farm community, WESLEY LLOYD laid the solid foundation upon which he builded a brilliantly successful career. His ambition to succeed was indomitable. He wanted to enter college but lacked the necessary funds to do so. But, nothing daunted, he got odd jobs to pay his way. He chopped wood at 10 cents an hour and did other work at a low wage. As a final educational equipment for the profession to which he aspired, WESLEY LLOYD entered the Washburn Law School in Kansas. After receiving his law degree from this school, he went to Spokane, Wash., to establish himself in that new State and there to enter upon the profession of law.

He remained at Spokane for only a short time, but while there he met Miss Ida W. Reed, whom he married, and then moved to Tacoma, Wash., where they have since resided.

Mr. LLOYD had not yet been admitted to the bar. He secured employment in Tacoma with a newspaper, and from this employment supported himself and wife, while studying for 6 months preparatory to taking the supreme-court bar examination. He was admitted to the bar in 1906 and began the practice of law in Tacoma. His office equipment consisted of a desk, a typewriter, and a few law books. Like those of most young lawyers, his clients, at the beginning, were few and of the class that had little money. From this modest beginning in the practice of law, WESLEY LLOYD rapidly advanced in his profession, and through the years reached a position of prominence among the lawyers of his State. He participated in a large number of the most important court cases, both criminal and civil, in western Washington. His reputation and standing as one of the outstanding lawyers of the State were long established before he became a candidate for Congress in 1932.

In addition to his professional standing as a lawyer, Mr. LLOYD had established himself as a leader in the civic affairs of his home city of Tacoma.

He was a public-spirited man and was a useful citizen through his participation in the fraternal, social, and civic activities of his community. He was a home builder, a good husband, a good father, and a good friend. He has left to his family the heritage of a good name, the character of a great lawyer, and the record of a Congressman upon which the whole State of Washington looks with pride. The life of WESLEY LLOYD was full of useful deeds. He was prompted, and guided by the inspiration that comes from an abiding faith in the directing hand of an all-wise, all-loving, and all-powerful Providence. Peace to his ashes and rest to his soul.

Mr. WALLGREN. Mr. Speaker, during this past session death has thinned the ranks of the Washington State delegation to the House of Representatives. A man of courage and conviction, the late Hon. WESLEY LLOYD served well his district and his Nation. His passing means a loss not only to those of us who valued him so highly as a colleague here, but it brings to an end his keen insight into judicial and legal questions.

As a member of the Judiciary Committee his enlightened views as to the purpose and function of the law and of the judiciary were admired and respected. But I need say no more of his work here. We who were his colleagues know

it well, and his constituents had twice shown their admiration of his ability.

I should rather here devote my words to his work in his chosen field, the law. His attitude was far-sighted and refreshing. My words can only brush the surface, but his, delivered in a 1931 address, plumb the depths, so prophetic have they proven to be in view of the events of the last 5 years.

Therefore, may I quote briefly from this address of Mr. Lloyd's delivered before the Pierce County Bar Association:

The layman, uninitiated in the mysteries of the law, is apt to conclude that the lawyer is the slave and disciple of precedent. * * * Time may have been when precedent was the book of books for the legal searcher after knowledge, but the busy lawyer of today must, indeed, be prepared to blaze new trails and chart unknown seas, and his reckoning must be compassed by the pole star of truth. * * *

If in the practice of law you try to follow precedent, to seek some recorded case from out the past to define with a nicety the conduct of men and women of today and tomorrow, in an age when imagination is foreshadowed by reality come true, you are doomed to failure, penury, and woe.

The real law that is and forever must be our guide is justice. * * * Precedents are not the law, but only the evidence of the law. The law is eternal.

This was the philosophy of WESLEY LLOYD. He was my friend, and I was one of those chosen to accompany his remains to the State of Washington. There in the city of Tacoma, his home, he was given a funeral tribute that will long be remembered by the residents of that State. It was possibly as great a tribute as has ever been given anyone in the State of Washington, pointing to the esteem in which our colleague, WESLEY LLOYD, was held.

HON. STEPHEN A. RUDD

Mr. MEAD. Mr. Speaker, the Honorable STEPHEN A. RUDD was born on December 11, 1874, in the city of Brooklyn, where he spent his entire life, and where his legal and political careers developed to their fulfillment. He married Miss Martha Lindsay, whose father, the Honorable George H. Lindsay, served in the House with marked success from the Fifty-seventh to the Sixty-third Congress. Mrs. Rudd's brother, the Honorable George W. Lindsay, likewise saw service in the House of Representatives, coming to the Sixty-eighth Congress and remaining to serve well his constituents and the country until the Seventy-fourth Congress.

Succeeding the Honorable David J. O'Connell, whose sudden death occurred on December 29, 1930, as a Representative in Congress from his home district, Mr. Rudd also succeeded his predecessor as a member of the House Committee on Foreign Affairs, where he served with outstanding distinction until illness prevented his attendance at committee meetings.

It was one of the greatest pleasures of my congressional experience to have learned to know the Honorable STEPHEN A. RUDD, who represented the Ninth District of New York in the House of Representatives for a portion of the Seventy-second and for the entire Seventy-third and Seventy-fourth Congresses.

To know STEPHEN A. RUDD was to respect and love the man. He was sincere in his efforts, devoted to his friends, and eager and willing at all times to cooperate in the problems that troubled his associates.

A quiet, unassuming, humble personality, Mr. RUDD was always thoughtful of those who served with him, loyal to a fault to all his friends, and devoted to an unusual degree to his home and his family. A sterling character, a generous man, a splendid representative of the people, he has gone to that eternal reward which comes as the fulfillment of a life crowded with good deeds accomplished for all those he loved and served.

Mr. CELLER. Mr. Speaker, the passing of STEPHEN A. RUDD leaves a void difficult to fill. I served with him for a long period and learned to love him for his integrity, affability, and charm. He was ever kindly disposed toward all. I never heard a harsh word pass his lips. The Psalmist said, "Better is the fragrance of a good name than the perfume of

precious oils." His good name is emblazoned on the hearts of those with whom he came in daily contact. He will be remembered in New York City, whence we both come, for many decades. Long will live the memory of his deeds of kindness and charity and his ever-willingness to lend a helping hand to the "halt, the lame, and the feeble."

Mr. DICKSTEIN. Mr. Speaker, again death, the merciless reaper, has struck down in the prime of his life a Member of this House from the city of New York, who in his lifetime has given the best that was in him to the services of this body and to our Nation.

STEPHEN A. RUDD, whose death we are mourning today, was born in Brooklyn on December 11, 1874. He studied law at the Brooklyn Law School and was admitted to the bar of the State of New York, after which he was engaged in general practice for many years.

His first political office was as a member of the Board of Aldermen of the City of New York, on which he served with distinction from 1922 to 1931, being very active in the many committees of the board and its sessions which are held every week in the city hall.

Mr. RUDD was elected to the Seventy-second Congress at a special election held February 17, 1931, to fill the vacancy caused by the death of Congressman O'Connell, and he was reelected to the Seventy-third and the present Congress.

It was in Congress that I came into close contact with his sterling character, and where I was able to establish a friendship which continued until his death.

One of the great opportunities in Congress is the possibility of establishing long friendships. It is Members like STEPHEN A. RUDD who endear themselves to us by their untiring and unselfish devotion to duty, their ever-cheerful personality, their ever-obliging attitude toward life, and their inexhaustible fund of good will and good nature.

RUDD was one of the men whom to know was to love, and hearing of his untimely death it was impossible to recover from the sad reflections upon the fate of so many, who like the deceased Congressman were an ornament to society and a shining example worthy of emulation in life.

Mr. SHANLEY. Mr. Speaker, many Members of this honorable body will pay their strong personal tributes to their long-time friendship and appreciation of the sterling character of our deceased colleague, STEPHEN A. RUDD, of the Ninth District of the State of New York, but probably few will parallel an acquaintance seemingly so short yet so memorable as mine, now in death's reverie.

As a member of the Foreign Affairs Committee he was the fifth ranking member on our side of the House. I was the junior. We were associated on that committee and found much in common that interested us, but in nothing else did our thoughts so center and unite as in the neutrality legislation of this session. Despite an illness that daily made its inroads all the more evident, he attended to his congressional duty on this momentous subject, followed it in and out of committee, and left an indelible imprint of integrity and energy on the final bill.

Unswervingly he held to views which ultimately in the minds of everyone resulted in the final cast of that important legislative pronouncement. Shoulder to shoulder with us he stood, culminating his efforts and strong principles in an entreaty and plea that reached the heights in eloquent cogency of thought and conviction.

He was unusually kind to me, the junior of juniors, and I cherish those acts of camaraderie. May they ever be with me as a reminder of one who pushed on in his courageous devotion to duty, despite unending pain and an all-too-convincing knowledge of approaching death.

A revered poet of my own district, Fitz-Greene Halleck, once penned these words for another, which I add now to the memory of a great friend:

Green be the turf above thee,
Friend of my better days;
None knew thee but to love thee,
Nor named thee but to praise.

Mr. BEITER. Mr. Speaker, I am glad to be afforded this opportunity to speak a few words regarding the service rendered by my colleague the late Honorable STEPHEN RUDD. I consider it an honor and privilege to have known him and my acquaintance with him developed into a friendship which I cherished.

I have never known a more loyal man and it is with a feeling of pleasure that I recall his reception of me when I came to the House of Representatives as a new Member. He was deeply interested in the business of the Congress and was always willing to be of service to those who were not familiar with the procedure to be followed.

STEPHEN RUDD was activated by two desires at all times—to serve his constituency to the best of his ability and to cooperate with his colleagues in every worthy cause. I never knew him to hesitate to lend his aid to the accomplishment of any act which would be for the betterment of our great Nation. He was conscientious and sincere in all his endeavors, and I know that all who knew him in the House learned of his passing with a deep sense of personal loss.

Mr. CURLEY. Mr. Speaker, in this brief space it is impossible to do justice in featuring the high lights of the picture in the history of the strenuous life of such a deserving type of public citizen as the deceased, STEPHEN A. RUDD.

It is with profound reverence that I speak of a life filled with such a human record of useful years. For 15 years it was my proud privilege to possess his friendship. From January 1, 1922, to March 3, 1931, we served together as members of the Board of Aldermen of the City of New York, when his constituents honored him by sending him as their Representative in Congress from the Ninth District, New York. His philosophy of life was of that higher type of humanism so replete with such refreshing wholesomeness seldom observed in our selfish world. Steve's life was in fact dedicated to complete fulfillment of self-sacrificing devotion to public service. It was the compelling secret and prominent feature of his unqualified success in all his activities. His intrinsic value as a public-spirited citizen cannot be measured in mere words, for our distinguished colleague had a keen conception of practical human conduct which he always applied in his treatment in making others happy and contented.

FOR HE WALKED WITH MEN AND UNDERSTOOD

Here was a man whose heart was good,
Who walked with men and understood.
His was a voice that spoke to cheer,
And fell like music on the ear.
His was a smile men loved to see,
His was a hand that asked no fee
For friendliness or kindness done.
And now that he has journeyed on,
His is a fame that never ends
And leaves behind uncounted friends.

STEPHEN A. RUDD was a real champion of the people, a he-man with a spotless reputation and strong character, tempered with a kindly disposition.

In the drama of life of his Nation, State, and city of New York he played a conspicuous role as a public-spirited citizen. He was a pioneer and leader in human endeavors. And loved, honored, respected, and admired by all, he passed on to—

A beautiful land of faith we see,
A land of rest from sorrow free,
The home of the ransomed, bright and fair,
And beautiful angels, too, are there.
That beautiful land, the City of Light,
It ne'er has known the shades of night;
The glory of God, the light of day,
Hath driven the darkness far away.

Through the death of STEPHEN A. RUDD the city of New York, the State of New York, as well as the Nation, suffered a distinct and irreparable loss. His bereaved family lost a good provider, a loving husband and father; the Democratic Party, a valuable asset; and we, his colleagues, lost a true pal and friend—

For he loved the right with courage strong,
Always ready and willing to battle against the wrong.

However, we will meet again:

Yes; we will meet again in the morning,
In the dawn of a fairer day,
When the night of watching and waiting
With its darkness has passed away;
Where no shadows veil the sunshine,
Over there in the heavenly land;
And the crystal waves of the river,
Ever flow o'er the golden sand.

Where our precious ones now are dwelling,
Free from toil and every care,
With their garments spotless and shining,
Like the robes that angels wear.
When our pilgrimage is completed,
And our footsteps no longer roam,
By the pearly gates gladly waiting,
They will give us a welcome home.

Mr. PEYSER. Mr. Speaker, the grim reaper, Death, touches every one of us at various times, and yet, at each and every occurrence, whether it be of family, friend, or associate, is a distinct shock, bringing sorrow and grief in its wake, and, although I did not know STEPHEN A. RUDD intimately, his passing away brought a sense of loss that will not easily be replaced.

A kindly, genial gentleman, and one with a keen sense of his duties to mankind and country; always pleasant and willing to lend a helping hand to a newcomer in Congress, exemplifies my impression of the late Member from New York. An ardent, conscientious worker, yet generally standing in the background, his force and personality, nevertheless, had a lasting influence on those with whom he came in contact, and years will go by before his memory starts to fade in the minds of those who knew and loved him.

He was always among the first to welcome a new Member to Congress and offer assistance with the procedure of that great body, which, to a newcomer, is confusing and disconcerting in its many intricacies. His was a nature of service, and his many kind deeds will long be remembered by his colleagues. I, for one, shall cherish the thought of his many kindnesses to me and, with all my heart, I shall ever mourn the loss of his daily contact.

One too seldom meets men endowed with the graciousness and good will toward their fellow men in public life, and it is a privilege to so speak of my former colleague from New York, STEPHEN A. RUDD.

Mr. KENNEY. Mr. Speaker, out of the fullness of my heart, I bespeak the sorrow that is mine in the loss by death of our colleague, Hon. STEPHEN A. RUDD. A sympathetic friend, he was ever ready to bestow the benefit of his advice and counsel upon any problem which confronted fellow Members of the House of Representatives. In his own congressional district he was loved and esteemed by his people, to whom he was loyal, faithful, and devoted to the day of his death.

Congressman RUDD was an amiable character, learned, practical, and sound. His sincerity was marked, as was his high ideal of statesmanship. He had a keen sense of humor, but never applied it to the stern questions arising in the lives of our people. His heart and soul felt for them earnestly and fervently. The masses of our people had no better friend in public life than STEPHEN A. RUDD, who throughout gave his undivided allegiance and support to President Roosevelt, in whom he recognized a real friend of the American people.

Whenever a colleague unwittingly or in all seriousness indicated that he intended to do otherwise than follow the paths that had been blazed by the President, STEVE RUDD never failed to remind him that the President was leading the way for our people and the people were behind the President. It was his method of suggesting kindly but firmly that a Congressman must always be with and abide by his people. Thus did he serve faithfully. And not only did he keep the faith but he inculcated it in the minds and hearts of others.

A distinguished citizen of the city of New York, where he held public office in the city government, Congressman RUDD entered the Congress of the United States in 1931 and served

in the Seventy-second, Seventy-third, and Seventy-fourth Congresses. Although in ill health toward the last, he remained at his post, and hardly had he been missed from the floor of the House when his death occurred.

As a member of the Committee on Foreign Affairs he was a keen student of events of the world. A lawyer of ability, he had a peculiar faculty of analyzing and simplifying any given problem, however complex. Ardently advocating world peace, he rendered yeoman service in his insistence upon a policy of strict neutrality and the development of friendly relationships with all nations.

Congressman RUDD died leaving an enviable record of service unostentatiously but ably performed. The Congress and his people will always remember him appreciatively, pleasantly, affectionately.

Our profound sympathy goes out to his beloved widow, Martha Lindsay, whose brother, George Lindsay, also served with distinction as a Member of Congress during our incumbency, and to his children, Martha, Stephen, Lindsay, and Roy. We grieve with them.

MR. BOYLAN. Mr. Speaker, in the death of STEPHEN A. RUDD the delegation from the city of New York in the Congress has lost one of its outstanding and most valued members.

Born in the district in Brooklyn Borough that he so ably represented in Congress, he attended the local elementary school and high school and St. Lawrence University. He was known as a diligent scholar and attained high honors in scholastic studies. Upon his graduation from the university, he took up the study of law at the Brooklyn Law School and was admitted to the bar immediately upon the completion of his studies.

As a young man he was interested in the welfare of the people of his city. This interest was the incentive for his entering political life. He was always a sterling and uncompromising Democrat of the old school and soon became known as a speaker and lecturer upon the important public questions that were presented for the consideration of the electorate.

Appreciating the splendid service he had rendered, the people of his district elected him as their representative to the board of aldermen of the city. Here, on account of his native ability and special training he rose rapidly and soon became chairman of some of the board's most important committees. Under his initiative many measures were introduced and passed, benefiting, building up, and beautifying his native city of Brooklyn. These splendid works in unison with his indefatigable zeal for the welfare of his people will indeed be the monuments by which he will be best remembered.

As an additional honor, the people of his district elected him to fill a vacancy in the House of Representatives in the Seventy-second Congress; he was reelected to the Seventy-third and Seventy-fourth Congresses. In the Congress he was elected to membership on the very important Committee on Foreign Affairs. He took an active and conscientious interest in the work of his committee and became so proficient in the discharge of his duties that his advice and counsel were sought in the disposition of many important matters.

STEPHEN RUDD was a devoted husband and father. His wife was Martha Lindsay, sister of former Representative George W. Lindsay. He had four children, Martha L., Stephen J., Lindsay H., and Roy H. Rudd. His sons were lawyers and members of his firm.

His untimely death brought sadness not only to his beloved wife and family but also to his colleagues in the Congress. The esteem in which he was held by the people of his district was manifested by the streets crowded with men, women, and children standing in silent sorrow on the day of his funeral as a mute testimony of the love and esteem in which he was held by all classes.

CROSSING THE BAR

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar,
When I put out to sea.

But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;
For tho't from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crossed the bar.

MR. KENNEDY of New York. Mr. Speaker, today we meet to pay tribute to a modest but great man. We, who knew his capacity, ability, and real worth, realize he was not a spectacular man but one who had the real qualification for holding public office.

STEPHEN A. RUDD came to this House as a man well equipped for public service. On December 11, 1874, he was born in Brooklyn, N. Y. He pursued the study of law at Brooklyn Law School and St. Lawrence University. He was admitted to the bar and became one of Brooklyn's prominent lawyers, known for his honesty, integrity, and ability.

Entering public service in the city of New York, he served in the board of aldermen from 1922 to 1931. These years of the city administration were years of readjustment and reorganization. The World War had ended 4 years previously, but the traces of the long struggle were to be still found in the economic, social, and educational phases of our great city government. Labor problems, adequate but not oppressive taxation, educational and health bureaus were serious questions brought before the board of aldermen.

On February 17, 1931, at a special election held to fill the vacancy caused by the death of Hon. David J. O'Connell, Mr. RUDD was elected to Congress to represent the Ninth District in Kings and Queens Counties.

Both in the board of aldermen and in the House of Representatives he quickly took a commanding position. During his service in the House of Representatives he was a member of the Committee on Foreign Affairs, a committee of power and influence and requiring comprehensive knowledge and sound discretion.

During the period in which Mr. RUDD served in the Congress of the United States there was particular need of men of intellect, ability, and commanding force. The problems confronting our Nation demanded men of natural force, learning, industry, and will power, to enact legislation according to their convictions. When he entered the House he came after a service in the city of New York that well fitted him for the arduous duties incident to service in the Congress of the United States.

As a member of the Committee on Foreign Affairs, he accumulated wide information on almost every question concerning this public service. He was respected for his sound and cautious judgment. It is a committee which needs the services of men of wide information, great equipment.

The confused European situation during these years placed great importance and responsibility on the Committee on Foreign Affairs. Mussolini was conducting the war between Italy and Ethiopia; Hitler startled the world with his Nazi rule in Germany; France underwent a political readjustment; revolution and unrest swept through Spain and Mexico; warfare continued between the Japanese and Chinese; and Lenin was still working out his 5-year plan in Russia.

As alderman he was recognized as one of the foremost and strongest minds. His counsel and advice were sought. When again the field of opportunity widened and he was elected to a place in the Congress of the United States, with regret he left his associates in the Board of Aldermen of the City of New York, left his friends and the place where he had worked so long and was known so well.

Those who are familiar with the history of New York City and State during the period in which Mr. RUDD served as alderman will recall the names of some of the giants in intellect, ability, and commanding force with whom he served, such men as Gov. Alfred E. Smith, Gov. Franklin D. Roosevelt, Mayor John P. O'Brien, and Alderman Timothy J. Sullivan, the

present president of the board of aldermen. All of them rank high in the opinion of persons who appreciate great natural force, learning, and industry. When Mr. Rudd entered the House of Representatives, he was soon to serve again with Franklin D. Roosevelt, no longer the Governor but now the President.

The life of STEPHEN A. RUDD should be an inspiration, particularly to the young men of Brooklyn. A typical American boy, born in the greatest city in the world, rising above obstacles, winning friends and honors. The country is richer for his career, for his life. His life was marked with ability, energy, and devotion to his public services, with charity and humility. He was never conscious of his position in life.

Nothing dies but something mourns. When a man who has been in our midst, has stood in the blazing limelight of publicity, has been known to all the Nation, when such a man dies, the City of New York, the State of New York, and the Nation mourn. Friends whom he has loved will cherish his memory with greater tenderness year after year. In his life he accomplished much and won the high regard of his colleagues by his stanchness and courage. It is not given to every man to put himself into the innermost love of a people, a community, and make them all mourners when he departs.

Let us remember our dear friend as a Congressman, as a Democrat, but above all as a devoted and faithful husband and father. With this sorrowing family we, too, sorrow. Let us tell them that while earth is poorer, heaven is richer, the one losing and the other gaining STEPHEN A. RUDD.

Mr. PFEIFER. Mr. Speaker, at this particular moment I want to pay a tribute of respect to my personal friend and our late lamented colleague, the Honorable STEPHEN ANDREW RUDD, of Brooklyn, N. Y.

I have been a Member of Congress for only a year and a half, but during that time it was my great privilege to be rather closely associated with him. Owing to the fact that his congressional district borders mine, I had the pleasure on many occasions of discussing matters with him which were of vital interest to both of us. I admired the sincere and modest manner in which he conducted himself at all times, and I feel that this House and the district he represented have lost not only a good legislator but a true and loyal friend.

STEVE RUDD as we knew him was a gentleman, sympathetic, with a big heart and a conscience that dictated his every action; always ready to defend and stand firm for what was just and right; intensely patriotic. Added to this he had that adroit diplomatic disposition which made him an able member of the Foreign Affairs Committee, to which he was elected by the House when he became a Member of the Seventy-second Congress. Although ill, he took an active part in the committee during the consideration of the neutrality legislation this session.

Postal and other Federal employees, veterans, their widows and dependents were never forsaken by Steve, as he was always in the first-line trenches for them, voting against the economy acts and overriding Presidential vetoes.

In the multitude of details that engross every legislator's life, our friend Steve gave care and attention to the slightest request of the humblest of his constituents as well as to the larger problems of government.

Let us weep in our darkness—but weep not for him!
Not for him—who, departing, leaves millions in tears!
Not for him—who has died full of honor and years!
Not for him—who ascended fame's ladder so high,
From the round at the top he has stepped to the sky.

Mr. MERRITT of New York. Mr. Speaker, the Seventy-fourth Congress lost one of its most outstanding Members in the death of STEPHEN A. RUDD, of Brooklyn, N. Y. It was for me, a new Member of the House, a very great honor to have bestowed upon me the friendship manifested toward me by this noble gentleman from the very first day I set foot on the floor of this Chamber. My acquaintance with him was, indeed, a short one, but it led quickly to a friendship which I am confident was as enthusiastic a pleasure for STEVE as for myself.

It has been said that "we are born to die, and we die that we may live", and it is my fervent prayer that in the celestial life into which he has entered our beloved friend may find everlasting happiness. His untimely death brought sadness to his beloved ones, to his friends, and to his colleagues here. But with this deep sense of bereavement there is also consolation in the revelation of how large is the number of those who have been touched by his departure. In this busy, absorbing life we go our several ways and pass each other like "ships that pass in the night", without realizing the wealth of friendship that may be ours for the taking until one of these rare friends steps aside and we must go on without him. Then realization comes.

Had STEPHEN RUDD lived the full span of his life, the record thereof would undoubtedly have been one of exceptional accomplishment. His fine personality, the nobleness of his spirit, and his ability would have carried him far in the Halls of Congress and the service of his country. While he never said so, one felt that the philosophy of his life was to serve sympathetically, generously, sincerely. As one who enjoyed the blessing of his friendship, I should indeed be remiss if I failed to express something of the debt of gratitude and loyalty I owe him, and I offer this brief tribute gladly and proudly.

Mrs. O'DAY. Mr. Speaker, in paying my tribute to the memory of my late colleague STEPHEN A. RUDD, I speak not only as a New Yorker but as an American citizen. Those of you who are familiar with Mr. RUDD's record in the House know how truly devoted he was to his country's good. His services went beyond the boundaries of his district and State. He was a real American. He was a true champion of those things that have gone to make our country great. In his own life he illustrated the best that America can offer in manhood, statesmanship, and good fellowship.

Those of us who remember him for his kindly disposition mourn him as a friend, but every citizen of his State and country will share our grief for a champion lost; for he was truly a friend of the people. As a husband and father he was familiar with those small but important trivialities that go to make up the life of the average man. Nothing to my late colleague was unimportant if it affected the lives of his fellow countrymen.

He was born, as you know, in the district he so ably represented here in Congress. As a young man he became interested in the welfare of his neighbors. It was that interest that sent him to Washington; and it was that interest, broadened to include each and every one of his fellow countrymen, that made him so valuable a Member of the House.

Those of us who are new in Congress know how generous STEPHEN A. RUDD was in giving of his knowledge based on his wider experience; and how important that help is only those of us who are serving our first term can realize.

As a friend, statesman, and kindly fellow man we of New York and the Nation mourn him.

Mr. PATMAN. Mr. Speaker, our late lamented colleague, the Honorable STEPHEN ANDREW RUDD, of Brooklyn, N. Y., was one of the best and ablest Members of Congress. He was respected and admired by his colleagues by reason of his exemplary life, his courage, and his ability. He was a friend of the poor people, the downtrodden, the oppressed, and the wage earner. He was an especially good friend of veterans of all wars. They, their loved ones and dependents, would never suffer by reason of any act of his.

His colleagues in the House of Representatives regret exceedingly that he is no longer with us. He is missed very much.

Mr. FITZPATRICK. Mr. Speaker, the death of STEPHEN A. RUDD removed from this House a man who served his people, his State, and his Nation well and faithfully for many years.

My personal relations with him were of an intimate and friendly nature. Not alone as a colleague in the House of

Representatives but also on the Board of Aldermen of the City of New York.

The people of his district will miss his loyal, able, and unselfish service; his colleagues will miss his mature and reliable counsel and advice; his personal friends will miss the warm and wholesome influence of his gentle nature.

STEPHEN RUDD has left a record behind him that should bring happiness, not only to his family but also to his many friends, to whom he endeared himself as a great public servant and a sincere friend.

Mrs. ROGERS of Massachusetts. Mr. Speaker, all of us who knew and worked with the late STEPHEN A. RUDD feel a distinct and deep sense of personal loss at his passing. He was a true and helpful friend to all who knew him. It was my particular advantage to have served with him on the Committee on Foreign Affairs. He had an exceptionally fine and sympathetic understanding of the important problems that came before that committee, and he was so gracious in his manner of helpfulness. Even when his illness made his work so difficult he carried on, faithful in his devotion to duty and firm in his conviction of what was best for the country he loved and served so well.

Mr. DELANEY. Mr. Speaker, "Till tired he sleeps, and life's poor play is o'er." So wrote the poet Alexander Pope two centuries ago, and never was the line more applicable than when quoted about the late STEPHEN A. RUDD.

Coming from the same city, Brooklyn, I knew Steve before we both entered Congress, but it was not until we came to Washington that I knew him so well and discovered his real character. As much as any man, he put his work first, as is evidenced by his activities and attendance in Congress.

Day after day his colleagues saw him at work when he should have been taking a much-needed rest. Often he mentioned to me how ill he felt, but he would not give up, because he was sent to Washington by his people, and he was bound to labor for them. Truly, he was a martyr, this STEPHEN A. RUDD, and such loyalty to his friends and his country must not go unrecognized.

I shall miss STEVE RUDD very much. His colleagues, I know, all mourn his passing. The Nation and the city and State of New York have suffered an irreparable loss in his death. His place will be hard to fill.

Mr. McREYNOLDS. Mr. Speaker, under the right given me to extend my remarks I desire in a most simple way to pay my respects to our colleague the Honorable STEPHEN A. RUDD, of New York, who passed away not long ago.

I take this opportunity to comment on Mr. RUDD's service, more especially because he has been a member of the Foreign Affairs Committee of the House, of which I am at present the chairman, ever since he has been in Congress. I served with him on this Committee, before I became its chairman and also since that time. This has given me an unusual opportunity to know the man about whom I am speaking, and his qualifications. He attended his committee meetings regularly and took a great deal of interest in the proceedings. He was quiet and unassuming, but a man of his own convictions. He was intelligent and honest and a loyal Democrat, and especially loyal to the administration. He had been sick for some time before his death, and yet during that time oftentimes he would meet with the committee when I felt he was not able to do so.

I feel that I speak the sentiment of the Foreign Affairs Committee when I say that he was highly respected by them and they all appreciated his worth. Personally, he is a loss to me in my official capacity, and also as a stanch friend. His record here in Congress is such as anyone should have been proud of and his place will not be easily filled. His going away is a loss not only to his constituents but to the people at large of this great country.

I am glad to make these few remarks in reference to my colleague and friend.

Mr. SIROVICH. Mr. Speaker, a valiant and a gentle soul passed to his splendid reward when the spirit of the Hon-

able STEPHEN A. RUDD, Member of Congress from the Ninth Congressional District of New York, on March 31, 1936, left its earthly tenement and left this temporary world for the glories of a heavenly eternity.

None knew him who did not love him for his splendid capacity allied with a modesty and self-effacement rare in this time and this generation. He served his native city of Brooklyn handsomely and competently and when he became secretary to the police commissioner of New York he activated a difficult position with ableness and dignity.

When he came to Congress to assume the duties of a Representative he speedily gained not only the affection but the admiration and respect of his colleagues. These attitudes of his fellow Members of Congress grew as the years passed by until he came to be regarded as a most valuable member of the New York delegation in Congress.

Patient, yet persevering, our brother RUDD devoted his time and talents to the work of the Seventy-second, Seventy-third, and Seventy-fourth Congresses to the betterment of proposed legislation and to the interests of his constituents. With him duty came first, at any cost of time or labor. The poorest citizen of his congressional district was always accorded the same courtesy as was given its leading residents.

One of nature's noblemen has gone to his well-earned reward and we who are left behind mourn him as we would our own brother.

Mr. SULLIVAN. Mr. Speaker, "Death does not take a holiday", and once again we find its inexorable hand laid upon another of New York's Representatives in the Halls of Congress, beckoning this time the distinguished Representative from the Ninth Congressional District, representing a portion of the city of Brooklyn, the Honorable STEPHEN A. RUDD, and calling him to his Heavenly Master to give an account of his stewardship.

Mr. RUDD was my personal friend for a number of years past and his death stirs me deeply and profoundly. His was a lovable personality, ever thoughtful of his friends and tolerant of his enemies.

A lawyer of distinction, Mr. RUDD was elected to the Board of Aldermen of the City of New York and served in that body from 1922 to 1931. He was then elected to Congress to fill the vacancy caused by the death of the late David J. O'Connell and was reelected to the Seventy-third and Seventy-fourth Congresses.

His public life has been an open book. He served the city of New York as an alderman with ability and credit and he served his district, his State, and his Nation in Congress with distinction and honor.

When summoned to appear before his Master we know that His judgment was: "Well done, thou good and faithful servant; enter thou into everlasting glory."

To his family we extend our heartfelt sympathy and our prayers.

Mr. BOLAND. Mr. Speaker, the death of Hon. STEPHEN A. RUDD, Representative from the Ninth District of New York, on March 31, 1936, brought sadness to all those who knew him.

It was not my privilege to know Mr. RUDD until after I was elected a Member of Congress. The people of his district elected him to fill a vacancy in the House of Representatives in the Seventy-second Congress, and from then until the time of his death every contact with him increased my affectionate regard for him personally and officially.

Born in the district which he so ably served during his long political career, first as an alderman of the city of New York, where his proficient and splendid work leaves a heritage not only to his family but that same district which later elected him to serve them in Congress, as majority whip of the House, I wish to say further that Mr. RUDD impressed me by his faithfulness and loyalty to our administration and his desire to serve the people of his district and State. He was during the time which I knew him an inspiration to me and a fine example of a patriotic statesman.

Through the untimely passing of STEPHEN A. RUDD the city of New York and the State and Nation suffered an irreparable loss, but may his family be consoled by the consciousness of the splendid and loyal service he accomplished and ever strove for.

His life was gentle, and the elements
So mix'd in him that Nature might stand up,
And say to all the world "This was a man!"

Mr. MARTIN of Massachusetts. Mr. Speaker, when STEPHEN A. RUDD passed away there was sincere regret among his legion of friends. His loss was particularly felt by the many warm friends he had made during his service as a Member of the National Congress.

It was my privilege to meet Mr. RUDD when he first came here and to serve with him on the great Committee on Foreign Affairs. He was a hard, conscientious worker, actuated with but the one desire to be of service to his country. He was loyal to the best traditions of America and courageously fought, without regard to partisanship, for real Americanism.

The country suffered a great loss through his untimely death. He is gone, but his fine work and kindly character will ever be cherished by his district and his multitude of friends and admirers.

A good life, like a good deed, lives on forever.

Mr. O'LEARY. Mr. Speaker, at this particular moment I want to pay tribute of respect to our late lamented colleague the Honorable STEPHEN A. RUDD, of Brooklyn, N. Y.

Three times his own people sent him to be their Representative in Congress. He did not fail them.

During his public career of over 28 years it can be said of him that he walked with the great of the country, but never, for one moment, forgot the common touch. His sympathies were of that broad and generous character which kept him during his career closely in touch with the people of the State of New York he represented here and the great common people of this Nation. During the later part of his service here he was a member of the great Foreign Affairs Committee of the House, and during the long hours of every workday on that committee, which engaged in preparation of the most intricate neutrality legislation, although sick at the time, he sat at the table performing his full share of the labor honestly and conscientiously, at all times living up to his high ideals. STEVE RUDD, as we knew him, has passed on, but he will not be forgotten by those of us who knew him best.

Mr. EVANS. Mr. Speaker, while it was not my lot to have known our late colleague, STEPHEN A. RUDD, for as long a period and as intimately as many of the other Members, still I was not unacquainted with his record and reputation, and for the comparatively short time it was my privilege to be associated with him, I am more than glad to add my voice in regret at the passing of a most considerate and courteous colleague and friend.

He was extremely well known throughout the Borough of Brooklyn, where he was a lifelong resident. His interest in his neighborhood was manifested throughout his life by the time and attention he devoted to all matters involving the local welfare. In addition, his outlook was broad and charitable, and in the practice of his profession as a lawyer his services without stint were always at the command of the needy, without regard to the sacrifice of time, convenience, or compensation, so that it is not possible to estimate the great contributions which he so generously made when the extent of his services in this respect are known only to the recipients and by those who knew and loved him for the assistance he thus rendered.

As a practical civic worker and an extremely busy lawyer his worth was recognized in his appointment to the office of the Kings County district attorney and his subsequent election to the Board of Aldermen of the City of New York and the United States House of Representatives. Each office he held was marked by conscientious and painstaking efforts to serve to the utmost of his strength and ability, so that his administration of each office was an admirable success.

His decease is a distinct loss to the Nation, State, and city, of which he was an exemplary citizen and public servant.

To Mrs. RUDD and his immediate family my heartfelt condolences are extended.

Mr. TONRY. Mr. Speaker, I rise in my seat to say just a word at the passing of our beloved colleague, the late STEPHEN A. RUDD.

Mr. Speaker, I have had the honor of serving with him in two legislative halls, both here in this House and in the Board of Aldermen of the City of New York. I learned early the wisdom and justice with which his judgment was tempered. In this, my first term in this House, I profited to an extent, which his untimely death only has made me realize, by his wise, calm judgment and his superior experience.

Mr. Speaker, I have known STEVE RUDD for over 20 years as an intimate and trustworthy friend, as an honest and upright citizen, and as a competent and prudent legislator. The personal loss which is mine can never be recompensed. The influence which he wielded on me will always remain, though death has taken him from me. The memory of him will be a model after which I shall always strive.

Mr. Speaker, this House has lost a beloved colleague; his family, a devoted husband and father; the citizens of the country and his own congressional district, an able legislator; and I, a sincere friend and wise counselor. I pray that God in His justice and wisdom may grant to his soul the peace and happiness for which he always strove for others.

Mr. BARRY. Mr. Speaker, although I have been a Member of this House only since last November, I wish to join with my many colleagues in paying tribute to the memory of our late colleague, STEPHEN A. RUDD.

My short and pleasant acquaintance with him proved to me that he was a man of fine intelligence and upright character, who had a comprehensive grasp of the problems now confronting our Nation.

He worked conscientiously and well, and his record of achievement as a legislator is one that brought credit to himself and his party. His gentleness of manner and kindness of heart endeared him to all those with whom he came in contact.

As a new Member of the House, I sought his advice and guidance on several occasions, and his friendliness and helpfulness at those times will always be remembered by me.

By his death the State of New York and this great Nation of ours have lost the service of a truly great man.

Mr. O'CONNOR. Mr. Speaker, Hon. STEPHEN A. RUDD, Representative in Congress from the Ninth Congressional District of the State of New York, was respected by every Member of the House.

He was my friend and his passing is a real loss to me.

His lovely wife bore a distinction unique and never enjoyed by any other woman in this country. Her father, her brother, and her husband were all Members of the House of Representatives. To add to that distinction, her son is a candidate this coming November for election to the same body. Her family has indeed made a remarkable and worth-while contribution to our Government.

STEVE RUDD was a quiet, conservative, sensible Representative. He was the antithesis of a demagogue. He was never swayed by groups or blocs or movements. He kept his feet on the ground at all times, intensely interested in the welfare of his constituents, his party, and his country.

He needed to take no poll as to how his district felt on any question. Brought up in it, he intuitively knew what his people felt and wanted. No curbstone politicians swayed his judgment. No threats of political reprisal caused him to swerve from his honest convictions. Would that there were more like him.

We Members from New York shall miss him. The important Committee of the House of Representatives on Foreign Affairs, on which he served with distinction, will miss his keen judgment and counsel. The Bushwick section of Brooklyn, which he so ably represented, has lost a statesman and I have lost a friend.

AFTER RECESS

At the conclusion of the recess the Speaker called the House to order, and then, pursuant to House Resolution 467, as a further mark of respect to the memory of the deceased, declared the House adjourned.

ADJOURNMENT

Accordingly (at 1 o'clock and 8 minutes p. m.), in accordance with its previous order, the House adjourned until tomorrow, Wednesday, April 22, 1936, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, Old House Office Building, at 10:30 a. m., on Wednesday, April 22, 1936, for hearing on H. R. 12222 and H. R. 11172 (continued).

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on April 23, 24, and 25, 1936, at 10:30 a. m., in room 328, House Office Building, to consider H. R. 7086, by Mr. WALLGREN, the Mount Olympus National Park bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

799. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Commissioners of the District of Columbia to pay claims and suits which have been settled by them (H. Doc. No. 468); to the Committee on Appropriations and ordered to be printed.

800. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the legislative establishment for the fiscal year 1936, amounting to \$75,700 (H. Doc. No. 469); to the Committee on Appropriations and ordered to be printed.

801. A letter from the Secretary of War, transmitting a draft of a bill to authorize the sale, under the provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DOUGHTON: Committee on Ways and Means. H. R. 12395. A bill to provide revenue, equalize taxation, and for other purposes; without amendment (Rept. No. 2475). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9270) granting a pension to Addie B. Hawkins, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOUGHTON: A bill (H. R. 12395) to provide revenue, equalize taxation, and for other purposes; to the Committee on Ways and Means.

By Mr. CANNON of Wisconsin: A bill (H. R. 12396) amending title 29, sections 101 and 113 (c), of the United States Code; to the Committee on the Judiciary.

By Mr. CARTER: A bill (H. R. 12397) to authorize the coinage of 50-cent pieces in commemoration of the completion of the bridges in the San Francisco Bay area; to the Committee on Coinage, Weights, and Measures.

By Mr. GOLDSBOROUGH: A bill (H. R. 12398) to authorize the Comptroller of the Currency to make such rules

and regulations as he may deem necessary to enable him effectively to perform the duties, functions, or services imposed upon him under the provisions of laws relating to national banks; to the Committee on Banking and Currency.

Also, a bill (H. R. 12399) to amend section 3 of the act of June 30, 1876 (title 12, U. S. C., sec. 197), as amended; to the Committee on Banking and Currency.

Also, a bill (H. R. 12400) to amend sections 5204 and 5199 of the Revised Statutes, as amended, and for other purposes; to the Committee on Banking and Currency.

Also, a bill (H. R. 12401) to amend section 5154 of the Revised Statutes, as amended; to the Committee on Banking and Currency.

Also, a bill (H. R. 12402) to amend section 325 of the Revised Statutes of the United States, as amended (U. S. C., title 12, sec. 2); to the Committee on Banking and Currency.

Also, a bill (H. R. 12403) to amend section 641 of the act of March 3, 1901, entitled "An act to establish a Code of Laws for the District of Columbia" (D. C., title 5, sec. 342); to the Committee on the District of Columbia.

Also, a bill (H. R. 12404) to amend section 386 of chapter 12A of title 5, supplement 1, District of Columbia Code of 1929 (sec. 6 of an act entitled "An act to provide for the incorporation of credit unions within the District of Columbia", approved June 23, 1932); to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BOEHNE: A bill (H. R. 12405) granting an increase of pension to Ernest Killian; to the Committee on Pensions.

By Mr. KRAMER: A bill (H. R. 12406) granting a pension to Mack McNeil; to the Committee on Pensions.

By Mr. PETERSON of Georgia: A bill (H. R. 12407) granting a pension to Harry J. Simpson; to the Committee on Pensions.

By Mr. ROGERS of Oklahoma (by departmental request): A bill (H. R. 12408) for the relief of Robert D. Baldwin; to the Committee on Indian Affairs.

By Mr. UTTERBACK: A bill (H. R. 12409) for the relief of Ray McMillen; to the Committee on Claims.

PETITIONS, ETC.

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

10760. By Mr. JOHNSON of Texas: Petition of Mrs. R. C. Jackson, A. W. Griffen, A. D. McKinney, N. W. Byrd, J. E. Skinner, Francis L. Goode, Houston Frederick, C. D. George, and Imogene Carr, Ruby Thomason, Inez Blackwell, Louise Hobbs, Omega Yielding, Louise Steeley, Gertrude Little, and Gwendolyn Reeder, all of Corsicana, Tex., favoring tax survey of farm and ranch land and survey of farm mortgages, land values, and land transfers; to the Committee on Appropriations.

10761. Also, petition of A. A. Allison, of Corsicana, Tex., favoring survey of farm and ranch land and survey of farm mortgages, etc.; to the Committee on Appropriations.

10762. Also, petition of Hon. J. S. Callicutt, district judge; Hon. C. E. McWilliams, county judge; Jack Megarity, M. W. Roberts, A. W. McClung, and J. W. Harris, members of the Navarro County commissioner's court; and R. L. Harris, tax collector and assessor, all of Corsicana, Tex., favoring retention of tax survey of farm and ranch lands, farm mortgages, land values, and land transfers; to the Committee on Appropriations.

10763. Also, petition of Brad Robinson, C. R. Lacey, W. H. Hill, C. G. Haley, county judge of Leon County; Joe H. Seale, and Sam Bain, all of Centerville, Tex., favoring Works Progress Administration tax survey; to the Committee on Appropriations.

10764. By Mr. ENGEL: Petition of C. R. Bell and others, of Mesick, Mich., endorsing the objectives of the Tydings-McCormack bill; to the Committee on the Judiciary.