MEMORIALS

Under clause 3 of rules XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States to amend the Federal law so as to permit the States to tax national banks upon the same basis as State banks are taxed; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States to establish Superior, Wis., as a subport of the port of Milwaukee, Wis.; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BREWSTER: A bill (H. R. 7056) granting an increase of pension to Emma C. Orr; to the Committee on Invalid Pensions.

By Mr. DIRKSEN: A bill (H. R. 7057) granting a pension to Roy A. Poole; to the Committee on Pensions.

By Mr. DOCKWEILER: A bill (H. R. 7058) for the relief of Rudolf Burich or Rudolf Burica; to the Committee on Immigration and Naturalization.

By Mr. FERGUSON: A bill (H. R. 7059) for the relief of William Logan Hawkins; to the Committee on Claims.

By Mr. FISH: A bill (H. R. 7060) for the relief of James Mohin; to the Committee on Claims.

By Mr. FLANNAGAN: A bill (H. R. 7061) to authorize and direct the Secretary of the Treasury to make payment for certain injuries to Mrs. E. J. Clifton; to the Committee on Claims.

Also, a bill (H. R. 7062) authorizing the Secretary of the Navy to reappoint Arthur E. Koch as a chaplain in the Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 7063) for the relief of W. C. Stringer; to the Committee on Claims.

By Mr. GREEN: A bill (H. R. 7064) granting a pension to Mary J. Harvey; to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 7065) granting a pension to Georgia A. Tinney; to the Committee on Claims.

Also, a bill (H. R. 7066) for the relief of Dr. W. A. Gills; to the Committee on Naval Affairs.

Also, a bill (H. R. 7067) to authorize and direct the United States District Court for the Eastern District of Virginia to take jurisdiction and adjudicate a claim of Joe E. Holland, of Holland, Va., against the United States for lots nos. 29 and 31 in block No. 11, as shown on the plat of Glenwood annex, and in the event the court may find the United States liable, to give judgment against the United States for such amount as the court may find to be just compensation therefor; to the Committee on Claims.

Also, a bill (H. R. 7068) granting a pension to Edgar Allen Patterson; to the Committee on Pensions.

By Mr. HENDRICKS: A bill (H. R. 7069) granting a pension to Mrs. John H. Kuester; to the Committee on Invalid Pensions.

By Mr. JOHNSON of West Virginia: A bill (H. R. 7070) granting a pension to William W. Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7071) granting a pension to Mary Chapman; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of Montana: A bill (H. R. 7072) for the relief of the estates of Al Cochran, Willis Cochran, and Russell Cochran, and for the relief of Shirley Cochran and Matilda Cochran; to the Committee on Claims.

Also, a bill (H. R. 7073) for the relief of James Steven McGuire; to the Committee on Naval Affairs.

By Mr. RAMSPECK: A bill (H. R. 7074) granting a pension to Julian Cecil Stanley; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 7075) for the relief of Drs. W. S. Davis, P. A. Palmer, H. S. Oakes, and J. M. Ousley; 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:

2258. By Mr. BREWSTER: Petition of Lewis H. Griffin and 22 citizens of Cliff Island, Maine, protesting the passage of bills pertaining to compulsory Sunday observance because of religious beliefs; to the Committee on the Judiciary.

2259. Also, petition of Helen L. Roberts and 17 citizens of Carmel, Maine, to bring House bill 2257 out of committee for consideration by the House; to the Committee on Ways and Means.

2260. By Mr. LEAVY: Resolution of the public-utility districts consisting of Pend Oreille, Ferry, Chelan, Douglas, Lincoln, Okanogan, and Spokane Counties, in reference to distribution of hydroelectric energy generated on the Columbia River at Bonneville and power to be generated at Grand Coulee Dams and designating the Honorable J. D. Ross as the representative of such power districts; to the Committee on Rivers and Harbors.

2261. By Mr. MAGNUSON: Resolution of the Washington State Federation of Federal Employees' Unions, of Seattle, Wash., favoring the McCarran reclassification bill (S. 741); to the Committee on the Civil Service.

2262. By Mr. MICHENER: Letter from the secretary, Rome Grande, 293, Adrian, Mich., advising that the Grange voted unanimously in opposition to removing the Forest Service and other conservation activities from the Department of Agriculture; to the Select Committee on Government Organization.

2263. By Mr. PFEIFER: Petition of the Presidents' Own Garrison, No. 104, Army and Navy Union of the United States, Washington, D. C., concerning reduction in Government appropriations; to the Committee on Appropriations.

2264. Also, petition of the National Grange, Washington, D. C., concerning full appropriation authorized by the George-Deen bill; to the Committee on Appropriations.

SENATE

MONDAY, MAY 17, 1937

(Legislative day of Thursday, May 13, 1937)

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 Thursday, May 13, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6523) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON of Missouri, Mr. TARVER, Mr. UMSTEAD, Mr. THOM, Mr. LEAVY, Mr. MCFARLANE, Mr. LAMBERTSON, and Mr. DIRKSEN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6730) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1937, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1937, and June 30, 1938, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOODRUM, Mr. BOYLAN, Mr. CANNON of Missouri, Mr. TABER, and Mr. BACON were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5478) to amend existing law to provide privilege of renewing

expiring 5-year level-premium term policies for another 5-year period.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 1607. An act authorizing an appropriation for payment to the Government of Japan for proposed deportation of enemy aliens from China during the World War;

S. 2160. An act to create the office of Counselor of the Department of State;

S. 2225. An act limiting the operation of sections 109 and 113 of the Criminal Code with respect to the agent appointed to represent the United States of America in the arbitration proceedings between the United States of America and the Dominion of Canada for the final settlement of difficulties arising through complaints of damage done in the State of Washington by fumes discharged from the smelter of the Consolidated Mining & Smelting Co., Trail, British Columbia;

H. R. 5478. An act to amend existing law to provide privilege of renewing expiring 5-year level-premium term policies for another 5-year period;

H. R. 5966. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes; and

S. J. Res. 133. Joint resolution to authorize an appropriation for the expenses of participation by the United States in the Tenth Pan American Sanitary Conference.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum, and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Davis	Lewis	Robinson
Ashurst	Dieterich	Lodge	Russell
Austin	Donahey	Logan	Schwartz
Bailey	Duffy	Lonergan	Schwellenbach
Bankhead	Ellender	Lundeen	Sheppard
Barkley	Frazier	McAdoo	Smathers
Black	George	McCarran	Smith
Borah	Gillette	McGill	Steiwer
Bridges	Green	McKellar	Thomas, Okla.
Brown, Mich.	Hale	McNary	Thomas, Utah
Brown, N. H.	Harrison	Maloney	Townsend
Bulkley	Hatch	Minton	Truman
Bulow	Hayden	Moore	Tydings
Burke	Herring	Murray	Vandenberg
Byrd	Hitchcock	Neely	Van Nuys
Byrnes	Holt	Norris	Wagner
Capper	Hughes	Nye	Walsh
Caraway	Johnson, Calif.	O'Mahoney	Wheeler
Chavez	Johnson, Colo.	Overton	White
Clark	King	Pittman	
Connally	La Follette	Pope	
Copeland	Lee	Radcliffe	

Mr. LEWIS. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Washington [Mr. BONE] are detained from the Senate because of illness in their families.

The Senator from Florida [Mr. ANDREWS] and also his colleague from Florida [Mr. PEPPER], the Senator from Tennessee [Mr. BERRY], the Senator from Pennsylvania [Mr. GUFFEY], and the Senator from North Carolina [Mr. REYNOLDS] are detained on important public business, while the Senator from Mississippi [Mr. BILBO] is necessarily absent.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] and the Senator from Minnesota [Mr. SHIPSTEAD] are necessarily absent.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on May 15, 1937, the President approved and signed the following acts:

S. 74. An act for the relief of Melba Kuehl;

S. 118. An act for the relief of Harry D. McIntosh;

S. 315. An act for the relief of George W. Hanna and Bertha M. Hanna;

S. 434. An act for the relief of Rufus C. Long;

S. 435. An act for the relief of B. W. Winward;

S. 461. An act for the relief of Frank Dauwe, Alberto Esparza, Frank Van den Hende, Germain Van der Poorten, and Cesar Van Overbenborger;

S. 590. An act for the relief of the estate of Grace M. Moore, deceased;

S. 812. An act for the relief of E. P. Conroy and Graham Conroy;

S. 1147. An act for the relief of Alban C. Sipe;

S. 1313. An act for the relief of Lt. Comdr. Chester B. Peake, Supply Corps, United States Navy;

S. 1472. An act to authorize the Secretary of War to dispose of material to the National Council of the Boy Scouts of America;

S. 1571. An act to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936;

S. 1589. An act for the relief of Mr. and Mrs. Robert O. Brown;

S. 1631. An act for the relief of Commander William I. Causey, United States Navy, and Lt. Comdr. Earl Leroy Bailey, Supply Corps, United States Navy; and

S. 1632. An act for the relief of Capt. Benjamin Dutton, Jr., Capt. C. H. J. Keppler, Commander Leo H. Thebaud, and Lt. Comdr. Gordon S. Bower, Supply Corps, United States Navy.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the unanimous-consent agreement entered into on Thursday last, it was ordered that on convening today the Senate should proceed to the consideration of unobjected-to bills on the calendar. If there be no objection, the Chair will permit routine business to be transacted. Is there objection? The Chair hears none.

PROTECTIVE COMMITTEES AND AGENCIES FOR HOLDERS OF DEFAULTED FOREIGN GOVERNMENTAL BONDS

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, part V of the Commission's report on the study and investigation of the work, activities, personnel, and functions of protective and reorganization committees, relating particularly to protective committees and agencies for holders of defaulted foreign governmental bonds, which, with the accompanying report, was referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Commerce:

Joint resolution memorializing the Congress of the United States to pass necessary legislation for the generation of power on the upper Mississippi River

Whereas the Federal Government is building about 25 dams on the upper Mississippi River, at least 10 of which join Wisconsin or are easily accessible, and all of which are, or soon will be completed; and

Whereas none of the 10 dams which join Wisconsin have been constructed with the purpose of generating electric power; and

Whereas the War Department gives as its reason for failure to generate electric power with these dams that there is no available market for such power and that such power would not be constant; and

Whereas the engineers in the War Department report that practically every one of the above 10 dams would generate a large volume of secondary hydroelectric power, the capacity and annual output (with the exception of dam 5A) varying from 35,000,000 kilowatt-hours annually and 4,100 kilowatts for the Alma Dam to 146,000,000 kilowatt-hours annually and 16,800 kilowatts for the Lynxville Dam; and

Whereas the report of the Army engineers states further that the constancy of the hydroelectric power which would be generated by the above dams varies from 80 percent on the Alma Dam to 100 percent on the Hastings Dam; and

Whereas the Federal rural electrification program has greatly increased the demand for cheaper electrical energy; and

Whereas the Rural Electrification Administration has already approved allotments for cooperative R. E. A. projects in the counties of Pierce, Buffalo, Trempealeau, and Vernon, and as similar projects in La Crosse and Grant Counties have or will make application for R. E. A. allotments; and

Whereas there is a potential demand for more electric power in a large area bordering the upper Mississippi River if the cost of such power were reduced more nearly to the level of the cost of production and to the ability of the potential consumers to purchase such energy; and

Whereas the Federal Government has already spent millions of dollars in the construction of these dams for navigation purposes only, so that the total cost of installing hydroelectric equipment would be relatively low: Now, therefore, be it

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin memorializes the Congress of the United States to give this question the very serious consideration which it deserves, to order the War Department or some other Department to make a more thorough study of the engineering and other problems involved and to pass necessary legislation for the generation of power on the upper Mississippi River if such further study is ordered and the proposal found feasible.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Education and Labor:

Joint resolution urging the Congress of the United States to appropriate adequate funds for the completion of the investigation by the subcommittee of the United States Senate Committee on Education and Labor

Whereas the subcommittee of the United States Senate Committee on Education and Labor has been conducting extensive investigations of violations of free speech and assembly and interference with the rights of labor; and

Whereas the appropriation authorized by the Congress of the United States for the work of said subcommittee is inadequate to enable said committee to complete its work: Now, therefore, be it

Resolved by the assembly (the senate concurring), That this legislature urges the Congress of the United States to authorize additional appropriations adequate to enable such subcommittee to complete its investigations and fully discharge the duties imposed upon it; be it further

Resolved, That properly attested copies of this resolution be sent to both Houses of the Congress of the United States and to each Wisconsin Member thereof.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the Territory of Hawaii, which was referred to the Committee on Public Buildings and Grounds:

Concurrent resolution requesting the Congress of the United States of America to expedite the construction of a new Federal building at Wailuku, Island of Maui, Territory of Hawaii

Be it resolved by the Senate of the Legislature of the Territory of Hawaii (the house of representatives concurring), That the Congress of the United States of America be, and it hereby is, requested to provide appropriations for the construction, and for the early construction, of a new Federal building at Wailuku, on the Island of Maui, Territory of Hawaii; and be it further

Resolved, That certified copies of this concurrent resolution be forwarded to the Secretary of the Interior, the Postmaster General, the Secretary of the Treasury, and the Secretary of Commerce of the United States, to each House of the said Congress, and to the Delegate to Congress from Hawaii

The VICE PRESIDENT also laid before the Senate resolutions of the House of Representatives of the State of Texas, memorializing Congress and the Government not to decrease the price of gold and thereby increase the value of the dollar and bring about decreases in the value of farm commodities, etc., which was referred to the Committee on Banking and Currency.

(See resolutions printed in full when presented today by Mr. SHEPPARD.)

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Ohio, favoring the enactment of the joint resolution (H. J. Res. 204) creating a superhighways commission, which was referred to the Committee on Post Offices and Post Roads.

(See joint resolution printed in full when presented today by Mr. BULKLEY.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by a session of the New York East Conference of the Methodist Episcopal Church, at Brooklyn, N. Y., protesting against any reduction in the recommendation of the President for the appropriation of one and one-half billion dollars for work-relief purposes, which was referred to the Committee on Appropriations.

He also laid before the Senate a petition of sundry citizens, being employees of the District Building at Washington, D. C., praying for the enactment of legislation providing daylight-saving time for the District of Columbia, which was referred to the Committee on the District of Columbia.

He also laid before the Senate a resolution adopted by the Council of the City of Erie, Pa., favoring the enactment of the so-called United States Housing Act of 1937, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Joint Committee of the Czechoslovak Organization of Chicago and vicinity, Illinois, favoring the enactment of the bill (S. 6) to provide for the establishment of a Nation-wide system of social insurance, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Ladies' Aid Society of Norhill Methodist Episcopal Church, of Houston, Tex., favoring the enactment of the so-called Wagner-Van Nuys antilynching bill, which was referred to the Committee on the Judiciary.

He also laid before the Senate papers sponsored by the American Institute of Public Opinion, showing the results of votes by sections and groups indicating widespread endorsement of pending Federal antilynching legislation, which were referred to the Committee on the Judiciary.

Mr. JOHNSON of California. I ask leave to present 437 memorials, bearing 10,691 names, remonstrating against the proposal to reorganize the Federal courts. The memorials now presented by me on this proposal, together with those heretofore presented, have been signed by citizens of California to a number aggregating a little over 100,000 names.

The VICE PRESIDENT. Without objection, the memorials will be received and referred to the Committee on the Judiciary.

Mr. WALSH presented resolutions adopted by the Cambridge Housing Authority, of Cambridge; the Brockton Central Labor Union, of Brockton; and Branch No. 105, American Federation of Hosiery Workers, of Lowell, all in the State of Massachusetts, favoring the enactment of the pending low-cost housing bill, which were referred to the Committee on Education and Labor.

Mr. COPELAND presented a resolution adopted by a meeting of the Navy Yard Local of Plumbers and Steamfitters, at Brooklyn, N. Y., favoring the enactment of the pending low-cost housing bill, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Monroe County Committee of the American Legion of Rochester, N. Y., reaffirming its stand on the so-called American Legion bill to draft both man power and industry in time of war, and to keep profits out of war, etc., which was referred to the Committee on Military Affairs.

He also presented a resolution adopted at a meeting of the Religious Union to End War, in the Eastern District High School at Brooklyn, N. Y., favoring the calling of a conference of the nations which signed the Kellogg-Briand World Peace Pact, for the purpose of considering a practical method of carrying out the underlying purposes of the multilateral treaty, and to remove the economic, social, and political injustices causing war, which was referred to the Committee on Foreign Relations.

Mr. SHEPPARD presented a resolution adopted by Carpenters Local Union, No. 1232, of Burnet, Tex., endorsing the President's Supreme Court proposal, which was referred to the Committee on the Judiciary.

He also presented the memorial of members of the Garden Club, of Houston, Tex., remonstrating against adoption of the present Jefferson Memorial plan, and requesting that a new site be selected for the proposed memorial, subject to the approval of the Fine Arts Commission, which was referred to the Committee on the Library.

Mr. SHEPPARD also presented the following resolutions of the House of Representatives of the State of Texas, which were referred to the Committee on Banking and Currency:

Whereas farm products such as cotton, wheat, and corn are world commodities and are valued uniformly in terms of gold; and

Whereas any change in the price of gold would be reflected immediately in the prices of such world commodities; and

Whereas a decrease in the price of gold would mean an automatic increase in the gold content of the dollar and a corresponding decrease in the world price of such commodities; and

Whereas the prices of farm products are not yet high enough to permit farmers to produce at a profit; and

Whereas the Constitution of the United States confers upon Congress the exclusive power to coin money and to regulate the value thereof: Therefore be it

Resolved by the House of Representatives of Texas, That the Congress of the United States and the Government at Washington be memorialized to not decrease the price of gold and thereby increase the value of the dollar and bring about an immediate and positive decrease in the value of farm commodities to the detriment of 30,000,000 farmers and their families, and to the detriment of cities, towns, industries, and wage earners depending upon farm purchasing power for their support and existence; and be it further

Resolved, That the House of Representatives of the State of Texas go on record as approving the program of the President regarding the stabilization of industry by preserving a proper parity between the purchasing power of gold as an exchange and the commodity sold or to be sold by the manufacturer and/or the producer, and also as endorsing his program relative to the conservation of natural resources, the equalization of opportunity of the great masses of people who labor, the agricultural-adjustment program, the outlawing of wars, and the revitalizing of the Supreme Court; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, Hon. Franklin D. Roosevelt; the Vice President of the United States, Hon. John N. Garner; the Secretary of Agriculture, Hon. Henry A. Wallace; Hon. Ellison B. Smith, chairman of the Senate Agricultural Committee; Hon. Marvin Jones, chairman of the House Agricultural Committee; Hon. Jesse Jones, Chairman of the Reconstruction Finance Corporation, of Washington, D. C.; Senator Morris Sheppard; Senator Tom Connally; and Hon. Lyndon B. Johnson, Member of Congress.

Mr. BULKLEY presented the following joint resolution of the Legislature of the State of Ohio, which was referred to the Committee on Post Offices and Post Roads:

Joint resolution memorializing Congress to enact House Joint Resolution 204, creating a superhighways commission, introduced February 8, 1937

Whereas there is now pending in the Congress of the United States a joint resolution known as House Joint Resolution 204, creating a superhighways commission, introduced by Mr. RANDOLPH, February 8, 1937; and

Whereas such proposal and plans provide for a system of transcontinental superhighways, the principal highway beginning near Boston, Mass., and extending westerly through a point just north of New York City, thence through a point just south of Cleveland, Ohio, and thence westerly in a nearly direct line to a point near San Francisco, Calif., with three branch highways extending north and south, and one of which beginning near New York City and extending along the Atlantic seaboard to Miami, Fla., a second highway beginning near Cleveland, Ohio, and extending directly south to northern Florida and connecting at that point with the Atlantic coast highway, and a third highway beginning near Duluth, Minn., and extending in a southerly direction to Laredo, Tex., and connecting with the Pan American Highway; and

Whereas such highways will be built by a private corporation under Government supervision and cooperation, and to be financed by a specific superhighway bond issue; and

Whereas after the highways have been constructed the bonds issued therefor will be financed from taxes on private and public motor cars, from franchise and concession charges; and

Whereas, through the operation of such private corporation on a profitable and self-liquidating basis, it is proposed not only to restore the predepression flow of idle capital to the channels of normal business and provide work for the millions of unemployed, thereby removing them from Government relief rolls, but at the same time it is proposed to provide a means of safe, economical, and speedy transportation for the millions of motor vehicles and trucks now operating over our highways; and

Whereas such highways will afford an additional means of national defense in transporting our armies and armored fleets in time of war; and

Whereas the above project, if carried into effect, does not propose the diversion of any funds which are now especially earmarked for highway purposes, nor will this project interfere with any existing or contemplated plans for the carrying out of highway improvements in the State or Nation: Therefore be it

Resolved by the General Assembly of the State of Ohio, That the Congress of the United States is hereby memorialized to take favorable action with reference to House Joint Resolution 204, creating a superhighways commission, introduced February 8, 1937, by Mr. RANDOLPH; and be it further

Resolved, That a properly authenticated copy of this resolution be forwarded by the clerk of the senate to the President of the United States, the Vice President of the United States, the Secretary of Agriculture, the Secretary of War, the Secretary of the Interior, the Chairman of the Interstate Commerce Commission, and the United States Senators and the Members of Congress from Ohio.

REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 774) to incorporate the Marine Corps League, reported it with an amendment and submitted a report (No. 555) thereon.

He also, from the same committee, to which was referred the bill (S. 2357) authorizing the obligation of funds for work at Government-owned establishments, reported it without amendment and submitted a report (No. 556) thereon.

Mr. BAILEY, from the Committee on Claims, to which was referred the bill (S. 2266) for the relief of John A. Ensor, reported it without amendment and submitted a report (No. 557) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (S. 226) for the relief of L. L. Stokes, reported it with an amendment and submitted a report (No. 558) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 1873) for the relief of the dependents of W. R. Dyess, reported it without amendment and submitted a report (No. 559) thereon.

Mr. WHITE, from the Committee on Claims, to which was referred the bill (S. 51) for the relief of the Fred G. Clark Co., reported it with an amendment and submitted a report (No. 560) thereon.

He also, from the same committee, to which was referred the bill (S. 526) for the relief of Robert B. Rolfe, reported it without amendment and submitted a report (No. 561) thereon.

Mr. SHEPPARD (for Mr. REYNOLDS), from the Committee on Military Affairs, to which was referred the bill (S. 2087) for the relief of Charles B. Stafford, reported it without amendment and submitted a report (No. 562) thereon.

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. MCNARY:

A bill (S. 2424) to provide for aiding 4–H clubs in exhibiting and demonstrating their various projects and activities at State agricultural fairs; to the Committee on Agriculture and Forestry.

By Mr. SCHWELLENBACH:

A bill (S. 2425) for the relief of Thomas Roarke; to the Committee on Military Affairs.

By Mr. VANDENBERG:

A bill (S. 2426) authorizing the Secretary of War to award a Distinguished Service Cross to James Bleha (with an accompanying paper); to the Committee on Military Affairs.

By Mr. MURRAY:

A bill (S. 2427) for the relief of the estates of Al Cochran, Willis Cochran, and Russell Cochran, and for the relief of Shirley Cochran and Matilda Cochran; to the Committee on Claims.

A bill (S. 2428) to authorize the sale of a tract of land in Billings, Mont.; to the Committee on Public Lands and Surveys.

By Mr. WALSH:

A bill (S. 2429) for the relief of Albert Pina Afonso; to the Committee on Claims.

(Mr. LA FOLLETTE (for himself and Mr. THOMAS of Utah) introduced Senate bill 2430, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

(Mr. ELLENDER introduced Senate bill 2431, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

By Mr. COPELAND:

A bill (S. 2432) to provide for the further development of industry and commerce through research in the physical sciences; and

A bill (S. 2433) to amend section 4450 of the Revised Statutes of the United States, as amended by the act of May 27, 1936 (49 U. S. Stat. 1380, 1383; title 46, U. S. C., sec. 239); to the Committee on Commerce.

By Mr. BYRD:

A bill (S. 2434) for the relief of Charles Henry Porter; to the Committee on Claims.

A bill (S. 2435) granting an increase of pension to Clara Prentis Billard; to the Committee on Pensions.

A bill (S. 2436) to direct the Secretary of the Interior to notify the State of Virginia that the United States assumes police jurisdiction over the lands embraced within the Shenandoah National Park, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. NEELY:

A bill (S. 2437) for the relief of Oscar Jones; to the Committee on Claims.

By Mr. THOMAS of Utah:

A bill (S. 2438) to provide funds for the erecting and equipping a junior college in the city of Roosevelt, Duchesne County, Utah, to be available to Indian children; to the Committee on Indian Affairs.

By Mr. POPE:

A bill (S. 2439) to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation; to the Committee on Agriculture and Forestry.

By Mr. THOMAS of Oklahoma:

A bill (S. 2440) extending the time for filing a claim for reimbursement for the funeral expenses of William Lawrence Jamieson; to the Committee on Claims.

By Mr. LONERGAN:

A bill (S. 2441) to extend the time for filing claims under section 602 of the Revenue Act of 1936; to the Committee on Finance.

By Mr. MOORE:

A bill (S. 2442) granting a pension to Mary Merrill Scott; to the Committee on Pensions.

A bill (S. 2443) to amend the National Housing Act, as amended, to provide for the approval of individuals as mortgagees; to the Committee on Banking and Currency.

By Mr. BULOW:

A bill (S. 2444) for the relief of William C. Willahan; to the Committee on Indian Affairs.

By Mr. HARRISON:

A bill (S. 2445) for the relief of Martha P. Collins; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 2446) providing for the acceptance by the Secretary of the Interior of a site for a national memorial to the Gold Star Mothers of the World War, and for other purposes; to the Committee on the Library.

By Mr. TYDINGS (by request):

A bill (S. 2447) to confer jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment on the claim of Charles A. M. Wells, as executor of the estate of Rexford M. Smith, deceased; to the Committee on Claims.

By Mr. McKELLAR:

A joint resolution (S. J. Res. 148) to provide for payment for nine airplanes obtained from the Stinson Aircraft Corporation by the Bureau of Air Commerce, Department of Commerce, and for other purposes; to the Committee on Appropriations.

INTIMIDATION OF WITNESSES BEFORE CONGRESSIONAL COMMITTEES

Mr. LA FOLLETTE. Mr. President, I introduce a bill on behalf of the junior Senator from Utah [Mr. THOMAS] and myself, providing a penalty against the intimidation of witnesses appearing before congressional committees. I ask that the bill, which is a short one, may be printed in full in the RECORD, and that it may be referred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, the bill will be received, printed in the RECORD, and referred to the Committee on the Judiciary.

The bill (S. 2430) to prevent obstructions to inquiries prosecuted by either House of Congress, and for other purposes, was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

A bill (S. 2430) to prevent obstructions to inquiries prosecuted by either House of Congress, and for other purposes

Be it enacted, etc., That whoever corruptly, or by threats or force, or by any threatening letter or communication, shall influence, intimidate, or deter, or endeavor to influence, intimidate, or deter, any person from appearing as a witness in any inquiry before either House of Congress, or any committee or subcommittee of either House of Congress, or from testifying freely, fully, and truthfully in any such inquiry, or whoever shall injure, oppress, threaten, or intimidate, or endeavor to injure, oppress, threaten, or intimidate, any person in his person or property on account of his having so appeared or testified, or whoever corruptly, or by threats or force, or by any threatening letter or communication, shall influence, obstruct, or impede, or endeavor to influence, obstruct, or impede, the prosecution of any such inquiry, shall upon conviction thereof be fined not more than $5,000, or imprisoned not more than 2 years, or both.

PROTECTION FOR INVESTORS IN FOREIGN SECURITIES

Mr. ELLENDER. Mr. President, I introduce, for appropriate reference, a bill to amend the Securities Act of 1933, as amended, for the purpose of providing for protection for investors in foreign securities. I ask that the bill may be printed in the RECORD, together with an explanatory statement.

The VICE PRESIDENT. Without objection, the bill will be received and referred to the Committee on the Judiciary, and the bill and statement will be printed in the RECORD.

The bill (S. 2431) to amend the Securities Act of 1933, as amended, for the purpose of providing protection for investors in foreign securities, was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

A bill to amend the Securities Act of 1933, as amended, for the purpose of providing protection for investors in foreign securities

Be it enacted, etc., That the Securities Act of 1933, as amended, is amended by inserting after section 5 the following new section:

"SEC. 5A. (a) It shall be unlawful for any person to sell, or offer to sell, in the United States or any Territory any security issued by a foreign government, or political subdivision thereof, if the sum of (1) the net proceeds to be derived from such security by the issuer, and (2) such service charges as may be allowed by the Commission under subsection (b) of this section, is less than the par or face value of such security.

"(b) For the purposes of this section the Commission may allow such service charges with respect to the sale of any security as the Commission deems will provide reasonable compensation for services rendered in connection with such sale, but shall not include therein any allowance for the assumption of risks or for the value of the trade name or good will of the persons rendering such services, and the amount of such service charges shall not exceed 2 percent of the par or face value of such security."

SEC. 2. Paragraph (8) of schedule B of such act, as amended, is amended by inserting before the semicolon at the end thereof a comma and the following: "and a statement that the sale of such security will not be in violation of section 5A of this act."

SEC. 3. The amendments made by this act shall not apply to any security which, prior to or within 60 days after the enactment of this act, has been sold or disposed of by the issuer or bona fide offered to the public, but this exemption shall not apply to any new offering of any such security by an issuer or underwriter subsequent to such 60 days.

The statement presented by Mr. ELLENDER in connection with Senate bill 2431 is as follows:

STATEMENT WITH REFERENCE TO A BILL TO AMEND THE SECURITIES ACT OF 1933, AS AMENDED, FOR THE PURPOSE OF PROVIDING PROTECTION FOR INVESTORS IN FOREIGN SECURITIES

The bill adds a new section to the Securities Act making it unlawful to sell in the United States securities issued by a foreign government unless the net proceeds derived from such securities by the issuing government are equal to the par value of the securities, except that the Securities and Exchange Commission may allow a service charge of not to exceed 2 percent of the par value to be deducted from the proceeds to be derived by the issuing government. The purpose of the bill is to reduce the spread between the price paid to foreign governments for their bonds and the price at which such bonds are offered to the public. A foreign bond for which the issuing government receives 88 percent of its face value may now be sold on the American market for 99 percent of its face value. The investing public is led to believe that it is getting a bargain since the sale price is still below par. The underwriters receive enormous profits. It is believed that such a situation leads to an unwarranted amount of foreign financing in this country and encourages unhealthy practices in the conduct of such financing.

Under the proposed bill the foreign government would receive face value for its bonds, less the service charges allowed by the Commission, which could not for this purpose exceed 2 percent of such face value. Thus the profits of the underwriters could only be excessive if the bonds were offered to the public at a price

above par. It is felt that this fact would tend to reduce the large price spread now possible and lead to more careful consideration of the value of such bonds by the investing public.

The provisions of the bill would be administered by the Securities and Exchange Commission which would have available all necessary information in the registration statement now required to be filed before such securities are now sold in this country. The penalty and administrative provisions of the Securities Act would also be applicable to this section.

HOUSE BILL ORDERED TO LIE ON TABLE—CIVILIAN CONSERVATION CORPS

The bill (H. R. 6551) to establish a Civilian Conservation Corps, and for other purposes, was read twice by its title and ordered to lie on the table.

ACTIVITIES OF ALIENS IN THE UNITED STATES IN CONNECTION WITH SPANISH CIVIL STRIFE

Mr. NYE. I submit a resolution and ask to have it read and referred to the Committee on Foreign Relations.

There being no objection, the resolution (S. Res. 131) was read and referred to the Committee on Foreign Relations, as follows:

Resolved, That the Committee on Foreign Relations is authorized and directed to investigate (1) the activities within the United States of aliens acting for or on behalf of either party to the existing civil strife in Spain which constitute an interference with or obstruction to or attempts to interfere with or obstruct lawful commerce between the American continents and Spanish ports; and (2) the purchase within the United States of arms, ammunition, or implements of war for or on behalf of or for the use of either of the parties to the existing civil strife in Spain, in violation of the neutrality laws or treaties of the United States, and attempts so to purchase or ship such arms, ammunition, or implements of war. The investigation hereby authorized shall include, among other things, an investigation of the amount and sources of all funds expended or available for expenditure for any of the foregoing activities, and the means whereby any aliens engaged in such activities secured entry into and have remained within the United States.

For the purpose of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-fifth Congress, to employ and to call upon the executive departments for clerical and other assistants, to require by subpena or otherwise the attendance of such witnessess and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

REVISED SUPPLEMENT TO COMPILATION OF TREATIES, CONVENTIONS, ETC.

Mr. PITTMAN submitted the following resolution (S. Res. 132), which was referred to the Committee on Foreign Relations:

Resolved, That there be prepared, under the direction of the Committee on Foreign Relations, a revised supplement to the compilation entitled "Treaties, Conventions, International Acts, and Protocols Between the United States and Other Powers, 1776–1923", to include treaties, conventions, important protocols, and international acts to which the United States may have been a party since March 4, 1923.

APPLICATION OF MACKAY RADIO & TELEGRAPH CO., INC., TO ADD OSLO, NORWAY, AS A COMMUNICATION POINT

Mr. BORAH. I ask consent to submit a resolution of inquiry, and also ask that it lie on the table. At the conclusion of the consideration of bills on the calendar this morning I will ask permission to make some remarks in explanation of the resolution, and shall then ask for its consideration.

There being no objection, the resolution (S. Res. 133) submitted by Mr. BORAH was ordered to lie on the table, as follows:

Resolved, That the Federal Communications Commission be, and the same is hereby, requested to send to the Senate as soon as practicable the record, or copies of the record, and all data and facts relative to the application of the Mackay Radio & Telegraph Co., Inc., for modification of licenses to add Oslo, Norway, as a point of communication; and also any decisions or written opinions touching the allowance or disallowance of said application.

Secondly, that the Commission be, and the same is hereby, requested to state the law and the facts upon which its decisions or opinions were rendered relative to said application.

THE CONSTITUTION AND THE COURT—ADDRESS BY SENATOR COPELAND

[Mr. MCCARRAN asked and obtained leave to have printed in the RECORD an address delivered in Philadelphia on May 10, 1937, by Senator COPELAND on the Constitution and the Court, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR BAILEY

[Mr. CLARK asked and obtained leave to have printed in the RECORD an address entitled "The Meaning of the President's Proposal", delivered by Senator BAILEY at Philadelphia, which appears in the Appendix.]

FLOOD CONTROL—ADDRESS BY SENATOR COPELAND

[Mr. LONERGAN asked and obtained leave to have printed in the RECORD an address on the subject of flood control, delivered by Senator COPELAND before a meeting of the Chamber of Commerce of the United States held at Washington, D. C., Apr. 27, 1937, which appears in the Appendix.]

LABOR RELATIONS—ADDRESS BY SENATOR BRIDGES

[Mr. LODGE asked and obtained leave to have printed in the RECORD a radio address on the subject of labor relations, delivered by Senator BRIDGES, on May 16, 1937, which appears in the Appendix.]

THE COTTON TEXTILE INDUSTRY—ADDRESS BY SENATOR BANKHEAD

[Mr. BANKHEAD asked and obtained leave to have printed in the RECORD an address delivered by him at the annual meeting of the American Cotton Manufacturers' Association in Washington, D. C., on May 13, 1937, which appears in the Appendix.]

CONSERVATION—ADDRESS BY HARRY G. VAVRA

[Mr. COPELAND asked and obtained leave to have printed in the RECORD a radio address on the subject of conservation, delivered by Harry G. Vavra, president of the Educational Conservation Society and director general of the Conservationists of America, which appears in the Appendix.]

THE UNMASKING IN SPAIN—EDITORIAL FROM THE WHEELING INTELLIGENCER

[Mr. NEELY asked and obtained leave to have printed in the RECORD an editorial from the Wheeling Intelligencer of the issue of May 7, 1937, entitled "The Unmasking in Spain", which appears in the Appendix.]

CONSIDERATION OF UNOBJECTED BILLS ON CALENDAR

The VICE PRESIDENT. Under the unanimous-consent agreement, the Senate will now proceed to the consideration of unobjected bills on the calendar, and the clerk will call the first business in order.

RESOLUTION AND BILLS PASSED OVER

The resolution (S. Res. 8) limiting debate on general appropriation bills was announced as first in order.

Mr. VANDENBERG. Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 1435) to create a board of shorthand reporting, and for other purposes, was announced as next in order.

Mr. ROBINSON. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1436) providing for the employment of skilled shorthand reporters in the executive branch of the Government was announced as next in order.

Mr. ROBINSON. I also ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. ROBINSON and Mr. VANDENBERG asked that the bill go over.

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

The bill (S. 532) to promote the safety of employees and travelers on railroads by providing for the inspection and investigation of conditions prevailing in train-dispatching offices and train-dispatching service and for the promulgation of necessary rules and regulations governing the working conditions of train dispatchers was announced as next in order.

Mr. KING. I ask that the bill go over.

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

The bill (S. 29) to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce to install, inspect, test, repair, and maintain block-signal systems, interlocking, highway grade-crossing-protective devices, automatic train stop, train control, cab-signal devices, and other appliances, methods and systems intended to promote the safety of railroad operation was announced as next in order.

Mr. AUSTIN. Let that bill go over.

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

The bill (S. 847) to prevent the use of Federal official patronage in elections and to prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends was announced as next in order.

Mr. ROBINSON. Let that bill go over.

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

The bill (S. 100) to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, was announced as next in order.

Mr. ROBINSON. Let the bill go over.

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

The bill (S. 47) to authorize an appropriation for the construction of small reservoirs under the Federal reclamation laws was announced as next in order.

Mr. ROBINSON. Mr. President, I think there should be given to the Senate a justification for this bill. Opportunity has not been afforded many Senators to study it. In the absence of the Senator sponsoring the bill, I ask that it go over.

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

The bill (H. R. 114) to provide for studies and plans for the development of a hydroelectric power project at Cabinet Gorge, on the Clark Fork of the Columbia River, for irrigation pumping or other uses, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

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

The bill (S. 1261) to amend the Interstate Commerce Act as amended, and for other purposes, was announced as next in order.

Mr. ROBINSON and Mr. SMATHERS asked that the bill go over.

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

The bill (S. 81) to provide retirement annuities for certain former employees of the Panama Canal and the Panama Railroad Co. on the Isthmus of Panama was announced as next in order.

Mr. KING. I ask that the bill go over.

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

The bill (S. 69) to amend an act entitled "An act to regulate commerce", approved February 4, 1887, as amended and supplemented, by limiting freight or other trains to 70 cars was announced as next in order.

Mr. ROBINSON. Let the bill go over.

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

COMPENSATION OF CLERICAL ASSISTANTS TO SENATORS

The resolution (S. Res. 122) to increase the compensation of certain clerical assistants to Senators and committees by payments from the contingent fund was announced as next in order.

Mr. VANDENBERG. Over.

Mr. COPELAND. Mr. President, I informed the Senate some days ago that I had submitted this resolution to the General Accounting Office. After due consideration that organization of the Government has taken the same view it took with reference to the resolution presented by the Senator from South Carolina [Mr. BYRNES]. I am sorry about this, because I feel that these faithful employees of the Senate are entitled to better salaries and more consideration. Perhaps another way can be found to accomplish the purpose. In any event, it cannot be done in this way.

I ask to have inserted in the RECORD at this point in connection with my remarks the statement prepared by the Acting Comptroller General with reference to the resolution.

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

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, May 11, 1937.

Hon. ROYAL S. COPELAND,
United States Senate.

MY DEAR SENATOR: Your letter of May 5, 1937, acknowledged May 7, 1937, requests my view as to what would be the effect of the adoption of Senate Resolution 122, Seventy-fifth Congress, first session, reading as follows:

"*Resolved*, That, beginning with the fiscal year ending June 30, 1938, the Secretary of the Senate is authorized and directed to pay, out of the contingent fund of the Senate, to each clerk, assistant clerk, and additional clerk to each Senator and to each Senate committee, an amount equal to 25 percent of the amount of compensation to which each such clerk is entitled to receive by law. Such amount shall be paid in semimonthly installments and shall be in addition to any other compensation provided for by law. The provisions of this resolution shall not apply to any such clerk who receives compensation at a rate in excess of $5,000 per annum."

The act of October 2, 1888 (25 Stat.) provides:

"* * * That no payment shall be made from said contingent funds as additional salary or compensation to any officer or employee of the Senate or House of Representatives."

The act of February 14, 1902 (32 Stat. 26) provides:

"* * * That hereafter appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services except upon the express and specific authorization of the House or Senate in whose behalf such services are rendered * * *."

The compensation of the officers and employees of the Senate and House of Representatives have been fixed from time to time by acts of Congress. (See sec. 6, act of July 16, 1914, 38 Stat. 509; sec. 6, act of Mar. 4, 1915, 38 Stat. 1049; and the Legislative Pay Acts of May 24, 1924, 43 Stat. 146, and June 20, 1929, 46 Stat. 32, as amended by subsequent annual appropriation acts for the legislative branch of the Government.) The act of February 14, 1902, supra, permits the use of the contingent appropriation of the Senate for personal services if expressly authorized by the Senate, thereby, in effect, amending or creating an exception to the provisions of section 3682, Revised Statutes, which prohibited, without exception, the use of contingent appropriations for "official or clerical compensation", but it does not authorize additional compensation to employees paid from other appropriations. Said act is not inconsistent with nor does it affect the provisions of the act of October 2, 1888, supra, which remain in full force and effect. (See title 2, U. S. C., sec. 68.) The rates of compensation of the various Senate employees involved having been fixed by acts of Congress, they may not be increased or otherwise changed except by another act of Congress. Hence, the above-quoted Senate resolution, Senate Resolution 122, would be ineffective even if adopted.

Sincerely yours,

R. N. ELLIOTT,
Acting Comptroller General of the United States.

Mr. COPELAND. I now ask that the resolution be indefinitely postponed.

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

WILLIAM A. M'MAHON

The bill (H. R. 1254) for the relief of William A. McMahan was announced as next in order.

Mr. KING. I ask that the bill go over.

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

GEORGE A. WOODY AND OTHERS

The Senate proceeded to consider the bill (S. 602) for the relief of George A. Woody, Samuel L. Metcalfe, Frank W. Halsey, Myron J. Conway, John A. Otto, and Leon L. Kotzebue, which had been reported from the Committee on Military Affairs with an amendment, on page 2, after line 19, to insert:

Provided, That no back pay, compensation, benefit, or allowance shall be held to have accrued prior to the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the President of the United States in his discretion be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, George A. Woody, a major of the Ordnance Department, and Samuel L. Metcalfe, Frank W. Halsey, Myron J. Conway, John A. Otto, and Leon L. Kotzebue, majors of Infantry, in the Regular Army of the United States, with rank as of such dates as each would have attained the rank of major in the Regular Army had their commissioned service commenced August 15, 1917, and been continuous since that date: *Provided*, That no back pay or allowances shall accrue as a result of the passage of this act: *Provided further*, That the above-named officers shall be placed on the promotion list in such places respectively as their names would have been placed had their commissioned service commenced August 15 1917: *Provided further*, That if appointed majors as provided for herein they shall thereafter be entitled to the same pay and allowances to which they would have been entitled had their commissioned service commenced August 15, 1917, and had they not been demoted under the provisions of the act of June 30, 1922: *And provided further*, That they shall be borne as extra numbers on the list of majors until sufficient vacancies exist to absorb such extra numbers and no promotion to the grade of major in the Regular Army shall thereafter be made until the number of majors, including those provided for in this act, shall be less than the number of majors now authorized by law: *Provided*, That no back pay, compensation, benefit, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

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

PAYMENTS UNDER SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

The bill (H. R. 3687) to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers was announced as next in order.

Mr. KING. Mr. President, this is a very important bill and should not be considered under the unanimous-consent agreement, which, under the rule, limits debate to 5 minutes. I suggest to my friend the chairman of the Committee on Agriculture and Forestry, Mr. SMITH, that it might go over so we may have further opportunity to consider it.

Mr. SMITH. Mr. President, the bill merely contemplates extending, without any amendment, the law as it now stands. I think most Senators are familiar with the terms of the act. It has worked very satisfactorily, and it does not violate State rights. It is simply dependent upon the cooperation of the States with the Federal Government. As the time is now very limited within which the rules and regulations under which the work is to be done may be issued, I hope the bill may be considered today. I think most of the States have already come within the provisions of the act. I should like to have the bill considered and passed today. Of course, we are working under a unanimous-consent agreement, and one objection will carry the bill over. To repeat, it is simply an extension of the law which has worked splendidly in the past year.

Mr. KING. Let the bill go over.

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

INVESTIGATION OF PRIVATELY OWNED PUBLIC UTILITIES

The joint resolution (S. J. Res. 95) authorizing and directing the Federal Trade Commission to make an investigation with respect to alleged efforts of privately owned public utilities unfairly to control public opinion concerning municipal or public ownership of electrical generating or distributing facilities, was anounced as next in order.

Mr. NORRIS. Mr. President, all the amendments which I offered the other day were agreed to except one which went over at the request of the junior Senator from Maine [Mr. WHITE]. I cannot see any possible objection to the amendment. I should like to inquire of the Senator from Maine whether he has any further objection?

Mr. WHITE. Mr. President, I can only say that I do not think the amendment is any worse than the joint resolution itself. I am not going to oppose the amendment.

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

Mr. WHITE. Mr. President, if the joint resolution is to be considered I desire to say a word about it. I realize the futility of saying anything. I suspect that the Senate highly approves of the purpose of the joint resolution.

I know that ultimately, just as the mounted police of Canada always get their man, the Senator from Nebraska [Mr. NORRIS] always gets his legislation. However, I can see no more reason for making this investigation, limited as it is, than for making an investigation into the amounts of money spent by Federal activities in furtherance of the cause of public ownership and operation of utilities—any more than there is in questioning the extent and the character of the efforts put forth by governmental agencies in this behalf.

Beyond, that, my objection to the legislation is because of my conviction that it is looking in its final purpose to an enlarged governmental participation in the utility field.

Mr. President, I am opposed to the centralizing process that is going on in this country. I am opposed to the growing meddling of the Federal Government in the social, economic, and industrial life of our people. I do not believe this is the way that leads to human betterment and human happiness. I am opposed to any legislation which I think is taking us along that path.

I merely desire in this very brief way to state my fundamental objection to this proposed legislation. Having stated that, I interpose no further objection.

Mr. ROBINSON. Mr. President, I ask the attention of the Senator from Nebraska [Mr. NORRIS]. On page 5 of the joint resolution, near the top of the page, the paragraph numbered "(7)" contains language which it appears to me should be eliminated. That language instructs the Federal Trade Commission to pass upon and report upon "the economic and social advantages and disadvantages of such ownership." Personally I have no objection to the ascertainment of facts, but it seems to me that this provision would enter the realm of a controversy about which there is much division of opinion, and that it would supply no information of great value to the Senate. It merely calls for an opinion of the Federal Trade Commission. The language is:

The extent to which municipal or public ownership of the means of producing or distributing electric energy has grown or decreased since 1920, the reasons for such growth or decline, and the economic and social advantages and disadvantages of such ownership.

Mr. NORRIS. Where is that language to be found?

Mr. ROBINSON. On page 5, lines 4 and 5, after the word "decline" in line 4, where I suggest the striking out of the words "and the economic and social advantages and disadvantages of such ownership." That would make necessary the insertion of the word "and" after the numerals "1920" in line 3. In think perhaps upon consideration of the matter the Senator from Nebraska would be willing to consent to such an amendment.

Mr. NORRIS. Apparently I have a wrong copy of the joint resolution because I do not find the language the Senator has read.

Mr. ROBINSON. On page 5, beginning in line 4, "and the economic and social advantages and disadvantages of such ownership." That would enter the realm of opinion, and I do not think it should be in the joint resolution.

Mr. NORRIS. I have no objection to striking out the language referred to by the Senator from Arkansas and inserting the word "and" after the numerals "1920" in line 3.

Mr. ROBINSON. Then I offer the amendment.

Mr. NORRIS. An amendment is now pending, offered the other day by me.

Mr. ROBINSON. Very well.

The PRESIDENT pro tempore. There are two separate prints of the joint resolution. The joint resolution now under consideration by the Senate is the second print.

Mr. NORRIS. That is the print to which the Senator from Arkansas refers.

The PRESIDENT pro tempore. First, however, in order that the parliamentary situation may be made clear, is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 95) authorizing and directing the Federal Trade Commission to make an investigation with respect to alleged efforts of privately owned public utilities unfairly to control public opinion concerning municipal or public ownership of electrical generating or distributing facilities, which had been reported from the Committee on Interstate Commerce with amendments.

The PRESIDENT pro tempore. An amendment offered by the Senator from Nebraska is pending which must be disposed of before the amendment offered by the Senator from Arkansas can be considered. The clerk will state the pending amendment.

The CHIEF CLERK. On page 3, beginning in line 20, it is proposed to strike out the following:

(4) The extent to which any such corporation or those acting on its behalf have made covert efforts to foment litigation and obtain court injunctions against the establishment, extension, or enlargement of municipal or public ownership of the means whereby electrical energy is generated or distributed or the construction of rural electrification projects.

And insert the following:

(4) The extent to which any such corporation, or any corporation or corporations, or those acting in its or their behalf, have interfered with or impeded the activities and orderly administration of any regular or emergency department or agency of the United States Government in aid of the establishment, extension, or enlargement of any municipally, publicly, or cooperatively owned or projected plant, project, or system for the generation, transmission, or distribution of electric energy; and the extent to which any corporation or those acting in its behalf have made efforts to foment litigation and obtain court injunctions to prevent such Federal aid in the establishment, extension, or enlargement of the means whereby electric energy is generated or distributed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will now report the amendments of the committee.

Mr. NORRIS. Mr. President, is there not another amendment pending?

The PRESIDENT pro tempore. There are a number of committee amendments which have not been acted upon. The amendments reported by the committee will be stated.

The CHIEF CLERK. In section 2, page 4, line 11, after the words "with the", it is proposed to insert "Federal Trade"; and in line 12, after the word "extent", it is proposed to strike out "possible" and insert "by making available to the Commission any information or data which such other agencies may have concerning the subject of this inquiry", so as to make the section read:

SEC. 2. The Federal Power Commission, the Federal Communications Commission, and other agencies of the Government are directed to cooperate with the Federal Trade Commission in such inquiry to the fullest extent by making available to the Commission any information or data which such other agencies may have concerning the subject of this inquiry.

Mr. ROBINSON. Mr. President, that has all been stricken out and other language has been inserted in lieu of the whole provision.

Mr. NORRIS. That amendment applied to the original text. It is an important amendment, however.

Mr. WHITE. Mr. President, the amendment which has just been stated is a committee amendment, I think, is it not?

Mr. NORRIS. Yes; and I think it was agreed to. It is my recollection that we agreed to the committee amendments, and then I offered several amendments, all of which have been agreed to.

The PRESIDENT pro tempore. The Chair is informed that certain amendments offered by the Senator from Nebraska were agreed to, but that there are committee amendments which have not been agreed to. The record does not show agreement to any committee amendments. The question is on agreeing to the amendment to section 2, which has just been stated.

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment offered by the Senator from Arkansas [Mr. ROBINSON] will be stated.

The CHIEF CLERK. On page 4, line 7, after the word "decline", it is proposed to strike out the comma and the following words, "and the economic and social advantages and disadvantages of such ownership."

Mr. NORRIS. Mr. President, that is not the way the amendment is printed in the copy of the joint resolution I have. The language which the Senator from Arkansas asks to have struck out is in lines 4 and 5 on page 5 of the joint resolution. I have no objection to striking out the language, however, no matter where it is.

The PRESIDENT pro tempore. The Chair will again state that in the official print of the joint resolution, which is being used at the desk, the language referred to will be found on page 4 instead of page 5.

Mr. NORRIS. Then the clerk is using one print and we are using another. However, I have no objection to the amendment.

Mr. ROBINSON. Wherever the following words appear in the bill I move to strike them out:

And the economic and social advantages and disadvantages of such ownership.

And after "1920", in paragraph (7), I move to insert the word "and."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

Mr. KING. Mr. President, I send to the desk an amendment, which I ask to have stated. I did not have the reprint before me when I drafted the amendment, and I am not sure whether the amendment I offer properly applies to the pages and lines of the reprint.

Mr. NORRIS. The clerk can easily ascertain that, because the amendment of the Senator from Utah commences with a number in parentheses.

Mr. KING. Yes.

Mr. NORRIS. What number is it?

Mr. KING. Eight.

Mr. NORRIS. In the copy of the joint resolution which the clerk has, the amendment would come at the end of line 8, page 4.

Mr. KING. I have submitted a copy of the amendment to my friend from Nebraska.

The PRESIDENT pro tempore. The amendment offered by the Senator from Utah will be stated.

The CHIEF CLERK. On page 4, following the words just stricken out on motion of the Senator from Arkansas, the Senator from Utah proposes to insert the following:

9. The extent to which the Federal Government, through the Tennessee Valley Authority, the Rural Electrification Administration, the Federal Emergency Administration of Public Works, the Works Progress Administration, and other agencies, has issued propaganda, and has made efforts to influence or control public opinion through the expenditure of public funds for the purposes of encouraging and increasing the establishment, extension, or enlargement of municipal or public ownership of the means by which electrical energy is generated or distributed.

10. The extent to which the Federal Government, through its various agencies, has issued propaganda directed against privately owned power companies or corporations engaged in the generation or distribution of electrical energy for the purpose of discrediting such companies and corporations and their business operations.

11. The extent to which organizations have been formed in the various States for the purposes of encouraging and increasing public ownership of the means by which electrical energy is generated or distributed, the amounts expended during the last 10 years by such organization for such purposes and the extent to which such organizations have issued propaganda for such

poses and have sought the cooperation of and have been aided by officials and agencies of the Federal Government in connection therewith.

12. The efforts made by any such agencies or organizations to secure appropriations to enable the Federal Government to enter into the business of producing and distributing electrical energy and the total amounts appropriated by Congress during the last 10 years for such purposes.

13. The amounts obtained during the last 20 years by the various States and their political subdivisions through grants-in-aid and loans from the various agencies of the Federal Government for the purposes of enabling the States and their political subdivisions to establish, extend, or enlarge facilities for the production, distribution, and transmission of electrical energy, and the amounts obtained during such 20-year period by the various States and their political subdivisions for such purposes from local taxation and the issuance of bonds or other securities.

14. The amount by which the revenue derived by the Federal Government and by the various States and their political subdivisions from the taxation of private companies and corporations engaged in the generation and distribution of electrical energy has been decreased during the last 20 years as a result of the increase in public ownership of the means by which electrical energy is generated or distributed.

Mr. ROBINSON. Mr. President, I should like to ask the Senator from Utah why he fixes a period of 20 years for this phase of the inquiry.

Mr. KING. That period is rather arbitrary. I assumed that prior to that time not very much money was expended for the purpose indicated. I have no objection to a different limitation.

Mr. NORRIS. I have no objection to the period of 20 years. Personally, I do not care what period is specified.

Mr. ROBINSON. A difficulty about taking a 20-year period suggests itself to me. The Senator may have gone into the matter. If he has done so, I should like to hear his statement about it; but manifestly it would be a very difficult and prolonged task to investigate all these questions over an entire period of 20 years. I am wondering if the purpose of the Senator could not be accomplished by fixing a much briefer period.

Mr. KING. I have no objection to striking out "20" and inserting "10."

Mr. NORRIS. Very well; the Senator can modify his amendment by making the period 10 years instead of 20 years.

Mr. KING. I have no objection to that modification. Let the amendment be adopted as modified.

Mr. NORRIS. No; I am going to offer some amendments to the amendment.

Mr. President, there are some things in the amendment, one of which was pointed out by the Senator from Arkansas, which will increase the cost of the investigation. There are a few other things which are matters of record; namely, amounts which anybody can search for and ascertain if he wishes the information. I admit that it would be desirable to have them all together.

I am not in a position to object to the Senator's amendment because it goes into the other side of the question, and asks, in substance, whether Government officials have been guilty of propaganda in working up cases. I shall not object to both sides being investigated; but, if that is done, I want the investigators to conclude something besides what the Senator has asked them to conclude. I, therefore, offer an amendment to the amendment of the Senator from Utah.

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

Mr. NORRIS. Yes.

Mr. KING. Is the Senator offering his amendment as the result of the last section of my amendment, calling for an investigation as to the loss of taxes? If so, I am willing to withdraw it.

Mr. NORRIS. Oh, no; my amendment does not affect that at all.

Mr. KING. The last part of the amendment I offer calls for an ascertainment of the diminution in the amount of taxes which States and their political subdivisions have received by reason of the increase of public ownership of the means of generating or distributing electrical energy.

Mr. NORRIS. That is an amendment which is always offered by those who are opposing any proposal of this kind. The Senator from Utah offers it as an amendment, and I agree to that part of his amendment. I shall be glad to have it in the joint resolution. Let us go into the tax question. There is one other thing, however; and I now offer, Mr. President, an amendment to insert, at the end of paragraph (13) of the amendment offered by the Senator from Utah, the matter which I send to the desk.

The PRESIDENT pro tempore. The amendment offered by the Senator from Nebraska to the amendment of the Senator from Utah will be stated.

The CHIEF CLERK. Following subdivision (13) of the amendment offered by Mr. KING, it is proposed to strike out the period and insert a semicolon and the following language:

And the degree to which municipalities and farm organizations have been embarrassed, delayed, and prevented from extending or enlarging the facilities for the generation, distribution, or transmission of electric energy by the private power companies, the extent to which such private power companies have been successful in embarrassing, delaying, and preventing such political subdivisions from engaging in the generation, distribution, or transmission of electric energy, the amount of money that has been expended by such municipalities or farm organizations in opposing the litigation started and instituted by private power companies, and the losses, if any, that have been sustained by such municipalities or farm organizations in the prices they have been compelled to pay for electric energy on account of such efforts on the part of private power companies to embarrass, delay, and prevent the generation, distribution, or transmission of electric energy.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nebraska to the amendment of the Senator from Utah.

The amendment to the amendment was agreed to.

Mr. NORRIS. Mr. President, I offer another amendment. At the end of subdivision (13) I move to add the language I send to the desk. I would like to say that subdivision (13) reads as follows:

The amount by which the revenue derived by the Federal Government and by the various States and their political subdivisions from the taxation of private companies and corporations engaged in the generation and distribution of electrical energy has been decreased during the last 10 years as a result of the increase in public ownership of the means by which electrical energy is generated or distributed.

At the end of that will come the amendment.

The PRESIDING OFFICER. The clerk will state the proposed amendment.

The CHIEF CLERK. It is proposed to strike out the period at the end of subdivision (13) and insert a semicolon and the following:

and the amount, if any, by which the prices paid by the consumers of electrical energy have been decreased during the last 10 years as a result of the increase in such public ownership of the means by which electric energy is generated, transmitted, or distributed.

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

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now recurs on the amendment of the Senator from Utah as amended.

The amendment as amended was agreed to.

Mr. KING. Mr. President, I suggest to the able Senator from Nebraska that perhaps, conformable to the practice, the preamble should be eliminated.

Mr. NORRIS. I have no objection to eliminating the preamble. That would come after the adoption of the resolution, however.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the joint resolution.

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

Mr. KING. Mr. President, I now move that the preamble be stricken out.

Mr. NORRIS. I have no objection. Indeed, I withdraw the preamble.

The PRESIDENT pro tempore. Without objection, the preamble is stricken from the resolution.

Mr. NORRIS subsequently said: Mr. President, under the order under which we are proceeding I cannot make some comments I desire to make, but at the conclusion of the consideration of the calendar under the unanimous-consent agreement I shall offer some remarks, as soon as I can get recognition from the Chair, bearing on the joint resolution to which the Senate has just agreed.

PURCHASE OF COTTON POOL PARTICIPATION TRUST CERTIFICATES

The bill (S. 2111) to provide for the purchase of outstanding cotton pool participation trust certificates, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator who objected withhold his objection a moment?

Mr. VANDENBERG. Certainly.

Mr. THOMAS of Oklahoma. Some years ago Congress passed what is known as the Bankhead Cotton Control Act. Under that act the cotton growers of the country were allocated the right to grow a certain number of bales of cotton per farm, and each of the farmers was given certificates, or tags, to be attached to the bales of cotton as delivered.

Some of the farmers, in the more favored sections, grew the number of bales allocated, but in some States the crop was poor and the farmers did not grow their allotted number of bales, so there were left in their hands some unused certificates.

When the cotton pool was terminated and the business closed, there was found to be a profit of about $1,800,000. It could not be foreseen that there would be any profit; it was presumed that every farmer would grow enough cotton to use up his tags. But that is the condition in which the farmers found themselves when the pool was closed.

The bureau having charge of cotton production could not distribute the surplus among the certificate holders.

It had to deliver the money to the Treasury. So there is that fund in the Treasury to the credit of the holders of these unused tags, and the bill proposes to make distribution of that fund to the holders of the tags. That is all the bill provides.

Mr. VANDENBERG. On the last call of the calendar the senior Senator from Oregon [Mr. MCNARY] asked that the bill go over, and I am asking that it go over until the Senator from Oregon returns to the floor. That is my sole interest in the matter.

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

Mr. BLACK subsequently said: Mr. President, a few moments ago, while I was out of the Chamber, Calendar No. 477, Senate bill 2111, relating to the purchase of cotton pool participation trust certificates, was reached during the call of the calendar. It is a bill which was introduced by my colleage the junior Senator from Alabama [Mr. BANKHEAD], who is now out of the city.

When the bill was called last week the senior Senator from Oregon [Mr. MCNARY] objected to its consideration. He stated at the time that he desired to make an investigation. Later my colleague and myself had a conversation with the Senator from Oregon, and I understood from the Senator from Oregon that he had investigated the bill and no longer had any objection to it. I therefore request that the Senate return to the bill and consider it at this time. I make this statement for the reason that the Senator from Michigan [Mr. VANDENBERG] objected when the bill was called today because of the previous objection of the Senator from Oregon. If the bill shall be taken up and passed and the Senator from Oregon shall have any objection to it, I myself will be glad to ask unanimous consent that the action of the Senate, if it shall take favorable action today, be set aside.

Mr. VANDENBERG. Mr. President, under those circumstances I have no further objection.

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

There being no objection, the Senate proceeded to consider the bill (S. 2111) to provide for the purchase of outstanding cotton pool participation trust certificates, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 2, line 12, after the word "form", to strike out "C–51" and to insert "C–5–I"; on line 16, after the words "thereof on", to strike out "February" and insert "May"; on line 20, to strike out "C–51" and to insert "C–5–I"; on page 3, line 17, after the word "form", to strike out "C–51" and insert "C–5–I"; on page 4, line 2, to strike out "February" and insert "May"; on line 14 to strike out "C–51" and insert "C–5–I", so as to make the bill read:

Be it enacted, etc., That there is hereby appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, the sum of $1,800,000, or so much thereof as may be required by the Secretary of Agriculture to accomplish the purposes hereinafter declared and authorized. The Secretary of the Treasury is hereby authorized and directed to pay to, or upon the order of, the Secretary of Agriculture, such a part or all of the sum hereby appropriated at the request of the Secretary of Agriculture.

SEC. 2. The Secretary of Agriculture is hereby authorized to draw from the Treasury of the United States any part or all of the sum hereby appropriated, and to deposit same to his credit with the Treasurer of the United States, under special symbol number, to be available for disbursement for the purposes hereinafter stated.

SEC. 3. The Secretary of Agriculture is hereby authorized to make available, from the sum hereby appropriated, to the manager, cotton pool, such sum or sums as may be necessary to enable the manager to purchase, take up, and cancel, subject to the restrictions hereinafter reserved, pool participation trust certificates, form C–5–I, where such certificates shall be tendered to the manager, cotton pool, by the person or persons shown by the records of the United States Department of Agriculture to have been the lawful holder and owner thereof on May 1, 1937, the purchase price to be paid for the certificates so purchased to be at the rate of $1 per 500-pound bale for every bale or fractional part thereof represented by the certificates C–5–I. The Secretary of Agriculture is further authorized to pay directly, or to advance to the manager, cotton pool, to enable him to pay costs and expenses incident to the purchase of certificates as aforesaid, and any balance remaining to the credit of the Secretary of Agriculture, or the manager, cotton pool, not required for the purchase of these certificates in accordance with provisions of this act, shall, at the expiration of the purchase period, be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 4. The authority of the manager, cotton pool, to purchase and pay for certificates hereunder shall extend to and include the 31st day of January 1938: *Provided*, That after expiration of the said limit, the purchase may be consummated of any certificates tendered to the manager, cotton pool, on or before January 1, 1938, but where for any reason the purchase price shall not have been paid by the manager, cotton pool. The Secretary of Agriculture is authorized to promulgate such rules, regulations, and requirements as in his discretion are proper to effectuate the general purposes of this act, which purpose is here stated to be specifically to authorize the purchase of outstanding pool participation trust certificates, form C–5–I, for a purchase price to be determined at the rate of $1 per bale, or 0.21 cent per pound, for the cotton evidenced by the said certificates, provided such certificates be tendered by holders thereof in accordance with regulations prescribed by the Secretary of Agriculture not later than the 31st day of January 1938, and provided such certificates may not be purchased from persons other than those shown by the records of the United States Department of Agriculture to have been holders thereof on or before the 1st day of May 1937.

SEC. 5. The Secretary of Agriculture is authorized to continue in existence the 1933 cotton producers' pool so long as may be required to effectuate the purposes of this act. All expense incident to the accomplishment of purposes of this act may be paid from funds hereby appropriated, for which purpose the fund hereby appropriated shall be deemed as supplemental to such funds as are now to the credit of the Secretary of Agriculture, reserved for the purpose of defraying operating expenses of the pool.

SEC. 6. The authorization contained in this act for the purchase of outstanding participation trust certificates, C–5–I, is not intended as recognizing or establishing any right or claim in the holders thereof against the United States, or any obligation on the part of the United States to purchase these certificates, but is in the nature of a gratuitous action on the part of the United States to accomplish the distribution of a surplus resulting from cotton operations, amongst those persons, or their assignees, who have come to be the bona-fide holders and owners of these certificates and who, as such certificate holders, came to believe that they were entitled to a distribution of all net proceeds derived from marketing of the cotton involved in the transaction. After expiration of the time limit herein established, the certificates then remaining outstanding and not theretofore tendered to the manager, cotton pool, for purchase, shall not be purchased and no obligation on account thereof shall exist.

The amendments were agreed to.

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

PRACTICE BEFORE THE PATENT OFFICE

The Senate proceeded to consider the bill (S. 477) to prevent fraud, deception, or other improper practice in connection with business before the United States Patent Office, and for other purposes:

Be it enacted, etc., That it shall be unlawful for any person who has not been duly recognized to practice before the United States Patent Office in accordance with the provisions of section 487 of the Revised Statutes (U. S. C., title 35, sec. 11) and the rules of the Patent Office to hold himself out or permit himself to be held out as a patent solicitor, patent agent, or patent attorney, or otherwise in any manner hold himself out, either directly or indirectly, as authorized to represent applicants for patent in their business before the Patent Office, and it shall be unlawful for any person who has, under the authority of section 487 of the Revised Statutes (U. S. C., title 35, sec. 11) been disbarred or excluded from practice before the Patent Office, and has not been reinstated, to in any manner whatever hold himself out as entitled to represent or assist persons in the transaction of business before the Patent Office or any division thereof; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine of not less than $50 and not exceeding $500.

Mr. KING. Mr. President, I see the chairman of the Committee on Patents present, and I should like to have an explanation of the bill. Several years ago a similar bill was introduced and defeated, whether on a record vote or not I am unable to state. I should like to inquire of the Senator from California whether this bill parallels the bill to which I refer, whether it is broader or narrower in its scope.

Mr. McADOO. Mr. President, it is not as broad as the bill to which the Senator has referred. The brief report of the committee I think states more explicitly, and perhaps more lucidly than I myself could, what the bill contemplates.

The measure merely seeks to prevent persons who are not permitted to practice before the Patent Office, or persons who have been disbarred from practice before that Office, from holding themselves out as patent attorneys and as able to assist people applying for patents. Great abuse has arisen from the fact that many people are induced by so-called patent attorneys to put their cases in their hands when the so-called attorneys have no authority to practice before the Patent Office. The sole object of the bill is to prevent such abuses.

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

Mr. McADOO. I yield.

Mr. KING. The bill to which the Senator referred, which was defeated, was broad enough, as I recall—though it has been 4 or 5 years since it was under consideration—to penalize an individual who was a mere draftsman, living, for instance, in Los Angeles, or some remote part of the United States, who was importuned because of his ability as an engineer or as a draftsman, to help an inventor of a mechanical device to draw the plans and designs required by the Patent Office.

I recall that a number of instances were brought to the attention of Members of the Senate of penalties being inflicted upon men who were rendering valuable service in remote parts of the United States where there were no patent attorneys. The inventor of some mechanical device, being unable to come to Washington and hire a lawyer, utilized the best ability he could find. Those men were penalized and prevented from carrying on that work, which was not so much the work of an attorney as of a draftsman or engineer. I was wondering whether this bill went as far as that.

Mr. McADOO. No; it does not go that far. I understand the point the Senator makes, and we interrogated the Commissioner of Patents, who came before the committee, particularly about that very point, and I think it is perfectly clear from the bill that it does not go as far as the Senator thinks it does. I believe the measure is a perfectly appropriate one, and ought to be passed.

Mr. ROBINSON. Mr. President, I think that, in order to accomplish the purpose which I am sure the Senator from California has in mind and intends to work out, there should be inserted before the word "permit", in line 7, the word "knowingly."

Mr. McADOO. I have no objection to that. I accept the amendment.

The PRESIDENT pro tempore. The Clerk will state the amendment.

The CHIEF CLERK. It is proposed, on page 1, line 7, before the word "permit", to insert the word "knowingly."

The amendment was agreed to.

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

WILLIAM A. M'MAHAN

Mr. CONNALLY. Mr. President, I ask unanimous consent to return to Order of Business 455, being House bill 1254, for the relief of William A. McMahan, and that the bill be now considered.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 1254) for the relief of William A. McMahan, which was read, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, the claim of William A. McMahan, of El Paso, Tex., for disability alleged to have been incurred by him during the period from September 1923 through February 1924, while in the employment of the Post Office Department as postmaster at Sidon, Ark., and to determine said claim upon its merits under the provisions of said act: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the enactment of this act.

Mr. CONNALLY. I desire to invite the attention of the Senator from Utah to the bill. It merely permits the filing of a claim with the Employees' Compensation Commission after the expiration of the statutory period of limitation.

The claimant in this case was a postmaster in Arkansas, who claims that during the time he was in the Government service he contracted tuberculosis. That accounts for his residence in El Paso, Tex. I have no personal knowledge of the transactions in Arkansas, but the fact the man left that State and moved to El Paso is somewhat corroborative of his claim that he had tuberculosis, because El Paso is a place famous for the cure of the disease. I urge the Senator from Utah to permit the bill to be passed. It does not make any charge upon the Treasury.

Mr. ROBINSON. Mr. President, as the Senator states, if I understand him, the effect of the bill would be to remove the bar of the statute of limitations.

Mr. CONNALLY. That is all. Unless the Compensation Commission finds that the claims is meritorious and is substantiated by proof, the claimant will not get anything. The bill merely gives him a day in court, and I think every resident of Arkansas and of Texas is entitled to his day in court.

Mr. KING. Mr. President, why has there been such a long delay? It has been 13 years. It would seem to me that the man ought to have discovered that he had a claim long before this.

Mr. CONNALLY. There is a certificate of a doctor somewhere in the record that tuberculosis originated while the man was in the Postal Service in Arkansas.

Mr. ROBINSON. According to the report, a bill on the subject was introduced as early as January 1926.

Mr. CONNALLY. In one form or another the claim has been pending a long while, and we thought the best way to dispose of it was for the claimant to file his claim with the Compensation Commission, and if he cannot make out a case there he is through.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

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

Mr. CONNALLY. I thank the Senator from Utah. I was sure that when advised of the facts in the case, the Senator would have no objection to the consideration of the bill.

BILL PASSED OVER

The bill (S. 1883) to amend section 9 of the Trade-Mark Act of February 20, 1905, as amended (U. S. C., title 15, sec. 89), was announced as next in order.

Mr. McADOO. I ask that the bill be passed over.

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

RESERVATION OF LAND FOR SHIVWITZ BAND OF INDIANS

The Senate proceeded to consider the bill (S. 1833) to reserve certain lands in the State of Utah for the Shivwitz Band of Paiute Indians, which was read, as follows:

Be it enacted, etc., That the boundary of the Shivwitz Indian Reservation in Utah is hereby extended to include the south half of section 14, and the south half of section 15, and section 16, township 41 south, range 17 west, Salt Lake meridian: *Provided*, That the Secretary of the Interior shall designate a stock driveway across said reservation not to exceed 660 feet in width, from a point on the east line of section 23, township 41 south, range 17 west, in a northwesterly direction through Jacobs Twist to an exit through section 16, township 41 south, range 17 west, Salt Lake meridian. The said driveway shall be staked and shall be used in accordance with rules and regulations which shall be prescribed by the Secretary of the Interior.

Valid rights in the above lands initiated prior to the approval hereof shall not be affected by this act. Any lands not belonging to the United States within the described area may be exchanged for other lands outside said area under the terms and conditions of the Act of May 3, 1902 (32 Stat. L. 188), or the Act of June 28, 1934 (48 Stat. L. 1269), as amended, and any lands so acquired by the United States shall become a part of the said reservation.

Mr. ROBINSON. Mr. President, I suggest that the Senator from Utah [Mr. KING] make an explanation of the bill.

Mr. KING. Mr. President, this bill was prepared by the Indian Office, not at my instance. There are a number of scattered tribes of Indians in Utah. Some of them have lands not adequate in acreage, and the Government has contiguous territory. The Office of Indian Affairs and the Department of the Interior have recommended the passage of this bill and two others of similar nature to give from the public domain additional lands to the Indians.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

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

RESERVATION OF LANDS FOR KANOSH BAND OF INDIANS

The Senate proceeded to consider the bill (S. 1876) to reserve certain lands in the State of Utah for the Kanosh Band of Paiute Indians, which was read, as follows:

Be it enacted, etc., That the boundary of the Kanosh Indian Reservation in Utah is hereby extended to include the west half of the northwest quarter of section 1, and the northeast quarter of section 22, township 23 south, range 5 west, Salt Lake meridian: *Provided*, That the Secretary of the Interior shall designate a stock driveway across said reservation not to exceed 660 feet in width. The said driveway shall be staked and shall be used in accordance with rules and regulations which may be prescribed by the Secretary of the Interior. Valid rights in the above lands initiated prior to the approval hereof shall not be affected by this act.

Mr. KING. Mr. President, the same situation exists with respect to this bill as with respect to the previous bill, concerning which I made explanation.

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

RESERVATION OF LANDS FOR THE KOOSHAREM BAND OF INDIANS

The Senate proceeded to consider the bill (S. 1877) to reserve certain lands in the State of Utah for the Koosharem Band of Paiute Indians, which was read, as follows:

Be it enacted, etc., That the boundary of the Koosharem Indian Reservation in Utah is hereby extended to include the east half of section 8, township 27 south, range 1 west, Salt Lake meridian. Valid rights in the above lands initiated prior to the approval hereof shall not be affected by this act.

Mr. KING. Mr. President, the same situation exists with respect to this bill as with respect to the two previous bills.

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

BILL PASSED OVER

The bill (S. 1585) for the relief of Sallie S. Twilley was announced as next in order.

Mr. RADCLIFFE. I ask that the bill be passed over.

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

LUCILLE M'CLURE

The Senate proceeded to consider the bill (S. 707) for the relief of Lucille McClure, which had been reported from the Committee on Claims with an amendment at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lucille McClure the sum of $3,600, compensation as the widow of former Deputy Administrator of Prohibition H. S. McClure, of Spokane, Wash., whose death on January 15, 1929, was caused by injuries sustained while in the Government service: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

WIDOW OF WILLIAM J. COCKE

The bill (S. 931) for the relief of the widow of the late William J. Cocke was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nola Dilworth Cocke, widow of the late William J. Cocke, of North Carolina, the sum of $9,116.88 in full settlement of all claims against the Government for losses growing out of contracts with the War Department, one dated July 1, 1918, for the purchase of garbage from Camp Green, situate at or near the city of Charlotte, N. C., and the other dated September 3, 1918, for Camp Wadsworth, situate at or near the city of Spartanburg, S. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

EVA MARKOWITZ

The Senate proceeded to consider the bill (H. R. 458) for the relief of Eva Markowitz.

Mr. BROWN of Michigan. Mr. President, by direction of the Committee on Claims, I offer an amendment to the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 7, after the word "exceed", it is proposed to strike out "$5,000" and insert "$2,500", and on the same page, line 8, before the word "each", it is proposed to strike out "$100" and insert "$50", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eva Markowitz, of New York City, N. Y., for herself and on behalf of her three minor children, not to exceed $2,500, in monthly installments of $50 each, in full settlement of all claims against the Government on account of the death of her husband, the late Max Markowitz, who fell from and was run over by a Government-owned truck on April 30, 1935, when he was being transported from assigned work at the United States Northeastern Penitentiary, Lewisburg, Pa.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It

shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000: *Provided further*, That payments hereunder shall commence on the first day of the calendar month following the enactment of this act.

The amendment was agreed to.

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

The bill was read the third time and passed.

D. B. CARTER

The bill (H. R. 3573) for the relief of D. B. Carter was considered, ordered to a third reading, read the third time, and passed.

MAY HOWARD BLOEDORN

The bill (H. R. 1092) for the relief of May Howard Bloedorn was considered, ordered to a third reading, read the third time, and passed.

PAYMENT OF SALARIES FOR DECEMBER ON DECEMBER 20

The Senate proceeded to consider the joint resolution (H. J. Res. 228) authorizing the payment of salaries of the officers and employees of Congress for December on the 20th day of that month each year, which was read, as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol Police and office of Legislative Counsel, and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December on the 20th day of that month, each year, except when the 20th of the month falls on Sunday, in which case the said salaries shall be paid on the 19th of December.

Mr. ROBINSON. Mr. President, what change will the joint resolution make in existing law?

Mr. BYRNES. Mr. President, the joint resolution was considered by the Committee on Appropriations. Under the joint resolution it is proposed only to authorize the Secretary of the Senate and the Clerk of the House of Representatives to pay the salaries of employees of the two bodies on the 20th of December of each year instead of after Christmas. The financial clerk of the Senate said that it had been done by resolution each year, but he asked that it be done in this way so as to avoid trouble hereafter.

The PRESIDENT pro tempore. The question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 410) for the relief of the legal guardian of Roy D. Cook, a minor, was announced as next in order.

Mr. KING. Mr. President, I find that there is an adverse recommendation by the Post Office Department on this bill.

Mr. BROWN of Michigan. The Senator from Oregon [Mr. MCNARY] desires that the bill go over.

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

HAROLD DUKELOW

The Senate proceeded to consider the bill (S. 1046) for the relief of Harold Dukelow, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 6, after the words "sum of", to insert "$2,500", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harold Dukelow, of Pierre, S. Dak., the sum of $2,500 in full satisfaction of his claim against the United States for compensation for the loss of an eye and other bodily injuries received by him in June 1923 as a result of the explosion of a fuse left on a firing range used by the One Hundred and Forty-seventh Field Artillery, South Dakota National Guard, at Pierre, S. Dak.

The amendment was agreed to.

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

CLAIMS OF WALTER T. KARSHNER AND OTHERS

The Senate proceeded to consider the bill (H. R. 1377) conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Walter T. Karshner, the sum of $157.95; to Katherine Karshner, the sum of $29.50; to Anna M. Karshner, the sum of $153.51; and to Mrs. James E. McShane, the sum of $139.50, in full and final settlement of any and all claims against the Government for damages resulting from personal injuries and property damage received by them on January 29, 1935, at Columbus, Ohio, by reason of an automobile collision involving a Civilian Conservation Corps truck: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. KING. Mr. President, I inquire of members of the Committee on Claims whether it is a wise provision to authorize these suits to be brought in the district courts, as was done by the bill as passed by the House, rather than in the Court of Claims, where, if there is a valid claim against the United States, the action should be brought. I know that several sessions ago the view strongly prevailed that where the Government authorized a forum such as the Court of Claims, persons having contractual rights or having claims under tort proceedings should present their facts to that court and obtain such verdicts as might be proper.

Mr. BROWN of Michigan. In this case the claim for damages is rather large. The Committee on Claims came to the conclusion that if we paid the actual expenses incurred by the injured persons by reason of their hospitalization, that ought to be sufficient.

Whether or not the Government is responsible in this case is a very close question, a very doubtful one. Under all the facts, we thought that if we paid the doctors' bills and paid the hospitalization charges, that ought to be sufficient.

Mr. ROBINSON. The committee reported an amendment paying these small hospital bills.

Mr. BROWN of Michigan. Yes; something like $600. We did not pass on the jurisdiction of the Federal courts.

Mr. KING. I have no objection to the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Walter T. Karshner, Katherine Karshner, Anna M. Karshner, and Mrs. James E. McShane."

PRINTZ-BIEDERMAN CO.

The bill (H. R. 3326) for the relief of Printz-Biederman Co. was considered, ordered to a third reading, read the third time, and passed.

JAMES M. WINTER

The bill (H. R. 1346) for the relief of James M. Winter was considered, ordered to a third reading, read the third time, and passed.

UNION SHIPPING & TRADING CO., LTD.

The bill (H. R. 859) for the relief of the Union Shipping & Trading Co., Ltd., was considered, ordered to a third reading, read the third time, and passed.

HELEN MARIE LEWIS

The bill (H. R. 2218) for the relief of Helen Marie Lewis was considered, ordered to a third reading, read the third time, and passed.

DONALD L. BOOKWALTER

The bill (H. R. 2352) for the relief of Donald L. Bookwalter was considered, ordered to a third reading, read the third time, and passed.

NORTHEASTERN PIPING AND CONSTRUCTION CORPORATION

The Senate proceeded to consider the bill (S. 1448) for the relief of the Northeastern Piping & Construction Corporation, of North Tonawanda, N. Y., which had been reported from the Committee on Claims with an amendment at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Northeastern Piping & Construction Corporation, of North Tonawanda, N. Y., the sum of $1,175, said sum representing the amount withheld as liquidated damages under contract ACpp–76, dated June 9, 1933, for changes in the Capitol power heating tunnel, the same to be in full settlement of all claims against the Government growing out of said contract: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

CLAIMS OF ACHILLE AND ALBERT RETELLATTO

The Senate proceeded to consider the bill (H. R. 3575) conferring jurisdiction upon the United States District Court for the Eastern District of New York to hear, determine, and render judgment upon the claims of Achille and Albert Retellatto, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Albert Retellatto, a minor, the sum of $3,000, in full and final settlement of any and all claims for damages resulting from injuries received by said Albert Retellatto when he was struck by a United States mail truck no. 3392 on Bay Twentieth Street, near Benson Avenue in Brooklyn, N. Y., on November 4, 1929: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Albert Retellatto, a minor."

RETIREMENT OF EMPLOYEES OF LEGISLATIVE BRANCH

The bill (H. R. 2091) to amend the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government to include all other employees in the legislative branch was announced as next in order.

Mr. VANDENBERG. I ask that the bill be passed over.

Mr. HAYDEN. Mr. President, I wonder if the Senator who asked that the bill go over will permit me to make a statement with respect to the bill.

The PRESIDING OFFICER. Does the Senator from Michigan withhold the objection for that purpose?

Mr. VANDENBERG. I do.

Mr. HAYDEN. This bill appears to be a very meritorious piece of legislation. It passed the House of Representatives on February 17. According to the committee report, the measure probably affects about 35 employees in the legislative branch of the Government who have been here for many years. The chairman of the Committee, the Senator from South Dakota [Mr. BULOW], is not present; but I hope he will move to take up the bill for consideration at an early date.

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

Mr. HAYDEN. I yield.

Mr. COPELAND. I am extremely favorable to the passage of this bill, and I myself was about to ask that it go over for today, because some one or two matters are still in dispute among those of us who favor the bill. I hope that, in the near future, the bill may be given favorable consideration.

The PRESIDING OFFICER. On objection, the bill will be passed over. The clerk will state the next bill in order on the calendar.

POINT PLEASANT BATTLE MONUMENT, W. VA.

The bill (S. 1300) to complete the Point Pleasant Battle Monument, Point Pleasant, W. Va., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to complete the Point Pleasant Battle Monument, at Point Pleasant, W. Va., by the erection of a suitable base and by the installation of a bronze tablet or tablets, upon which shall be inscribed the names of all known men who participated in the Battle of Point Pleasant, with provision for all other names of the men who participated as may hereafter be identified.

SEC. 2. That there is hereby authorized to be appropriated the sum of $25,000 to carry out the provisions of this act.

CORRECTION OF CERTAIN MILITARY RECORDS

The Senate proceeded to consider the bill (S. 39) to correct the military records of DeRosey C. Cabell, Thomas McF. Cockrill, James N. Caperton, Junius H. Houghton, Otto F. Lang, Paul B. Parker, James DeB. Walbach, and Victor W. B. Wales, which had been reported from the Committee on Military Affairs, with amendments, on page 1, line 7, after the name "Cabell", to strike out "Thomas McF." and insert "McFarland"; at the beginning of line 9, to strike out "Lang" and insert "Lange"; and in the same line, after the name "James", to strike out "DeB." and insert "deB.", so as to make the bill read:

Be it enacted, etc., That the following-named officers and former officers of the United States Army shall be entitled to count all their service as cadets at the United States Military Academy in computing for any purpose length of service of any officers of the Army: DeRosey C. Cabell, McFarland Cockrill, James N. Caperton, Junius H. Houghton, Otto F. Lange, Paul B. Parker, James deB. Walbach, and Victor W. B. Wales: *Provided*, That this act shall not be construed as authorizing the payment of any back pay and allowances that may have accrued prior to the passage of this act.

The amendments were agreed to.

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

The title was amended so as to read: "A bill to correct the military records of DeRosey C. Cabell, McFarland Cockrill, James N. Caperton, Junius H. Houghton, Otto F. Lange, Paul B. Parker, James deB. Walbach, and Victor W. B. Wales."

RETIREMENT PAY OF CERTAIN MILITARY OFFICERS

The bill (S. 423) providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War was announced as next in order.

Mr. GEORGE. Mr. President, I hardly think that this bill could be disposed of without some debate. I therefore ask that it go over, and I will move to take it up at an early date in the future.

The PRESIDING OFFICER. On objection, the bill will be passed over.

AGRICULTURAL APPROPRIATIONS

The PRESIDING OFFICER (Mr. CLARK in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6523) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes, and

requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. RUSSELL. I move that the Senate insist on its amendments, agree to the request of the House of Representatives for a conference thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RUSSELL, Mr. HAYDEN, Mr. COPELAND, Mr. SMITH, and Mr. NYE conferees on the part of the Senate.

SECOND DEFICIENCY APPROPRIATIONS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6730) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1937, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1937, and June 30, 1938, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ADAMS. I move that the Senate insist on its amendments, consent to the conference asked by the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, and Mr. HALE conferees on the part of the Senate.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 88) providing for the participation of the United States in the World's Fair to be held by the San Francisco Bay Exposition was announced as next in order.

Mr. JOHNSON of California. Let the joint resolution go over, please.

The PRESIDING OFFICER. The joint resolution will be passed over.

MAUDE P. GRESHAM

The Senate proceeded to consider the bill (S. 1453) for the relief of Maude P. Gresham, which had been reported from the Committee on Naval Affairs with an amendment, on page 1, at the beginning of line 6, to strike out "Navy, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 in full settlement for the late Commander William F. Gresham's invention which has" and insert "Navy, the sum of $8,750, and to Agnes M. Driscoll the sum of $6,250, out of any money in the Treasury not otherwise appropriated, said sums to be in full and complete settlement of all claims by said parties against the United States arising from the invention of the late Commander William F. Gresham, which said invention has", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Maude P. Gresham, widow of William F. Gresham, late commander, United States Navy, the sum of $8,750, and to Agnes M. Driscoll the sum of $6,250, out of any money in the Treasury not otherwise appropriated, said sums to be in full and complete settlement of all claims by said parties against the United States arising from the invention of the late Commander William F. Gresham, which said invention has been accepted by the Navy Department for use in connection with naval communication facilities: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. ROBINSON. Mr. President, this bill carries a considerable sum, more than is usually reported in various claims bills. I should like to have an explanation of the measure.

Mr. WALSH. Mr. President, this bill proposes to compensate the widow of a naval officer who devised a remarkable apparatus insuring secrecy in naval communications. The Navy Department thought it was of such value to the national defense that they confiscated the invention so as to prevent its becoming patented; for, had it been patented, it would be publicly known to the world.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. WALSH. I yield.

Mr. CONNALLY. Is there not now a statute that requires all Government employees who perfect inventions in line of duty to transfer their rights to the Government?

Mr. WALSH. I know of no such law.

Mr. CONNALLY. I think there is a statute to that effect.

Mr. WALSH. I am informed there are several decisions of the United States Supreme Court to the effect that, first, if the Government employs a man to perfect an invention, the Government is the sole owner of the invention; second, if a man makes an invention while employed by the Government, the Government is entitled to use it without compensation, but it does not have the exclusive right to the use of the invention. In other words, the Government could make use of the invention of one of its employees but could not prevent it from being patented and the Government employee making other uses of it than governmental.

In this particular case, in order to prevent the invention's being patented, the Government confiscated it so as to have exclusive control thereof for national-defense purposes. This action denied Commander Gresham his right to have his invention used by others than the Government. All of these factors were considered by the Navy and studied by the Naval Board who passed upon this claim.

The device was exhibited to the committee. It is believed that it provides a new system of communication that will practically make it impossible during time of war for an enemy to decipher the code used by our Government. The device perfected by Commander Gresham is supposed to represent the latest and most perfect means of insuring the transmission of communications without possibility of their being translated or decoded. It is considered of very great value.

Commander Gresham, who invented the machine, died before he could bring about an adjustment with the Government. He asked for $30,000. This bill, introduced at the request of the Navy Department, provides, on the recommendation of the Navy Department, a payment to Commander Gresham's widow and to another person who collaborated with Commander Gresham in perfecting the invention.

The alternative is to let the secret device become patented, and thereby become useless as a means of national defense, because it will then become publicly known.

The committee were very much impressed with the invention and its value to the Navy. The board of naval officers that sought to adjust the matter with the heirs of Commander Gresham finally agreed upon the amount of $15,000, instead of $30,000, as asked for by the commander.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

BILL RECOMMITTED

The bill (S. 1567) to amend the act entitled "An act to amend the act entitled 'An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes' ", was announced as next in order.

Mr. VANDENBERG. Let that bill go over.

Mr. THOMAS of Utah. Mr. President, at the request of the Committee on Military Affairs, I ask that the bill which has just been called be withdrawn from the calendar and recommitted to the Committee on Military Affairs.

The PRESIDING OFFICER. Without objection, the bill will be recommitted to the Committee on Military Affairs.

DR. WILLIAM HOLLISTER

The bill (H. R. 5142) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. William Hollister was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission on Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice the healing art in the District of Columbia to Dr. William Hollister, of New Bern, N. C., in accordance with the provisions of first paragraph of section 24 of the Healing Arts Practice Act, District of Columbia, 1928.

DISTRICT JUVENILE COURT

The bill (H. R. 4276) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia", and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, this bill manifestly deals with an important subject. It is a very lengthy measure. I do not wish to object to its consideration, but I think there should be presented an analysis of the bill.

Mr. COPELAND. Mr. President, a Senator who is not now present asked me when the bill came up to request that it go over until the next call of the calendar. That request was entirely without prejudice on his part, because the bill is an important one. I think when we reach it again on the calendar, I may say to the Senator from Arkansas, that an explanation can be made that will win the approval of the Senate.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

BILLS PASSED OVER

The bill (S. 2163) to authorize the deposit and investment of Indian funds, was announced as next in order.

Mr. ROBINSON. Mr. President, the Senator from Oklahoma [Mr. THOMAS] apparently is not present in the Chamber at the moment. I notice the bill was introduced "by request." It deals with an important subject. I think the bill had better go over for the present.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

The bill (H. R. 5171) to reimpose a trust on certain lands allotted on the Yakima Indian Reservation was announced as next in order.

Mr. KING. Mr. President, I should like to inquire whether the bill imposes a limitation upon the title which the Indians have, whether it restricts their ownership, and, if so, to what extent and what is the justification for the bill. I note that the chairman of the committee is not present at the moment. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

STATUS OF CERTAIN OFFICERS SERVING IN WORLD WAR

The bill (S. 1040) placing provisional officers of the World War in the same status with emergency officers of the World War was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. CONNALLY. Mr. President, will the Senator from Utah withhold his objection for a moment in order that I may make a brief statement?

The PRESIDING OFFICER. Does the Senator from Utah withhold his objection?

Mr. KING. I withhold it.

Mr. CONNALLY. Mr. President, this bill is designed to correct an inequity in the matter of the bonus as between what are called provisional officers of the World War and emergency officers. The Adjusted Compensation Act did not apply to Regular Army officers, but during the World War there was a grade known as provisional officers, mostly second lieutenants in the Regular Army. A great many soldiers who volunteered and went to training camps and obtained commissions, instead of being assigned to the National Guard or the National Army, were assigned as provisional second lieutenants. The result was that when Congress passed the bonus act they were considered as being Regular Army officers and consequently not entitled to the bonus. They served during the war and after the war was over they were discharged, like all other emergency officers. The bill will affect only a relatively few such officers, but there is no reason on earth why they should be discriminated against with regard to the Adjusted Compensation Act. They were merely serving for the war; and the fact that they were assigned as provisional lieutenants in the Regular Army instead of being cited as a discrimination against them should be considered really as a badge of merit, because some of the brightest and most alert officers who came out of the training camp were made provisional second lieutenants and sent right on over to France with some of the regular divisions.

They were, however, in no sense, except a technical one, Regular Army officers. They went in for the war; they served during the war; and when the war was over they were discharged, and went back to civilian life. Now, however, they are denied the right to draw adjusted-service compensation that all other emergency officers draw. I can see no justification for the Government making that kind of a discrimination, and that is what this bill is designed to correct.

Mr. KING. Mr. President, the Secretary of War and General Hines, the latter being, as everyone knows, most generous in according benefits and privileges to ex-service men, have reported adversely on the bill. I think it had better go over.

Mr. CONNALLY. Mr. President, one further word. I am sure the fact that the Secretary of War recommends against the bill is not conclusive, for his action is on the recommendation of some Regular Army officer, and, of course, he does not represent anyone's views except the reflected views of some bureaucrat. I hope the Senator from Utah will withdraw his objection and let the bill pass.

Mr. KING. I cannot withdraw my objection.

Mr. COPELAND. Mr. President, is it not a fact that General Hines is embarrassed by the law as it is now written? It seems to me most of us in the Senate are in favor of the proposed legislation. The purpose of the bill, as I understand, is to make it possible for General Hines without legal doubt to grant these privileges. Am I correct?

Mr. CONNALLY. Yes; and I agree with the Senator from New York. General Hines is not to be condemned. He is timid about recommending legislation to expand the activities of his Bureau. He wants to meet the Budget and help balance the Budget, and all that kind of thing. He is a very fine gentleman; but it is not for a bureau to determine the policies of Congress.

Mr. KING. Mr. President, I have objected, not only because of the bill itself but because of the merits of the proposal, and I do not care to discuss the merits of the matter now.

The PRESIDING OFFICER. The bill will be passed over.

DISASTER LOAN CORPORATION—1936 FLOOD DISASTER

The joint resolution (H. J. Res. 251) to extend the lending authority of the Disaster Loan Corporation to apply to flood disasters in the year 1936 was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the act entitled "An act to provide for loans made necessary by floods or other catastrophes of the year 1937", approved February 11, 1937, is hereby amended as follows:

By striking out of the second paragraph thereof "year 1937" and inserting in lieu thereof "years 1936 or 1937."

ISSUANCE OF HAWAIIAN TERRITORIAL BONDS

The bill (H. R. 5416) to amend the act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935, is amended by inserting before the words "said act" where they first occur in the proviso at the end of section 2 the following: "amendment of."

L. S. OLIVER

The Senate proceeded to consider the bill (S. 1326) for the relief of L. S. Oliver, which had been reported from the

Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of John Ellis Oliver, a minor, of Jacksonville, Fla., the sum of $3,500, in full satisfaction of his claims against the United States for damages sustained by the said John Ellis Oliver, his parents, or others, on account of the permanent injury to the said John Ellis Oliver caused by the explosion, on December 28, 1936, of a shell lying on the grounds of the Government rifle range at Camp Foster, near Jacksonville, Fla.: *Provided*, That of the $3,500 the sum of $250.64 shall be paid to the legal guardian of the said John Ellis Oliver immediately following the approval of this act: *Provided further*, That the remaining amount of the $3,500 shall be paid to the legal guardian of the said John Ellis Oliver at the rate of $45.13 per month: *Provided further*, That the monthly payments hereunder shall begin on the first calendar day of the month following the approval of this act: *And provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of John Ellis Oliver."

CIVILIAN CONSERVATION CORPS

The bill (S. 2102) to establish a Civilian Conservation Corps, and for other purposes, was announced as next in order.

Mr. BLACK. Mr. President, the suggestion has been made to me that probably it would not be possible to pass the bill under the 5-minute rule. The House passed a similar measure which has come to the Senate. The Senate Committee on Education and Labor has reported the bill, in which some changes have been made which might require explanation and lead to discussion. The House bill as amended did not reach the Senate, as I understand, until very recently, so that no one has been able as yet to familiarize himself with the exact differences between the two measures.

I should like to suggest that the bill go over, if satisfactory to the Senator from Arkansas [Mr. ROBINSON], until the next meeting of the Senate, at which time we can take it up and discuss it. In the meantime may I suggest to those Senators who are interested in the measure that it will be helpful if they will get a copy of the Senate bill as reported by the Senate Committee on Education and Labor, and a copy of the bill as it passed the House, and examine them. That probably will expedite consideration of the measure at the next meeting of the Senate.

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from Alabama prefer a unanimous-consent request to make the bill a special order?

Mr. BLACK. No; I do not.

The PRESIDING OFFICER. The bill will be passed over.

Mr. ROBINSON. Mr. President, under the statement made by the Senator from Alabama I see no objection to the bill going over.

The PRESIDING OFFICER. It has been passed over.

Mr. BLACK. May I state, however, that it is my intention at the next meeting of the Senate to ask that the bill be considered and if necessary I shall make a motion to that end.

The PRESIDING OFFICER. The bill has been passed over. The Senator from Alabama gives notice that at the next session of the Senate he will, if necessary, submit a motion to proceed to the consideration of the bill. The next order of business on the calendar will be stated.

HELEN H. TAFT

The bill (H. R. 6566) granting a pension to Helen H. Taft was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen H. Taft, widow of William Howard Taft, late a President of the United States, and to pay her a pension at the rate of $5,000 per annum.

EXCHANGE OF PROPERTIES AT DALLAS, TEX.

The bill (S. 2363) to provide for the exchange between the United States and The Union Terminal Co. of certain properties in connection with the parcel post building site at Dallas, Tex., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to convey by the usual quit-claim deed to The Union Terminal Co., a corporation organized and existing under the laws of the State of Texas, upon such terms and conditions as the Secretary of the Treasury may deem to be to the best interest of the United States, the following-described piece or parcel of land forming a part of the Dallas, Tex., parcel post site:

Beginning at the point of intersection of the easterly line of what was formerly Broadway Street with the center line of what was formerly Jackson Street; thence westerly with the center line of what was formerly Jackson Street 40 feet to the center line of what was formerly Broadway Street; thence northerly with the center line of what was formerly Broadway Street 120 feet to the point of intersection of the center line of what was formerly Broadway Street with a straight line extending from the point of intersection of the southerly line of Commerce Street with the westerly line of what was formerly Broadway Street to the point of intersection of the easterly line of what was formerly Broadway Street with the center line of was formerly Jackson Street; thence in a southeasterly direction 126.49 feet along said last-mentioned straight line to the place of beginning,

in exchange for the following-described two parcels of land in the city of Dallas, Tex.:

Beginning at the intersection of the westerly line of Houston Street with the center line of what was formerly Jackson Street; thence westerly along the center line of what was formerly Jackson Street 120 feet; thence southerly parallel with the westerly line of Houston Street 28 feet; thence easterly parallel with the southerly line of what was formerly Jackson Street 120 feet to the westerly line of Houston Street; thence northerly with the westerly line of Houston Street 28 feet to the place of beginning; and

Beginning at the point of intersection of the center line of what was formerly Broadway Street with a straight line extending from the point of intersection of the southerly line of Commerce Street with the west line of what was formerly Broadway Street to the point of intersection of the east line of what was formerly Broadway Street with the center line of what was formerly Jackson Street; thence in a northwesterly direction in a straight line 126.49 feet to the point of intersection of the southerly line of Commerce Street with the westerly line of what was formerly Broadway Street; thence easterly with the southerly line of Commerce Street 40 feet to the center line of what was formerly Broadway Street; thence southerly with the center line of what was formerly Broadway Street 120 feet to the place of beginning,

when a valid title to the last-described two parcels of land has become vested in the United States and has been approved by the Attorney General.

HUDSON FALLS, N. Y., POST-OFFICE SITE

The bill (H. R. 3135) for the exchange of land in Hudson Falls, N. Y., for the purpose of the post-office site, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to convey to the owner of the land abutting the easterly side of the post-office site at Hudson Falls, N. Y., the following-described piece or parcel of land forming a part of said post-office site:

Lying and being in the city of Hudson Falls, county of Washington, State of New York, and described as follows: Beginning at a point in the northerly side of Pearl Street distant eastwardly 125 feet from the intersection of the easterly side of Main Street with the northerly side of Pearl Street, said point being the southeast corner of the present post-office site; running thence along the northerly side of Pearl Street, south 81°57′ west a distance of 10 feet to a point; thence north 5°48′ west a distance of 36.67 feet to a point in the westerly side of lands now or formerly of D. S. Griffin; thence along lands of said Griffin south 21°12′ east a distance of 37.62 feet to the point or place of beginning; in consideration of the conveyance to the United States of the following-described piece or parcel of land as an addition to the said post-office site:

Lying and being in the city of Hudson Falls, county of Washington, State of New York, and described as follows: Beginning at a point 85 feet north and 145 feet east of the intersection of the easterly side of Main Street with the northerly side of Pearl Street, said point being the northeast corner of the present post-office site; running thence north 81°57′ east a distance of 12.59 feet to a point; thence south 5°48′ east a distance of 46.18 feet to a point in the easterly side of the present post-office site; thence along the easterly side of said post-office site north 21°12′ west a distance of 47.38 feet to the point or place of beginning.

INDIAN LANDS IN ARIZONA

The Senate proceeded to consider the bill (S. 2188) to amend section 3 of the act of June 18, 1934 (48 Stat. 984–988), relating to Indian lands in Arizona, which had been reported from the Committee on Indian Affairs with an amendment, on page 3, line 15, after the word "loss", to insert "of the use", so as to make the bill read:

Be it enacted, etc., That section 3 of the act of June 18, 1934 (48 Stat. 984–988), be, and it is hereby, amended to read as follows:

"SEC. 3. (a) The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: *Provided, however*, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this act: *Provided further*, That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation: *Provided further*, That this section shall not apply to the lands ceded and excluded from the San Carlos Indian Reservation in Arizona by the agreement of February 25, 1896, ratified by the act of June 10, 1896 (29 Stat. 358).

"(b) (1) The order of the Department of the Interior signed, dated, and approved by Hon. Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public-land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: *Provided*, That damages shall be paid to the superintendent or other officer in charge of the reservation for the credit of the owner thereof, for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of the Interior to be the fair and reasonable value of such improvements: *Provided further*, That a yearly rental not to exceed 5 cents per acre shall be paid to the superintendent or other officer in charge of the reservation for deposit in the Treasury of the United States to the credit of the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations.

"(2) In the event any person or persons, partnership, corporation, or association desires a mineral patent, according to the mining laws of the United States, he or they shall first pay to the superintendent or other officer in charge of the reservation, for deposit in the Treasury of the United States to the credit of the Papago Tribe, the sum of $1 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the loss of the use or occupancy of the lands withdrawn by the requirements of mining operations; but the sum thus deposited, except for a deduction of rental at the annual rate hereinbefore provided, shall be refunded to the applicant in the event that patent is not acquired: *Provided*, That an applicant for patent shall also pay to the superintendent or other officer in charge of the said reservation for the credit of the owner thereof, damages for the loss of improvements not theretofore paid, in such a sum as may be determined by the Secretary of the Interior to be the fair value thereof.

"(3) Water reservoirs, charcos, water holes, springs, wells, or any other form of water development by the United States or the Papago Indians shall not be used for mining purposes under the terms of this act, except under permit from the Secretary of the Interior approved by the Papago Indian Council: *Provided*, That nothing herein shall be construed as interfering with or affecting the validity of the water rights of the Indians of this reservation: *Provided further*, That the appropriation of living water heretofore or hereafter affected by the Papago Indians is hereby recognized and validated subject to all the laws applicable thereto.

"(4) Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes; and nothing contained herein, except as expressly provided, shall be construed as authority for the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the act of February 21, 1931 (46 Stat. 1202)."

The amendment was agreed to.

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

A. MATEOS & SONS

The Senate proceeded to consider the bill (H. R. 4778) to confer jurisdiction on the United States District Court for the Southern District of New York to hear, determine, and render judgment on the claim of A. Mateos & Sons, owner of the coal hulk *Callixene*.

Mr. KING. Mr. President, I invite the attention of the Senator from Washington [Mr. SCHWELLENBACH] to the report of the Acting Secretary of Navy, Admiral Standley, in which he says:

This bill having been referred to the Navy Department for recommendation, it recommended in a letter addressed to the chairman, Committee on Claims, United States Senate, under date of May 12, 1928, that favorable action be not taken on this bill.

Mr. SCHWELLENBACH. Mr. President, the last report of the Navy Department on this particular bill is not unfavorable. There is no question that the Navy Department was negligible in the sinking of the boat. It admits negligence. The argument has always been about the value of the boat. The claimant contended the boat was of a certain value and the Navy objected to the amount claimed. The bill merely provides that the United States District Court of New York shall have jurisdiction to determine the value of the boat, and the Navy Department has stated that it has no objection to that procedure.

Mr. KING. Why was not the Court of Claims made the forum in which the action might be brought?

Mr. SCHWELLENBACH. It is a tort action.

Mr. KING. The Court of Claims may pass upon torts as well as contracts.

Mr. SCHWELLENBACH. This company being a resident of a foreign country, I do not believe an action by it would come within the jurisdiction of the Court of Claims.

Mr. KING. If the Congress should pass an act conferring jurisdiction upon the Court of Claims to try an action of this character, I think it would be perfectly legal. However, I have no objection to the bill.

The PRESIDING OFFICER. The question is on the third reading of the bill.

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

Be it enacted, etc., That the claim of A. Mateos & Sons, owner of the coal hulk *Callixene*, against the United States for damages alleged to have been sustained by the *Callixene* as the result of a collision with the United States ships *Seneca* and *Ophir* in the harbor of Gibraltar, Spain, on February 10, 1919, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that such court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found due against the United States in favor of the said A. Mateos & Sons, or against the said A. Mateos & Sons in favor of the United States, by reason of such collision, upon the same principles and under the same measures of liability as in like cases between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within 4 months of the date of the approval of this act.

CHASE, LEAVITT & CO.

The Senate proceeded to consider the bill (S. 1122) to carry out certain treaty obligations of the United States, and for the relief of Chase, Leavitt & Co., and for other purposes, which had been reported from the Committee on Claims with amendments.

Mr. ROBINSON. Mr. President, there is a long preamble with numerous clauses attached to the bill. The committee has struck out a portion of the preamble. May I suggest to the Senator in charge of the bill, which was reported by the Senator from Washington [Mr. SCHWELLENBACH], that the entire preamble ought to be stricken out?

Mr. SCHWELLENBACH. I have no objection to striking out the entire preamble.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The amendment of the Committee on Claims was, on page 3, line 11, at the end of section 1, to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay to Chase, Leavitt & Co., of Portland, Maine, out of any money in the Treasury not otherwise appropriated, the sum of $2,284.13: *Provided*, That the Secretary of the Treasury shall be satisfied that Chase, Leavitt & Co. would have been entitled to receive such a refund if they had filed a proper and timely protest against the action

of the collector of customs in the premises: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. This act shall take effect upon its passage.

The amendment was agreed to.

Mr. ROBINSON. I move that the preamble be striken out.

The motion was agreed to.

B. B. ODOM AND LILLA ODOM

The bill (H. R. 3773) for the relief of B. B. Odom and Lilla Odom was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to B. B. Odom and Lilla Odom, of Eatonton, Georgia, jointly, the sum of $805 in full satisfaction of their claim against the United States for the value of 161 acres of land at $5 per acre, located in Putnam County, Ga., which they conveyed by deed to the Government, represented by the Resettlement Administration, then the Federal Emergency Relief Administration, said deed describing the land as 630 acres, more or less, on the basis of which they were paid, but upon survey by the General Land Office the tract was found to contain 791 acres, exceeding by the said 161 acres the tract of land described and conveyed by said deed: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall upon conviction thereof be deemed guilty of a misdemeanor and fined in any sum not exceeding $1,000.

TROUP MILLER AND HARVEY D. HIGLEY

The Senate proceeded to consider the bill (S. 1160) for the relief of Troup Miller and Harvey D. Higley, which had been reported from the Committee on Claims with an amendment to insert a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Troup Miller, colonel, Eleventh Regiment United States Cavalry, and Harvey D. Higley, lieutenant colonel, Seventy-sixth Regiment United States Field Artillery, the sum of $5,257.50, such sum representing money paid by such officers from their personal funds to make good the loss of money belonging to trainees of the citizens' military training camp at the Presidio of Monterey, Calif., which was unavoidably lost or stolen when it had been placed in the welfare office of such camp for safekeeping in July 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

JAMES O. COOK

The bill (S. 854) for the relief of James O. Cook was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended and supplemented, are hereby waived in the case of James O. Cook, formerly employed by the Civil Works Administration on the South Marias Hill project, north of Valier, Mont.; and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim filed with the Commission, within 1 year after the date of the enactment of this act, by said James O. Cook for compensation under the provisions of such act of September 7, 1916, as amended and supplemented, for disability due to injuries received by him in the performance of his duties during the time he was so employed.

DR. E. T. KIRKENDALL

The bill (H. R. 1119) for the relief of Dr. E. T. Kirkendall was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Dr. E. T. Kirkendall, of Columbus, Ohio, the sum of $2,000 in full settlement of his claim against the United States for personal injuries and property damage sustained when the car in which he was riding was hit by a Government truck in the service of the Civilian Conservation Corps, October 24, 1935, at the intersection of Fifth Avenue and Nelson Road, Columbus, Ohio: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

ROBERT EDWIN LEE

The bill (H. R. 5311) for the relief of the estate of Robert Edwin Lee was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to the administrator of the estate of Robert Edwin Lee, late of Murrells Inlet, S. C., the sum of $5,000. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said estate of Robert Edwin Lee on account of his death when the vehicle in which he was a passenger was struck on November 12, 1934, near Awendaw, S. C., by a truck in the services of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

ALEXANDER E. KOVNER

The bill (S. 1048) for the relief of Alexander E. Kovner was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Alexander E. Kovner, of Seattle, Wash., the sum of $5,000, in full settlement of all claims against the United States for cost of hospital and medical care, pain and suffering, and permanent disability, resulting from the said Alexander E. Kovner being struck by a truck belonging to the Third Brigade of the United States Marines, in the city of Tientsin, China, on May 14, 1928, such accident being primarily due to the negligence of the driver of the said truck: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MARTIN J. BLAZEVICH

The Senate proceeded to consider the bill (H. R. 3583) for the relief of Martin J. Blazevich, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out the numerals "$2,500" and insert "$1,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Martin J. Blazevich, of San Francisco, Calif., the sum of $1,000, in full satisfaction of his claim against the United States for permanent disability suffered when his left hand caught in an unguarded circular saw while performing his duties as a prisoner at the United States (Army) disciplinary barracks, Alcatraz, Calif., on November 2, 1916, to which he had been sentenced by general court martial while serving as a private, Company A, Thirteenth Infantry: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

The bill was read the third time and passed.

ALBERT WHEELER

The bill (H. R. 593) for the relief of Albert Wheeler was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Albert Wheeler, Davis City, Iowa, the sum of $403.37, such sum to be in full settlement of all claims against the United States for damages sustained by him as the result of personal injuries received by his wife when struck by a Civilian Conservation Corps truck on August 28, 1935, at Davis City, Iowa, from which injuries she died on September 1, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

GEORGE T. HEPPENSTALL

The bill (H. R. 4329) for the relief of George T. Heppenstall was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to George T. Heppenstall, of Seattle, Wash., the sum of $301.50, in full satisfaction of his claim against the United States on account of injuries growing out of the accident on March 25, 1935, near Angle Lake, King County, Wash., when an automobile in which he was riding was struck by a Civilian Conservation Corps truck negligently driven: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

LUVENIA FLOWERS

The Senate proceeded to consider the bill (H. R. 1790) for the relief of Luvenia Flowers, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, before the name "South Carolina", to strike out "Georgetown" and insert "Coward", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Luvenia Flowers, of Coward, S. C., widow of Andrew Flowers, the sum of $5,000. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the widow of Andrew Flowers on account of the loss of the life of her husband, who was killed on October 12, 1934, near Coward, S. C., by a truck in the service of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

The bill was read the third time and passed.

The PRESIDING OFFICER. That completes the calendar.

CABINET GORGE HYDROELECTRIC POWER PROJECT

Mr. POPE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 380, being the bill (H. R. 114) to provide for studies and plans for the development of a hydroelectric power project at Cabinet Gorge, on the Clark Fork of the Columbia River, for irrigation pumping or other uses, and for other purposes.

Mr. KING. Mr. President, that motion is subject to debate, is it not?

The PRESIDING OFFICER (Mr. CLARK in the chair). It is subject to debate, in view of the fact that the Senate met today pursuant to a recess rather than an adjournment.

Mr. SMITH. Mr. President, I call the attention of the Senator from Idaho to House bill 3687, providing for the extension of the Soil Erosion and Domestic Allotment Act. That is a very important measure, and I do not think its consideration would take very long. My intention was, when we finished the calendar today, to ask that that bill be considered. I think the Senator from Idaho, as a member of the Committee on Agriculture and Forestry, realizes that the time element is of very considerable importance in connection with that bill.

Mr. POPE. Mr. President, the bill which I move to have the Senate consider is a very brief one, and I think only a few minutes will be required to dispose of it. I am familiar with the measure to which the Senator from South Carolina refers, and I am in favor of it; but I think it will take only a very few minutes to dispose of this bill, because it is a minor matter and there is not much to be said about it.

It will be noted that this is a House bill. It has passed the House. A similar bill was introduced in the Senate by me last year, was unanimously recommended by the Committee on Irrigation and Reclamation, was passed by the Senate, and went to the House; but since that occurred during the closing days of the session, the bill did not pass the House. So the bill has passed both the Senate and the House, but at different sessions.

The bill, as will be noted, provides for an investigation of the Cabinet Gorge project in north Idaho, on the Clark Fork of the Columbia River. A considerable amount of work on this investigation has been done by the Bureau of Reclamation, but it is very desirable that the investigation be completed, and it is estimated that it can be completed with $25,000.

Under this project there are some 40,000 or more acres of land that are only partially irrigated, for the reason that the rates which the owners have to pay for power from private companies are so excessive that they are unable to irrigate their lands completely. Some 40,000 acres of land are in that position.

For a great many years consideration has been given to the development of power at the Cabinet Gorge site upon the Clark Fork of the Columbia River. To call the attention of the Senate to the situation of the settlers, I refer to the fact that the private power rates in Idaho are about 3½ cents per kilowatt-hour, according to the 1933 survey. The rates that are charged on similar Government projects elsewhere—the Black Canyon project, for instance—are only 1½ mills per kilowatt-hour. Therefore the difference in rates simply means the difference between the irrigation of this land and its not being irrigated.

There are many families eking out an existence on this area of 40,000 acres; and it seems to me only fair that at least a full investigation of the project be made to determine its feasibility, to determine the cost of the development of the dam and the power plant. It has been recommended by the Department of the Interior. Secretary Ickes himself has recommended the bill; and it seems to me the bill ought to be passed.

Mr. DUFFY. Mr. President, what is the significance of striking out, in section 2, the words "in the reclamation fund", as the language was in the House bill, and inserting the words "not otherwise appropriated"?

Mr. POPE. When the bill came before the Committee on Irrigation and Reclamation the committee voted to make this change. I desired to have the language remain as it was; but the other members of the committee thought that since the reclamation fund was entirely exhausted, this amendment ought to be made. It was made by the committee finally with my consent.

Mr. KING. Mr. President, I have a great deal of sympathy with the policy which has been pursued and is being pursued in regard to reclamation. Undoubtedly the West has profited by the reclamation fund and the projects which have been inaugurated and completed from that

fund. It is apparent that it is not intended that this project shall be investigated from the reclamation fund, however, but that the investigation shall be made from a direct appropriation from the Treasury of the United States.

While, of course, I should be very glad to see every possible development in the arid West, and to see inaugurated and completed every possible reclamation project that would bring land under cultivation, I think we ought to understand the implications that would follow the enactment of measures of this kind. If the Senator from Idaho would agree to the reinstatement of the words "in the reclamation fund", so that the bill would constitute a draft upon that fund rather than upon the Treasury of the United States, I think some of the objections which may be urged would be removed.

I do not like to vote for this bill without knowing what the project will cost. I assume, from my limited knowledge of the project, that it may cost all the way from $2,000,000 to $5,000,000 or more. Before we inaugurate this project I think we ought to be advised of its ultimate cost to the taxpayers of the United States.

Apparently the purpose is to develop power rather than for irrigation. I may say that in the case of most of the irrigation projects in my State, in Idaho, and in other Western States, the primary purpose was to reclaim lands of the Government which were valueless, to make them salable, and to make them habitable. Under the Newlands Reclamation Act, which was passed during the Presidency of Theodore Roosevelt, a large number of reclamation projects were inaugurated which have made important contributions to the development of the West. Thousands and tens of thousands and indeed hundreds of thousands of persons reside upon those constructed and completed reclamation projects, and their activities have largely increased the value of property within their States, and to that extent have augmented the value of the capital of the United States.

Before voting for this bill, however, I should like to know what the project is going to cost. I should like to know whether this is primarily a reclamation project or whether, under the guise of a reclamation project, we are proposing to build another power project at the expense of the taxpayers of the United States.

Mr. POPE. Mr. President——

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

Mr. KING. I yield.

Mr. POPE. The very purpose of this bill is to obtain the information which the Senator from Utah desires, and which we all desire; to find out what the project will cost, and to ascertain the possibilities of markets for the power that may be developed.

I will say to the Senator that the primary purpose of this development is for irrigation, to furnish, at low rates, power for pumping water on these lands. While there will be some other customers—mining customers and others—the primary purpose is for irrigation. To one who knows anything of that section of the country, and who sees 40,000 acres only partially cultivated, with plenty of power and plenty of water at hand, it does seem to deserve at least the completion of the investigation which has already been largely made out of the reclamation fund.

Mr. KING. I inquire of the Senator whether the entire 40,000 acres to which he refers is public land.

Mr. POPE. No; it is privately owned land.

Mr. KING. Is it all privately owned land?

Mr. POPE. It is privately owned land; owned by good citizens of north Idaho.

Mr. KING. Does the Senator believe that the Federal Government ought to embark upon reclamation projects and power projects for the benefit of private persons?

Mr. POPE. I certainly do, where, as in this case, the money will be returned to the Government. No gift to anybody is involved.

Mr. KING. The Senator knows that the reclamation fund has been exhausted several times, and has received appropriations from the general fund of the Government to replenish the fund when exhausted.

Mr. POPE. The Senators also knows that the repayments to the reclamation fund are to be made over a 40-year period and that this revolving fund cannot all be repaid immediately. The money comes in in small installments, but it is a revolving fund and should be used for this purpose; and even if it has to be replenished from time to time, it performs a splendid service to the people of the West.

Mr. KING. Mr. President, of course, I shall not object to the consideration of the bill.

Mr. COPELAND. Mr. President, I desire to say a word or two about this bill. I am not sure that I rise to oppose it, but I desire to make some comments upon the principle involved.

I happen to be a member of the subcommittee of the Committee on Appropriations which handles agricultural appropriations. This is one of the most interesting committees whose sessions it has been my privilege to attend. I suggested the other day that every Member ought to be assessed money for the privilege of listening to the lectures delivered before that committee.

Are we not inconsistent when we talk about reclaiming more land and creating more crops, increasing the surplus we already have? I recall that the Resettlement Administration bought outright 10,000,000 acres of land. We are paying $9.50 an acre to various farmers throughout the country to restore the same sort of land that we could buy for $4.50 an acre. I am getting confused in my mind. We take considerable acreage of land out of cultivation; we spend the money to increase the production on the land we have; we produce more crops, then have to enact legislation to provide for taking care of the surplus.

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

Mr. COPELAND. I yield.

Mr. BORAH. I entirely agree with the Senator from New York that the policy of which he speaks is an unwise policy, increasing acreage, and at the same time decreasing acreage through other methods. But the mere matter of inconsistency should not stand in the way of reclaiming land upon which settlers have located and which is only partially cultivated. It is simply holding them there to the earth, without any means of doing more than get a mere maintenance, or an existence. If they are given an opportunity, through the application of water to their land, they can make a success of farming the land, and they can keep off the relief rolls.

I am just as much in favor of abandoning the acreage reduction program in this country as is the Senator from New York, and I am also in favor of cutting out the reciprocal-trade agreements, which are resulting in the importation into this country of agricultural products of which we ourselves have an abundance. Therefore, I am taking the other side; I am proposing that the Government go ahead and increase acreage, and not decrease acreage. Our tillable lands should be tilled and until the American farmer is unable to supply the American market we should not be importing the products of the farm from other countries.

Mr. COPELAND. Mr. President, I am glad the Senator made the statement about the reciprocal-trade agreements. I wish to say a word upon that subject. But I had not quite completed what I was about to say on the other subject. I do not intend to oppose the motion, because I can see the humanitarian side, that if the people in the section affected have water, they can at least be subsistence farmers, which they are not now.

The Senator from Idaho has brought up another matter. I can give a definite example of the practice to which he has referred. We are spending money to develop new uses for skim milk. Because of the demand for cream there is a great deal of milk now wasted because there is no demand for it. The Department of Agriculture has spent a great deal of money in an effort to develop ways of making use of skim milk.

There is a Federal Surplus Commodities Corporation which goes into the market and buys skim milk when the price gets low, then when the price rises skim milk comes in from the Scandinavian countries. In consequence the producers over there get the benefit of our increased price, and, in addition to that, they get a bounty on all the skim milk they export.

If I had my way—and I am sure I share the view of the Senator from Idaho—I would have a tariff sufficient to protect the American farmer. If that were the case, there would be some excuse for increasing our production, and there would be some chance of getting rid of our surplus. But with things as they are, I still insist that I am in a whirl in my mind as to just exactly where we are going.

I have said what I had in mind to say, and I will state further that I have no objection to the particular bill the Senator from Idaho desires to have considered, because it provides merely for an investigation. Another "investigation" may give employment to someone, and after the investigation a report will be made; 15 or 20 years from now our successors in the Senate may determine what to do with the report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho [Mr. POPE] that the Senate proceed to the consideration of House bill 114.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Irrigation and Reclamation with an amendment, on page 2, line 6, after the word "money", to strike out "in the reclamation fund" and to insert "not otherwise appropriated", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized: (a) To conduct surveys and investigations in order to determine the feasibility and economic usefulness of the development of a hydroelectric power project at the Cabinet Gorge site on the Clark Fork of the Columbia River (near the Montana-Idaho boundary line) for irrigation pumping or other uses; and (b), if such development is determined to be feasible and economically useful, to prepare cost estimates and designs for the construction of a dam at such site and such additional or incidental facilities as are necessary to carry out such development.

SEC. 2. There is hereby authorized to be appropriated, out of any money not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary to carry out the provisions of this act.

The amendment was agreed to.

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

The bill was read the third time and passed.

FUNERAL EXPENSES OF THE LATE SENATOR BACHMAN

Mr. BYRNES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably the resolution providing for the payment of funeral expenses of the late Senator Bachman, and I ask unanimous consent for its immediate consideration.

There being no objection, the resolution (S. Res. 126) submitted by Mr. MCKELLAR on April 29, 1937, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of Hon. Nathan L. Bachman, late a Senator from the State of Tennessee, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

ASSISTANT CLERK TO COMMITTEE ON INTEROCEANIC CANALS

Mr. BYRNES. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, with an amendment, a resolution providing for a temporary assistant clerk for the Committee on Interoceanic Canals, and I ask unanimous consent for the immediate consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution (S. Res. 104) submitted by Mr. CLARK on March 29, 1937.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was, in line 4, to strike out "$2,400" and to insert "$2,000", so as to make the resolution read:

Resolved, That the Committee on Interoceanic Canals hereby is authorized to employ during the Seventy-fifth Congress an assistant clerk to be paid out of the contingent fund of the Senate at the rate of $2,000 per annum.

The amendment was agreed to.

The resolution as amended was agreed to.

APPLICATION OF MACKAY RADIO & TELEGRAPH CO., INC., TO ADD OSLO, NORWAY, AS A COMMUNICATION POINT

Mr. BORAH. Mr. President, I ask that the resolution which I offered this morning be read.

The PRESIDING OFFICER. The clerk will read the resolution.

The legislative clerk read the resolution (S. Res. 133), as follows:

Resolved, That the Federal Communications Commission be, and the same is hereby, requested to send to the Senate as soon as practicable the record, or copies of the record, and all data and facts relative to the application of the Mackay Radio & Telegraph Co., Inc., for modification of licenses to add Oslo, Norway, as a point of communication; and also any decisions or written opinions touching the allowance, or disallowance, of said application.

Secondly, that the Commission be, and the same is hereby, requested to state the law and the facts upon which its decisions or opinions were rendered relative to said application.

Mr. BORAH. Mr. President, the Mackay Radio & Telegraph Co. made an application to the Federal Communications Commission some time ago for leave to amend its licenses so as to include Oslo, Norway, within its license. After some considerable hearing its application was denied.

I may reach a different conclusion after I know all the facts and after the Commission shall have made its report, but at the present time it seems to me that the decision of the Communications Commission is in direct contravention of the policy of Congress with reference to such matters.

Mr. President, in connection with my request that this resolution be adopted, I ask to have printed as part of my remarks, section 311, section 312 (a) and (b), section 313, and section 314, of the Federal Communications Commission Act.

The PRESIDING OFFICER (Mr. GILLETTE in the chair). Without objection, it is so ordered.

The sections referred to are as follows:

REFUSAL OF LICENSES AND PERMITS IN CERTAIN CASES

SEC. 311. The Commission is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person (or to any person directly or indirectly controlled by such person) whose license has been revoked by a court under section 313, and is hereby authorized to refuse such station license and/or permit to any other person (or to any person directly or indirectly controlled by such person) which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means, or to have been using unfair methods of competition. The granting of a license shall not estop the United States or any person aggrieved from proceeding against such person for violating the law against unfair methods of competition or for a violation of the law against unlawful restraints and monopolies and/or combinations, contracts, or agreements in restraint of trade, or from instituting proceedings for the dissolution of such corporation.

REVOCATION OF LICENSES

SEC. 312. (a) Any station license may be revoked for false statements either in the application or in the statement of fact which may be required by section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, or for violation of or failure to observe any of the restrictions and conditions of this act or of any regulation of the Commission authorized by this act or by a treaty ratified by the United States: *Provided, however*, That no such order of revocation shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed revocation, has been given to the licensee. Such licensee may make written application to the Commission at any time within said 15 days for a hearing upon such order, and upon the filing of such written application said order of revocation shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of revocation.

(b) Any station license hereafter granted under the provisions of this act or the construction permit required hereby and hereafter issued, may be modified by the Commission either for a limited time or for the duration of the term thereof, if in the judgment of the Commission such action will promote the public interest, convenience, and necessity, or the provisions of this act or of any treaty ratified by the United States will be more fully complied with: *Provided, however,* That no such order of modification shall become final until the holder of such outstanding license or permit shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue.

APPLICATION OF ANTITRUST LAWS

SEC. 313. All laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, or agreements in restraint of trade are hereby declared to be applicable to the manufacture and sale of and to trade in radio apparatus and devices entering into or affecting interstate or foreign commerce and to interstate or foreign radio communications. Whenever in any suit, action, or proceeding, civil or criminal, brought under the provisions of any of said laws or in any proceedings brought to enforce or to review findings and orders of the Federal Trade Commission or other governmental agency in respect of any matters as to which said Commission or other governmental agency is by law authorized to act, any licensee shall be found guilty of the violation of the provisions of such laws or any of them, the court, in addition to the penalties imposed by said laws, may adjudge, order, and/or decree that the license of such licensee shall, as of the date the decree or judgment becomes finally effective or as of such other date as the said decree shall fix, be revoked and that all rights under such license shall thereupon cease: *Provided, however,* That such licensee shall have the same right of appeal or review as is provided by law in respect of other decrees and judgments of said court.

PRESERVATION OF COMPETITION IN COMMERCE

SEC. 314. After the effective date of this act no person engaged directly or indirectly through any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such person, or through an agent, or otherwise, in the business of transmitting and/or receiving for hire energy, communications, or signals by radio in accordance with the terms of the license issued under this act, shall by purchase, lease, construction, or otherwise, directly or indirectly, acquire, own, control, or operate any cable or wire, telegraph, or telephone line or system between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such cable, wire, telegraph, or telephone line or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce; nor shall any person engaged directly or indirectly through any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such person, or through an agent, or otherwise, in the business of transmitting and/or receiving for hire messages by any cable, wire, telegraph, or telephone line or system (a) between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any other State, Territory, or possession of the United States; or (b) between any place in any State, Territory, or possession of the United States, or the District of Columbia, and any place in any foreign country, by purchase, lease, construction, or otherwise directly or indirectly acquire, own, control, or operate any station or the apparatus therein, or any system for transmitting and/or receiving radio communications or signals between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such radio station, apparatus, or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

Mr. BORAH. I now ask that the resolution of inquiry be considered and agreed to.

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

Mr. BARKLEY. Mr. President, I will say to the Senator from Idaho [Mr. BORAH] that there is no objection to the resolution from this side.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

THREE HUNDREDTH ANNIVERSARY OF BIRTH OF FATHER MARQUETTE—NOTICE OF ADDRESS BY SENATOR DUFFY

Mr. DUFFY. Mr. President, on June 1 next will occur the three hundredth anniversary of the birth of Father Marquette, whose statue—one of the two from the State of Wisconsin—is placed in the Capitol Building here in Washington. Observances of the three hundredth anniversary of the birth of Father Marquette are to be held in various parts of this country, as well as in France. This noted missionary meant much to the opening up of the State of Wisconsin and adjoining States.

I give notice at this time that on June 1 next, as soon after the convening of the Senate as I may obtain the floor, I expect to address the Senate briefly on the life and exploits of this great missionary.

PAYMENTS UNDER SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

Mr. SMITH. Mr. President, I desire to have House bill 3687, relating to payments under the Soil Conservation and Domestic Allotment Act, made the unfinished business and if the Senate shall agree, I will ask that no further action be taken on the bill at this time.

Mr. BARKLEY. Mr. President, there is another bill on the calendar which I desire to have proceeded with and passed today if possible. I should not want to interfere with the Senator's program.

Mr. SMITH. The bill to which I refer can be temporarily laid aside if it shall be made the unfinished business.

I move that the Senate proceed to the consideration of House bill 3687.

Mr. VANDENBERG. Is the Senator merely seeking to have the bill made the unfinished business, with the assurance that we will not proceed with its consideration today?

Mr. SMITH. That is the understanding.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 3687) to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers.

SAFETY DEVICES ON RAILROADS

Mr. BARKLEY. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and the unfinished business will be temporarily laid aside.

Mr. BARKLEY. I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 228, being Senate bill 29.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH. Mr. President, it is understood, of course, that the bill which was made the unfinished business was temporarily laid aside simply for the purpose of asking for the consideration of Senate bill 29.

Mr. BARKLEY. Yes. My request does not interfere with the unfinished business, since the bill which was made the unfinished business has been temporarily laid aside.

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

There being no objection, the Senate proceeded to consider the bill (S. 29) to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce to install, inspect, test, repair, and maintain block-signal systems, interlocking, highway grade-crossing protective devices, automatic train-stop, train-control, cab-signal devices, and other appliances, methods, and systems intended to promote the safety of railroad operation, which had been reported from the Committee on Interstate Commerce with amendments.

Mr. KING. Mr. President, I should like to ask the Senator from Kentucky a question concerning the bill. Will the Senator state the cost to the Government per annum, and then the cost to the railroads, if the bill should become law?

Mr. BARKLEY. This bill is an amendment of the present law providing for the inspection of safety devices of railroads. At present the law provides for inspection by the Interstate Commerce Commission only of automatic

stop and control devices on railroad trains. For instance, there are signals on the railroads, and block systems for the display of danger or caution signals to railroad engineers, and while there is a law which authorizes the inspection of the automatic control and stop devices on the train itself, there is no law at present authorizing the Interstate Commerce Commission to inspect the signal devices by which the engineer decides whether he shall go forward, or stop, or what he shall do in the event "danger" is flashed on the signal.

This bill simply authorizes the Interstate Commerce Commission to inspect such signal devices in the interest of safety of life and of property on the railroads. It is estimated that it will cost $43,000 a year for the Interstate Commerce Commission to engage in the inspection. Of course, that is an insignificant sum compared to the safety of travel that will be brought about by the inspection of the signal devices.

Last year, for instance, there was a rear-end collision between a passenger train and a freight train in the city of Cincinnati which resulted in the death of two or three persons and the injury of 41 others. The Interstate Commerce Commission's inspection showed that the signals in response to which the engineers operated the two respective trains were defective, did not coordinate, and as a result the accident occurred.

This bill simply gives the Interstate Commerce Commission authority to require the installation of signal devices which will conduce to the safety of passengers and of employees on the railroads, and to inspect the signal systems that exist or which may be inaugurated.

The cost to the railroads, in my opinion, would be insignificant. The cost would depend on whether or not the Commission should order any new signal devices installed. There would, of course, be no cost to the railroads for the inspection of the signal devices which are already in existence, except where the Interstate Commerce Commission might find existing signal devices to be defective. If the Commission should order that defects be corrected and that proper signal systems be installed, there would be some cost to the railroads. It is impossible to estimate what that cost might be, because no one now can tell how many defective appliances might be found upon inspection by the Commission.

I will say to the Senator from Utah that the cost will not be material; it will not be burdensome; it will not be great; and as compared to the possibility of saving life by reason of the installation of safety devices, the cost will be insignificant.

Mr. KING. May I inquire of the Senator whether the Interstate Commerce Commission has approved the measure?

Mr. BARKLEY. The bill was submitted to the Interstate Commerce Commission, and the Commission has suggested some amendments which the committee has incorporated in the bill as reported. With those amendments agreed to, the Commission does not object to the passage of the proposed legislation.

Mr. KING. Were any hearings held at which any outstanding, progressive representatives of the railroads were present and had a chance to testify?

Mr. BARKLEY. Hearings were held on a similar bill by the committee in the last Congress, but there have been no hearings at this session. The former bill was carefully considered by a subcommittee. It was unanimously favorably reported by the committee in the last Congress, and passed the Senate at the last session, but did not secure action in the House. The same result has occurred in the committee at this session, except that we did not deem it necessary to hold additional hearings.

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

Mr. BARKLEY. I yield.

Mr. FRAZIER. Does the bill make it mandatory for railroads to put in the automatic block system where they now do not have it?

Mr. BARKLEY. The bill authorizes the Interstate Commerce Commission to order the installation of the automatic block system, but it changes the provision with respect to the 2-year period, and leaves to the judgment of the Commission the period in which to make the installation. Under the present law the Commission may order the block system installed, and the railroads have 2 years in which to do it. Under this bill the Commission is given discretion to order it done within a reasonable time.

The PRESIDING OFFICER. The amendments reported by the committee will be stated.

The first amendment of the Committee on Interstate Commerce was, on page 2, line 1, after the word "section", to strike out "and subject to the provisions of this section", and in line 11, after the words "part of", to strike out "the" and insert "a", so as to read:

Be it enacted, etc., That section 26, chapter 1, title 49, of the Code of Laws of the United States of America, is hereby repealed and that the following is hereby added to chapter 1, title 45:

"SEC. 47. (a) The term 'carrier' as used in this section includes any carrier by railroad subject to the Interstate Commerce Act (including any terminal or station company), and any receiver or any other individual or body, judicial or otherwise, when in the possession of the business of a carrier subject to this section: *Provided, however,* That the term 'carrier' shall not include any street, interurban, or suburban electric railway unless such railway is operated as a part of a general steam-railroad system of transportation, but shall not exclude any part of a general steam-railroad system of transportation now or hereafter operated by any other motive power."

The amendment was agreed to.

The next amendment was, on page 2, line 16, after the word "carrier", to strike out "by railroad subject to this section"; in line 18, after the word "interlocking", to strike out "highway grade-crossing protection devices"; in line 20, after the word "other", to insert "similar"; in line 23, after the word "railroad", to insert "such order to be issued and published a reasonable time (as determined by the Commission) in advance of the date for its fulfillment"; on page 3, line 2, after the word "interlocking", to strike out "highway grade-crossing protective devices"; on the same page, line 9, after the word "such", to strike out "systems or devices" and insert "systems, devices, appliances, or methods"; and in line 13, after the word "such", to strike out "systems or devices" and insert "systems, devices, appliances, or methods", so as to read:

"(b) The term 'Commission' as used in this section means the Interstate Commerce Commission.

"(c) That the Commission may, after investigation, order any carrier within a time specified in the order, to install the block-signal system, interlocking, automatic train stop, train control, and/or cab-signal devices, and/or other similar appliances, methods, and systems intended to promote the safety of railroad operation, which comply with specifications and requirements prescribed by the Commission, upon the whole or any part of its railroad such order to be issued and published a reasonable time (as determined by the Commission) in advance of the date for its fulfillment: *Provided,* That block signal systems, interlocking, automatic train stop, train control, and cab-signal devices in use on the date of the approval of this section or such systems or devices hereinafter installed may not be discontinued or materially modified by carriers without the approval of the Commission: *Provided further,* That a carrier shall not be held to be negligent because of its failure to install such systems, devices, appliances, or methods upon a portion of its railroad not included in the order, and any action arising because of an accident occurring upon such portion of its railroad shall be determined without consideration of the use of such system, devices, appliances, or methods upon another portion of its railroad."

The amendment was agreed to.

The next amendment was, on page 3, line 16, after the word "Each", to strike out common in the same line, after the word "railroad", to strike out "subject to this section"; in line 19, after the words "repair of the", to strike out "devices and systems" and insert "systems, devices, and appliances"; on page 4, line 3, after the word "such", to strike out "devices, and systems" and insert "systems, devices, and appliances"; and in line 7, after the word "obligatory", to strike out "and a violation thereof punished as hereinafter provided", so as to make the paragraph read:

"(d) Each carrier by railroad shall file with the Commission its rules, standards, and instructions for the installation, inspection, maintenance, and repair of the systems, devices, and appliances covered by this section within 3 months after the approval of this section, and, after approval by the Commission, such rules, standards, and instructions, with such modifications as the Commission may require, shall become obligatory upon the carrier: *Provided, however,* That if any such carrier shall fail to file its rules, standards, and instructions the Commission shall prepare rules,

standards, and instructions for the installation, inspection, maintenance, and repair of such systems, devices, and appliances to be observed by such carrier, which rules, standards, and instructions, a copy thereof having been served on the president, chief operating officer, trustee, or receiver, of such carrier, shall be obligatory: *Provided further,* That such carrier may from time to time change the rules, standards, and instructions herein provided for, but such change shall not take effect and the new rules, standards, and instructions be enforced until they shall have been filed with and approved by the Commission: *And provided further,* That the Commission may on its own motion, upon good cause shown, revise, amend, or modify the rules, standards, and instructions prescribed by it under this subsection, and as revised, amended, or modified they shall be obligatory upon the carrier after a copy thereof shall have been served as above provided."

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the word "any", to strike out "devices and systems" and insert "systems, devices, and appliances"; in line 23, after the word "such", to strike out "devices and systems" and insert "systems, devices, and appliances"; and on page 5, line 5, after the word "such", to strike out "devices and systems" and insert "systems, devices, and appliances", so as to make the paragraph read:

"(e) The Commission is authorized to inspect and test any systems, devices, and appliances referred to in this section used by any such carrier and to determine whether such systems, devices, and appliances are in proper condition to operate and provide adequate safety. For these purposes the Commission is authorized to employ persons familiar with the subject and may also make use of its regular employees for such purposes: *Provided,* That no person interested, either directly or indirectly, in any patented article required to be used on or in connection with any of such systems, devices, and appliances or who has any financial interest in any carrier or iny concern dealing in railway supplies shall be used for such purpose."

The amendment was agreed to.

The next amendment was, on page 5, line 10, after the word "any", to strike out "device or system" and insert "system, device, or appliance", and in line 18, after the word "meet", to insert "the requirements of", so as to make the paragraph read:

"(f) It shall be unlawful for any carrier to use or permit to be used on its line any system, device, or appliance covered by this section unless such apparatus, with its controlling and operating appurtenances, is in proper condition and safe to operate in the service to which it is put, so that the same may be used without unnecessary peril to life and limb, and unless such apparatus, with its controlling and operating appurtenances, has been inspected from time to time in accordance with the provisions of this section and is able to meet the requirements of such test or tests as may be prescribed in the rules and regulations hereinbefore provided."

The amendment was agreed to.

The next amendment was, on page 5, line 23, after the word "such", to strike out "devices and systems" and insert "systems, devices, or appliances"; in line 25, after the word "such", to strike out "devices or systems" and insert "system, device, or appliance"; and on page 6, line 6, after the word "such", to strike out "device or system" and insert "system, device, or appliance", so as to make the paragraph read:

"(g) Each carrier shall report to the Commission in such manner and to such extent as may be required by the Commission, failures of such systems, devices, or appliances to indicate or function as intended; and in case of accident resulting from failure of any such system, device, or appliance to indicate or function as intended, and resulting in injury to person or property which is reportable under the rules of the Commission, a statement forthwith must be made in writing of the fact of such accident by the carrier owning or maintaining such system, device, or appliance to the Commission; whereupon the facts concerning such accident shall be subject to investigation as provided in sections 40, 41, and 42 of this chapter."

The amendment was agreed to.

The next amendment was, on page 6, line 12, after the word "regulations", to insert "standards"; in the same line, after the word "instructions", to strike out "promulgated" and insert "made, prescribed, or approved"; and in line 13, after the word "carriers", to strike out "subject hereto", so as to make the paragraph read:

"(h) It shall be the duty of the Commission to see that the requirements of this section and the orders, rules, regulations, standards, and instructions made, prescribed, or approved hereunder are observed by carriers, and all powers heretofore granted to the Commission are hereby extended to it in the execution of this section."

The amendment was agreed to.

The next amendment was, on page 6, line 17, after the word "carrier", to strike out "violating this section or refusing or neglecting to comply with any order, rule, or regulation made under its provisions" and insert "which violates any provision of this section, or which fails to comply with any of the orders, rules, regulations, standards, or instructions made, prescribed, or approved hereunder", so as to make the paragraph read:

"(i) Any carrier which violates any provision of this section, or which fails to comply with any of the orders, rules, regulations, standards, or instructions made, prescribed, or approved hereunder shall be liable to a penalty of $100 for each such violation and $100 for each and every day such violation, refusal, or neglect continues, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violations shall have been committed. It shall be the duty of such attorneys to bring such suits upon duly verified information being lodged with them of such violations having occurred; and it shall be the duty of the Interstate Commerce Commission to lodge with the proper United States attorneys information of any violations of this section coming to its knowledge."

The amendment was agreed to.

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

The title was amended so as to read: "A bill to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce to install, inspect, test, repair, and maintain block-signal systems, interlocking, automatic train-stop, train-control, cab-signal devices, and other appliances, methods, and systems intended to promote the safety of railroad operation."

DEPOSIT AND INVESTMENT OF INDIAN FUNDS

Mr. NORRIS obtained the floor.

Mr. THOMAS of Oklahoma. Mr. President——

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

Mr. NORRIS. I yield.

Mr. THOMAS of Oklahoma. Mr. President, during my temporary absence from the Chamber, two bills on the calendar were passed over. I should like to return to those bills for a moment, and, if there be no objection, I will ask consideration first of Calendar No. 544, being the bill (S. 2163) to authorize the deposit and investment of Indian funds. Under the present law the moneys belonging to the Indians are required to be conserved for investment or deposit in the banks of my State, Oklahoma; but because the banks there now have sufficient funds they are not willing to accept such deposits and pay the required rate of interest. As a result, the Indians are losing the interest on the moneys now held by the Government for investment.

This bill simply provides that if the banks of Oklahoma are not willing to accept such deposits, and pay the legal rate of interest thereon, the administrator of the Indian Bureau may invest such funds by depositing them in some bank or banks outside my State that is willing to pay a reasonable rate of interest.

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

Mr. VANDENBERG. Mr. President, I think the Senator from Arkansas [Mr. ROBINSON] objected when the bill was called on the calendar.

Mr. THOMAS of Oklahoma. He probably did not understand for what the bill provided. I was not present at the time, and I regret my temporary absence.

Mr. VANDENBERG. Shall we agree that upon his return, if he still objects, we may reopen the subject?

Mr. THOMAS of Oklahoma. Absolutely, at any time the Senator from Arkansas may wish to do so.

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

There being no objection, the bill (S. 2163) to authorize the deposit and investment of Indian funds was considered,

ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion, and under such rules and regulations as he may prescribe, to withdraw from the United States Treasury and to deposit in banks to be selected by him the common or community funds of any Indian tribe which are, or may hereafter be, held in trust by the United States and on which the United States is not obligated by law to pay interest at higher rates than can be procured from the banks. The said Secretary is also authorized, under such rules and regulations as he may prescribe, to deposit in banks to be selected by him the funds held in trust by the United States for the benefit of individual Indians: *Provided*, That no individual Indian money shall be deposited in any bank until the bank shall have agreed to pay interest thereon at a reasonable rate, subject, however, to the regulations of the Board of Governors of the Federal Reserve System in the case of member banks, and of the Board of Directors of the Federal Deposit Insurance Corporation in the case of insured nonmember banks, except that the payment of interest may be waived in the discretion of the Secretary of the Interior on any deposit which is payable on demand: *Provided further*, That no tribal or individual Indian money shall be deposited in any bank until the bank shall have furnished an acceptable bond or pledged collateral security therefor in the form of any public-debt obligations of the United States and any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, except that no such bond or collateral shall be required to be furnished by any such bank which is entitled to the benefits of section 12B of the Federal Reserve Act, with respect to any deposits of such tribal or individual funds to the extent that such deposits are insured under such section: *Provided, however*, That nothing contained in this act, or in section 12B of the Federal Reserve Act, shall operate to deprive any Indian having unrestricted funds on deposit in any such bank of the full protection afforded by section 12B of said Federal Reserve Act, irrespective of any interest such Indian may have in any restricted Indian funds on deposit in the same bank to the credit of a disbursing agent of the United States. For the purpose of said acts, said unrestricted funds shall constitute a separate and distinct basis for an insurance claim: *Provided further*, That the Secretary of the Interior, if he deems it advisable and for the best interest of the Indians, may invest the trust funds of any tribe or individual Indian in any public-debt obligations of the United States and in any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States: *And provided further*, That the foregoing shall apply to the funds of the Osage Tribe of Indians, and the individual members thereof, only with respect to the deposit of such funds in banks.

SEC. 2. Section 28 of the act of May 25, 1918, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919", and all other acts or parts of acts inconsistent herewith, are hereby repealed.

SEC. 3. Nothing contained in this act shall be construed as affecting the provisions of the Federal Reserve Act or regulations issued thereunder relating to the payment of interest on deposits.

REIMPOSITION OF TRUST ON YAKIMA INDIAN RESERVATION

Mr. THOMAS of Oklahoma. Mr. President, Calendar No. 545, being House bill 5171, is another bill that came from the Committee on Indian Affairs. I ask unanimous consent for its present consideration.

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

There being no objection, the Senate proceeded to consider the bill (H. R. 5171) to reimpose a trust on certain lands allotted on the Yakima Indian Reservation, which was read, as follows:

Be it enacted, etc., That the period of trust on lands allotted to Indians of the Yakima Reservation, Wash., upon which the trust period expired December 17, 1928, or at any other time prior to the approval of this act, and upon which lands patents in fee have not been issued, is hereby reimposed and extended to July 9, 1942: *Provided*, That further extension of the period of trust may be made by the President, in his discretion, as provided by section 5 of the act of February 8, 1887 (24 Stat. L. 388), and the act of June 21, 1906 (34 Stat. L. 326).

Mr. THOMAS of Oklahoma. Mr. President, all this bill seeks to do is to permit the President to extend restrictions on the lands of the Yakima Reservation. Under present law the restrictions will soon expire, and then the Department will be authorized to issue patents to the Indians there. As everyone knows, when Indians obtain patents to land they dispose of the land either through mortgage or sale. This bill is to enable the President, upon recommendation to the Secretary of the Interior, to extend the restriction period if he or the Department deem it proper to do so.

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

Mr. THOMAS of Oklahoma. Certainly.

Mr. KING. Does the bill apply to all Indian reservations?

Mr. THOMAS of Oklahoma. No; merely to one reservation, the Yakima Indian Reservation.

Mr. KING. Are the Senators from the State where the reservation is located in sympathy with the measure, and does the Senator know whether they object?

Mr. THOMAS of Oklahoma. The bill has passed the other House; and if there was any objection, it would have been made known in the House. I have heard no objection; everyone is for the bill, so far as I know. If there shall be any objection made later, I will be glad to reopen the case.

The PRESIDING OFFICER. The question is on the third reading of the bill.

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

INVESTIGATION OF PRIVATELY OWNED PUBLIC UTILITIES

Mr. NORRIS. Mr. President, the Senate this afternoon passed Senate Joint Resolution 95, after having amended it. Under the rule under which the Senate was operating at that time, it was impossible for me to offer some exhibits which it seemed to me ought to be offered in relation to that joint resolution.

The joint resolution authorizes and directs the Federal Trade Commission to make an investigation in respect to the alleged efforts of privately owned public utilities unfairly to control public opinion concerning municipal or public ownership of electric generating or distributing facilities. I should like at this time to offer, for the consideration of the Senate, some exhibits which I regard as having a very material bearing on the subject matter of the joint resolution. I am not going into the question exhaustively now, but I am going to take only a few minutes.

I wish to offer, as part of my remarks, a certain article written by R. E. McDonnell, consulting engineer of Kansas City, and I desire to read a few extracts from the article. It illustrates what happens at the hands of private power companies to the municipalities when a municipal electric project is proposed and an attempt is made to put it into operation to supply the people of any community with light and power. I read a paragraph from the article as follows:

The municipal electric system in that community—

That is Villisca, Iowa—

of 2,100 people, located in the southwestern portion of Iowa, went into operation on November 23, 1936. Before reaching the fulfillment of that community's desire on that date, it was necessary for it to wade through 12 legal suits, 3 elections, and 5 contract lettings.

That is the ordinary story when private power interests undertake to prevent a municipality or a farm organization from taking advantage of existing law in connection with the control of their own electric plants.

I wish to read an extract from some of the evidence that was taken upon the trial of one of the actions. There have been several trials, the case has gone to the Supreme Court of Iowa and back again, some cases have been dismissed and then recommended. It is the same old story showing the activities of private power interests everywhere at all times to prevent public or municipal ownership, the merits of which I am not now discussing. I merely wish to call attention to certain conditions and to insist upon what I think should be a square deal to local communities.

The questions are asked of a Mr. G. I have his name somewhere in the papers; I think it appears in them, and there is no reason why his name should not be given in full or why all other names should not be given, for that matter. But this is what occurred in examination of one of the witnesses:

Q. During those 3 years—

That is when this witness appeared as plaintiff in behalf of the power company—

have you ever paid any attorney's fees or any costs in connection with any suit?

The witness had been engaged in the litigation for 3 years, hiring lawyers to fight the municipality and prevent it from putting in a public-owned electric system for the city. The answer was:

I have not. They haven't put in a bill yet to me.

Q. Do you know that attorneys C. and C. in your behalf have filed—

In this man's name, remember—

a $10,000 bond in this case?

They were the attorneys, of course, for the power company. Here is the answer of the witness:

I don't know nothing about it.

He was the plaintiff in the case, and had to put up a bond of $10,000, but he never knew who the bondsmen were and how the bond happened to be filed in the case.

Q. You are not concerned about that?—A. I am not concerned in such things as that.

Q. You have never paid any premium to any bonding company in connection with any suit, have you?—A. I have not.

Q. But you never paid any court costs or attorneys' fees at that time or any other time, have you?—A. I did not. I was broke.

Q. You know that the Iowa-Nebraska Light & Power Co. has been putting up whatever funds have been put up, too?—A. I would expect that, for it is for their interests more than mine.

This particular litigation in Villisca, Iowa, lasted a great many years. Finally the people won, as they had been winning during most of the time, except when some technical point or something of that kind was raised, but they were subjected to this litigation for years by such men as the one whose testimony I have just read, who never put up a penny, all of the money, of course, being put up by the power company.

Eventually, as I have said, the city won, but it cost them a large amount of money and it took years of time before victory was attained. In many instances the people of communities are worn out before they get half through such litigation. I will not take the time of the Senate to read the explanation of these suits, but I will ask unanimous consent at this point in my remarks to insert it in the RECORD. It has been prepared by one of the members of the firm which, it is true, was an interested party in the suit, but the litigation is described at length. At one place in the statement the writer refers to the length of time consumed and the number of suits filed. He refers to the testimony I have just read. That testimony was taken November 4, 1935, in one of the suits which was tried. It cost legitimately many thousands of dollars to try these suits, which numbered, as I recall, 11 altogether. During the pendency of the suits and the many hearings and retrials the city grew in size and the amount of bonds originally voted to construct an electric system became confessedly too small; so the municipality had to go through the operation again and vote more bonds.

After about 11 years, as I remember, the municipality finally won the right to construct its own electric plant. After being forced into thousands and thousands of dollars of expense and a delay of many years, which the people had to suffer and for all of which they had to pay, they finally won and constructed their distribution system. This is only an illustration of what has been going on for years and years, and what is still going on now.

The PRESIDING OFFICER. Without objection, the article presented by the Senator from Nebraska will be printed in the RECORD.

The article referred to is as follows:

VILLISCA *v.* THE PRIVATE UTILITY ET AL.

There is a bronze plaque at the entrance of the municipal electric-generating station at Villisca, Iowa, carrying the following inscription: "Dedicated to the ability of the people to serve themselves." When one reviews the amazing history of the 14-year struggle of that community to obtain municipal ownership of its electric utility, this sentence could appropriately be changed to read, "Dedicated to the ability and determination of the people to serve themselves."

The municipal electric system of that community of 2,100 people, located in the southwestern portion of Iowa, went into operation on November 23, 1936. Before reaching the fulfillment of that community's desire on that date, it was necessary for it to wade through 12 legal suits, 3 elections, and 5 contract lettings.

But Villisca won. So can any community if it possesses the same factors that were present in this great battle for civic rights. These factors were, first, a group of city officials of unquestioned ability and courage, who never swerved from their path of duty to carry out the mandates of the citizens as expressed by several elections. Second, a citizenry which stood firmly behind the officials, determined that their expressed wishes be executed. That the citizens and city officials should continue their efforts with an unwavering singleness of purpose for a period of 14 years is a situation which is believed to be unique and unparalleled in the history of political government in the United States.

It would be impossible to chronicle all of the details of this interesting history of Villisca's utility in one short article, but a synopsis will be presented which will give an insight into the amazing story that unfolded in this Iowa community during 14 tumultuous and often discouraging years.

At the outset it is important to point out that the power company had not held a franchise in Villisca since 1918.

On the 17th day of July 1923 an election was held to determine whether or not the citizens desired to build a municipal power plant and system to be paid for by general-obligation bonds. The results showed that 409 wanted a municipal utility and 66 did not. Plans and specifications were prepared and a contract for building the project was awarded. Then 3 years of litigation ensued between the city and the Iowa-Nebraska Light & Power Co. Finally in 1926 this first effort was abandoned as a result of negotiations with the power company, which resulted in materially reduced electric rates. A new street lighting contract was executed, which was to expire on October 26, 1932.

During the period from 1926 to 1931 the whole issue of municipal ownership lay dormant with only occasional flare-ups of sentiment favoring the city's acquisition of such a utility. It was evident that the original effort during the 3 years from 1923 to 1926 was more in the nature of a preliminary skirmish and not the beginning of the real battle, which was due to start in the latter part of 1931. During the fall of '31 the feelings against the utility's rates and practices began to manifest itself, and this finally resulted in a petition presented to the mayor and council requesting an election, which accordingly was called for the 7th of December 1931. This resulted in 556 votes favorable to a municipal plant and 435 against the proposition. It had been proposed in connection with this election to issue revenue bonds as permitted by the newly enacted Simmer law, instead of general obligation bonds. These revenue certificates were to be payable solely and only out of revenues from the utility's operation and the city to be in no way liable. The cost of the plant was not to exceed $150,000.

Immediately after this election the power company's activity in attempting to prevent further progress on the project left no doubt but that a real battle was in progress, and the city took steps to enlist legal aid and present its side of the case.

This election was attacked by the power company in the courts, alleging fraud in the election, error in the ballots, and unconstitutionality of the Simmer law. This attack was launched in the vehicle of two separate suits filed in January 1932 by the manager of the Iowa-Nebraska Light & Power Co. These suits were dismissed and the temporary injunction dissolved on March 14, 1932.

The same manager and five taxpayers jointly obtained a temporary injunction the following day. Later the citizens withdrew, leaving the company's manager as the sole plaintiff. After trial in the district court, only that part of the decision which concerned the Simmer law was appealed by the city to the State supreme court. This court decided the Simmer law constitutional in July 1932.

In the meantime this plaintiff, the local manager, so delayed the suit that a friendly action was started by one of the citizens favorable to the proposed project in April 1932. This being the fourth suit filed, and as a friendly action, was to be pressed forward immediately. The power company, however, intervened by using a new plaintiff, "an interested citizen", and succeeded in further delaying action on this fourth suit.

The proponents of a municipal light plant became weary of legal delays foisted on the city by power company efforts and decided to call a new election, which was set for November 8, 1932. This action disposed of the third and fourth suits filed, and the results of this third election showed 709 votes were favorable and 466 unfavorable, manifestly proving the wishes of the people.

New engineering plans and specifications were authorized at once by the council and a letting date was set for January 12. Thus Villisca was free from legal obstacles and going ahead for the first time since January 1932. But this happy state of affairs was to be short-lived for again the "interested citizen", acting for the power company, presented himself before a judge not authorized to handle such a case, and yet this judge nevertheless enjoined the project temporarily on January 5, 1933, but the regular judges on January 9 dissolved the injunction and set a hearing for this new action, or fifth case.

On the 12th of January 1933, a contract for the plant equipment and system was awarded to a Des Moines electric contractor at a figure of approximately $120,000, which was well within the estimate.

In the middle of February 1933 a temporary injunction was granted, then made permanent, and the case appealed to the supreme court. The supreme court ruled the election of No-

vember 8, 1932, as valid, and thus disposed of the fifth case in the series.

Immediately after the January award of contract for construction, the sixth, seventh, and eighth suits were filed by plaintiffs representing the power company in one guise or another. These suits all sought to attack the construction contract and the question was carried to the Supreme Court of Iowa, which court ruled the construction contract invalid on the grounds that the bid of the contractor did not respond to the specifications. This ruling was not handed down until the latter part of 1933.

In January 1934 the Burns & McDonnell Engineering Co. of Kansas City were retained to start from the beginning and prepare an entirely new set of plans and specifications. A letting date was set for May 15, 1934. This was possible in view of the supreme court's ruling that the November 1932 election was valid.

Bids were accepted on the date set (this being the third letting since 1923) and an award was made on January 6 to the same concern from Des Moines that was the successful bidder on the contract in January 1933. However, during the 18 months' delay, prices on materials had risen and the contract price was now $139,000. This $19,000 penalty was forced upon the city as the result of legal delays fostered by the power company during a period of rising prices.

On June 11, 1934, the power company again filed suit. This time no subterfuge was resorted to and no "interested citizen" appeared as plaintiff. This was the ninth suit in this seemingly unending series. After a few shovelsful of dirt had been dug at the plant site, a temporary injunction stopped all progress.

The power company and its attorneys sought to secure a permanent injunction on the grounds that the base bids should govern and no deductions at unit prices submitted be permitted. This case was decided favorably for the city in the district court, but on appeal to the Supreme Court of Iowa, this decision was reversed and thus the city was forced to either present an appeal or arrange for another letting.

Thus, the fourth letting was set for September 1935, after certain minor changes had been made in the plans and specifications. At this time an award was made to a construction firm other than the successful one at the two previous lettings. Different equipment was purchased and the bid price was approximately $127,600, due to economies that had been utilized.

The tenth lawsuit followed immediately and the "interested citizen" or "constant plaintiff" again made his appearance and this time the charges were directed to certain technicalities in the engine design, which stated that the specifications had not been complied with by the successful bidder.

This tenth suit also went to the Supreme Court of Iowa and a second decision, unfavorable to the city, was handed down by that body. It was obvious that the power company had searched through the records with a fine comb for tiny flaws and presented a case to the court which was legally satisfactory, regardless of the moral question involved. There was evidence of error in presenting certain records and exhibits, but it was deemed expedient by the city to readvertise for bids instead of attempting to appeal the decision.

A new letting was set for June 24, 1936, and this was the fifth such step in the series of events.

This letting permitted an award to the same contractor and equipment as in the fourth letting, and the accepted bid price amounted to $136,200, but this time the engines purchased were 450 h. p. each instead of 375 h. p. each, as had been selected at former lettings. This larger size was desirable for the town had grown during the years of litigation and required larger capacities in the plant.

Work at the plant site started as soon as contracts for construction were executed.

But the progress only continued a few days as the power company again sought out a judge that they hoped would lend a friendly ear to their pleas for an injunction. Thus started the eleventh legal case on the 29th day of June 1936. The city stated that the particular judge appealed to had no authority in this case, but he felt differently and ruled a temporary injunction on July 3, 1936.

Work stopped on construction, but the city promptly made application to the Iowa Supreme Court for a writ of certiorari on the 7th of July. The hearing was held on the 11th, and the supreme court stayed the order of the lower court and set a hearing for the September term. Construction on the plant began again, and it appeared the city had a clear track for once, at least until September, and the men worked like beavers, building plant and system in three 8-hour shifts.

But the power company and the "constant plaintiff" didn't want such an opportunity to exist for the city, so they dismissed their previous action in the eleventh case and started a similar new action in the twelfth and what was later to prove to be the last legal lap in this long-drawn-out effort.

It might be of considerable interest to include at this point a few details regarding the "interested citizen" who lent his talents so readily to the power company. The part he played can be adequately told by his own answers when placed on the witness stand. This testimony was taken in the District Court of Iowa, Montgomery County, on November 4, 1935. Let us call him "Mr. G."

Question. During those 3 years (when Mr. G. appeared as plaintiff in behalf of the power company), have you ever paid any attorney's fees or any costs in connection with any suit?

Mr. G. I have not. They haven't put in a bill yet to me.

Question. Do you know that Attorneys C. and C. in your behalf have filed a $10,000 bond in this case? (C. and C. were the attorneys for the power company and the "interested citizen" in numerous actions against the city.)

Mr. G. I don't know nothing about it.

Question. You are not concerned about that?

Mr. G. I am not concerned in such things as that.

Question. You have never paid any premium to any bonding company in connection with any suit, have you?

Mr. G. I have not.

Question. But you never paid any court costs or attorney's fees at that time or any other time, have you?

Mr. G. I did not. I was broke.

Question. You know that the Iowa-Nebraska Light & Power Co. has been putting up whatever funds have been put up, too?

Mr. G. I would expect that, for it is for their interests more than mine.

Thus the "interested citizen" and his interests were uncovered but unfortunately there are "constant plaintiffs" in every community ready to assist in delaying the execution of the wishes of the majority. All too often their connections with the real objectors are never uncovered.

In this twelfth action the power company went to the proper judge in the lower court and a hearing was set for July 17. It is of sufficient interest to note that the grounds for this suit were that the amount of revenue bonds issued plus the interest on them to maturity would total more than the $150,000 which had been voted by the people. This charge was extremely absurd—so absurd in fact that the lower court denied the power company its requested temporary injunction.

Work started at the plant again with a rush but the power company turned at once to the supreme court for a stay order and a hearing on this was set for the 29th of July.

In the meantime, with the construction proceeding at a rapid rate, the power plant building was half done on the date set for the hearing before the supreme court.

The supreme court acted without delay and denied the stay order and thus construction was continued without interruption for once.

But there still remained the hearing before the supreme court in the September term. At this time the temporary injunction was denied. This did not daunt the power company one whit. They amended their petition in the district court and a hearing was had on application for temporary injunction on other grounds, which was denied by the district court. On October 23 a hearing was had in the lower court on a permanent injunction; this was also denied. On October 29 the supreme court heard the power company's new request for a stay order which was denied. In a last futile gesture the power company served notice of appeal from the district court's denial of permanent injunction which appeal was never perfected and the last legal obstacle facing Villisca was removed.

Construction on the plant and system had been going forward rapidly during the summer and fall and on 23d November 1936 the utility, having officially met all specified requirements, began to serve the people of Villisca.

But the ambition of this city to completely serve itself had not yet been realized. When the utility went into operation 95 percent of the electric load in the city was voluntarily offered immediately for connection with the municipal plant. With such a small portion of the business left to the power company that utility decided to withdraw from the community, it being no longer profitable to serve so few customers. This final withdrawal was not completely effected until early in February of 1937. Accompanying this withdrawal the city hooked up the last few customers and its real ambition was realized after 14 long years. During this stormy period this ambition and desire was so deeply rooted in the minds and hearts of a large majority of the citizens of Villisca that it had successfully survived 3 elections, 5 lettings for award of contracts, and 12 legal suits—truly a remarkable instance of civic courage and determination.

Imagine the source of pride and profit that this new utility constitutes for Villisca. After the financial, legal, and engineering difficulties of 14 years has been surmounted, the plant is theirs.

The citizens are happy, the officials are proud, and the wounds of battle are being erased and forgotten, and best of all the city's coffers are filling and recent reports show the plant will be paid for well ahead of schedule.

Now that Villisca's difficulties have been chronicled, it would seem fitting to again repeat those words, splendid in their strength and simplicity, "Dedicated to the ability of the people to serve themselves." They serve, indeed, as a worthy tribute to the citizens of Villisca and a well chosen epitaph to a long and bitter struggle at last laid to rest.

Above written by R. E. McDonnell, consulting engineer, Kansas City, Mo.

Mr. NORRIS. Mr. President, numerous suits are pending in the courts of the United States, brought by power companies through injunctions to prohibit the installation of municipally owned plants. As I view the situation, it is not a question of whether we prefer a municipal plant or a privately owned plant, but the question is whether the people of a given city or community shall have the right to decide for themselves whether they want public ownership or

private ownership of public utilities. The joint resolution passed by the Senate this afternoon directs the Federal Trade Commission to make an investigation of such suits.

Congress enacted a law not long ago providing for the rural distribution of electricity. I am not now going into that matter again. We all know what the law is. The day after it was signed and became a law the activities of the privately owned power companies began—and they are continuing—to prevent that law from becoming effective. This is being accomplished by all sorts of litigation, by all kinds of delay intended to wear out the people.

I have here a telegram from Mr. Carmody, the Administrator, sent to the Governor of a State. It is all interesting, but I want to read just a paragraph:

The fight that West Virginia farmers are making to build rural lines of their own to supply electrical energy in areas previously unserved may not have been brought to your attention. Every effort made by these farmers in West Virginia to take advantage of the R. E. A. Act has been blocked by utilities.

He goes on to explain in the telegram somewhat in detail what has been happening. The Power Trust is preventing the construction of rural lines by litigation. That is going on all over the United States. This is only a sample of what the power interests are doing.

Mr. President, in the last few days my attention has been directed to activities in years past which have resulted in the closing of the mouths of many men who are opposed to the domination of the Power Trust in their vicinities. One such instance occurred in Iowa. Similar instances are occurring all over the United States. Various and devious methods are adopted to prevent the carrying out and enforcement of the law which we passed in the last session of Congress to give the farmers the benefit of cheap electricity.

The evidence which I am about to submit exposes the disgraceful, illegal, immoral methods to which the private power companies resort in order to prevent people from getting that to which the law entitles them. While it is nothing new as a matter of fact, but has been going on for many years, yet the evidence shows the nature of the activities of what I call the Power Trust in their immoral, illegal, unfair methods by which they block any distribution of electricity among the farmers or city dwellers by means which may be municipally owned. The question of whether municipal ownership is better than private ownership I am not now discussing. I have very definite ideas about it, but, if we believe in the enforcement of the law, it makes no difference so far as this question is concerned whether we believe in private ownership or public ownership. If the people want public ownership, I think they ought to have it. If they do not want it, they should reject it, as they often have done. But the method by which it is rejected is not known usually until years after it has happened. The evidence I hold in my hand now discloses another disgraceful, illegal, unfair, and immoral method by which public distribution of electricity among the people of communities and among farmers is prevented.

This is an agreement in which it is provided, among other things:

The first parties agree to procure on or before January 1, 1930, a contract by the terms of which J. W. Kime shall be employed at a salary of $400 per month, payable monthly, with traveling expenses in addition thereto, to lecture at such times and places and on such occasions as may be designated by his employer on the subject of food conservation, conservation of sight, and other kindred scientific subjects.

That was the contract. It was simply a blind, of course. Note the language of the contract from which I have read.

Mr. Kime was to lecture on these subjects when they wanted him. They never wanted him. They never called on him. He never delivered a lecture, but he received his compensation under the contract just the same. That contract was made with representatives of private power interests, Mr. MacDonald and Mr. Price. It seemed at that time the contract did not definitely state that they were making a contract, but that a contract should be made.

The contract of employment thus to be procured—

The contract provides—

shall be with a financially responsible company, engaged in jobbing electrical products.

It goes on to describe what they shall do and finally concludes with this clause—and this is the gist of it, the only part of it that ever was in force or ever was intended to be in force except the payments to this man which he drew regularly all the time during the existence of the contract. This is the last paragraph of the contract:

Said J. W. Kime agrees faithfully to serve his employer, and to perform his obligations to the best of his ability. He further agrees not to engage, directly or indirectly, in any movement of any kind, either at Fort Dodge or elsewhere, which may be regarded by the United Light & Power Co. as being inimical or against the interests or property of the said company or any of its subsidiaries.

That is the contract. That is its gist. Outside of the payment of the money, that is the only object the parties to the contract ever had.

I ask unanimous consent to insert in the RECORD at this point, as part of my remarks, a copy of the contract to which I have referred.

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

The contract is as follows:

This agreement executed this 9th day of November 1929 between R. B. MacDonald and B. J. Price of the first part and J. W. Kime of the second part, witnesseth:

The first parties agree to procure on or before January 1, 1930, a contract by the terms of which J. W. Kime shall be employed at a salary of $400 per month, payable monthly, with traveling expenses in addition thereto, to lecture at such times and places and on such occasions as may be designated by his employer on the subject of food conservation, conservation of sight, and other kindred scientific subjects.

The contract of employment thus to be procured shall be with a financially responsible company engaged in jobbing electrical products. It shall begin as of date November 1, 1929, and shall continue for the period of 5 years. Until such contract is procured the first parties guarantee payment of the monthly salary and have paid the salary for November 1929 receipt of which is hereby acknowledged. Such payments of salary as may be paid or be caused to be paid by the first parties prior to the execution of said contract of employment shall be credited on said contract when executed.

The said J. W. Kime shall within 6 months from the date of said contract of employment have the privilege of borrowing up to the sum of $5,000 on said contract, in which event the monthly payments of salary shall be reduced by the sum of $100 per month until such loan is repaid.

In the event of the disability or death of the said J. W. Kime prior to the expiration of said 5-year period, the compensation to be paid to said Kime shall be reduced to the sum of $2,500 per annum, payable in equal monthly installments to him or to his estate.

The said J. W. Kime agrees faithfully to serve his employer and to perform his obligations to the best of his ability. He further agrees not to engage, directly or indirectly, in any movement of any kind either at Fort Dodge or elsewhere which may be regarded by the United Light & Power Co. as being inimical or against the interests or property of the said company or any of its subsidiaries.

B. J. PRICE.
R. B. MACDONALD.
J. W. KIME.

Mr. NORRIS. Mr. President, I hold in my hand another copy of that contract, received from a different source. It is a photostatic copy of the contract signed by these representatives of the power people and by this individual. He kept that contract. Prior to that time he was active in advocating Government ownership of electric facilities and the distribution of electricity. He was one of the enemies of the Power Trust. This contract was made with him in order to close his mouth, and it successfully closed his mouth, at least until the expiration of the contract. That meant that he drew from these people $24,000 just to keep still; and when the good people of that town in Iowa or of any other locality paid their electric bills, they did not know that part of the amount of those bills was to pay for bribery, that part of the amount of those bills they had to pay was illegal. That fact did not come out until the contract had expired.

Those things are going on all over the United States in the name of the private power companies. I do not know of any other aggregation of men that have gone so far on so many occasions to defeat the will of the people in various communities as that one has. All over the United States propaganda is going on from privately owned companies to prevent the carrying out of the law enacted in the last Con-

gress to take electricity to the homes of our farmers. This is only a sample of it; and we pay the bill, not only the salaries of men whose mouths are closed but the high salaries of men who do this indirect bribing of persons so that they may carry on their nefarious, illegal traffic and receive exorbitant rates from the American people.

Mr. President, I could fill volumes with evidence of this kind. I shall not burden the CONGRESSIONAL RECORD with it, however. This afternoon the Senate passed a joint resolution which provides for an investigation by the Federal Trade Commission. The joint resolution will require action by the House of Representatives as well. It was principally to get this matter into the RECORD that I took the floor this afternoon. There are volumes besides this. I have presented only samples of what has been going on.

All over the United States men are undertaking to stay the hands of the officers of the different States from putting in farm electric lines under the law enacted at the last session of Congress. They are trying to nullify it, and this is only a sample of the way in which they are doing it. It is going on everywhere. I thought it my duty to put in an infinitesimal part of the evidence I have to show the opposition to the kind of legislation enacted when Congress passed the Rural Electrification Act, the object of which was to bring electricity to the farmers of the United States.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. GILLETTE in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

COMMISSIONER GENERAL, GREAT LAKES EXPOSITION

Mr. COPELAND. As in executive session, and on behalf of the Senator from Ohio [Mr. DONAHEY], I report favorably from the Committee on Commerce the nomination of Nicola Cerri, of Ohio, to be United States Commissioner General for the Great Lakes Exposition, vice A. Harry Zychick, resigned.

Mr. BULKLEY. Mr. President, as in executive session, I ask unanimous consent that the nomination just favorably reported by the Senator from New York from the Committee on Commerce be immediately acted upon. There is a vacancy in the office of the United States Commissioner General for the Great Lakes Exposition, owing to the fact that the man who served last year resigned, effective as of last Saturday. We are anxious to have the nomination confirmed in order that the nominee may immediately enter upon his duties in connection with the exposition.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Ohio?

Mr. VANDENBERG. Mr. President, normally the action requested is poor practice; but under the circumstances, owing to the necessities of the situation, I have no objection.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BULKLEY. For the same reason as previously expressed, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Ohio? The Chair hears none, and the President will be notified.

EXECUTIVE REPORTS OF COMMITTEES

Mr. BARKLEY. Mr. President, there is no business on the Executive Calendar. Various executive reports have been handed in by members of committees. I ask unanimous consent that any report for the Executive Calendar from any committee may be considered as having been presented in executive session.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

As in executive session,

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the following nominations:

Maj. Gen. William Shaffer Key, Oklahoma National Guard, to be major general, National Guard of the United States;

Brig. Gen. Raymond Stallings McLain, Oklahoma National Guard, to be brigadier general, National Guard of the United States;

Brig. Gen. Raymond Owens Smith, Adjutant General's Department, Tennessee National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States; and

Brig. Gen. Lewis Manning Means, Adjutant General's Department, Missouri National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States.

Mr. SHEPPARD also, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for appointment, by transfer, in the Regular Army.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Wednesday next.

The motion was agreed to; and (at 2 o'clock and 29 minutes p. m.) the Senate took a recess until Wednesday, May 19, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 17 (legislative day of May 13), 1937

DIPLOMATIC AND FOREIGN SERVICE

Homer Brett, of Mississippi, now a Foreign Service officer of class 4 and a consul, to be a consul general of the United States of America.

COLLECTORS OF CUSTOMS

James J. Connors, of Juneau, Alaska, to be collector of customs for customs collection district no. 31, with headquarters at Juneau, Alaska. (Reappointment.)

John Bright Hill, of Wilmington, N. C., to be collector of customs for customs collection district no. 15, with headquarters at Wilmington, N. C. (Reappointment.)

COAST GUARD OF THE UNITED STATES

Chief Boatswin (L) Frank E. Allison to be a district commander, with the rank of lieutenant, in the Coast Guard of the United States, to rank as such from date of oath.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenants with rank from date of appointment

First Lt. Thomas Morrison Arnett, Medical Corps Reserve.

First Lt. James William Sullivan Stewart, Medical Corps Reserve.

First Lt. Horace Craig Gibson, Medical Corps Reserve.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. John Hamilton Judd, Infantry, with rank from October 1, 1934.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lt. Col. Walter Reed Weaver, Air Corps (temporary colonel, Air Corps), from May 7, 1937.

TO BE LIEUTENANT COLONEL

Maj. Alfred James Maxwell, Finance Department, from May 7, 1937.

TO BE MAJOR

Capt. Frederick Harry Black, Field Artillery, from May 7, 1937.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

Brig. Gen. George Edmund de Schweinitz, Inactive Reserve, from July 5, 1937, to be brigadier general, Inactive Reserve.

PROMOTIONS IN THE NAVY

Commander David I. Hedrick to be a captain in the Navy from the 1st day of April 1937.

Lt. Comdr. Lyman K. Swenson to be a commander in the Navy from the 1st day of April 1937.

Lt. Comdr. Walter W. Webb to be a commander in the Navy from the 1st day of May 1937.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the dates stated opposite their names:

Frederick C. Marggraff, Jr., June 30, 1936.
August W. Lentz, June 30, 1936.
Albert S. Carter, July 1, 1936.
Matthew Radom, November 3, 1936.
Clarence M. Bowley, February 1, 1937.
Frederick E. Moore, February 1, 1937.
Joe E. Wyatt, February 1, 1937.
J. Clark Riggs, February 1, 1937.
Robert L. Morris, February 1, 1937.
John M. Boyd, March 1, 1937.
Marcel R. Gerin, March 13, 1937.

Passed Assistant Dental Surgeon Jesse W. Miller, Jr., to be a dental surgeon in the Navy, with the rank of lieutenant commander, from the 1st day of August 1936.

The following-named midshipmen to be ensigns in the Navy, revocable for 2 years, from the 3d day of June 1937:

Thomas McC. Adams
Guy J. Anderson
James P. Andrea
Edward S. Arentzen
Augustus W. Aylesworth
Donald "G" Baer
Howard W. Baker
Richard E. Ball
John M. Ballinger
Richard L. Barkley
Walter J. Barry
Harry H. Barton
David B. Bell
Ralph H. Benson, Jr.
Lawrence G. Bernard
Bernhard H. Bieri, Jr.
Francis G. Blasdel, Jr.
John K. Boal
Harold S. Bottomley, Jr.
William L. Brantley
William D. Brinckloe, Jr.
William F. Bringle
William B. Brown
Charles L. Browning
Franklin D. Buckley
Charles A. Burch
Henry F. Burfeind
Roy H. Burgess, Jr.
Paul S. Burt, Jr.
Albert J. Carr
John B. Carroll
John D. Carson
Earl W. Cassidy
John F. Cheney
George W. Chipley
Francis E. Clark
Charles W. Coker
Richard G. Colbert
Terrell H. W. Connor
Ralph W. Cousins
William R. Crenshaw
James B. Cresap
David C. Crowell
James H. Cruse
Thomas D. Cunningham
John P. Currie
Roger N. Currier
Frederick E. Dally
Joseph F. Dalton
Thomas D. Davies
Lewis O. Davis
Daniel B. Deckelman
Felix E. de Golian, Jr.
Edward G. De Long
James B. Denton
John M. De Vane, Jr.
Charles R. Dodds
Joseph A. Dodson, Jr.
Carl R. Doerflinger
David E. Dressendorfer
Greer A. Duncan, Jr.
John C. Dyson
Frank M. Eddy
Thomas E. Edwards, Jr.
George C. Ellerton, Jr.
Jesse D. Elliott, Jr.
Robert B. Erly
Leonard E. Ewoldt
Robert F. Farrington
Maurice Ferrara
William L. Fey, Jr.
Saverio Filippone
Edwin C. Finney
Clifton W. Flenniken, Jr.
Warren W. Ford
Albert S. Freedman, Jr.
Ernest S. Friedrick
Albert S. Fuhrman
Alfred W. Gardes, Jr.
Donald Gay, Jr.
Alfred F. Gerken.
Charles E. Gibson
Edward B. Gibson, Jr.
Jack E. Gibson
Fillmore B. Gilkeson
Green C. Goodloe
Shields Goodman
Charles M. Gore
Emery A. Grantham
William Gregg
James R. Grey
Alexander Groves
James R. Gustin
Harry B. Hahn
Fletcher Hale, Jr.
Warren C. Hall, Jr.
Widmer C. Hansen
Kenneth E. Hanson
Talbot E. Harper
Patrick H. Hart
Herbert J. Hartman
Paul E. Hartmann
Herold A. Harveson
William J. Held
Frederick J. Henderich
Frank H. Henderson, Jr.
John B. Hess
Edward W. Hessel
Carl R. Hirschberger
Clifton M. Hocker
Richard Holden
Hugh W. Howard
William A. H. Howland
John G. Hughes
Richard B. Hughes
Francis W. Ingling
Lloyd F. Jakeman
Frederick E. Janney
Dwight L. Johnson
John P. M. Johnston
Mark H. Jordan
Gerald P. Joyce
Lawrence V. Julihn
Walter H. Keen, Jr.
John L. Kelley, Jr.
John C. Kelly
John W. King
Ralph Kissinger, Jr.
Fred E. Wexel
Leonce A. Lajaunie, Jr.
Charles E. Lake
Robert B. Lander
Harvey P. Lanham
Falkland MacK. Lansdowne
William R. Lowndes
Dayle W. Lyke
Morton H. Lytle
William P. Mack
John R. Madison
Edward P. Madley
William B. Mason, Jr.
Gordon G. Matheson
James N. Mayes
Vincent F. McCormack
Ellis H. McDowell
Merle B. McKaig
Frank D. McKay, Jr.
Roger W. Mehle
Donald L. Mehlhop
John L. Mehlig
Charles H. Meigs
Frank F. Menefee
John W. Merryman
Clifford A. Messenheimer
John D. Miller
Thomas L. Miller
Charles S. Minter, Jr.
Peter G. Molteni, Jr.
Parkman B. Moore
Raymond A. Moore
Theophilus H. Moore
John F. Morse
Charles A. Nash, Jr.
John W. Neel
Howard W. Nester, Jr.
Fred R. Newell, Jr.
Richard P. Nicholson
John L. Nielsen
Thomas J. Nixon, III
Geoffrey P. Norman
Robert H. Northwood
Jack A. Obermeyer
Edward H. O'Hare
Guy E. O'Neil, Jr.
James S. O'Rourke
Bethel V. Otter
John E. Pace
Raymond F. Parker
Frank A. Patriarca
Kenneth W. Patrick
Donald D. Patterson
John C. Patty, Jr.
Theodore M. Peterson
Walter L. Phaler
John E. Pond, Jr.
William M. Porter
Kenneth E. Pound
James A. Pridmore
Charles F. Putman
Simon E. Ramey
Oliver M. Ramsey
Eugene P. Rankin
Hubert B. Reece
John "D" Reese, Jr.
Walter S. Reid
Adrian W. Rich
Paul J. Riley
Hugh R. Rimmer
Franklin S. Rixey
Jesse P. Robinson, Jr.
Thomas W. Roby, Jr.
Richard S. Rogers
James G. Ross
Eli Roth
George M. Rouzee
Henry A. Rowe
Lewis A. Rupp
Francis C. Rydeen
Everett G. Sanderson
Robert L. Savage, Jr.
James R. Scales
John S. Schmidt
Frederick H. Schneider, Jr.
Edward K. Scofield
Thomas H. Seitz
Frank N. Shamer
Maurice W. Shea
Harmon B. Sherry
Stewart Shick, Jr.
Harold D. Shrider
Burton H. Shupper
Henry D. Sipple
Bruce D. Skidmore
John S. Slaughter
Ralph A. Smith
William R. Smith, Jr.
Ray A. Snodgrass
William A. Snyder
Archie "H" Soucek
Edward D. Spruance
Charles Stein, Jr.
Walter J. Stencil
William M. Stevens
William R. Stevens
William S. Stewart
George L. Street, III
Stockton B. Strong
Wesley J. Stuessi
Henry M. S. Swift
Lewis D. Tammy
Robert V. Tate
Frank W. Taylor
Paul K. Taylor
John A. Thomas
Newell E. Thomas
Mac D. Thompson
Harry C. Transue
Harold L. Usher, Jr.
Ellsworth H. Van Patten, Jr.
Albert O. Vorse, Jr.

John R. Wadleigh	Victor H. Wildt
Joseph L. Walker	Robert S. Willey
Russell H. Wallace	Richard B. Williams
Robert M. Ware	Fay E. Wilsie
Nelson P. Watkins	Sanford E. Woodard
Richard A. Waugh	Roger B. Woodhull
Donald V. Wengrovius	Joseph T. Yavorsky
Robert H. Wescott, Jr.	Howard M. Young
Rexford V. Wheeler, Jr.	Anthony P. Zavadil, Jr.
Jack C. Whistler	Charles J. Zellner
Donald M. White	Stanley M. Zimmy

MARINE CORPS

First Lt. Deane C. Roberts to be a captain in the Marine Corps from the 1st day of August 1936.

First Lt. William A. Willis to be a captain in the Marine Corps from the 22d day of April 1937.

The following-named second lieutenants to be first lieutenants in the Marine Corps from the 2d day of March 1937:

Edward L. Hutchinson
Frederic H. Ramsey
Reynolds H. Hayden

The following-named midshipmen to be second lieutenants in the Marine Corps, removable for 2 years, from the 3d day of June 1937:

John G. Walsh, Jr.	Guy G. Narter
Robert T. Vance	Hewitt D. Adams
Woodrow M. Kessler	Joseph A. Gerath, Jr.
Arthur W. Fisher, Jr.	Alben C. Robertson
Paul R. Byrum, Jr.	Robert F. Ruge
Rivers J. Morrell, Jr.	John R. Lirette
Donald E. Huey	Thomas A. Culhane, Jr.
Cedric H. Kuhn	James R. Bromeyer
Merritt Adelman	Thomas R. Stokes
James C. Bennett	Radford C. West
Clarence A. Barninger, Jr.	Ray L. Vroome
Arthur J. Stuart	Owen A. Chambers
Webster D. Smith	

POSTMASTERS

ALABAMA

Albert Morton Shaw to be postmaster at Carbon Hill, Ala., in place of G. W. Shaw, deceased.

John E. Johnson to be postmaster at Fyffe, Ala. Office became Presidential July 1, 1936.

Florrie V. Butts to be postmaster at Louisville, Ala., in place of F. V. Butts. Incumbent's commission expired March 18, 1934.

CALIFORNIA

Harvey H. Washburn to be postmaster at Hanford, Calif., in place of W. M. Erwin, removed.

John Phillip Souza to be postmaster at Salinas, Calif., in place of J. F. Iverson, deceased.

Joseph Anthony Chargin, Jr., to be postmaster at San Jose, Calif., in place of J. D. Chace, resigned.

Harry E. Meyers to be postmaster at Yuba City, Calif., in place of H. E. Meyers. Incumbent's commission expired June 1, 1936.

COLORADO

Chester A. Brown to be postmaster at Idaho Springs, Colo., in place of E. L. Regennitter, resigned.

CONNECTICUT

Laurent E. Beauregard to be postmaster at Wauregan, Conn. Office became Presidential July 1, 1936.

FLORIDA

Carrie Bowers to be postmaster at Lake Placid, Fla., in place of Carrie Bowers. Incumbent's commission expired January 22, 1936.

GEORGIA

Marcus G. Keown to be postmaster at Mount Berry, Ga., in place of M. G. Keown. Incumbent's commission expired January 7, 1936.

IDAHO

Lola Rossi to be postmaster at Idaho City, Idaho. Office became Presidential July 1, 1935.

ILLINOIS

Thelma B. Zimmer to be postmaster at Armington, Ill. Office became Presidential July 1, 1936.

Alvah G. Eimen to be postmaster at Danforth, Ill. Office became Presidential July 1, 1936.

Wilfrid W. Jones to be postmaster at Thawville, Ill. Office became Presidential July 1, 1936.

KANSAS

Lacel G. Moss to be postmaster at Atlanta, Kans. Office became Presidential July 1, 1936.

LOUISIANA

William Z. Lewis to be postmaster at Alco, La. Office became Presidential July 1, 1934.

Stephen R. Jackson, Jr., to be postmaster at Cheneyville, La., in place of S. R. Jackson, Jr. Incumbent's commission expired December 20, 1934.

Paul T. Thibodaux to be postmaster at Donaldsonville, La., in place of P. T. Thibodaux. Incumbent's commission expired December 16, 1934.

Jesse L. Beasley to be postmaster at Harrisonburg, La., in place of J. L. Beasley. Incumbent's commission expired April 27, 1936.

Fred E. Callaway to be postmaster at Jonesboro, La., in place of F. E. Callaway. Incumbent's commission expired June 23, 1936.

Alvin C. Brunson to be postmaster at Mangham, La., in place of A. C. Brunson. Incumbent's commission expired January 9, 1936.

John T. Boyett to be postmaster at Sarepta, La. Office became Presidential July 1, 1936.

George M. Tannehill to be postmaster at Urania, La. Office became Presidential July 1, 1936.

Nannie H. Rogillio to be postmaster at Water Proof, La., in place of N. H. Rogillio. Incumbent's commission expired April 27, 1936.

MARYLAND

Michael J. Sullivan to be postmaster at Ellicott City, Md., in place of T. E. Brian. Incumbent's commission expired January 11, 1936.

Guy M. Coale to be postmaster at Upper Marlboro, Md., in place of G. M. Coale. Incumbent's commission expired February 9, 1936.

MASSACHUSETTS

Grace Hartley Howe to be postmaster at Fall River, Mass., in place of D. F. Corrigan, deceased.

William J. O'Connor to be postmaster at Foxboro, Mass., in place of J. R. Fales, removed.

Josephine E. Worster to be postmaster at Hull, Mass., in place of J. E. Worster. Incumbent's commission expired December 16, 1933.

MINNESOTA

Floyd H. Scheid to be postmaster at Easton, Minn. Office became Presidential July 1, 1936.

Ira T. Strom to be postmaster at Lake Lillian, Minn. Office became Presidential July 1, 1936.

Gerhard Byholt to be postmaster at Peterson, Minn. Office became Presidential July 1, 1936.

MISSISSIPPI

Thomas H. Vance to be postmaster at Lake, Miss., in place of H. H. McDonald, resigned.

Catherine Fitzpatrick to be postmaster at Pass Christian, Miss., in place of Catherine Fitzpatrick. Incumbent's commission expired January 25, 1936.

William J. Stephens to be postmaster at Webb, Miss., in place of W. J. Stephens. Incumbent's commission expired May 23, 1936.

G. Albert Decell to be postmaster at Wesson, Miss., in place of G. A. Decell. Incumbent's commission expired May 23, 1936.

NEW MEXICO

L. Elizabeth Dunn to be postmaster at Conchas Dam, N. Mex. Office became Presidential January 1, 1937.

NEW YORK

Marjorie E. Dickinson to be postmaster at Bridgehampton, N. Y., in place of Maud Rogers, resigned.

William L. Bergner to be postmaster at Callicoon, N. Y., in place of C. F. Bergner, deceased.

George G. Taylor to be postmaster at Canaan, N. Y., in place of G. G. Taylor. Incumbent's commission expired July 13, 1936.

Timothy E. Driscoll to be postmaster at Kauneonga Lake, N. Y., in place of W. F. Driscoll, resigned.

George W. Millicker to be postmaster at Mahopac Falls, N. Y., in place of G. W. Millicker. Incumbent's commission expired April 29, 1936.

Charles E. Miller to be postmaster at Moravia, N. Y., in place of E. A. Parker. Incumbent's commission expired February 17, 1936.

OHIO

George H. Smith to be postmaster at Bryan, Ohio, in place of C. R. Ames. Incumbent's commission expired July 13, 1936.

OKLAHOMA

Wrenetta M. Carter to be postmaster at Bokoshe, Okla. Office became Presidential July 1, 1936.

Louia M. Amick to be postmaster at Jefferson, Okla. Office became Presidential July 1, 1936.

Frank R. Cassius to be postmaster at Langston, Okla. Office became Presidential July 1, 1936.

Guy M. Coffman to be postmaster at Morrison, Okla. Office became Presidential July 1, 1936.

PENNSYLVANIA

Origen K. Bingham to be postmaster at Bridgeville, Pa., in place of J. D. Moore, transferred.

Christina R. Hankin to be postmaster at North Wales, Pa., in place of D. B. Seasholtz. Incumbent's commission expired February 10, 1936.

SOUTH CAROLINA

Kittie A. Dunn to be postmaster at Eastover, S. C. Office became Presidential July 1, 1936.

Thomas B. Horton to be postmaster at Heath Springs, S. C., in place of T. B. Horton. Incumbent's commission expired June 10, 1936.

Jacob M. Bedenbaugh to be postmaster at Prosperity, S. C., in place of J. M. Bedenbaugh. Incumbent's commission expired June 15, 1936.

TEXAS

Oscar T. Griffith to be postmaster at Sunray, Tex. Office became Presidential January 1, 1937.

VIRGINIA

Bessie J. Deane to be postmaster at New Canton, Va. Office became Presidential July 1, 1936.

James Archie Buchanan to be postmaster at Saltville, Va., in place of C. T. DeBusk, removed.

WISCONSIN

Thomas A. Lowerre to be postmaster at Delafield, Wis., in place of T. A. Lowerre. Incumbent's commission expired February 10, 1936.

William R. Hartley to be postmaster at Fountain City, Wis., in place of W. R. Hartley. Incumbent's commission expired June 1, 1936.

John J. Burkhard to be postmaster at Monroe, Wis., in place of J. J. Burkhard. Incumbent's commission expired February 28, 1933.

CONFIRMATION

Executive nomination confirmed by the Senate May 17 (legislative day of May 13), 1937

UNITED STATES COMMISSIONER GENERAL FOR THE GREAT LAKES EXPOSITION

Nicola Cerri to be United States Commissioner General for the Great Lakes Exposition.

HOUSE OF REPRESENTATIVES

MONDAY, MAY 17, 1937

The House met at 11 o'clock a. m.

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

As the hart panteth after the water brooks, so panteth my soul after Thee, O God.

Let us hear the call of the Eternal and catch the echo of our dreams and aspirations. Thou who art the giver of all good make this day what it ought to be, an opportunity for self-dedication and high devotion to the public service. Arise, O God, and maintain Thine own cause, for glorious are Thy works, and Thy thoughts are very deep. As nothing can perpetually endure that denies the brotherhood of man, let our zeal be in seeking to increase the kingdom of God in human hearts and homes. O Divine Breath, come from behind lifeless matter, energy, and sin and breathe upon our wills, ideals, and hopes and make them life. Grant, our Heavenly Father, to preserve the health and the strength of our Speaker and the Congress; and may we receive the blessing of Almighty God and the approval of our fellow men. In our Redeemer's name. Amen.

The Journal of the proceedings of Friday, May 14, 1937, was read and approved.

DEPORTATION OF CRIMINAL ALIENS

Mr. DIES. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. DIES. Mr. Speaker, there will soon come before the House H. R. 6391, a bill which was introduced by me, and which provides for the deportation of certain criminal aliens. This bill was reported favorably by the Committee on Immigration and Naturalization and has received the endorsement of a number of patriotic and labor organizations, including William Green, president of the American Federation of Labor, and John L. Lewis, head of the Committee for Industrial Organization.

This bill represents a compromise of the deportation question, which has been pending in the House for many years.

In order to acquaint the membership with the terms and provisions of this bill, I have prepared an analysis that gives the difference between this bill and the original Kerr bill, and I trust the Members of the House will acquaint themselves with the terms of this measure, because it is hoped we can get it up on the floor of the House sometime week after next.

I therefore ask unanimous consent, Mr. Speaker, to insert in the RECORD an analysis of H. R. 6391, prepared by myself.

The SPEAKER. Is there objection?

There was no objection.

The matter referred to is as follows:

DIFFERENCES BETWEEN KERR BILL, H. R. 8163, AND DIES BILL, H. R. 6391

The Kerr bill, H. R. 8163, was subject to serious objection from those who oppose undermining our restriction laws and who favor strengthening such laws in every practicable way. Due to these objections, this bill failed to become a law.

The Dies bill, H. R. 6391, like most legislation, is the result of compromises. The proponents of the Kerr bill have made a number of material concessions and the Dies bill represents the best measure which can be agreed upon and enacted into law. An effort is being made, of course, to create the impression that the Dies bill is the same as the Kerr bill, but nothing could be farther from the truth. Some very insincere propaganda is being spread by a few persons and organizations which it is the purpose of this statement to expose and refute.

VIOLATORS OF STATE NARCOTIC LAWS

The Kerr bill provides for the deportation of an alien who was convicted of the violation of any narcotic law of any State, Territory, insular possession, or the District of Columbia. In this respect section 1 of the Kerr bill is similar to section 3 of the Dies bill except that in this section of the Kerr bill there was a provision which is not in the Dies bill, and is as follows:

"Provided, That this clause shall not apply to an alien who proves that he was an addict and was neither a dealer in nor a peddler of narcotics or their derivatives."

In the minority report filed by Representatives Joe Starnes, W. T. Schulte, A. L. Ford, B. K. Focht, Charles D. Millard, and William W. Blackney, this provision was objected to because it limited the requirement of deportation solely to the dealers and peddlers of narcotics or their derivatives.

VIOLATORS OF CRIME INVOLVING MORAL TURPITUDE

Section 2 of the Kerr bill provided for the deportation of an alien who had been convicted in the United States within 5 years of deportation proceedings against him of a crime involving moral turpitude. This is practically the same as section 1 of the Dies bill, except that in the Kerr bill there was this additional provision: "And if the interdepartmental committee finds that the deportation of the alien is in the public interest." This additional provision in this section of the Kerr bill gave the interdepartmental committee unlimited discretionary power for all times in the future in dealing with aliens who have been convicted of crimes involving moral turpitude. We who opposed the Kerr bill were unwilling to clothe any committee with this much power. However, in the Dies bill this objectionable provision has been removed.

ALIEN SMUGGLERS

Section 3 of the Kerr bill is practically the same as section 4 of the Dies bill, except that in the Kerr bill alien smugglers are only deportable "if the interdepartmental committee finds that the deportation of the alien is in the public interest." This wide discretionary power contained in the Kerr bill is not in the Dies bill.

CARRYING WEAPONS

Section 3 of the Kerr bill provided that an alien is deportable if he has been convicted in the United States within 5 years of the institution of deportation proceedings against him of the crime of possessing or carrying any concealed or dangerous weapon and if the interdepartmental committee finds that the deportation of the alien is in the public interest. Section 2 of the Dies bill is entirely different from this in that this section in the Dies bill provides for the deportation of an alien who has been convicted in the United States within 5 years of the institution of deportation proceedings against him of the crime of carrying or possessing any firearms. The wide discretionary power given in the Kerr bill to the interdepartmental committee is not in the Dies bill, and the Dies bill specifies firearms because the words "dangerous" or "concealed weapons" are indefinite and vague and may have one meaning in one State and another meaning in another State.

It will be seen that in all of the provisions of the Kerr bill unlimited discretionary power was given to the interdepartmental committee to deport or not to deport as they saw fit. In the minority report above referred to the committee opponents to the Kerr bill base their chief objections to this bill on the grounds that the bill makes otherwise mandatory deportable cases discretionary with the interdepartmental committee, with no appeal nor remedy from the use or abuse of its discretionary power and because the bill provided for a division of authority between three executive departments for dealing with a social and domestic problem which is the responsibility of Congress. Therefore, these objections to the Kerr bill do not apply to the Dies bill.

DISCRETIONARY POWER

Section 3 of the Kerr bill gave the interdepartmental committee permanent discretionary power to permit aliens to remain in the United States, with the exception of aliens deportable under the act of October 16, 1918, as amended by the act of June 5, 1930, or the act of May 26, 1922, or the act of February 18, 1931, or the provisions of the act of February 5, 1917, provided that such alien had resided in the United States for a period of not less than 10 years or had living in the United States a parent, spouse, legally recognized child, or, if a minor, a brother or sister, who has been lawfully admitted for permanent residence or is a citizen of the United States. This section of the Kerr bill placed no time nor numerical limitation upon the exercise of this discretionary power and made it for all times in the future. In the Dies bill section 2 limits the discretionary power which the Secretary of Labor may exercise in permitting meritorious hardship cases to remain in the United States to 4 years and to a total not to exceed 8,000. In the first year not more than 3,500 aliens can be permitted to remain pursuant to this section, and in the remaining 3 years not more than 1,500 each year.

Every fair-minded person must recognize the necessity of making exceptions in the enforcement of any law in favor of meritorious cases. I have never seen a restrictionist who did not agree that there are meritorious cases which deserve leniency. The only question involved is in regard to how these hardship cases shall be handled. After a great deal of thought and study it seems to me that there are only two practicable ways to handle these hardship cases. One is the method outlined in section 2 of the Dies bill, which gives a limited discretion to the Secretary of Labor. This discretion is safeguarded in every possible way. In the first place, aliens who belong to the criminal, radical, or immoral classes are excepted from the discretion. In the second place, the alien must have resided in the United States for at least 10 years or must have some near relative in this country. In the third place, the total number of aliens who can be permitted to remain is limited to 8,000, and this is spread over a period of 4 years.

The only other practicable way to handle these hardship cases is to permit the Secretary of Labor to temporarily withhold deportation in these hardship cases and to submit to Congress the names, addresses, and brief facts in the hardship cases. Then Congress by a simple resolution can authorize the Secretary of Labor to permit all of these aliens to remain in the United States.

It is for Congress to decide which of these two methods should be adopted.

Those who are familiar with parliamentary procedure in the House and Senate know that it would be very difficult to get special bills passed to take care of these hardship cases. Very little time is devoted to the Private Calendar, and the objection of one Member can postpone the consideration of a private bill, while the objections of three Members can defeat such consideration. Even if such private bills could be reported favorably by the Immigration Committee, few, if any, Members would have the time to acquaint themselves with the facts in each case, and the great majority would rely entirely upon the recommendation of the Immigration Committee. So that to permit the Immigration Committee, either by individual bills or by an omnibus bill, to exempt meritorious cases from deportation would mean, in effect, to repose discretionary power in that committee. I led the fight in opposition to the Kerr bill and helped to bring about its defeat. However, I have stated at all times that I wanted to take care of the meritorious cases. I feel therefore that it is my duty, as well as the duty of other opponents of the Kerr bill, to suggest some constructive substitute for that bill. I feel very deeply that it is to the interest of restricted legislation that we dispose of the meritorious cases in order to show good faith and remove this great obstacle that is in the way of all restricted legislation. It must be remembered that under either of the plans above suggested a limited discretion is necessarily reposed in the Labor Department. There is seldom passed by this Congress bills of any importance that do not vest some discretionary power in the executive department. Such discretionary power is almost essential to the administration of legislative enactments, but Congress should be very careful to surround such discretionary power with every safeguard to prevent abuses and dictatorial power.

I think, therefore, that section 2 of the Dies bill represents a fair compromise of this issue.

SECTION 4 OF THE KERR BILL

Section 4 of the Kerr bill, which is not in the Dies bill, was the most objectionable section in that bill. This section provided that an alien who was or may hereafter be admitted to the United States as a nonimmigrant under section 3 of the Immigration Act of 1924, or as a student under subdivision (e) of section 4 of that act, and who is of a class admissible to the United States in a nonquota or preference-quota status, could make application to the Commissioner of Immigration for a change to the status of a person admitted as a nonquota immigrant under subdivision (a) of section 4 of that act, as amended, or as a person admitted by virtue of a preference in the quota under clause (A), paragraph (1), of section 6 of that act. This section gave the Commissioner of Immigration the discretion to change the status of such applicants to that of a person admitted for permanent residence without requiring the immigrant to obtain an immigration visa, and the alien would be deemed to have entered the United States as of the date the application was granted.

The objections to this section are well stated in the minority report which was filed to the Kerr bill. And because this minority report states these objections so clearly and convincingly I am quoting at length from such report:

"SECTION 4, if embodied in any law, would make a mockery of the limitations which Congress has sought to build up against the illegal entry, and unlawful presence here of aliens who resort to evasion, fraud, and deceit. Its enactment would increase both real and apparent quota immigration and immigration from nonquota as well as quota countries. Last year 78,435 nonimmigrant aliens and 1,048 nonquota student aliens were admitted into the United States and during the past 10 years 861,414 nonimmigrant aliens and 15,580 nonquota student aliens were admitted into the United States without any such real consular investigation or immigration examination as quota immigrants have to pass, every single one of whom might be relieved of their promise not to change their temporary admission status and to depart from the country as soon as their agreed-upon temporary purpose and mission is consummated, and their temporary admission converted into a quota admission for permanent residence and citizenship.

"Existing quota legislation places absolutely no numerical limitation upon the number of nonimmigrant aliens or nonquota immigrant aliens who can enter the United States annually. This bill sets no limit on the number of such aliens whose temporary admissions could be converted by the Commissioner of Immigration into permanent quota admissions. Instead of this section holding out the reward of permanent quota admission to aliens who break their promise and breach the very condition-precedent agreement by which they obtained temporary admission, this section ought to provide for the deportation of temporarily admitted nonimmigrant and nonquota aliens who break their word and jump their admission agreement, and should make such deportations a bar to reentry, so that these malafide aliens could not use humane concessions for nonquota admission and quota preference as a device to evade and really break the law of the land. These temporary entrants are visitors, tourists, seamen, embassy employees, aliens intransitu, treaty traders, students, and the like, whose broken entrance promises and breached admission agreements would be rewarded with permanent admission and coveted citizenship by this section's enactment. Such a law would be a direct invitation to evade the law

and would be found to inculcate contempt and disrespect for law and for orderly processes.

"The proof of the negative contained in paragraph 2 of subdivision (b) makes the whole section all the more ridiculous because proof of a negative is proverbially unsupportable. Neither is the requirement in subdivision (c) of any consequence, creating a 'next year's' unlimited charge account of the absolutely unlimited number of nonimmigrant and nonquota temporarily admitted aliens who could anually have their temporary admission converted into permanent admission by marrying the first citizen woman they meet, adopting an American child, or having or finding some other such citizen relative. To so reward broken promises and the violation of admission agreements with coveted quota admission for permanent residence and naturalization would not only increase immigration and make a mockery of existing immigration restriction but would invite deceit, fraud, subterfuge, evasion, and contempt, and disrespect for law and its observance.

"Subsection (c) is somewhat similar to the provision in subsection (c) in section 3 of this bill which would tend to force an alien into citizenship. The undersigned regard any such coercion upon an alien, under these circumstances, to become a citizen as calculated to bring the status of citizenship into disrepute."

SECTION 9 OF THE KERR BILL

Section 9 of the Kerr bill, which is not contained in the Dies bill, was also strenuously objected to in the minority report, as follows: "Such authority as this section would confer should be to competent, experienced officers, and not conferred on any employee who could be a clerk, stenographer, or laborer."

PROMPT DEPORTATION

One of the chief differences between the Kerr bill and the Dies bill lies in the fact that in the Kerr bill there is no requirement that the criminal and undesirable aliens be promptly deported. The Kerr bill merely says that they shall be deported, but the Dies bill mandatorily requires the Secretary of Labor to promptly deport these aliens. This is a very important difference. Under existing laws, the Secretary of Labor can and does delay deportation many months. With adequate provision for meritorious cases, there is no excuse for the Labor Department to delay these deportations.

DIES BILL WILL GET RID OF UNDESIRABLE ALIENS

I know of no better way of explaining what the Dies bill will accomplish in the way of getting rid of undesirable aliens than to quote from the committee's report, which is as follows:

"Subdivision (1), criminals: This subdivision embodies measures to remedy a laxity of the present law with respect to the deportation of alien criminals. Excepting in narcotic cases arising under Federal law, an alien criminal can now be deported only if he has been convicted of a crime involving moral turpitude committed within 5 years after his admission to the United States and sentenced to imprisonment for 1 year or longer, or if his record shows two such convictions and sentences subsequent to February 5, 1917. The present law fails to reach a considerable class of habitual criminals who are a burden and a menace to society. Many aliens spend in the aggregate a considerable portion of their lives in jail for numerous offenses against society, but for none of which they received the requisite sentence required under existing immigration laws to render them subject to deportation. This subdivision provides that any alien who is convicted of a crime involving moral turpitude after the effective date of this act for which he is committed to an institution may be deported if the proceedings are instituted against him within 5 years of such conviction. This proposal goes much further than any other legislation dealing with alien criminals heretofore enacted by Congress.

"Subdivision (2), violating concealed-weapon laws: This subdivision makes possible the deportation of an alien who has been convicted of possessing or carrying of any firearm. The provisions of existing law respecting deportation of criminals apply to those committing crimes involving moral turpitude. Carrying or possessing firearms has been held not to involve that element. Often racketeers, gangsters, and extortionists are or can be convicted for nothing more than carrying such weapons. A provision which would enable the deportation of aliens so convicted would be of valuable use to the country on such occasions.

"Subdivision (3), narcotic violators: This subdivision renders aliens who violate narcotic laws of any State, Territory, insular possession, or the District of Columbia subject to deportation. At present those who violate Federal narcotic acts are deportable, but those who violate narcotic acts of other jurisdictions are not.

"Subdivision (4), alien smugglers: This subdivision provides that an alien who knowingly and for gain encourages, induces, and assists, or aids anyone to enter the United States in violation of law, or on more than one occasion after the effective date of this proposed legislation is so engaged, irrespective of the element of gain, shall be deported. As the law now is, the smuggled alien is deported while the alien who smuggled him goes free of liability to deportation."

Mr. KENNEY. Mr. Speaker, will the gentleman yield?

Mr. DIES. I yield.

Mr. KENNEY. Do I understand that under the gentleman's bill the Secretary of Labor will have no discretion in any case to deport anybody who may enter this country?

Mr. DIES. No. Under the terms of this measure the Secretary of Labor is given limited discretion, properly safeguarded, to take care of meritorious cases, but the bill also contains ample provision to deport a large class of criminal aliens who cannot now be deported.

The SPEAKER. The time of the gentleman from Texas [Mr. DIES] has expired.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1938

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H. R. 6523, making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes; with Senate amendments, disagree to the Senate amendments and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. CANNON of Missouri, Mr. TARVER, Mr. UMSTEAD, Mr. THOM, Mr. LEAVY, Mr. MCFARLANE, Mr. LAMBERTSON, and Mr. DIRKSEN.

PERMISSION TO ADDRESS THE HOUSE

Mr. BROOKS. Mr. Speaker, on Wednesday next, after the conclusion of business on Calendar Wednesday and the special orders already made for that day, I ask unanimous consent to address the House for 10 minutes.

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

There was no objection.

EXTENSION OF REMARKS

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my own remarks by inserting in the RECORD a list of Presidential vetoes from George Washington to Franklin D. Roosevelt, which is a list furnished me by Mr. Brinkman, of the National Grange, made up by him.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. EATON. Mr. Speaker, I ask unanimous consent that on Wednesday, after the disposition of the special orders already made, I may be permitted to address the House for 10 minutes.

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

There was no objection.

EXTENSION OF REMARKS

Mr. NELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

CLAIMS OF CONTRACTORS FOR EXCESS COSTS ON CONSTRUCTION OF NAVIGATION DAMS AND LOCKS ON MISSISSIPPI RIVER

The Clerk called the first bill on the Consent Calendar, H. R. 2565, to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries.

The SPEAKER. Is there objection to the present consideration of the bill? This bill requires three objections.

Mr. COSTELLO. Mr. Speaker, I object.

The SPEAKER. Only one objection is heard. The Clerk will report the bill.

There being no further objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and enter judgments against the United States upon the claims of the several contractors for excess costs incurred in the execution of their respective contracts, entered into since June 16, 1933, for the construction of lacks and dams for the improvement of navigation on the Mississippi River and its tributaries, by reason of the Government having promulgated and enforced, due to the national emergency and subsequent to the dates of the several contracts, rules, and regulations referred to in the several contracts and misinterpreted and wrongfully enforced or disregarded,

and rules and regulations not referred to in and inconsistent with the respective contracts, which rules and regulations, the enforcement or disregard thereof deprived the contractors of normal control of their personnel, and further by reason of the Government having failed to supply qualified labor under the labor clauses of the respective contracts, resulting in excess costs, including general overhead and depreciation, to the said several contractors on their respective contracts; the said judgment or decrees, if any, to be allowed notwithstanding the bars or defenses of any alleged settlement or adjustment heretofore made, res judicata, laches, or any provision of law to the contrary. Review of such a judgment may be had by either party in the same manner as is provided by law in other cases in such court.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO PREVENT SPECULATION IN LANDS IN THE COLUMBIA BASIN

The Clerk called the next bill, H. R. 6319, to prevent speculation in lands in the Columbia Basin prospectively irrigable by reason of the construction of the Grand Coulee Dam project and to aid actual settlers in securing such lands at the fair appraised value thereof as arid land, and for other purposes.

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

Mr. CULKIN. Mr. Speaker, reserving the right to object, is this the bill that was objected to formerly?

Mr. LEAVY. This is the bill that was called on the Consent Calendar 2 weeks ago and was objected to by the gentleman from New York.

Mr. CULKIN. Would this bill extend to all phases of the land in the Columbia Basin; that is, also to land that might become a metropolitan or manufacturing area?

Mr. LEAVY. No; only to such lands as would be utilized for agricultural purposes.

Mr. CULKIN. Would not that leave the speculators—and I use the word advisedly—would not that leave them in possession of the fruits of their prior knowledge of this situation?

Mr. LEAVY. I would say not, because no one can anticipate the location of a city or a town.

Mr. CULKIN. Might I suggest to the gentleman that this bill be deferred until later?

Mr. Speaker, I ask unanimous consent that this bill go to the foot of the calendar for today so I can examine it a little more closely.

Mr. LEAVY. I would have no objection to that. Mr. Speaker, I call the gentleman's attention to the fact, however, that this bill has recently passed the Senate unanimously.

Mr. CULKIN. I am very familiar with it. I raised the question originally.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. RANKIN. Does this bill cost any money?

Mr. LEAVY. No.

Mr. CULKIN. Yes; it does. This bill calls for $350,000, and then there is an item in the Interior Department bill that calls for $350,000.

Mr. LEAVY. The bill itself does not call for any expenditure.

Mr. CULKIN. This is an extremely important bill, inasmuch as it reaches into a question that will probably involve the Government, if Congress acts favorably, in an investment of some $350,000,000. I think it ought to be pretty well safeguarded.

Mr. LEAVY. I am perfectly willing, Mr. Speaker, that this bill may go to the foot of today's calendar.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill go to the foot of today's calendar. Is there objection?

There was no objection.

TO INCREASE THE MINIMUM SALARY OF DEPUTY UNITED STATES MARSHALS

The Clerk called the next bill, H. R. 6453, to increase the minimum salary of deputy United States marshals to $2,000 per annum.

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

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, can somebody inform us what the present salaries of these deputies are?

Mr. McCORMACK. Mr. Speaker, may I suggest to my friend from Massachusetts that while I am unable to give the information that the gentleman seeks, my recollection is that it varies from $1,600 to $1,800. This is simply my impression. In any event, I am satisfied that this is a very meritorious bill, and I hope that my colleague will not object.

Mr. MARTIN of Massachusetts. The gentleman might be satisfied, and perhaps we would if we knew the facts. I think we ought to have some information.

Mr. McCORMACK. I hope there is some member of the committee here who can answer the gentleman's inquiry. My purpose, mainly, is to try to obtain a little time so that some member of the committee will be able to answer the gentleman.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

Mr. McCORMACK. Rather than do that, will not the gentleman ask that it go to the foot of today's calendar?

Mr. MARTIN of Massachusetts. Yes, Mr. Speaker; I ask unanimous consent that this bill may go to the foot of call for today.

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

There was no objection.

UNITED STATES SOUTHWESTERN REFORMATORY

The Clerk called the next bill, H. R. 4859, to authorize the transfer to the Attorney General of a portion of the Fort Reno Quartermaster Depot Military Reservation, Okla., as a permanent site of the United States Southwestern Reformatory.

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

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that S. 1724, a similar Senate bill, be substituted for the House bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to transfer to the control and jurisdiction of the Attorney General, for use as a permanent site for the United States Southwestern Reformatory, established by virtue of the authority conferred by the act approved May 27, 1930 (46 Stat. 388), all of that tract of land containing approximately 1,000 acres, more or less, including all improvements thereon, now occupied and used by the United States Southwestern Reformatory under a permit dated the 20th day of April 1936, signed by Harry H. Woodring, The Assistant Secretary of War, being the southeast corner of the Fort Reno Quartermaster Depot Military Reservation, Okla.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider and a similar House bill (H. R. 4859) were laid on the table.

KOOSHAREM BAND OF PAIUTE INDIANS

The Clerk called the next bill (H. R. 6252), to reserve certain lands in the State of Utah for the Koosharem Band of Paiute Indians.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the boundary of the Koosharem Indian Reservation in Utah is hereby extended to include the east half of section 8, township 27 south, range 1 west, Salt Lake meridian. Valid rights in the above lands initiated prior to the approval hereof shall not be affected by this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SHIVWITZ BAND OF PAIUTE INDIANS

The Clerk called the next bill, H. R. 6250, to reserve certain lands in the State of Utah for the Shivwitz Band of Paiute Indians.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the boundary of the Shivwitz Indian Reservation in Utah is hereby extended to include the south half of section 14, and the south half of section 15, and section 16, township 41 south, range 17 west, Salt Lake meridian: *Provided*, That the Secretary of the Interior shall designate a stock driveway across said reservation not to exceed 660 feet in width, from a point on the east line of section 23, township 41 south, range 17 west, in a northwesterly direction through Jacob's Twist to an exit through section 16, township 41 south, range 17 west, Salt Lake meridian. The said driveway shall be staked and shall be used in accordance with rules and regulations which may be prescribed by the Secretary of the Interior.

Valid rights in the above lands initiated prior to the approval hereof shall not be affected by this act. Any lands not belonging to the United States within the described area may be exchanged for other lands outside said area under the terms and conditions of the act of May 3, 1902 (32 Stat. L. 188), or the act of June 28, 1934 (48 Stat. L. 1269), as amended, and any lands so acquired by the United States shall become a part of the said reservation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESERVATION OF CERTAIN LANDS IN THE STATE OF UTAH FOR THE KANOSH BAND OF PAIUTE INDIANS

The Clerk called the next bill, H. R. 6249, to reserve certain lands in the State of Utah for the Kanosh Band of Paiute Indians.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the boundary of the Kanosh Indian Reservation in Utah is hereby extended to include the west half of the northwest quarter of section 1, and the northeast quarter of section 22, township 23 south, range 5 west, Salt Lake meridian: *Provided*, That the Secretary of the Interior shall designate a stock driveway across said reservation not to exceed 660 feet in width. The said driveway shall be staked and shall be used in accordance with rules and regulations which may be prescribed by the Secretary of the Interior. Valid rights in the above lands initiated prior to the approval hereof shall not be affected by this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COLLECTION AND PUBLICATION OF STATISTICS OF RED-CEDAR SHINGLES

The Clerk called the next bill, H. R. 3477, for the purpose of authorizing the Director of the Census to collect and publish statistics of red-cedar shingles.

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

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill (S. 1124) to authorize the Director of the Census to collect and publish statistics of red-cedar shingles, be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish statistics concerning the number of squares of red-cedar shingles produced in shingle-manufacturing establishments in the United States; the shipments of red-cedar shingles by producers; the withdrawals from warehouses of red-cedar shingles which have been imported into the United States from Canada; and the imports of red-cedar shingles from Canada.

SEC. 2. That the statistics as to the number of squares of shingles as provided for herein shall relate to each calendar month and shall be published as soon as possible after the close of the month. All of these publications containing statistics of red-cedar shingles shall be mailed by the Director of the Census to all red-cedar-shingle producers and to all dealers in shingles in the United States who shall request the same, and to all daily newspapers throughout the United States. The Director of the Census shall furnish to the State Department, immediately after the publication of each report of that Bureau regarding red-cedar shingles, the complete available statistics hereinbefore mentioned.

SEC. 3. That the information furnished by any individual establishment under the provisions of this act shall be considered as strictly confidential and shall be used only for the statistical purpose for which it is supplied. Any employee of the Bureau of the Census who, without the written authority of the Director of the Census, shall publish or communicate any information given into his possession by reason of his employment under the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than $300 or more than $1,000 or imprisoned for a period of not exceeding 1 year or both so fined and imprisoned, at the discretion of the court.

SEC. 4. That it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any red-cedar-shingle-producing plant, manufacturing establishment, warehouse, or other place where red-cedar shingles are manufactured, dealt in, stored, or handled, whether conducted as a corporation, firm, limited partnership, or by individuals, when requested by the Director of the Census or by any special agent or other employee of the Bureau of the Census acting under the instructions of said Director, to furnish completely and correctly, to the best of his knowledge, all of the information concerning the number and grade of red-cedar shingles produced, shipped, sold, imported, consumed, handled, or held in storage, and the number of machines producing red-cedar shingles. The request of the Director of the Census for information concerning red-cedar shingles or machines producing red-cedar shingles may be made in writing or by a visiting representative and, if made in writing shall be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of a red-cedar-shingle-manufacturing establishment, warehouse, or other place where red-cedar shingles are produced, shipped, stored, sold, or dealt with in any manner whatsoever who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any of the information herein provided for or shall willfully give answers that are false shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $300 or more than $1,000 or imprisoned for a period of not exceeding 1 year, or both so fined and imprisoned, at the discretion of the court.

SEC. 5. There is hereby authorized to be appropriated, out of the Treasury of the United States, such amounts of money as may be necessary to carry out the provisions of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 3477) was laid on the table.

AMENDMENT OF BANK ROBBERY STATUTE

The Clerk called the next bill, H. R. 5900, to amend the bank-robbery statute to include burglary and larceny.

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

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, in reading the bill it seems to me this puts simple larceny on the same plane as robbery and breaking and entering in an attempt to commit larceny. It seems to me a distinction should be made between simple larceny within the building and robbery.

Mr. RANKIN. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Mississippi.

Mr. RANKIN. How are you going to tell what a thief is going to do when he gets into a bank? If a man breaks into a house or bank he will kill anyone in it to carry out his purpose.

Mr. WOLCOTT. If the gentleman will read the bill and report, he will see that it not only punishes for robbery, which is putting in fear, and breaking and entering, but the larceny of anything within the bank, whether the man is there lawfully or not. If a man should go into a bank to make a deposit and pick up a pencil and walk out with it he would be on the same plane, according to this bill, as a man who deliberately broke in during the nighttime and committed larceny. I know the gentleman does not agree with that.

Mr. RANKIN. I do not, but if a man breaks into a house he is going to commit a crime.

Mr. WOLCOTT. There is no question about that. Breaking and entering is a crime in and of itself.

Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

CREATION OF A MEMORIAL TO OFFICERS AND MEN OF THE UNITED STATES NAVY

The Clerk called the next bill, S. 1120, authorizing an appropriation for the creation of a memorial to the officers and men of the United States Navy who lost their lives as the result of a boiler explosion that totally destroyed the United States ship *Tulip* near St. Inigoes Bay, Md., on November 11, 1864, and for other purposes.

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

Mr. COSTELLO. Mr. Speaker, I object.

CONVEYANCE OF CERTAIN LANDS TO CLACKAMAS COUNTY, OREG., FOR PUBLIC-PARK PURPOSES

The Clerk called the next bill, H. R. 195, to convey certain lands to Clackamas County, Oreg., for public-park purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue a patent to Clackamas County, Oreg., on behalf of the United States, for the southeast quarter southwest quarter, the northeast quarter southwest quarter, and the northwest quarter southeast quarter section 11, township 4 south, range 2 east, Willamette meridian, in the State of Oregon, containing 120 acres, more or less, on condition that such county shall accept and use such lands solely for public-park purposes; but if such county shall at any time cease to use such lands for public-park purposes, or shall permit the use of such lands for any other purpose, or shall alienate or attempt to alienate them, they shall revert to the United States: *Provided*, That there shall be reserved to the United States, its patentees, or their transferees, the right to cut and remove therefrom the merchantable timber reserving to Clackamas County, Oreg., when such sale is made under the provisions of the act of June 9, 1916 (39 Stat. 218), a preference right to purchase the timber at the highest price bid.

SEC. 2. The Secretary of the Interior shall prescribe all necessary regulations to carry into effect the foregoing provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LIBERALIZING PROVISIONS OF EXISTING LAWS GOVERNING SERVICE-CONNECTED BENEFITS FOR WORLD WAR VETERANS AND THEIR DEPENDENTS

The Clerk called the next bill, H. R. 6384, to liberalize the provisions of existing laws governing service-connected benefits for World War Veterans and dependents, and for other purposes.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

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

Mr. RANKIN. Mr. Speaker, reserving the right to object, I hope the gentleman from California will not object to this bill. This is a very necessary piece of legislation to take care of the gold-star mothers whose insurance payments have begun to expire. If this bill is not passed, many of those mothers who sent their sons to the war, and never saw them again, will be left without compensation or without insurance benefits.

We have trimmed this bill as much as possible, and I may say to the House that it is going to pass at this session of the Congress. We are going to take care of these aged mothers and aged fathers who sent their sons to the war and never saw them again. If we can pass bills appropriating a billion or a billion and a half dollars to be spent for relief, hundreds of millions of which may go to people who are not even citizens of the United States, we should not quibble about a measure of this kind to take care of these aged parents whose sons gave up their lives in the war.

I hope the gentleman from California, therefore, will not object and that the bill may be passed and sent to the Senate as quickly as possible. I promise that I will resist all amendments and I think the House will go along with me and hold the bill down to its present terms and provisions.

This bill must be passed at the present session of Congress and I hope he will not object but let it be considered by the House now. If the House wants to vote it down, that is all right, but opportunity should be afforded to consider it at this time.

Mr. COSTELLO. I may say in reply to the gentleman that while I am in deep sympathy with him in regard to gold-star mothers, and I firmly agree with him that some legislation should be passed in order to take care of them, at the same time I question whether it is necessary to completely change our definition of a widow as is done under section 4 of this bill. Further, I may say to the gentleman that while we are taking care of the gold-star mothers under this particular piece of legislation, as a matter of fact there are eight sections to this bill, and each section of the bill takes care of a different provision regarding veteran legislation. The first section of the bill would change the service-connected disability requirement from 30 to 10 percent. The cost of that section of the bill is $1,723,000.

Mr. RANKIN. Will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Mississippi.

Mr. RANKIN. That is for the widows of men who were service-connectedly disabled. Is that not a small pittance compared with the money we have spent for other purposes? May I say to the gentleman from California that if we bring this bill out under a rule and throw it open for amendments, by the time we get through, this amount might look like a mere bagatelle. We have held it down. This is for the widows of service-connected World War veterans.

Mr. McCORMACK. Will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I understand a widow of a World War veteran does not receive a pension unless there is service connection at the present time of 30 percent. The widow of a Spanish War veteran does receive a pension, whether there is service connection or not. This is only a step in the direction of the ultimate justice that will have to be granted to widows of World War veterans.

Mr. RANKIN. May I say also that as for as the amount of money contemplated in this bill is concerned, $5,827,000 out of the $8,952,000 goes to these dependent parents, who have long passed their age of earning power. They are people who really suffered as a result of the war, parents who made more than the supreme sacrifice. Now, they are old, their insurance has expired, and they are unable to take care of themselves. This amount of money is asked to take care of them in their declining days. We made this adjustment in the compensation of widows in order to bring their compensation into line, and still we do not put them on a parity with the widows of Civil War veterans, some of whom married 40 years after the war closed. We tried to bring them in line with the Spanish War veterans' widows. We made this small, and I am sorry to say very small, concession to bring them somewhat in line. It will cost, as has just been shown, less than $2,000,000.

Mr. COSTELLO. Mr. Speaker, I may say to the gentleman that all in all this bill provides a present expenditure of $8,952,000.

Mr. RANKIN. Yes.

Mr. COSTELLO. Naturally, this cost increases from year to year. How much, I do not know, because I have not had sufficient opportunity to go completely through the hearings, which were quite extensive and quite informative, I may say.

Mr. Speaker, I think legislation of this character, which involves so much money, should not be passed hurriedly upon the Consent Calendar. Just as I objected to the increase in pensions to veterans of the Spanish War, on the same grounds, that it was too important a piece of legislation to pass with only a few minutes of discussion, so I think this legislation should be similarly treated. If this bill is brought up on Calendar Wednesday, full opportunity will be given for discussion upon it. If it is not so brought up, I am quite confident the Committee on Rules will grant a rule for the consideration of the bill. I can assure the gentleman that even though this House may be willing to pass this measure when it is called, I do not believe that is any reason for our rushing it through here without full discussion of the various provisions in the bill. Some of the provisions are new. There are several things which to my mind should be considered quite fully, and perhaps a number of amendments should be considered.

For this reason, Mr. Speaker, I do not believe the bill should be considered at the present time. Therefore, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. RANKIN. Mr. Speaker, reserving the right to object, I will say to the gentleman from California that the Committee on World War Veterans' Legislation examined this proposed legislation very carefully. The committee held extensive hearings on the bill and reported it unanimously.

This is not an increasing group, may I say to the gentleman from California. These old people are daily sinking into their graves, and this trend will continue until the group entirely disappears. This is not an increasing group; it is a diminishing group.

We have asked for a rule, but so far we have not been able to get a hearing before the Committee on Rules. We have done everything we possibly could to get this bill to the floor of the House. If there are any questions gentlemen may want to ask, if I cannot answer them other members of the Committee on World War Veterans' Legislation can answer them. I submit this bill ought to be passed now.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. This was a unanimous report from our Committee on World War Veterans' Legislation. A number of injustices have been partially righted in this bill. I know the interest of the gentleman from California [Mr. COSTELLO] in veterans. I hope he will help us get a rule for the bill. I hope it may pass.

Mr. RANKIN. Of course.

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

Mr. RANKIN. Mr. Speaker, I am going to object to this bill being passed over for the present.

The SPEAKER. Is there objection to the present consideration?

Mr. COSTELLO. Mr. Speaker, I object to its present consideration.

NAVAL AIR BASE, TONGUE POINT, OREG.

The Clerk called the next bill, H. R. 198, authorizing an appropriation for the development of a naval air base at Tongue Point, Oreg.

Mr. COLLINS. Mr. Speaker, I object.

NAVAL AIR STATION, SAN FRANCISCO, CALIF.

The Clerk called the next bill, S. 2049, to authorize the establishment of a naval air station on San Francisco Bay, Calif., and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized to establish a naval air station on San Francisco Bay, Calif., which shall be composed of Benton Field as transferred from the War Department to the Navy Department by Executive Order No. 7467, dated October 7, 1936, and land heretofore or hereafter acquired by the Navy Department under the provisions of the act of June 24, 1936 (49 Stat. 1901).

SEC. 2. The Secretary of the Navy is further authorized to construct, install, acquire, and equip at said naval air station such buildings and utilities, technical buildings and utilities, landing field and mats, and all such utilities and appurtenances as are necessary for the operation, maintenance, and repair of landplanes and seaplanes, including ammunition storage, fuel and oil storage, and distribution systems therefor, roads, walks, aprons, seaplane ramps, docks, runways, sewer, water, power, station and aerodrome lighting, telephone and signal communications, and other essentials, including the necessary bulkheading, dredging, grading, and filling, the removal and remodeling of existing structures and installations and buildings and accessories for quartering and subsisting officers and enlisted personnel.

SEC. 3. There is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this act, but not over $14,500,000: *Provided*, That this authorization shall be in lieu of the authorization for the appropriation of not more than $15,000,000 contained in the act of June 24, 1936 (49 Stat. 1901): *Provided further*, That any money heretofore or hereafter appropriated under the authority of said act shall be available to carry out the purposes of this act.

With the following committee amendments:

Page 2, line 18, strike out "$14,500,000" and insert in lieu thereof "$13,500,000."

Line 22, after the parenthesis, insert a colon and the following: "*Provided further*, That until such time as the Secretary of the Navy shall receive, on behalf of the United States, title to the tract of land authorized to be acquired by the act of June 24, 1936, free from all encumbrances, no money in excess of the authorized consideration for such tract shall be expended to carry out the purposes of this act on the naval air station authorized to be established by this act, or any part thereof: *And provided further*."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PENSION LAWS AFFECTING RESERVE OFFICERS AND MEMBERS OF THE ENLISTED RESERVES

The Clerk called the next bill, H. R. 2887, to amend the provisions of the pension laws for peacetime service to include Reserve officers and members of the enlisted Reserve.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Veterans' Regulation 1 (a), part II, paragraph 1 (a), be amended to read as follows:

"1. (a) For disability resulting from personal injury or disease contracted in line of duty or for aggravation of a preexisting injury or disease contracted or suffered in line of duty when such disability was incurred in or aggravated by active military or naval service other than in a period of war service as provided in part I, the United States will pay to any person thus disabled and who was honorably discharged from such period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, a pension as hereinafter provided, but no pension shall be paid if the disability is the result of the person's own misconduct: *Provided*, That service as a Reserve officer or member of the enlisted Reserves of the United States Army, Navy, or Marine Corps, while performing military or naval service for training purposes shall be considered as active military or naval service for the purpose of granting benefits under part II except, that as to the persons included in this proviso, the requirement of an honorable discharge shall not be for application."

With the following committee amendment:

Page 2, line 6, after the word "*Provided*", strike out the remainder of the line and down to and including line 13 and insert: "That active service, including service for training purposes, performed by a Reserve officer or member of the enlisted Reserves of the United States Army, Navy, or Marine Corps, shall be considered as active military or naval service for the purpose of granting benefits under part II hereof, and it shall not be required that such Reserve officer or enlisted man shall have been discharged from the service. Pension under this paragraph shall not be paid concurrently with active duty pay or employees' compensation. Where a person who is eligible for pension hereunder is also eligible for the benefits of Employees' Compensation Act, he shall elect which benefit he shall receive. This amendment shall be effective June 15, 1933, but payment of pension hereunder shall be effective from the date of receipt in the Veterans' Administration of application therefor or the date of enactment of this amendment, whichever is the later."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

SALARIES OF WATCHMEN, MESSENGERS, AND LABORERS IN THE POSTAL SERVICE

The Clerk called the next bill, H R. 6383, to reclassify the salaries of watchmen, messengers, and laborers in the Postal Service, and to prescribe the time credits for service as substitute watchmen, messengers, and laborers, and for other purposes.

Mr. COSTELLO. Mr. Speaker, I object.

INTEREST RATE ON LAND BANK AND COMMISSIONER LOANS

The Clerk called the next bill, H. R. 6763, to extend for 1 additional year the 3½-percent interest rate on certain Federal land-bank loans, to provide a 4-percent interest rate on such loans for the period July 1, 1938, to June 30, 1939, and to provide for a 4-percent interest rate on land bank commissioner's loans for a period of 2 years.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. BIERMANN. Mr. Speaker, reserving the right to object, there is nothing very complicated about this bill.

Mr. COSTELLO. Mr. Speaker, I will reserve the right to object, and will state to the gentleman there are no reports from any Department or Federal Bureau or the land bank commissioner or the Farm Mortgage Administration, and as a result it is rather difficult to find out how these Bureaus or Departments might react to this proposed legislation. It is for this reason I have asked unanimous consent that the bill be passed over without prejudice so that I may have an opportunity to consult with them and get the information.

Mr. BOILEAU. Mr. Speaker, reserving the right to object, does the gentleman assume that the Committee on Agriculture did not have such information?

Mr. COSTELLO. I am simply assuming that the information that may have been available to the committee is not made available to the Members of the House in the report which is submitted. For my own information I would like to obtain this information from the Department. Personally, I am inclined to believe the bill is meritorious and, possibly, should be passed; but I think the information should be provided for the membership of the House.

The SPEAKER. Is there objetcion to the request of the gentleman from California that the bill be passed over without prejudice?

There was no objection.

AIR MAIL SERVICE

The Clerk called the next bill, H. R. 6628, to permit the further extension of the Air Mail Service.

Mr. MEAD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ALLOWANCES IN LIEU OF CARFARE TO LETTER CARRIERS

The Clerk called the next bill, H. R. 5536, making allowances to letter carriers in lieu of carfare.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General may grant, from the appropriation for "Carfare and bicycle allowance", an allowance to city carriers for the use of their privately owned vehicles on official business going to and from their routes, where the rate therefor is advantageous to the Government and is not in excess of the local transportation rate provided for streetcars and busses, such allowance to be restricted to routes where carfare is necessary.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STENOGRAPHIC GRADE IN THE RAILWAY MAIL SERVICE

The Clerk called the next bill, H. R. 6341, to provide for a stenographic grade in the office of the chief clerks and superintendents of the Railway Mail Service.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the thirteenth paragraph of section 7 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes", approved February 28, 1925 (U. S. C., title 39, sec. 621), is amended to read as follows:

"Clerks assigned to the office of division superintendent or chief clerk shall be promoted successively to grade 4, and in the office of division superintendent four clerks may be promoted to grade 5 and eight clerks to grade 6, and in the office of chief clerk one clerk may be promoted to grade 5 and two clerks to grade 6: *Provided*, That clerks assigned to the position of stenographer may be promoted successively to grade 2, and in division superintendents' offices not exceeding one stenographer may be promoted successively to grade 3: *And provided further*, That no employee shall be reduced in salary as a result of this act."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVISION OF AIR-MAIL LAWS

The Clerk called the next bill, H. R. 4732, to revise the air-mail laws.

Mr. MEAD. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

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

There was no objection.

PROTECTION OF COPYRIGHTS AND PATENTS OF FOREIGN EXHIBITORS AT THE NEW YORK WORLD'S FAIR

The Clerk called House Joint Resolution 334, to protect the copyrights and patents of foreign exhibitors at the New York World's Fair, to be held at New York City, N. Y., in 1939.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the Librarian of Congress and the Commissioner of Patents are hereby authorized and directed to establish branch offices, under the direction of the Register of Copyrights and the Commissioner of Patents, respectively, in suitable quarters on the grounds of the New York World's Fair, to be held at New York City, N. Y., under the direction of the New York World's Fair Corporation, Inc., a New York corporation, said quarters to be furnished free of charge by said corporation, said offices to be established at such time as may, upon 60 days' advance notice, in writing, to the Register of Copyrights and the Commissioner of Patents, respectively, be requested by said New York World's Fair Corporation, but not earlier than January 1, 1939, and to be maintained until the close to the general public of said exposition; and the proprietor of any foreign copyright, or any certificate of trade-mark registration, or letters patent of invention, design, or utility model issued by any foreign government protecting any trade mark, apparatus, device, machine, process, method, composition of matter, design, or manufactured article imported for exhibition and exhibited at said fair may upon presentation of proof of said proprietorship, satisfactory to the Register of Copyrights or the Commissioner of Patents, as the case may be, obtain without charge and without prior examination as to novelty, a certificate from such branch office, which shall be prima facie evidence in the Federal courts of such proprietorship, the novelty of the subject matter covered by any such certificate to be determined by a Federal court in case an action or suit is brought based thereon; and said branch offices shall keep registers of all such certificates issued by them, which shall be open to public inspection.

At the close of said New York World's Fair the register of certificates of the copyright registrations aforesaid shall be deposited in the Copyright Office in the Library of Congress at Washington, D. C., and the register of all other certificates of registration aforesaid shall be deposited in the United States Patent Office at Washington, D. C., and there preserved for future reference. Certified copies of any such certificates shall, upon request, be furnished by the Register of Copyrights or the Commissioner of Patents, as the case may be, either during or after said exposition, and at the rates charged by such officials for certified copies of other matter; and any such certified copies shall be admissible in evidence in lieu of the original certificates in any Federal court.

SEC. 2. It shall be unlawful for any person without authority of the proprietor thereof to copy, republish, imitate, reproduce, or practice at any time during the period specified in section 6 hereof any subject matter protected by registration as aforesaid at either of the branch offices at said exposition which shall be imported for exhibition at said exposition, and there exhibited and which is substantially different in a copyright, trade mark, or patent sense, as the case may be, from anything publicly used, described in a printed publication or otherwise known in the United States of America prior to such registration at either of said branch offices as aforesaid; and any person who shall infringe upon the rights thus protected under this act shall be liable—

(a) To an injunction restraining such infringement issued by any Federal court having jurisdiction of the defendant;

(b) To pay to the proprietor such damages as the proprietor may have suffered due to such infringement, as well as all the profits which the infringer may have made by reason of such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just;

(c) To deliver upon an oath, to be impounded during the pendency of the act, upon such terms and conditions as the court may prescribe, all articles found by the court after a preliminary hearing to infringe the rights herein protected; and

(d) To deliver upon an oath, for destruction, all articles found by the court at final hearings to infringe the rights herein protected.

SEC. 3. Any person who willfully and for profit shall infringe any right protected under this act, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not exceeding 1 year or by a fine of not less than $100 nor more than $1,000, or both, in the discretion of the court.

SEC. 4. All the acts, regulations, and provisions which apply to protecting copyrights, trade marks, designs, and patents for inventions or discoveries not inconsistent with the provisions of this act shall apply to certificates issued pursuant to this act, but no notice of copyright on the work shall be required for protection hereunder.

SEC. 5. Nothing contained in this act shall bar or prevent the proprietor of the subject matter covered by any certificate issued pursuant to this act from obtaining protection for such subject matter under the provisions of the copyright, trade mark, or patent laws of the United States of America, as the case may be, in force prior hereto, and upon making application and complying with the provisions prescribed by such laws; and

nothing contained in this act shall prevent, lessen, impeach, or avoid any remedy at law or inequity under any certificate of copyright registration, certificate of trade-mark registration, or letters patent for inventions or discoveries or designs issued under the copyright, trade mark, or patent laws of the United States of America, as the case may be, in force prior thereto, and which any owner thereof and of a certificate issued thereon pursuant to this act might have had if this act had not been passed, but such owner shall not twice recover the damages he has sustained or the profit made by reason of any infringement thereof.

SEC. 6. The rights protected under the provisions of this act as to any copyright, trade mark, apparatus, device, machine, process, method, composition of matter, design, or manufactured article imported for exhibition at said New York World's Fair shall begin on the date the same is placed on exhibition at said exposition and shall continue for a period of 6 months from the date of the closing to the general public of said exposition.

SEC. 7. All necessary expenses incurred by the United States in carrying out the provisions of this act shall be reimbursed to the Government of the United States by the New York World's Fair, under regulations to be prescribed by the Librarian of Congress and the Commissioner of Patents, respectively; and receipts from such reimbursements shall be deposited as refunds to the appropriations from which such expenses were paid.

With the following committee amendment:

Page 5, line 16, strike out the word "thereof" and insert in lieu thereof "hereto."

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL STOLEN PROPERTY ACT

The Clerk called the bill (H. R. 5901) to amend the National Stolen Property Act.

The SPEAKER. Is there objection?

Mr. CULKIN. Mr. Speaker, I reserve the right to object, to inquire what the bill does.

Mr. MILLER. Mr. Speaker, it simply amends the Stolen Property Act so as to bring in and make it a Federal offense the transportation of forged or counterfeited commercial securities—securities issued by municipalities; and, for that matter, any company. It does not interfere with the present law on Government securities.

Mr. CULKIN. I think that is an excellent measure, and I do not believe it should be weakened. I think this will strengthen it.

The SPEAKER. Is there objection to the present consideration of the bill.

There was no objection; and the Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of the National Stolen Property Act, approved May 22, 1934 (48 Stat. 794; U. S. C., title 18, sec. 415), be, and the same is hereby, amended to read as follows:

"SEC. 3. Whoever shall transport or cause to be transported in interstate or foreign commerce any goods, wares, or merchandise, securities, or money, of the value of $5,000 or more theretofore stolen, unlawfully converted, or taken feloniously by fraud or with intent to steal or purloin, knowing the same to have been so stolen, unlawfully converted, or taken, or whoever shall transport or cause to be transported in interstate or foreign commerce any falsely made, forged, altered, or counterfeited securities of the value of $5,000 or more, knowing the same to have been falsely made, forged, altered, or counterfeited, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both: *Provided*, That the provisions of this section shall not apply to any falsely made, forged, altered, counterfeited, or spurious representation of (1) an 'obligation or other security of the United States' as defined in section 147 of the Criminal Code (U. S. C., title 18, sec. 261), or (2) an obligation, bond, certificate, security, treasury note, bill, promise to pay, or bank note, issued by any 'foreign government' as defined in the act of June 15, 1917, title VIII, section 4 (U. S. C., title 18, sec. 288), or by a bank or corporation of any foreign country."

SEC. 2. That section 4 of the National Stolen Property Act, approved May 22, 1934 (48 Stat. 794; U. S. C., title 18, sec. 416), is hereby amended to read as follows:

"SEC. 4. Whoever shall receive, conceal, store, barter, sell, or dispose of any goods, wares, or merchandise, securities, or money of the value of $5,000 or more, or whoever shall pledge or accept as security for a loan any goods, wares, or merchandise, or securities, of the value of $500 or more, moving as, or which are a part of, or which constitute interstate or foreign commerce, knowing the same to have been stolen, unlawfully converted, or taken, or whoever shall receive, conceal, store, barter, sell, or dispose of any falsely made, forged, altered, or counterfeited securities of the value of $5,000 or more, or whoever shall pledge or accept as security for a loan any falsely made, forged, altered, or counterfeited securities of the value of $500 or more, moving as, or which are a part of, or which constitute interstate or foreign commerce, knowing the same to have been so falsely made, forged, altered, or counterfeited, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both: *Provided*, That the provisions of this section shall not apply to any falsely made, forged, altered, counterfeited, or spurious representation of (1) an 'obligation or other security of the United States' as defined in section 147 of the Criminal Code (U. S. C., title 18, sec. 261) or (2) an obligation, bond, certificate, security, treasury note, bill, promise to pay, or bank note issued by any 'foreign government' as defined in the act of June 15, 1917, title VIII, section 4 (U. S. C., title 18, sec. 288), or by a bank or corporation of any foreign country."

SEC. 3. That section 5 of the National Stolen Property Act, approved May 22, 1934 (48 Stat. 794; U. S. C., title 18, sec. 417), is hereby amended to read as follows:

"SEC. 5. In the event that a defendant is charged in the same indictment with two or more violations of this act, then the aggregate value of all goods, wares, and merchandise, securities, and money referred to in such indictment shall constitute the value thereof for the purposes of sections 3 and 4 hereof, and the value of any securities referred to shall be considered to be the face, par, or market value, whichever is the greatest. For the purposes of this act, the value of any falsely made, forged, altered, or counterfeited securities shall be considered to be the apparent face, par, or market value, whichever is the greatest, of the securities so falsely made, forged, altered, or counterfeited."

SEC. 4. That section 6 of the National Stolen Property Act, approved May 22, 1934 (48 Stat. 794; U. S. C., title 18, sec. 418), is hereby amended to read as follows:

"SEC. 6. Any person violating this act may be tried in any district from, into, or through which such goods, wares, or merchandise, or such securities, or money or such falsely made, forged, altered, or counterfeited securities have been transported or removed."

SEC. 5. That the National Stolen Property Act, approved May 22, 1934 (48 Stat. 794; U. S. C., title 18, secs. 413–419, inclusive), is hereby amended by inserting therein the following new section to be known as "section 7":

"SEC. 7. If two or more persons enter into an agreement, confederation, or conspiracy to violate any provision of this act, and do any overt act toward carrying out such unlawful agreement, confederation, or conspiracy, such person or persons shall be punished in like manner as hereinbefore provided by this act."

SEC. 6. That section 7 of the National Stolen Property Act, approved May 22, 1934 (48 Stat. 794; U. S. C., title 18, sec. 419), is hereby renumbered as "section 8."

With the following committee amendments:

Page 1, line 10, strike out the word "unlawfully" and insert the word "feloniously"; page 1, line 12, strike out the word "unlawfully" and insert the word "feloniously."

Page 2, line 1, after the word "whoever", insert "with unlawful or fraudulent intent."

Page 4, line 10, after the word "apparent", insert "or purported."

The committee amendments were agreed to, and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INVESTIGATIONS UNDER FEDERAL RECLAMATION LAWS

The Clerk called the bill (S. 48) to authorize an appropriation for investigations under the Federal reclamation laws.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I object.

CONSTRUCTION OF SMALL RESERVOIRS

The Clerk called the bill (H. R. 2512) to authorize an appropriation for the construction of small reservoirs under the Federal reclamation laws.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object. I notice that the recommendations of the Department are not followed and that this bill authorizes $500,000 to be paid out of the Treasury instead of the reclamation fund. I do not think I would have any objection to the bill if it was amended to conform to the recommendations of the Department, but until we have some understanding concerning that, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that the bill go over without prejudice?

There was no objection.

BRIDGE ACROSS THE STRAITS OF MACKINAC

The Clerk called the bill (S. 1104) granting the consent of Congress to the Mackinac Straits Bridge Authority to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan.

The SPEAKER. Is there objection?

Mr. MAPES. Mr. Speaker, I reserve the right to object.

Mr. DONDERO. Mr. Speaker, I reserve the right to object.

Mr. CRAWFORD. Mr. Speaker, I object.

DECLARING PARK RIVER, CONN., NONNAVIGABLE

The Clerk called the bill (S. 1904) declaring Park River, Hartford County, Conn., to be a nonnavigable waterway.

The SPEAKER. Is there objection?

Mr. CULKIN. Mr. Speaker, I object.

BRIDGE ACROSS MISSOURI RIVER, ARROW ROCK, MO.

The Clerk called the bill (S. 2076) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Arrow Rock, Mo., authorized to be built by the St. Louis-Kansas City Short Line Railroad Co. by the act of Congress approved March 2, 1929, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 7, after the figures "1929", insert "heretofore extended by acts of Congress approved April 15, 1932, and August 30, 1935."

Page 1, line 9, after the word "hereby", insert the word "further."

The committee amendments were agreed to and the bill as amended was ordered read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BRIDGE ACROSS MISSOURI RIVER, ST. CHARLES, MO.

The Clerk called the bill (S. 2077) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near St. Charles, Mo.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Missouri River, at or near St. Charles, Mo., authorized to be built by the St. Louis-Kansas City Short Line Railroad Co. by the act of Congress approved March 2, 1929, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 7, after the figures "1929", insert "heretofore extended by acts of Congress approved April 15, 1932, and August 30, 1935"; and after the word "hereby", in line 9, page 1, insert the word "further."

The committee amendments were agreed to and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BRIDGE ACROSS WABASH RIVER, SULLIVAN COUNTY, IND.

The Clerk called the bill (H. R. 5848) to extend times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Wabash River, at or near Merom, Sullivan County, Ind., authorized to be built by Sullivan County, Ind., or any board or commission of said county which is or may be created or established for the purpose, by an act of Congress approved February 10, 1932, heretofore extended by an act of Congress approved April 30, 1934, and June 27, 1935, and May 1, 1936, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 10, strike out "27" and insert "28."

Page 2, line 1, strike out "four" and insert "three."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BRIDGE ACROSS POTOMAC RIVER AT SHEPHERDSTOWN, W. VA.

The Clerk called the bill (H. R. 6285) authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River in Washington County, Md., at or near a point opposite Shepherdstown, W. Va., and a point at or near Shepherdstown, Jefferson County, W. Va., to take the place of a bridge destroyed by flood.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the State Roads Commission of the State of Maryland and/or the State Road Commission of the State of West Virginia be, and is hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Potomac River, at a point suitable to the interests of navigation, in Washington County, Md., at or near a point opposite Shepherdstown, W. Va., and a point at or near Shepherdstown, Jefferson County, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the State Roads Commission of the State of Maryland and/or the State Road Commission of the State of West Virginia all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BRIDGE ACROSS POTOMAC RIVER AT HANCOCK, MD.

The Clerk called the next bill, H. R. 6286, authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River at or near a point in the vicinity of Hancock, in Washington County, Md., and a point near the north end of Morgan County, W. Va., to take the place of a bridge destroyed by flood.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the State Roads Commission of the State of Maryland and/or the State Road Commission of the State of West Virginia be, and is hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Potomac River, at a point suitable to the interests of navigation, at or near a point in the vicinity of Hancock, in Washington County, Md.; and a point near the north end of Morgan County, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the State Roads Commission of the State of Maryland and/or the State Road Commission of the State of West Virginia all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which real estate or other property is situated, upon making just compensation, therefore, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS MISSOURI RIVER AT NIOBRARA, NEBR.

The Clerk called the next bill, H. R. 6292, to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr., authorized to be built by the county of Knox, State of Nebraska, by section 32 of the act of Congress approved August 30, 1935, amended by act of Congress approved May 18, 1936, are extended 1 and 3 years, respectively, from August 30, 1937.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS SNAKE RIVER BETWEEN CLARKSTON, WASH., AND LEWISTON, IDAHO

The Clerk called the next bill, H. R. 6494, to extend the times for commencing and completing the construction of a bridge across the Snake River between Clarkston, Wash., and Lewiston, Idaho.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Snake River between Clarkston, Wash., and Lewiston, Idaho, authorized to be built by the States of Washington and Idaho, by an act of Congress approved February 19, 1935, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PARK RIVER, HARTFORD COUNTY, CONN.

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 222. I have talked to the gentleman who objected, and he now has no objection.

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

There was no objection.

The Clerk called the bill S. 1904, Calendar No. 222, declaring Park River, Hartford County, Conn., to be a nonnavigable waterway.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Park River, a minor tributary of the Connecticut River, located in Hartford County, Conn., be, and the same is hereby, declared to be a nonnavigable waterway within the meaning of the Constitution and laws of the United States of America.

SEC. 2. That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONSTRUCTION OF PUBLIC WORKS ON RIVERS AND HARBORS FOR FLOOD-CONTROL PURPOSES

The Clerk called the next bill on the Consent Calendar, H. R. 6585, to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936.

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

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, there is a similar Senate bill, S. 1943, and I ask unanimous consent that it be substituted for the House bill.

The SPEAKER. Without objection, Senate bill 1943 will be substituted for the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, is hereby amended by changing the paragraph under the heading "Connecticut River Basin", to read as follows:

"Reservoir system for the control of floods in the Connecticut River Valley: Construction of 10 reservoirs on tributaries of the Connecticut River; plans in House Document No. 412, Seventy-fourth Congress, second session, as the same may be revised upon further investigation of the 1936 flood; estimated construction cost $10,028,900; estimated cost of lands and damages, $3,344,100."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 6585) was laid on the table.

COAST GUARD STATION, SCHOODIC PENINSULA, MAINE

The Clerk called the next bill, H. R. 3031, to provide for the establishment of a Coast Guard station on the coast of Maine on Schoodic Peninsula, Hancock County, Maine, at such point as the Commandant of the Coast Guard may recommend.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized to establish a Coast Guard station on the coast of Maine on Schoodic Peninsula, Hancock County, at such points as the Commandant of the Coast Guard may recommend.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury is authorized to establish a Coast Guard station on Schoodic Peninsula, and a Coast Guard station at or near Isle au Haut, on the coast of Maine, at such points as the Commandant of the Coast Guard may recommend."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read: "A bill to provide for the establishment of Coast Guard stations along the Maine coast."

MEASUREMENT OF VESSELS USING PANAMA CANAL

The Clerk called the next bill, H. R. 5417, to provide for the measurement of vessels using the Panama Canal, and for other purposes.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this is an extremely important piece of legislation. Several Members of the House are anxious to become more familiar with it. Therefore, I ask unanimous consent that the bill be passed over without prejudice.

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

Mr. BLAND. Mr. Speaker, the objection would carry it over 2 weeks anyway, so I object to the gentleman's request.

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

Mr. MARTIN of Massachusetts. Mr. Speaker, I object.

COAST GUARD STATION ON COAST OF GEORGIA

The Clerk called the next bill, S. 1189, to provide for the establishment of a Coast Guard station on the coast of Georgia at or near Tybee Island.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized to establish a Coast Guard station on the coast of Georgia, at or near Tybee Island, at such point as the Commandant of the Coast Guard may recommend.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RATING OF GRADUATES OF APPROVED SCHOOL SHIPS

The Clerk called the next bill, S. 2084, to provide that graduates of approved school ships may be rated as able seamen upon graduation, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subsection (a) of section 13 of the act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation

of treaty provisions in relation thereto; and to promote safety at sea", approved March 4, 1915, as amended, is amended by striking out "after 12 months' service at sea after graduation" and inserting in lieu thereof "upon graduation in good standing from said school ships."

SEC. 2. Subsection (e) of such section 13, as amended, is amended by inserting before the period at the end thereof the following: "or proof that he is a graduate of a school ship approved by and conducted under rules prescribed by the Secretary of Commerce."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TERM OF COURT AT LIVINGSTON, MONT.

The Clerk called the next bill, H. R. 4795, to provide for a term of court at Livingston, Mont.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 92 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 172), is amended to read as follows:

"The State of Montana shall constitute one judicial district to be known as the district of Montana. Terms of the district court shall be held at Helena, Butte, Great Falls, Lewistown, Billings, Missoula, Glasgow, Havre, and Livingston at such times as may be fixed by rule of such court: *Provided*, That suitable rooms and accommodations for holding court at Glasgow, Lewistown, and Havre are furnished free of all expense to the United States. Causes, civil and criminal, may be transferred by the court or a judge thereof from any sitting place designated above to any other sitting place thus designated, when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place."

With the following committee amendment:

Page 1, line 12, after the word "Lewistown", insert "Livingston."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WATER LEVELS, LAKE OF THE WOODS

The Clerk called the next bill, H. R. 6338, to fulfill certain treaty obligations with respect to water levels of the Lake of the Woods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to pay the claims for damages against the United States arising out of the fluctuations of the water levels of the Lake of the Woods as ascertained by him under authority of section 3 of the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February 1925", approved May 22, 1926, as amended. The amount paid with respect to each claim shall be the amount of award set forth in the letter of the Secretary of War of February 16, 1931 (H. Doc. No. 774, 71st Cong., 3d sess.), and the letter of the Secretary of War of December 8, 1931 (H. Doc. No. 133, 72d Cong., 1st sess). Such sums shall be paid to the claimant, or, in case the claimant is dead or insane, to the legal representative of the claimant, or, in case the claim has been assigned, to the assignee thereof. The Secretary of War is authorized and directed to prescribe such rules and regulations as may be necessary for the purpose of establishing the identity of claimants or their assignees or representatives, and his determination thereof shall be final. Payment by the Secretary of War shall be in full settlement of all claims for damages cognizable under section 3 of such act of May 22, 1926, as amended. If with diligent effort the Secretary of War has been unable to pay any such claim within 3 years after the date of the enactment of this act, the amount of such claim shall be covered into the Treasury as miscellaneous receipts.

SEC. 2. There is authorized to be appropriated the sum of $73,270.97 to carry out the purposes of this act, with simple interest at 6 percent per annum from December 7, 1931, until April 13, 1937.

With the following committee amendments:

Page 2, line 22, strike out the last word, "with."

Page 2, strike out all of lines 23 and 24.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATE OF MAINE

The Clerk called the next bill, S. 1769, for the relief of the State of Maine.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the State of Maine is hereby relieved from accountability for certain property belonging to the United States, of the value of $175, which was loaned by the United States property and disbursing officer of the State of Maine, at the request of the municipal officers of the city of Ellsworth, Maine, for emergency relief work at the fire which destroyed a part of the city of Ellsworth, Maine, on May 8, 1933, such property having been unavoidably lost or destroyed in the course of such work, and listed as property shortages in the report of survey dated June 26, 1933.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEE MEMORIAL BOULEVARD

The Clerk called the next bill, H. R. 2299, authorizing the conveyance to the State of Virginia, for highway purposes only, of portions of the Fort Myer Military Reservation, Va., and for other purposes.

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

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that S. 1212, a similar Senate bill, be substituted for the House bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to convey to the State of Virginia, for highway purposes only, upon such terms and conditions as he may prescribe, all right, title, and interest of the United States of America in and to that portion of the Fort Myer Military Reservation, Arlington County, Va., and that section of the military road connecting the said reservation with Key Bridge, over which the State of Virginia was granted permission to extend a State highway known as the Lee Memorial Boulevard by instrument dated July 1, 1936: *Provided*, That the Secretary of War is authorized to make such deviations in the descriptions of the lands involved as may be necessary to carry out the purposes and intent of this act.

SEC. 2. The Secretary of War is hereby further authorized, upon such terms and conditions as he may consider advisable, to sell or otherwise dispose of that portion of the Fort Myer Military Reservation comprising the northwest corner thereof, containing approximately 2⅗ acres, which will be separated from the main body of said reservation by the conveyance to the State of Virginia of one of the parcels referred to in section 1 hereof.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider and a House bill (H. R. 2299) were laid on the table.

AMERICAN LEGION MUSEUM, NEWPORT NEWS, VA.

The Clerk called the next bill, H. R. 4809, to authorize the Works Progress Administration to lend or give World War relics and other property at Fort Eustis, Va., to the American Legion Museum at Newport News, Va.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of the Works Progress Administration is hereby authorized, in his discretion, and by and with the consent of the President of the United States, to lend or give any World War relics, museum pieces, quartermaster material, surgical or medical equipment, or other material, of similar or dissimilar character, now located at Fort Eustis, Va., and no longer required for Government use as determined by the Director of Procurement, to the American Legion Museum at Newport News, Va. The Government shall be at no expense in connection with any such loan or gift, and such loan or gift shall be made subject to such rules and regulations as the Administrator of the Works Progress Administration shall prescribe.

With the following committee amendments:

(1) Page 1, lines 4 and 5, strike out the following: "and by and with the consent of the President of the United States."

(2) Page 1, line 8, strike out the following: "of similar or dissimilar character."

(3) Page 1, line 9, strike out the word "and" and insert in lieu thereof the following: "which is of a character appropriate for display in a museum and which is."

(4) Page 2, line 2, following the period after the word "Virginia", insert the following:

"The Administrator of the Works Progress Administration shall furnish to the Director of Procurement a list of all property lent by him pursuant to the provisions hereof. The Director of Procurement shall have custody of any such property which may

hereafter be returned by the American Legion Museum, with authority to deal therewith as in the case of other surplus personal property in his custody."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GREEN BAY & MISSISSIPPI CANAL CO.

The Clerk called the next bill, H. R. 5552, to provide for the relinquishment of an easement granted to the United States by the Green Bay & Mississippi Canal Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to release to the Green Bay & Mississippi Canal Co., its successors or assigns, the easement heretofore granted by the Green Bay & Mississippi Canal Co. to the United States of America for the construction and maintenance of an 8-inch sewer or drain, together with necessary manholes, from a point in the southeasterly side of the post-office site, distant approximately 122 feet northwardly from the northeasterly bank of the Power Canal, and thence traversing in a southeastwardly direction lots 4 to 14, inclusive, in block 2, a distance of approximately 550 feet to the northwesterly side of the open sewer which flows in a northeastwardly direction along the southeasterly side of said lot 14 and to pass drainage and sewage from the site through said 8-inch sewer into said open sewer, in the city of Kaukauna, Outagamie County, Wis.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PARCEL POST BUILDING SITE, DALLAS, TEX.

The Clerk called the next bill, H. R. 6910, to provide for the exchange between the United States and The Union Terminal Co. of certain properties in connection with the parcel post building site at Dallas, Tex.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to convey by the usual quitclaim deed to the Union Terminal Co., a corporation organized and existing under the laws of the State of Texas, upon such terms and conditions as the Secretary of the Treasury may deem to be to the best interests of the United States, the following-described piece or parcel of land forming a part of the Dallas (Tex.) parcel post building site:

Beginning at the point of intersection of the easterly line of what was formerly Broadway Street with the center line of what was formerly Jackson Street; thence westerly with the center line of what was formerly Jackson Street 40 feet to the center line of what was formerly Broadway Street; thence northerly with the center line of what was formerly Broadway Street 120 feet to the point of intersection of the center line of what was formerly Broadway Street with a straight line extending from the point of intersection of the southerly line of Commerce Street with the westerly line of what was formerly Broadway Street to the point of intersection of the easterly line of what was formerly Broadway Street with the center line of what was formerly Jackson Street; thence in a southeasterly direction 126.49 feet along said last-mentioned straight line to the place of beginning;

in exchange for the following-described two parcels of land in the city of Dallas, Tex.:

Beginning at the intersection of the westerly line of Houston Street with the center line of what was formerly Jackson Street; thence westerly along the center line of what was formerly Jackson Street 120 feet; thence southerly parallel with the westerly line of Houston Street 28 feet; thence easterly parallel with the southerly line of what was formerly Jackson Street 120 feet to the westerly line of Houston Street; thence northerly with the westerly line of Houston Street 28 feet to the place of beginning; and

Beginning at the point of intersection of the center line of what was formerly Broadway Street with a straight line extending from the point of intersection of the southerly line of Commerce Street with the west line of what was formerly Broadway Street to the point of intersection of the east line of what was formerly Broadway Street with the center line of what was formerly Jackson Street; thence in a northwesterly direction in a straight line 126.49 feet to the point of intersection of the southerly line of Commerce Street with the westerly line of what was formerly Broadway Street; thence easterly with the southerly line of Commerce Street 40 feet to the center line of what was formerly Broadway Street; thence southerly with the center line of what was formerly Broadway Street 120 feet to the place of beginning;

when a valid title to the last-described two parcels of land has become vested in the United States and has been approved by the Attorney General.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF CERTAIN SOLDIERS OF SPANISH-AMERICAN AND OTHER WARS

The Clerk called the next bill, S. 210, for the relief of soldiers who were discharged from the Army during the Spanish-American War, the Philippine Insurrection, and the Boxer Uprising because of minority or misrepresentation of age.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who was enlisted between April 21, 1898, and July 4, 1902, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowance shall accrue by reason of the passage of this act: *Provided further*, That in all such cases the War Department shall, upon request, grant to such men or their widows a discharge certificate showing that the soldiers are held and considered to have been honorably discharged under the provisions of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAN JUAN, P. R.

The Clerk called the next bill, S. 1973, to authorize the Secretary of War to transfer to the people of Puerto Rico certain real estate pertaining to the post of San Juan, San Juan, P. R., and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to transfer to the people of Puerto Rico that portion of the San Juan Military Reservation known as the Service Company area containing approximately 23,714.65 square meters.

SEC. 2. The Secretary of War is hereby authorized to accept on behalf of the United States the Manicomio property, otherwise known as the old Insane Asylum, located in the city of San Juan, which property consists of approximately 9,247 square meters.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL MOTORS CORPORATION

The Clerk called the next bill, S. 1586, to authorize the Secretary of War to sell to the General Motors Corporation a tract of land comprising part of Holabird Quartermaster Depot, Baltimore, Md.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell in his discretion to General Motors Corporation, a Delaware corporation, upon such terms and conditions as he considers advisable, a tract of land containing approximately 2.734 acres, comprising that part of the Holabird Quartermaster Depot, Baltimore, Md., lying south of the right-of-way of the Baltimore & Ohio Railroad Co. and west of the Broening Highway, which tract is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf, any and all contracts, conveyances, or other instruments necessary to effectuate such sale; the proceeds of the sale of the property hereinbefore designated to be deposited in the Treasury to the credit of miscellaneous receipts: *Provided*, That the Secretary of War shall have the said tract appraised: *Provided further*, That the Secretary of War shall not sell the said tract of land for a less consideration than the appraised value thereof.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORT SNELLING MILITARY RESERVATION, MINN.

The Clerk called the next bill, S. 1247, to amend the act of June 23, 1936, authorizing the Secretary of War to set apart as a national cemetery certain lands of the Fort Snelling Military Reservation, Minn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act approved June 23, 1936 (Public, No. 763, 74th Cong.), authorizing the Secretary of War to set apart

as a national cemetery certain lands of the Fort Snelling Military Reservation, Minn., is hereby amended by striking out the words "which shall include the existing post cemetery", appearing in the fifth and sixth lines of said act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SELECTION OF A SITE AND ERECTION OF A PEDESTAL FOR THE ALBERT GALLATIN STATUE IN WASHINGTON, D. C.

The Clerk called Senate Joint Resolution 56, authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin statue in Washington, D. C.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

Mr. COSTELLO. Mr. Speaker, I object.

AUTHORIZING MUNICIPAL CORPORATIONS IN THE TERRITORY OF ALASKA TO INCUR BONDED INDEBTEDNESS

The Clerk called the next bill, H. R. 1502, to amend Public Law No. 626, Seventy-fourth Congress.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first sentence of section 2 of Public Law No. 626, Seventy-fourth Congress, the same being an act entitled "An act to authorize municipal corporations in the Territory of Alaska to incur bonded indebtedness, and for other purposes", approved May 28, 1936, is amended to read as follows:

"No bonded indebtedness shall be incurred by any municipal corporation in the Territory of Alaska unless the proposal to incur such indebtedness be first submitted to the qualified electors of such municipal corporation whose names appear on the last tax-assessment roll or record of such municipality for purposes of municipal taxation, at an election called for such purpose, and not less than 65 percent of the votes cast at such election shall be in favor thereof."

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

NATIONAL AVIATION DAY

The Clerk called House Joint Resolution 348, making May 28, 1937, National Aviation Day.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That May 28, 1937, be set aside as National Aviation Day, to further and stimulate interest in aviation in the United States.

With the following committee amendments:

Strike out all after the enacting clause and insert the following: "That the President of the United States is authorized to designate May 28, 1937, as National Aviation Day, and to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate exercises to further and stimulate interest in aviation in the United States."

The committee amendment was agreed to.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "Joint resolution designating May 28, 1937, National Aviation Day."

PREVENTION OF SPECULATION IN LANDS IN THE COLUMBIA BASIN

Mr. COSTELLO. Mr. Speaker, that concludes the calling of the bills on the Consent Calendar. I ask unanimous consent to return to No. 182 on the Consent Calendar, and vacate the proceedings had in connection with the bill (H. R. 6319) to prevent speculation in lands in the Columbia Basin prospectively irrigable by reason of the construction of the Grand Coulee Dam project and to aid actual settlers in securing such lands at the fair appraised value thereof as arid land, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

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

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill (S. 2172) to prevent speculation in lands in the Columbia Basin prospectively irrigable by reason of the construction of the Grand Coulee Dam project and to aid actual settlers in securing such lands at the fair appraised value thereof as arid land, and for other purposes, be considered in lieu of the House bill.

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

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That no part of the funds heretofore or hereafter appropriated or allotted for the construction of the Grand Coulee Dam project (authorized by sec. 2 of the act of Aug. 30, 1935, 49 Stat. 1028, 1039, entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", and by the act of June 22, 1936, 49 Stat. 1757, 1784, entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes") or for the reclamation of land in connection with said project shall be expended in the construction of any irrigation feature of said project, exclusive of Grand Coulee Dam and appurtenant works now under construction, until after the following provisions have been complied with:

(a) The privately owned lands proposed to be irrigated under said project (including county lands and such State lands as the State may desire and be able to subscribe for irrigation under said project and to subject to the terms of this act) shall have been impartially appraised in a manner and to the extent prescribed by the Secretary of the Interior for the determination of their value at the date of appraisal without reference to the proposed construction of the said irrigation works and without increment on account of the prospect of the construction of the said project.

(b) A contract or contracts shall have been made with an irrigation or reclamation district or districts organized under State law providing for payment by the district or districts of that part of the cost of construction of the project allocated by the Secretary of the Interior as the part thereof properly chargeable to irrigation, the said cost of construction to be repaid within such term or terms of years as the Secretary shall find to be necessary, not to exceed the maximum term permitted under the Federal reclamation laws, the payments to be made in the manner and subject to the terms and conditions provided in the said reclamation laws and subject to enforcement by all of the means and remedies provided in the Reclamation Act of June 17, 1902 (32 Stat. 388), and acts supplementary thereto or amendatory thereof: *Provided*, That every such contract with any district shall further require that all irrigable land held in private ownership by any one owner in excess of 40 irrigable acres and all county and State lands which may be subscribed to or irrigated under the said project shall be designated as excess land and as such shall not be entitled to receive water from said project. The contract shall provide further that no owner of such excess lands in the said project shall receive water therefrom for any part of the lands owned by him if and so long as he shall refuse to sell any excess lands owned or held by him under terms and conditions satisfactory to the Secretary of the Interior and at prices fixed in the appraisals made and approved as hereinabove provided. The Secretary of the Interior may require each landowner, as a condition precedent to receiving water from the said irrigation works, to execute a valid recordable contract wherein he shall agree to dispose of excess holdings then or thereafter owned by him in the manner provided in this act and in the contract between his district and the United States, and wherein the said landowner also shall confer upon the Secretary of the Interior an irrevocable power of attorney to make any such sale on his behalf. For the purpose of determining excess lands under the provisions of this act husband and wife shall be considered separate persons and each may hold not to exceed 40 irrigable acres as nonexcess lands or husband and wife together may hold 80 irrigable acres of community property as such nonexcess lands: *Provided further*, That as to any part of the irrigable lands of the said project for which the Secretary of the Interior shall determine that farm units of less than 40 irrigable acres would be sufficient to support a family, he may approve and cause to be filed farm unit plats establishing farm units of less than 40 acres but not less than 10 acres and in that event all lands held in any one ownership in excess of one farm unit as shown on such plat shall be considered excess lands subject to the provisions of this act applicable to excess lands: *Provided further*, That in addition to the foregoing provisions, every such contract with any district shall also provide, with respect to all irrigable lands whether initially excess or nonexcess, that whenever any land is sold at a price in excess of the sum of the appraised value of the arid land, the appraised value of improvements made thereon after the date of the original appraisal, and the amount of irrigation construction costs actually paid for that land, then, before the new owner shall be entitled to receive water from the project, a proportionate part of the said excess or incremented value shall be paid to the United States as follows: If such payment is made to the United States more than 50 months after such sale at an excessive price

has been made, then as a prerequisite to the right to receive water all of the incremented value shall be paid to the United States to apply on construction installments to come due on such land in inverse order of their accrual; if payment is made in less than 50 months but more than 49 months after the date of such sale, then 99 percent of such incremented value or excess of sale price shall be thus paid and applied; if payment is made in less than 49 but more than 48 months after the date of such sale, then 98 percent of such incremented value or excess of sale price shall be thus paid and applied, and so on for earlier payment allowing an additional reduction of 1 percent for each month, so that in the event that such payment is made to the United States within 1 month after the date of such sale, then the percentage of the incremented value required to be paid to the United States for application to construction costs as a prerequisite to the right to receive water shall be 50 percent thereof: *Provided further*, That each district contract may include a provision which, subject to authorization and validation thereof by the State of Washington, shall require that all irrigable lands which are allowed by the owners thereof without objection to remain in such district until after the judicial confirmation of the organization of the district and of the regularity and validity of said contract and the proceedings authorizing it shall be considered as automatically subjected to the provisions of the excess land clauses and incremented value clauses hereinbefore provided for, such obligation to be impressed on the title to the land and to be considered equivalent to a covenant running with the land. The said provision, however, shall not apply to any landowner who, prior to the entry of the judicial decree of confirmation, shall file with the district and duly record as an instrument affecting title to his land, a notice of his objection to the said obligation and of his renunciation of the right of the said land to receive water through, from, or by means of any works constructed by the United States in connection with such project: *And provided further*, That the foregoing four provisos shall not apply to any lands in the State of Washington which have already been developed and are now being cultivated with the aid of water from sources other than the said Grand Coulee project and for which additional water may be desired.

(c) The State of Washington by appropriate legislation shall have authorized, adopted, ratified, and consented to all the provisions of this act insofar as such provisions or any of them, in whole or in part, may come within the scope of State jurisdiction or authority or be applicable to State lands.

SEC. 2. The Secretary of the Interior is authorized to use not to exceed $350,000 of the funds hereafter appropriated or allotted for the fiscal year 1938 for the said project for the purpose of the survey, investigation, and appraisal of the irrigable lands of the said project and for surveys, investigations, plans, and designs for the irrigation works therefor.

SEC. 3. The Secretary of the Interior is authorized to make such rules and regulations and to include in the contracts hereinbefore provided for such provisions as may be appropriate and useful for the purpose of carrying out the purpose and provisions of this act.

SEC. 4. The consent of the United States is hereby given to the sale of school lands and any other public lands of the State of Washington which may be included in any irrigation or reclamation project to which this act is or may be applicable at prices not to exceed the appraised valuation thereof determined as herein provided.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 6319) was laid on the table.

Mr. McCORMACK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCORMACK. My parliamentary inquiry is more in the nature of securing information. My impression is there are two bills that were passed over to the end of the calendar. Is my recollection correct?

The SPEAKER. The gentleman is correct. The Clerk will report the bill (H. R. 6453) to increase the minimum salary of deputy United States marshals to $2,000 per annum.

The Clerk read the title of the bill.

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

Mr. WOLCOTT. Mr. Speaker, I object.

Mr. McCORMACK. Will the gentleman withhold his objection?

Mr. WOLCOTT. I withhold my objection.

Mr. McCORMACK. The gentleman from Massachusetts [Mr. MARTIN], when the bill was first called, sought certain information, and the gentleman from Arkansas is prepared to give the information. Is the gentleman's objection because of a lack of information; or if the information is furnished, does the gentleman intend to object, anyway?

Mr. WOLCOTT. I think it might take quite a bit of explanation to overcome my present feeling toward this bill. I do not like the idea of the Congress putting deputy marshals on the same plane as investigators or men who actually go out and enforce the laws. I realize, of course, that many of the deputy marshals work, but I may say frankly to the gentleman all of the deputy marshals I have ever seen in the district courts of the United States have just about the softest jobs anyone could want. If it is desired to have the pay of some of them raised, and if they actually are doing some work, they should be reclassified, and in that manner secure the increase.

Mr. McCORMACK. I am sure the gentleman from Massachusetts [Mr. HEALEY] and the gentleman from Arkansas [Mr. MILLER] have valuable information. Both of these gentlemen are members of the committee, and I hope they will be able to convince the gentleman from Michigan he should not object.

Mr. WOLCOTT. If I am the only one objecting, I do not know why we should take up the time of the House when we could do it better in the quiet of our offices. I may say to the gentleman my reason for objecting is that I have observed deputy United States marshals in the district courts of the United States and I have yet to see the first marshal who was worthy of his hire. It seems to me to give them an increase in salary and put them on the same plane as men who are actually doing work in other fields is a mistake. If there are some of them who are working, they should be reclassified and called something else and given a raise in salary. A man who opens and shuts the door of a district court is not entitled to the same amount of money as a man who actually goes out and takes a chance with his life.

Mr. HEALEY. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Massachusetts.

Mr. HEALEY. This bill was gone into very fully by the committee. The facts showed that the average salary of these men in the capacity of deputy marshal is something like $1,651 a year. Their work has been greatly increased. There have been a lot of new matters being handled by the marshals. As you know, during the last few sessions of Congress we have greatly increased the work coming before the United States courts. These men act during the daytime as bailiffs or court officers and are in court from 10 in the morning until 4 in the afternoon. Then they go out at night to serve processes, make arrests, and perform other duties very similar to duties of deputy sheriffs.

Mr. WOLCOTT. May I ask the gentleman whether they receive any fees for serving processes?

Mr. HEALEY. No.

Mr. WOLCOTT. Do the United States marshals receive a fee?

Mr. HEALEY. They do not receive any fee whatsoever. Many of these men are working for a salary as low as $1,440 a year, and they reside in the large industrial cities of our country. There were two members of the gentlemen's party who sat on that committee, and they were satisfied these men were underpaid. Their salaries are the same at the present time as right after the Civil War and in justice to these men and so that we may have the proper type of men in these offices, the members of the committee thought their salary ought to be raised to $2,000 a year.

Mr. WOLCOTT. I should like to look into the matter. I do not feel like putting the deputy United States marshals whom I have known on the same basis as agents in the Alcohol Tax Unit, for instance, or agents in the Federal Bureau of Investigation or deputy sheriffs of the States of New York and Pennsylvania, who are actually enforcing the laws, according to the report.

Mr. McCORMACK. Mr. Speaker, if the gentleman will yield, the average compensation of agents of the Bureau of Investigation is $2,600, and some agents receive $2,900.

Mr. WOLCOTT. In the report their salaries are used as a means of comparison to show these marshals are underpaid. Their duties are as different as are the duties of a clerk in the War Department from the duties of the agents of the Bureau of Investigation.

Mr. CURLEY, Mr. HEALEY, and Mr. WALTER rose.

Mr. WOLCOTT. Mr. Speaker, I yield to the gentleman from New York [Mr. CURLEY].

Mr. CURLEY. The salary paid to deputy sheriffs in the city of New York is only $2,700. They have until recently been paid $3,500, but under the economy act they were reduced to $2,700, which is the amount now carried in the budget of the city of New York. The work of deputy sheriffs is similar to the work being done by deputy marshals.

Mr. WOLCOTT. I am not drawing a comparison between the work done by deputy sheriffs in the city of New York and the work done by the United States marshal in attendance on a district court. There is no more comparison between them than there is between a clerk in the War Department and an agent of the Bureau of Investigation.

Mr. HEALEY. That is not so.

Mr. WOLCOTT. I assume the deputy sheriffs in New York, the same as the deputy sheriffs in our counties in Michigan, are actually enforcing the law. The duties of a United States marshal are not different from the duties of any other American citizen, according to the report of the committee. The deputy marshal is allowed to arrest for commission of a felony, when committed in his presence or when he has reasonable ground to believe a felony has been committed. Any American citizen likewise is allowed to arrest under such circumstances. The deputy marshal is allowed to arrest when a misdemeanor is committed in his presence. Any American citizen also has this right. The only difference is that the United States marshal, according to the report of the committee, has the right to carry a gun, and the ordinary American citizen does not. Also, the American citizen is not paid and the deputy United States marshal is paid.

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

Mr. WOLCOTT. Mr. Speaker, in view of the interest which has been shown, possibly I should ask that the bill be passed over without prejudice in order that we may give consideration to it. I think this is a bill which should be considered further, because I think this House has something more important to do than fool around with whether these fellows who stand at the doors in the district courts should be given more salary. They are purely patronage employees.

For this reason, Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

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

There was no objection.

SPECULATION IN LANDS IN COLUMBIA BASIN

Mr. CULKIN rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. CULKIN. Mr. Speaker, I desire to call the attention of the Speaker to the fact that during the call of the calendar, by arrangement with the author of the bill under reservation of objection, the bill, H. R. 6319, Calendar No. 182, went to the foot of the calendar. Inadvertently, the gentleman from California [Mr. COSTELLO], while the calendar was being called, asked to substitute a Senate bill, which the House allowed. I have talked with the gentleman from California and in view of the arrangement which was entered into in the House, he is agreeable that the proceedings be vacated. I ask unanimous consent that this be done.

Mr. HILL of Washington. Mr. Speaker, I am sorry that I must object to reconsidering the bill, which has been passed in regular order. The gentleman from New York [Mr. CULKIN] was on the floor of the House at the time.

The SPEAKER. The Chair desires to understand clearly what it is the gentleman from New York desires to do. Is the gentleman objecting to the passage of the Senate bill?

Mr. CULKIN. Yes. The understanding was that all of the proceedings under the bill were to be put over until the end of the calendar, and inadvertently, the gentleman from California, not knowing of this arrangement, asked to substitute the Senate bill, which is a sister bill.

The SPEAKER. What is the suggestion made by the gentleman from New York?

Mr. CULKIN. It seems to me some suggestion of legislative good faith is involved and that either by unanimous consent or otherwise, in order to preserve our legislative honor, the proceedings should be vacated, and I ask unanimous consent that they may be vacated.

Mr. HILL of Washington. Mr. Speaker, I object to the reconsideration of the bill.

The SPEAKER. The gentleman from New York asks unanimous consent that the proceedings whereby there was passed the Senate bill to which the gentleman from New York refers be vacated. Is there objection?

Mr. HILL of Washington. Mr. Speaker, I object. The gentleman from New York was present during the whole proceedings here and did not object at that time. I object.

Mr. CULKIN. Mr. Speaker, if I may have the attention of the gentleman from California, who asked that the Senate bill be substituted, I may say the gentleman is willing the proceedings should be vacated.

Mr. COSTELLO. I may say to the gentleman that I misunderstood the situation. I believed the House bill had been passed and that there had been a failure to substitute the Senate bill for the House bill at that time, and therefore I made my request for that purpose, to return to no. 182 on the calendar and substitute the Senate bill. I did not understand at that time that the bill had been passed over without prejudice or that it had been objected to. My understanding was that the bill had been passed, when I made my request.

Mr. MICHENER rose.

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. MICHENER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. If the House bill was objected to, and someone else then asked that the Senate bill be substituted for the House bill, then, since we are dealing now with the House Calendar, whatever action was taken on the House bill would necessarily be taken on any bill substituted for the House bill.

The SPEAKER. The Chair does not necessarily agree with that statement. The facts are as the proceedings show that this bill was passed over and placed at the foot of the calendar. When the call of the calendar had been completed, the bill was called up again for consideration, and no objection was heard to its consideration. The Senate bill was substituted for the House bill by unanimous consent, and the Senate bill was then passed.

Mr. CULKIN. Mr. Speaker, the call of the calendar, as I understand, had not been completed when the bill was taken up.

The SPEAKER. The gentleman from New York is mistaken in that respect. The calendar call had been completed of the bills eligible for consideration today.

TERCENTENARY OF THE BIRTH OF PERE JACQUES MARQUETTE

Mr. TOWEY. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 359) authorizing the President to proclaim the tercentenary of the birth of Pere Jacques Marquette.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the House joint resolution, as follows:

Whereas the 1st day of June 1937 marks the three hundredth anniversary of the birth of Pere Jacques Marquette, the first white man to explore the upper Mississippi Valley; and

Whereas it is eminently fitting that the tercentenary of the birth of this zealous missionary and fearless explorer should be commemorated by suitable patriotic, religious, and public exercises during such year: Therefore be it

Resolved, etc., That the President of the United States is authorized and requested to issue a proclamation calling upon all officials of the Government to display the flag of the United States on all Government buildings on June 1, 1937, and inviting all people of the United States to observe the day and the anniversary year in schools, churches, and other suitable places, with appropriate ceremonies commemorating the tercentenary of the birth of Pere Jacques Marquette.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECULATION IN LANDS IN THE COLUMBIA BASIN

The SPEAKER. Without objection, the House bill (H. R. 6319) to prevent speculation in lands in the Columbia Basin, prospectively irrigable by reason of the construction of the Grand Coulee Dam project, and to aid actual settlers in securing such lands at the fair appraised value thereof as arid land, and for other purposes, will be laid on the table.

There was no objection.

OMNIBUS IMMIGRATION BILL

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point in connection with the omnibus immigration bill, which is going to be called tomorrow during consideration of the Private Calendar.

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

There was no objection.

Mr. COSTELLO. Mr. Speaker and Members of the House, I have asked for this opportunity in order to set before the membership the information that I have been able to obtain concerning the 15 immigration cases to be considered on the Private Calendar tomorrow when the omnibus bill is called. These bills were previously objected to when they were individually called heretofore on the calendar and have been again reported out by the Committee on Immigration and Naturalization.

I intend to set forth all the facts which I have been able to obtain in each instance, so that the House may be able to see at a glance exactly what is the situation concerning each bill as it is to be called. Whether the House believes that relief should be granted or denied in any particular case, I leave up to the membership to decide after considering each case. Those who are serving this House as the official objectors for the Private Calendar have pursued a policy of according to each of these cases the identical treatment given to all others in the same class. Many of the cases are seeking the favorable action of the Congress due to the fact that to deport one or both members of a family would work an undue hardship on the children or in sacrificing a business that has been established. After going over the facts I can hardly believe that these aliens were entirely innocent of the fraud that was perpetrated when forged documents were used in obtaining the necessary visa. In each case the alien had to sign his name across the photograph attached to the visa, and where an assumed name was being used the alien could not avoid the knowledge that the procedure was irregular, to say the least.

Today there are about 4,000,000 aliens resident in this country. Nine thousand aliens are being deported annually, and an equal number are allowed to leave the country voluntarily when they become subject to deportation by reason of violation of the laws. Naturally many of these cases are difficult to decide when other considerations besides the question of law violation enters the case. Of such a group are these so-called hardship cases now before us. To pass general legislation authorizing the Secretary of Labor to use discretion in suspending the laws in special cases would not be desirable. Hence it becomes necessary to follow this procedure of treating each case individually by means of a private bill before Congress. While this entails more work for the Congress, it nevertheless gives the necessary protection to the immigration laws that is desired. The following remarks concerning each case will, I trust, be helpful to the Members in deciding these cases.

H. R. 2557

The bill provides for the cancelation of deportation proceedings against Ruth Radin and also provides for the validation of her application for citizenship, which she made in 1932.

Ruth Radin is a native of Lithuania, aged 31, who entered the United States on May 3, 1927, at New York, on the steamer *Olympic*. Obtaining a visa for Cuba, she left Lithuania and went to Berlin, Germany. There, she alleges, she was approached by an agent who said that she could get a Berlin passport to the United States since Lithuania had been under German dominion. The cost, including steamship fare, was $150. Her passport and visa were genuine, but the supporting documents on which the visa was issued were fraudulent. A false birth certificate giving her name as Rahel Funk and the place of birth as Germany was used when she personally applied to the American consul at Berlin for her visa.

This alien stayed 10 weeks in Berlin while her visa was being arranged. The Department records allege that this alien clearly knew that the documents she used were fraudulent. In 1932 she applied for citizenship under the name of Rahel Funk, but in June 1933, when she married Hershel Radin, she did so under her own family name of Ruth Winkelstein. There are no children of this marriage, and she has but one uncle residing in this country.

H. R. 2556

This bill also provides for the cancelation of deportation proceedings and for the validation of application for citizenship in favor of Joseph Herschmann.

This alien is a native of Poland, aged about 36, who entered the United States on September 8, 1924, at Boston, on the steamship *Haverford*. Desiring to come to this country, the alien's uncle in the United States sent him an affidavit of support, with which he went to the American Consulate in Warsaw, Poland. While standing in line a stranger speaking broken Polish and representing himself to be attached to the consulate, told him that being a young man his visa could be expedited upon paying a fee for the service. Going to an office in the rear wing of the same building in which the consulate was located, the stranger obtained the alien's personal data and had him sign a blank visa application. Returning to this same office 2 weeks later he received his passport and visa for which he paid $150. The alien paid for his own steamer fare over and above the payment for his visa. This visa was a forgery.

The alien has three times applied for his first citizenship papers but has never received them. He later married a legally resident alien and has one child attending public school. He owns a half interest in a garage valued at $10,000 and owns a meat market valued at $2,000. He supports his own family as well as his sister's family, her husband being dead. Having left Poland to avoid military service, he has been expatriated and so cannot now obtain a Polish passport to return to his native country. No criminal record appears in the history of this alien.

H. R. 2559

This bill likewise provides for cancelation of deportation proceedings and for validation of naturalization application of Benno Shmukler, also known as Benny Carlin. This alien had heretofore been naturalized, but the naturalization has been canceled as a result of the discovery of his fraudulent papers.

Benno Shmukler is a native of Galicia, Poland, aged 49, who entered the United States on June 21, 1926, at New York on the steamer *Stuttgart*. Upon inquiry in his own country, he learned that he could get a visa quickly in Germany by going to the agent of a steamship company in Berlin. The alien secured a passport to Danzig; there he secured a passport to Cuba solely as a device to gain entrance to Berlin. There he consulted the steamship agent and by means of false birth certificate and police report he obtained his visa. When he arrived on board ship, he then paid the agent in American money, using $20 and $50 bills, the sum of $500. In his application for citizenship the alien alleged birth at Kristin, Germany. Being questioned about this, he stated that he was born in—

> Kristin, Germany, because I knew that the visa I had come to the United States on stated that I was born in Germany, and I thought that I should say I was born in Germany for that reason.

This alien's wife and two children followed him to the United States on the steamship *Aquitania* in 1929. Their admission was based upon the first papers of this alien and cannot now be questioned. Hence they are legally in this

country. This alien operates a chicken market with his brother. In a summary of the deportation proceedings it is stated:

Other than for the fact that the alien has his family here, the case has little appeal. The alien unquestionably knew, when consideration is given to the matter of his obtaining the purported visa, that he was violating the law; likewise when he obtained his naturalization papers. However, he has been in the United States close to 10 years.

H. R. 3094

This bill would cancel deportation proceedings and validate any application for citizenship made by David Limonsky, also known as David Binder.

This alien is a native of Lithuania, aged 32, who entered the United States at Boston on December 26, 1926, on board the steamship *Celtic*. He is married to an American citizen and has two children. He is the proprietor of the Granite Market at Quincy, Mass., and employs 12 people.

The real name of this alien is Zalman Limonsky. He attended school in Warsaw and was there during the war. His uncle there died when he was 13, and he thereupon had to make his own living doing odd jobs. This alien went to Cuba and stayed there 3 years, although his testimony is in error regarding the time he stayed in Cuba, alleging that he was there only a year when asked the question before the House committee. The climate did not agree with his health and so he returned home. Being eligible for military service, he left Lithuania and went to Berlin, where he met a man who said he could get him his papers. Paying this man, known only as "Heimie", in marks of the value of $40 or $50, he received a false birth certificate and police report. With these he went to the American consulate and secured his visa. He alleges the consul did not ask him any questions nor to swear to anything. Securing his visa under the name of David Binder he came to this country. Being questioned by the immigration authorities in May 1934 he testified falsely as to his place of birth, father's name, and also alleged his father was dead. On June 11, 1934, he corrected his testimony, although he consistently has shown little recollection concerning his activities prior to coming to this country. His partner in his market business is his brother, Louis Limonsky, who is legally in this country, being the only one of the family who is. The market does a weekly business of $2,500 and is worth $25,000.

H. R. 3095

This bill is similar to the preceding bill, and is offered for the relief of Isaac Limonsky, who is the father of David Limonsky, Lazer Limonsky, and Louis Limonsky.

This alien is a native of Lithuania, aged 55 years, who entered the United States at New York, August 1, 1926, on board the steamship *Carmania*. His wife and four children live here. His wife is a naturalized citizen. He is the proprietor of the Victory Market at Dorchester, Mass., employing four people.

During the war he was sent out of his own country into Russia, thereafter he returned home, but business was bad. Knowing he could not come to the United States he obtained a passport for Uruguay in 1926, going to Berlin, Germany, en route. On the train he met a man who took his address down. The man later came and took his Uruguayan papers. He then received a notice from the American consul and went to the consular office, paying $10 he received his visa. He paid the man $50 for his services and bought his own steamship ticket for $163. The birth certificate and police report on which his visa was issued were both false, being forgeries. In all, 75 sets of birth certificates and police reports were forged by the Berlin visa racketeers.

H. R. 3096

This bill in the usual form was introduced for the benefit of Lazer Limonsky, also known as Louis Meerowitz. Actually he was named Harry or Hersch Limonsky at birth and should not be confused with his brother Louis, who is legally in this country.

This alien is a native of Lithuania, aged 27, who entered this country at Boston on the steamship *Laconia*, July 31, 1927. He is married and has one child. His wife has her first papers. He is the proprietor of the Quality Market at Quincy, Mass., and employs two men.

To avoid military service he had to change his name to Louis Meerowitz to get out of Lithuania. He went to Germany and inquired at the Cunard Line offices about going to Canada, and a man followed him out of the office and stopped him on the street. So he informed the House committee at their hearing. However, it appears that he did not change his name until he was in Germany and the name was suggested by the strange man, known only as "Charlie." Man offered to get him a visa for the United States, which he asked the man to do. He later signed papers, which he said he could not read. Receiving a card from the American consul he want to the office and paid $10.10 and obtained his visa. The man was paid $50. This alien knew that the man had named Minsk as his place of birth and not Anyckpt, Lithuania. He bought his own steamship ticket, sailing from Liverpool. He was married in this country in March 1931.

H. R. 3334

This is a similar bill for the benefit of Janet Hendel, also known as Judith Shapiro. She is a native of Lithuania, aged 29, and who entered this country at New York on the steamship *Pennland*, November 10, 1926. She married Bernard T. Hendel in Lithuania in 1925. There are three children, all born in this country.

This alien went to Berlin, leaving Lithuania on a Brazilian passport. While in Berlin she met a man at the hotel who led her to believe that he was connected with the American consulate. She alleges that since Lithuania was under German rule during the war, although under Russia when she was born, she believed herself to be a German citizen. At any rate she took the forged birth certificate and police report to the consulate and received an American visa, with which she entered this country, using her maiden name, Judith Shapiro, at the time. Her husband is a manufacturer of ladies' wear and was naturalized in 1932.

H. R. 3335

This bill is for the benefit of Lena Hendel, also known as Lena Goldberg. She is a native of Lithuania, aged 35, and who entered this country at New York on the steamship *Pennland*, October 4, 1926. She married Irving G. Hendel, a brother of Bernard, and has three children born in the United States. Her husband, whom she married in this country, was naturalized in 1931, and is engaged in selling life insurance.

This alien also went to Berlin and also met a man at a hotel. Her story is the same as that of her sister-in-law given above. Her birth certificate and police report were also forgeries. It appears that she paid about $400 to this man for his help in securing her visa. At first she testified at the deportation hearings that she did not take these forged papers to the consulate in Berlin. However, later, on advice of counsel, she changed her testimony and admitted that she personally took the papers to the consul when getting her visa.

H. R. 3382

This bill is for the benefit of Philipina B. Klemencic and is in the usual form. The file of the Immigration Bureau is not available, and so the only facts available are those in the House committee report and the printed hearings, at which hearings the alien was not present in person.

This alien is a native of Croatia. The report alleges that the natives of the Slavic countries often used the passports of persons other than themselves. This alien secured the passport of a neighbor who decided not to come to the United States, and with that passport came to America. She is married and has an American-born child. Upon application for citizenship papers, her fraudulent entry was uncovered and she was ordered deported. She could not voluntarily leave the country, due to bank losses, until after the Attorney General's ruling, which would have made her reentry impossible. This case differs from the preceding cases in that the visa was validly issued, but to a different person and its use by this alien constituted the fraud, of which fraud she could not avoid being aware.

H. R. 3393

This is the usual bill, being for the benefit of Herman Urist, a native of Lithuania, aged 35, who entered this country at New York on the steamship *Majestic* July 14, 1926. He married in the United States in August 1930 and has two American-born children. His wife is also in this country illegally, and the next bill on the calendar is provided for her relief. In this respect this case differs from the usual hardship case, in that both the husband and wife are here illegally. This alien has a business which is worth $10,000 and employs two people. His brother was naturalized 27 years ago and served in the World War.

This alien obtained a passport for Uruguay, and then went to Berlin, where he paid a stranger $375 to get a visa. This stranger gave him fraudulent papers, and went with him to the consul's office, where he received his visa. Upon receipt of the visa, the stranger looked it over and discovered that the police report was missing, so he took the papers back to effect the correction of this oversight. Subsequently a visa in regular form was procured. When applying for citizenship this alien alleged birth in Breslau, Germany, as was shown on his visa. He also claimed Breslau as the place of birth in his marriage certificate. However, he now claims that the original visa has since been lost, although it was available to provide the necessary information to him, so that there would be no differences in his citizenship papers and the visa. This alien knew when he received his visa that the papers he used to obtain it falsely described him, yet he proceeded to procure the visa.

H. R. 3394

This bill is for the relief of Minnie Urist, wife of the alien named in the preceding bill. Minnie Urist is a native of Lithuania, aged 29, who entered the United States on July 19, 1926, on the steamship *Baltic*. She is married to an alien, who is also in this country illegally, and has two American-born children. Her three sisters and two brothers, one of whom is now dead, came to this country before she was 18.

Being desirous of coming to this country, she alleges that she was approached by a man named Mosha Rudnik, who apparently was her cousin, and who arranged for forged papers for her. On his advice and accompanied by him she went to Berlin and to the consul's office. There she states she was only asked her name, Minnie Horowitz, whereupon she was given her visa. She paid her cousin between four and five hundred dollars, besides buying her own steamship ticket. As she did not know the German language, she says she did not know what was stated in her papers. The visa which she used was a German quota visa, which has since been lost.

H. R. 3645

This bill is in the usual form and for the benefit of Francesco or Frank Kovach, also known as Joe Kalister, who is a native of Italy, aged 37 years, and who entered this country at New York, May 4, 1927, on board the steamship *Giuseppe Verde*. He married an American citizen in January 1930, and has two American-born children. This alien has been employed by coal companies in Wyoming for over 6 years. The House committee report and hearings fail to reveal other information, although the Department file indicates the nature of the fraud which was perpetrated. This case differs materially from those which we have been considering in that a strange and unknown man did not participate in the fraud. This alien gained admission to this country by impersonating another man who lived in his native village, but who had been born in Brazil. By thus impersonating Giuseppe Calistro, his neighbor, he secured his visa. Since Calistro had defective eyesight, he could not secure a visa, so Kovach took Calistro's papers and pretended to be Calistro, thus obtaining the visa. Kovach was born in Trieste, which formerly was a part of Austria-Hungary, but which has been part of Italy since the World War.

This case is included among the hardship cases, as the alien's wife is an American, who has been an orphan since she was 6. The alien has a married sister and one brother living in Wyoming. All his other relatives live in Italy.

H. R. 3753

This bill provides for the relief in the usual form of Sol Silver, whose real name is Schakneer Feldman, a native of Pinsk, Poland, aged 42, who entered the United States at New York, May 1, 1926, on the steamship *Muenchen*. He had a brother, who fought for this country in the World War, and had other relatives in this country, so he desired to come also. He was approached by a man named Rubinson, actually Rubinski, who claimed to be in the American Consulate at Warsaw. This man was to get $400 to expedite matters for Silver. Taking his passport, Rubinson later returned with certain papers which Silver signed, using the name of Silver although his real name was Feldman. He alleges that he never went to the consul's office, which appears true, since his visa was a forged duplicate of a valid passport. The committee hearings show that this alien paid $225 for his visa, steamship ticket, and the services of Rubinson, and was to send the balance of $175 after he had taken out his first papers, which he did.

The Department file indicates that this alien was doubtful of the entire procedure relating to his visa. He obtained his American visa at Danzig under the name of Naftali Silver. He did not pay Rubinson in full because he was afraid it was not the right visa. He alleged in an affidavit on September 5, 1935, that he was married the second time March 22, 1930, to Yetta Gersten. On December 19, 1935, he stated that he was first married in 1927, and his wife died in 1928; that he married again in April 1935. Not only in this instance is his testimony in conflict but in obtaining his citizenship papers he alleged the same false statements as were contained in his false visa, and was admitted to citizenship on March 18, 1932. Knowing that his visa was a fraud, he attempted to conceal the fact when applying for citizenship.

This fraud was not discovered until the second wife applied for her second papers. Then it developed that this alien's papers were duplicates of genuine papers actually issued to a real Naftali Silver, who also has been naturalized.

H. R. 3969

This bill provides for the usual relief for the benefit of Joseph Harris, also known as Josef Hersh, a native of Lithuania, aged 28, and who entered this country at New York, May 19, 1926, on the steamship *Homeric*. He married an American-born citizen and had one child, now dead. He allegedly supports his mother, aged 65, as well. His brothers and sisters are all in the United States. He is engaged in the dairy business with his brothers and employs 40 people.

This alien alleges he left Lithuania on a passport for Germany. He met a man in the hotel to whom he paid $250 and this man made out his papers and purchased his steamship ticket as well. The Department file shows that his birth certificate and police report were forgeries. The alien apparently did not go to the consul's office at all. This case was not originally considered a hardship case, as when the deportation proceedings were started the alien was not married. Whether the marriage could be considered as having been entered into in order to make this a hardship case does not appear. However, his mother, whom he claims to be supporting, was living with this alien's married sister in September 1934. In giving testimony this alien has a very poor recollection of facts. He ran away from home when 11, but cannot recall the names of persons or places where he worked or lived since that time until he came to this country.

HOUSE JOINT RESOLUTION 153

This resolution, differing from the foregoing bills, proposes to waive the racial restrictions barring certain classes of people from citizenship in favor of Kam N. Kathju, a native of India. Kathju is aged 37 years and entered this country February 22, 1921, as a student. A like resolution passed the House August 20, 1935.

This alien is of high Hindu and Kashmir blood, and has married a native-born citizen of this country. The committee report indicates that this alien is a chemist of exceptional ability and that he is so employed at a salary of $10,000. In fact, he is not pursuing his career as a chemist,

but is in reality a salesman of paints to automobile manufacturers in wholesale quantities. The nature of his work requires that he have a knowledge of mixing paints, but does not require that one be an expert chemist. There do not appear to be any printed hearings available concerning this case.

Kathju married at Detroit on October 20, 1923, Renetta Hornung, who was born in this country. In 1932 Kathju with his wife and child obtained a reentry permit, in order that he might visit his parents in India. It thereafter became necessary for his wife to be repatriated, which was done in December 1932, so that she regained her citizenship. Proceedings to deport Kathju were instigated on the ground that he was not pursuing his professional calling as a chemist, which would be an exception allowing him to reside permanently in this country according to our immigration laws. However, under another section, having resided here 7 years, he was entitled to receive the reentry permit and so was lawfully readmitted to this country on his return from India. As a result the Department has dropped the deportation proceedings against Kathju. There is, therefore, no real necessity for this legislation unless the Congress desires to grant to Kathju the right to become a citizen, a right which he does not have under existing law. This is in no manner to be considered as a hardship case, as there is no question of separating the members of the family, it is entirely a question of admitting to citizenship one who is legally not entitled to such citizenship.

THE LATE HONORABLE P. L. GASSAWAY

Mr. BOREN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

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

There was no objection.

Mr. BOREN. Mr. Speaker, I rise to report to the House the untimely death of my predecessor, the Honorable P. L. Gassaway. Mr. Gassaway died of a heart attack at 8 o'clock Saturday morning, May 15. He was well known and is favorably remembered by those of you who served in the Seventy-fourth Congress.

All experience warns us not to attempt to fix his final place in history until the generation that knew him and loved him or differed with him shall have passed on and a new generation to whom he was not a familiar figure shall have come upon the scene, capable of beholding him with eyes undimmed by emotion and with minds unclouded by prejudice or passion. But I feel that it is my just privilege and my honored right to set down while memory is clear and events are fresh, what I know of this man, upon whom his fellow men showered great honors and placed great burdens of power and responsibility.

Typical of the determined spirit known to you who were his colleagues, Mr. Gassaway planned and executed his life purposes and career in the great new State of Oklahoma. His learning, his properties, and his career were cut from the hard stone of experience by dint of his own efforts.

I have known Mr. Gassaway for a number of years, and though the public record will show that our ambitions, ideas, and ideals were sometimes in conflict, personally we were good friends. I knew and appreciated in him the splendid generosity that caused him to lavish with a free hand, gifts and services upon those he loved and upon those who sought his aid. It stands true that Mr. Gassaway knew the test of loyalty, and this virtue was his—loyalty to his friends.

And again, Mr. Speaker, I honor his brand of sportsmanship. When the elements of chance and circumstance combined to shape his fortunes, as is the case with all men of public career, he lost as he won—in the spirit of splendid sportsmanship which was an integral part of his character. In the last acts that ever lay between us, he turned to me his account in records and supplies that each Member of Congress has in trust to serve his district. Unrequested but appreciated, this act came to me as a token of his generosity, his good sportsmanship and his personal friendly feeling, and I am happy in the knowledge that this kindly spirit of good feeling existed on both our parts, and that we had reached, or held, I should say, the deep understanding of personal goodwill throughout and despite our political differences.

Now and then a man stands out from the crowd—Mr. Gassaway was such a man. He was known throughout our State and in a Nation-wide acquaintance for the personal attributes that marked his individual spirit. I have heard much said by those at home and by those who knew him in the Nation's Capital concerning this man, but I have yet to find one person who would not say, irrespective of any differences in thought and conviction, that to know him was to like him.

> 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.

But, Mr. Speaker, we are not here to measure a man, but rather to express our deep feelings at his passing from us, and I know that his former colleagues here assembled join with me in sincere regret at his death, and that we all unite in our deep sympathy and great wish to somehow help assuage the sorrow of his wife and family. So may this record be to his children and to "Miss Lillian", for so is Mrs. Gassaway known to all of us who know and admire her, our message of deep and profound sympathy for their bereavement.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate insists upon its amendments to the bill (H. R. 6523) entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RUSSELL, Mr. HAYDEN, Mr. COPELAND, Mr. SMITH, and Mr. NYE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6730) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1937, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1937, and June 30, 1938, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, and Mr. HALE to be the conferees on the part of the Senate.

DEPARTMENT OF THE INTERIOR APPROPRIATION BILL, 1938

Mr. SCRUGHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6958) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6958, the Department of the Interior appropriation bill, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Chair will state that when the Committee last rose during the consideration of this bill there was an amendment pending, offered by the gentleman from Pennsylvania [Mr. RICH], and without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: On page 77, strike out all of line 8.

Mr. RICH. Mr. Chairman, we are now considering striking out line 8, which is the Pine River project, Colo., $500,000.

I may say in connection with this project that it has never been authorized by Congress. An appropriation was made from the reclamation fund a year ago that should not be an authorization.

This project would be subject to a point of order, according to the ruling made on Friday by the Chairman, but I am interested in putting this question up to the Committee on its merits to see if the Members of the House mean what they say when they talk about economy and to see whether they are interested in cutting down Government expenditures.

In our consideration of this particular item, if we were considering individual Members of the House, no doubt on account of our friendship for some of the Members who live in Colorado, we would do our best to see that this $500,000 was spent for this project. There is no one I am more interested in than the gentleman from Colorado [Mr. TAYLOR]. He is a fine gentleman, but if we are to appropriate money for things that Congress has not approved, I say we are doing something that is wrong. We must not only look to the projects altogether on its merits, other questions are involved, but we must look at the financial statement of the Treasury as well. We must confine ourselves to each particular project and ask, "Do we want to spend this money amounting to $500,000 now for a project which will eventually cost $3,000,000?"

Now, what is the present situation? They have spent $27,871.74 in an investigation of this project, but the project was never authorized.

Are you, as Members of the House of Representatives, going to give your consent now to spending $500,000 in order to start a project on which you know you will have to spend $3,000,000 before you finish?

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Does not the gentleman realize that the money for this project is reimbursable and will be repaid to the Federal Government and will be an obligation against the land involved here?

Mr. RICH. That is the same old story—reimbursable. The gentleman from Idaho knows that that is one of the biggest bugaboos we have brought up here in the House of Representatives. They say that the money is reimbursable and then they turn right around and state that the money will go back into the reclamation fund. The money never gets into the Federal Treasury, although they say that we will get the money back and that the Federal Government will be reimbursed, when the fact is the money is all spent on projects similar to this or related projects.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield further?

Mr. RICH. I do not yield now.

Some Members have the idea that this money does not come out of the Federal Treasury. If there is any Member of the House here who feels that because this money may be reimbursable to the reclamation fund that we will get the money back, I may say that that just does not happen.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. RICH. Yes; I yield now to the gentleman from Idaho.

Mr. WHITE of Idaho. Is not this in the nature of a loan by the Government, and is it good economy for a bank to turn down a good loan, and is not this in the same category?

Mr. RICH. If a bank made a loan where it knew it was never going to get the money back, I would say it was a bad loan for the bank to make. And this is a bad loan for the Government to make at this time.

[Here the gavel fell.]

Mr. SCRUGHAM. Mr. Chairman, I rise in opposition to the amendment. The Pine River project in southwestern Colorado embraces about 56,000 acres of irrigable land and involves the construction of a storage reservoir of about 65,000 acres capacity. The estimated cost of the project is about $3,000,000. The sum of $1,000,000 was appropriated by the act approved June 22, 1936 (49 Stat. 1757). This appropriation was considered in the light of section 16 of the act of August 13, 1914 (38 Stat. 690), which provided that on and after July 1915 expenditures for reclamation services shall be made only upon specific authorizations by Congress, and constitutes an authorization of this project by Congress. Preliminary engineering work has been completed for the construction of the Vallecito Dam and other features of the project. Construction completed includes 3,000 feet of drill holes, 20 shafts of a total depth of 1,000 feet, and 1 tunnel approximately 100 feet in length.

Paragraph 2 of rule XXI provides:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The project is clearly one in progress and is fully in order, and I ask that the proposed amendment be defeated.

Mr. CULKIN. Mr. Chairman, I move to strike out the last word to reply to the question of the gentleman from Idaho of the gentleman from Pennsylvania [Mr. RICH] in regard to reimbursable phases of these projects. Prior to 1933 we spent $264,000,000 on these projects, and then most of them were refunded for an average period of 50 to 60 years. At the present rate of repayment some of these projects will take 8,000 years to pay for, so that no bank, no going bank, as suggested by the gentleman from Idaho, will take these loans.

I am for a reasonable, proper nonpromotional development of the West, but as for those projects which have no foundation in genuine economics, they do a disservice to genuine reclamation and genuine relief for the West. The present disbursement will involve us in the payment of over a billion dollars. Boulder Dam was planned economy and will be paid for. Some of these projects will never be paid for. It is not possible. The uneconomic phases of those projects which have recently been put in the work and involve a disbursement of a billion dollars will not only destroy proper reclamation but they will destroy the man on the land in the reclamation States. I speak for the man on the land when I speak against these mad projects which will bring 3,000,000 additional acres of land into production, while the Government has spent $1,000,000,000 under the A. A. A. for the purpose of taking 37,000,000 acres of land out of production a year and is spending $500,000,000 a year for the purpose of taking 25,000,000 acres out of production. Again I ask the gentlemen from the reclamation States, in view of the condition of the Treasury, to restrain their appetites and give the man on the land on western irrigation projects a chance. He is beginning to take notice.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken and on a division, demanded by Mr. CULKIN, there were ayes, 14; noes, 52.

So the amendment was rejected.

The Clerk read as follows:

> Boise project, Idaho, Payette division, $1,000,000;

Mr. TABER. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

> Amendment offered by Mr. TABER: Page 77, strike out all of line 9.

Mr. TABER. Mr. Chairman, this project is a new one. There are funds already available of $1,532,000, largely through allotments from the P. W. A., and only a small amount has been spent. We should not go on with this project. It will irrigate 47,000 acres, 26,000 of which will be reached through gravity and 21,000 by pumping. The estimated total cost is $6,678,000. It will produce, according to the information that I have, practically everything that is now produced upon farms which people have bought and paid for themselves. It will call for future appropriations involving about $4,000,000. Besides this, it is going to result in an estimated total cost of approximately $150 an acre, and it will just result in the Government spending more money to bring more land under cultivation at a time when we ought not to be doing it.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. MILLER. Do I understand the gentleman to say that this project was originally started as a P. W. A. project on funds allocated from the P. W. A. fund?

Mr. TABER. That is the story.

Mr. MILLER. As a reclamation project?

Mr. TABER. Yes.

Mr. MILLER. Of the P. W. A.?

Mr. TABER. Yes.

Mr. MILLER. And there is now one million and a half dollars available for expenditure?

Mr. TABER. Absolutely. They had spent down to the 1st of last July only about $200,000. They actually have some construction under way, so I suppose under the rules of the House that have been made here the project is in order.

Mr. MILLER. The project was started as a reclamation project under a State loan?

Mr. TABER. Under a P. W. A. allotment—one of the allotments—and it will take, subsequent to this appropriation, approximately $4,000,000 more. I wonder if the Congress is going to show any spirit of economy or is it going on and going on with these projects for which there is no economic justification whatever, or are we going to stand up and meet the responsibilities that we owe to our constituents who sent us here. They are going to give you the same old story, that you are interfering with the development of the West. I tell you these folks who are urging these projects are interfering with the development of the West because right now——

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. TABER. Not until you understand it a little. You do not understand it now.

Right now they are trying to bring under cultivation an enormous quantity of acreage at the very time when we have thousands and thousands of our own farmers trying to make a living on land which they have bought and paid for, and we at a time when there is a surplus of acreage are turning loose more acreage on the market. That is the ridiculous thing we are doing. If conditions were such that there was a shortage of legitimate acreage in operation, then there would be an opportunity to honestly go ahead with opening up more lands, but to open up 50,000 acres of land when there is absolutely no excuse for it is just a ridiculous operation and a scourge upon the taxpayers of America.

I hope this House will meet its responsibility and vote against adding this burden to the taxpayers of America.

[Here the gavel fell.]

Mr. SCRUGHAM. Mr. Chairman, I rise in opposition to the amendment.

The Boise project was authorized under the basic Federal Reclamation Act of June 17, 1932 (32 Stat. 388), section 2, which empowered the Secretary of the Interior to locate and construct reclamation projects by the use of the lump-sum statute under the act.

This project is clearly authorized. Appropriations have been made for this project during the last 20 years. It has been a paying enterprise, and has been a great thing for the economic development of the country. Without irrigation and reclamation, an area 1,000 miles wide, from the one hundredth meridian to the coast range, and extending from Canada to Mexico, would be largely uninhabited, incapable of supporting local governments, transcontinental railroads, or highways necessary to connect the humid area of the East and Middle West with the humid area of the Pacific slope.

Irrigation and reclamation is the foundation upon which the area comprising the 11 western States has developed from what was then called a national liability to a great national asset, with a population of more than 12,000,000 people, who have a purchasing power 20 percent above the average in the United States.

Yet the sole basis of the opposition is to stop this essential western development. I sincerely trust the proposed amendment will be defeated.

Mr. WHITE of Idaho. Mr. Chairman, I want to state for the benefit of the Members from New York and for the information of the Members of the House that the Boise project is one of the oldest and most important reclamation projects in the West. The main part of the Boise project was undertaken many years ago, 1906, and today comprises one of the most profitable and valuable irrigation districts in the country. The dams to store and divert the water for the Payette division was constructed several years ago, and since its construction the power generated at the Black Canyon dam has been put to use by the Bureau of Reclamation. Since this Payette division was authorized by the Bureau of Reclamation and the dams constructed, many settlers have acquired lands included in proposed district in good faith, and a recent investigation disclosed that most of the people have held on and paid their taxes on this arid land, relying on the Government to complete the project and put the water onto the land by the construction of the diversion canal and irrigation system. This item in the appropriation bill is to finance the continuation of the work of building the necessary canals now under way. I urge that the committee vote down proposed amendment and retain the amount appropriated for the Boise project in the bill, that the work now in progress may be continued to successful completion so that our Government will keep faith with settlers who have gone on this land and placed their reliance on the promise of the Federal Government to complete the project.

Mr. RICH. Mr. Chairman, I move to strike out the last two words. I just want to call the attention of the House to the fact that you are now going to put into cultivation 47,000 acres of new ground. The Department of Agriculture is going out and buying up submarginal lands and taking them out of cultivation. Is that economy?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were ayes 29 and noes 52.

So the amendment was rejected.

The Clerk read as follows:

Sun River project, Montana, $300,000.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 77, strike out all of line 10.

Mr. TABER. Mr. Chairman, this project has in the Treasury already one-half million dollars available. It calls for a total additional acreage of 80,000 acres. The total cost will be about $9,000,000.

The same principle applies to this project that has applied to all of the others. I hope that the House will begin to appreciate we have to stop this sort of development if we are going to get anywhere in this country. We cannot keep on pulling both ends against the middle forever. That is just what we are doing—running around in circles and getting nowhere. We are going on and on, adding one new burden after another to our taxpayers. We are going on and on in this House, disregarding the warnings that have been given us that economy is necessary if we are going to pull the country out of the throes of despondency into which it has been plunged because of the spending program we are in.

Let us have some regard for our own farmers, let us have some regard for our taxpayers, and vote against these projects,

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. SHORT. If these millions of dollars are appropriated and are spent by the Secretary of the Interior to open up hundreds of thousands of acres of new land, will the Secretary of Agriculture continue to pay farmers not to plant anything on this land that is opened up?

Mr. TABER. I presume he will try to.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. JENKINS of Ohio. I should like to ask what the hearings before the Appropriations Committee show with reference to this. Was any opposition at all developed?

Mr. TABER. They hear only the proponents of these things. The other people do not take enough interest to come around and be heard, as a general rule; and the only place they can be heard is here on the floor.

Mr. JENKINS of Ohio. Is it not a fact that in this bill sections such as the one we are now discussing afford the very best place for Congress to practice economy?

Mr. TABER. Yes; because we are just appropriating money and running around in circles.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. COLDEN. Is it not a wise policy to retire exhausted land and to develop fertile land?

Mr. TABER. We have not a great lot of exhausted land to retire, and what we are developing is desert. It is absolutely ridiculous for us to spend money developing these reclamation projects where only a very small portion of them work out successfully, and where most of the money is sunk, and sunk for good.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes; I will yield to the man who wants to develop a million and a half acres.

Mr. LEAVY. And I am proud of the fact. I want to ask the gentleman if he is not constitutionally opposed to all reclamation by irrigation?

Mr. TABER. Only where there is no necessity for it. If this country were in a position where it was a development and not a scourge, I would be for it, but this country is in the position where it has the land to produce the crops that are needed today. The more we spend, the worse off we make agriculture.

Mr. LEAVY. I do not agree with the gentleman's conclusion, of course.

[Here the gavel fell.]

Mr. SCRUGHAM. Mr. Chairman, I regret again to take up the time of the Committee on this item, but this project is fully authorized and is fully under way. It supports a large population successfully and adequately; and I again ask that the amendment be defeated.

Mr. CULKIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, so that the record may be complete on this procedure, I call the attention of the House to the fact that the Federal Government in the last 35 years has reclaimed some 3,000,000 acres of land and that today 750,000 acres of these lands have been abandoned as worthless and uneconomical projects. All of the power and propaganda of the Bureau of Reclamation could not bring these projects into profitable operation, and so we have dumped into the sewer in this particular some $60,000,000.

I am merely calling the attention of the House to that fact. While that may be a high tribute to the individual effort of Members of the House and Members of the other body from the reclamation States, it is an unfortunate and damning condemnation of the efficiency of popular government. If popular government does not become more efficient than that, it will not survive.

May I say further, Mr. Chairman, that the claim in justification for these expenditures is that this money is spent in the East. It is just as though a merchant would sit in front of his place of business and hand out $10 bills to everybody who came along provided they would trade in his store. That is the same type of argument they advance here with reference to this spending. The merchant would be in bankruptcy at the end of the week or in the insane asylum. This Government will be in bankruptcy if this policy continues on its present scale.

Mr. RICH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is not difficult to see that we are having a little controversy here between a few States in the East and the reclamation States of the West. All one needs do to verify that is to watch the Members vote. But I want to call attention to some facts. This Sun River Project, when it is finished, is going to cost the public $9,000,000. You have spent on it $7,793,605.93. These figures come from the Department. There are living on this project now 1,600 people, 1,000 rural and 600 urban—1,600 people on this project and it was started in 1906. When it is finished, if you do not get more people on it than you have now, it will have cost $5,700 per person, for every man, woman, and child. You have spent $7,793,000 on it; and you have here another item of interest, 45,500 acres of land that you are going to put into cultivation, 48,410 more acres in total new production. There must evidently be something wrong with a proposition of this kind. If you men would think a little about what you are doing, some of these items would not appear. If this money had been well spent do you not think that in the interval between 1906 and the present there would be more than 1,600 people in that whole valley that you are trying to cultivate? On the face of it, it is ridiculous that since 1906, when started, and that $7,793,000 being already spent, that there would not be more than 1,600 people in the valley, a cost of $5,700 per person.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. RICH. In a minute. The gentleman is from Idaho and, gracious goodness, the gentleman wants every dollar he can get out there. The gentleman is for these expenditures because they go into his part of the country.

Mr. WHITE of Idaho. If the gentleman will consult the figures of the Bureau of Reclamation, he will find that the money was well spent and that we have repaid a large part of it.

Mr. RICH. A few more fellows like the gentleman in Congress and the Government would be wrecked. [Laughter and applause.]

Mr. WHITE of Idaho. May I ask the gentleman if he does not think people from the Dust Bowl and the unemployed will be benefited?

Mr. RICH. I am talking about a Dust Bowl project. There are only 1,600 people on this project, and it cost $5,700 a person. It is ridiculous. You and everyone else must admit it.

Mr. WHITE of Idaho. There are plenty of people we could get from the Dust Bowl and from the ranks of the unemployed.

Mr. RICH. The gentleman is not helping the unemployed. He is simply trying to build up the State of Idaho at the expense of the other States of the Government, when the Federal Government cannot stand it.

Mr. O'CONNOR of Montana. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Montana.

Mr. O'CONNOR of Montana. The Sun River project is in the congressional district I represent in Montana. I may say that the nearly $8,000,000 that has been spent by the Government on this project has entirely completed the dam structures and nearly all of the canals and practically all of the laterals. This appropriation now sought is for the purpose of extending the laterals to land not heretofore covered.

Mr. RICH. I know that, and it is going to put 47,000 additional acres into cultivation, and that is what we do not want at this time. It is money foolishly spent and should not be spent at this time. The Federal Treasury cannot stand it. When will you ever stop spending? Where are you going to get the money?

Mr. HOPE. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I hold in my hand a circular which I presume all Members of the House received, entitled "The Two Roosevelts and Irrigation."

If you look at some of the figures on the inside sheet of this circular which has been put out by the proponents of reclamation, I think you will find perhaps the most eloquent argument against reclamation as we are practicing it at this time that can be found anywhere. I refer to the part that states that $781,000,000 of private capital has irrigated 18,046,147 acres of western land and that $307,000,000 of Federal and reclamation funds have irrigated 2,113,506 acres. In other words, the land which has been brought under irrigation by private capital has been done at the rate of $43 per acre, while the land which has been brought under irrigation through the Reclamation Service has been brought into that condition at an average expenditure of $145 per acre.

That does not necessarily mean it cost the United States more to bring land under irrigation than it does private enterprise, but it does mean that when we put those 18,000,000 acres of land under irrigation we had exhausted about all the land in this country that could be put under irrigation on an economical basis. When that was done and when private capital would no longer go into the field because it was not profitable, then the Reclamation Service came into the picture and, as I stated, the figures show the Government average to be $145 per acre. As a matter of fact, if you will take the figures as shown in the hearings on page 191 you will find that we do not have for that expenditure a total of 2,113,506 acres under irrigation. That is the amount that is irrigable. The amount actually under irrigation is only 1,640,936 acres. So if you take the latter figure the average cost will amount to considerably more than $145 an acre.

I have not shown you the worst of it yet, because that does not include the figures on projects like the Casper Alcova, the Grand Coulee, and the Central Valley. This does not include the big figures that are involved in the projects for which appropriations are made in this bill.

That is what is wrong with the reclamation picture today. You talk about taking people out of the Dust Bowl and putting them on these projects. If you will spend a fraction of the money in the Dust Bowl that you are spending on these projects you will furnish a lot better proposition to the people who are already there than you can possibly do by moving them to the Northwest.

[Here the gavel fell.]

Mr. CULKIN. Mr. Chairman, I ask unanimous consent that the gentleman from Kansas [Mr. HOPE] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. SCRUGHAM. Mr. Chairman, reserving the right to object, cannot the gentleman extend his remarks in the RECORD? We want to finish this bill today, although I do not wish to make an objection.

Mr. CULKIN. I think the gentleman will probably get along faster if he is fair.

Mr. SCRUGHAM. I wish to be fair.

Mr. HOPE. I have not taken much time on the floor of the House.

Mr. WHITE of Idaho. Mr. Chairman, reserving the right to object, may I inquire if the gentleman would be willing to answer a question?

Mr. HOPE. I will if I can.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. HOPE. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. The gentleman spoke about the people in the Dust Bowl. Where are you going to get the water in the Dust Bowl territory?

Mr. HOPE. May I say to the gentleman, if he will come out to my district I will show him plenty of irrigated land there. We have 60,000 acres of land under irrigation in my own county. They are not a Government project, either. They are projects which are economically sound. I can show him the Arkansas Valley, the Cimarron Valley, and other valleys in the Southwest, and he will find they are much sounder propositions than any of the new projects contained in this bill.

Mr. WHITE of Idaho. Is it the gentleman's contention it is economically sound to establish reclamation districts in the Dust Bowl?

Mr. HOPE. Why there are thousands and hundreds of thousands of acres out there that can be irrigated. If you would spend even half the money you are spending on these projects in the Northwest, it would be money spent to better advantage. We have not gone crazy out there. We have not come to the conclusion that you can spend two or three or four hundred dollars an acre developing land to raise alfalfa and make it pay. We know you cannot do that.

Mr. WHITE of Idaho. I have not found that the gentleman offered a bill before the committee advocating or providing for any reclamation districts in the Dust Bowl.

Mr. HOPE. It would not get anywhere if I did. The Bureau of Reclamation is not interested in sound projects from an agricultural standpoint. They are engineers and are only concerned with great engineering efforts, irrespective of the cost or economic feasability.

Mr. O'CONNOR of Montana. Will the gentleman yield?

Mr. HOPE. I yield to the gentleman from Montana.

Mr. O'CONNOR of Montana. Does not the gentleman know it is a fact the amendment he is speaking on now has to do with a project that only cost $85 per acre complete, instead of $200?

Mr. HOPE. That is fine. If that is so, it is the best project I ever heard of.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. HOPE. I yield.

Mr. COLDEN. Is it not true that private enterprises develop the projects where the investment is not very large, but it remains for the Bureau of Reclamation to undertake the projects where the financial difficulties are very great?

Mr. HOPE. I think that is a fair statement; to a certain extent that is true. However, this does not justify the Federal Government in developing the projects which are uneconomic. The projects where it is going to cost $200 or $300 or $400 per acre for the land you are going to put under irrigation before the project is completed are not economically sound projects. You cannot produce on such land anything like the crops necessary to pay the interest and other charges on the money.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. HOPE. I yield.

Mr. MAY. The sum and substance of the argument which the gentleman is making, and the facts, are that all of the lands which can be advantageously reclaimed by reclamation have already been reclaimed by private capital, and what the Bureau of Reclamation is now doing is reclaiming the outlying land which cannot be reclaimed by private capital?

Mr. HOPE. That is exactly what I am trying to say.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. HOPE. I yield.

Mr. LEAVY. If the gentleman will examine the bill, he will note the total sum appropriated for reclamation and irrigation, including the Grand Coulee, Central Valley, and Boulder Dam, is in the neighborhood of $40,000,000, which is less than the cost of a single battleship. If the gentleman will read the record of the hearings, he will note that something like $95,000,000 has been spent in the history of the Bureau of Reclamation for land development, and in connection with this expenditure they have paid current obligations to the extent of 98.9 percent to date, and maintenance obligations 99 percent. I challenge the gentleman or any opponent of reclamation to show a finer record.

[Here the gavel fell.]

Mr. MURDOCK of Arizona. Mr. Chairman, I move to strike out the last four words.

Mr. Chairman, I would not take up the time of the Members of the House at this time if I did not feel I ought to make some direct answer to the gentleman from Kansas [Mr. HOPE], who has just spoken.

I must use my own valley as an illustration, because I have lived there 23 years, longer than I have lived any place else, and know it better than I know any other portion of the West. In the Salt River Valley in Arizona we find evidence of a prehistoric civilization which developed on that soil 3,000 years ago. Long before the Pilgrim Fathers landed on Plymouth Rock a highly developed type of civilization rose, flourished, and disappeared in the southwest. You cannot stick a spade in the ground in my back yard or any other place in that valley without finding broken pottery or other evidences of their civilization.

A man from the Smithsonian Institution flew over the Salt River Valley around Phoenix and took pictures from the air. He discovered that these prehistoric people had

built 150 miles of irrigating canals, some of which have been used by modern engineers and are in use today. Why did the prehistoric people who lived in that fertile valley disappear from the face of the earth before the coming of the Spaniards? Because the river changed and they were unable to get water into their canals. Why were they unable to get water? Because they did not know how to build the great dams of masonry and concrete which we have today. Accordingly they perished from the earth.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. I cannot yield, my time is too short.

A great civilization, proud of its achievement in the social sciences and the development of the arts of life, arose there. They did not have the engineering skill or the mechanical ingenuity which we have today. With only stone hoes and other simple stone tools with which to work and baskets in which to carry the dirt they excavated the canals with great toil. This connotes a remarkable degree of organization. I wish we might have some of it today in our own Nation.

With modern engineering skill we have succeeded in building dams which these prehistoric people were unable to build. This is where the main item of our modern expense enters. It is true the lands of the West were developed by private enterprise, when the small independent farmers went out there; and they did a glorious work. But it almost brings tears to my eyes to think of the struggles of some of those early pioneer farmers 50 and 60 years ago, especially the Mormon settlers who went in the valley of the Little Colorado and tried to take water from that dangerous stream by means of brush diversion dams. At one point on the Little Colorado a dam was washed out several times in one season. These super-pioneers were struggling against adverse nature. They put water on a vast acreage a generation ago, and did it on a comparatively small expense per acre. However, the efforts of the first comers were inadequate and not permanent. You have to have these great engineering projects today, such as dams and large canals, to make them permanent, and this is where the expense mounts up.

Incidentally, this is where the profit to the East also mounts up. Where do you suppost the structural steel, the cement, and all the machinery come from which are used in the building of these great projects? They come from Pittsburgh, Pa., and other Eastern States. My colleague the other day pointed out that we buy your products. This is a mutual affair, for our country is an economic as well as a political unit. If my head, with its lordly brain, should say about this humble foot, "I do not like it, let it be cut off", that would be wisdom, indeed, from my head, would it not? The great commercial, manufacturing cities, and communities of the East cannot say, "We do not care anything about the raw and undeveloped West." You get most of your mineral wealth out there, and sell your finished goods there. It was pointed out the other day that $80,000,000 of tobacco, grown in Virginia and Kentucky, was sold in 11 Western States annually, and out of the $80,000,000, $30,000,000 came back to this Government in taxes.

I must say to my friend from the East that it would be a short-sighted policy if you should see fit to cut off this worthy reclamation project or attempt to hamper it. [Applause.]

Mr. JENKINS of Ohio. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I think I voice the almost universal sentiment of this country when I say that it is an absolutely senseless thing to kill the little pigs and restrict production in some sections of the country while we vote money to increase production in other sections of the country. I think this is almost universally the sentiment in the West and in the East alike.

I am not opposed to continuing projects already started. It would be foolishness to spend ten or fifteen million dollars on a project and then not go ahead with it, but somebody has got to take the initiative and establish a policy with reference to future spendings. Nobody but the administration in power can take this responsibility. What has the administration done? What is it doing? I should like to ask some member of the committee whether there are any signs anywhere that the administration is going to listen to this universal sentiment of the people with respect to bringing in new lands, while at the same time we are paying people for taking old land out of production.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Pennsylvania.

Mr. RICH. If this administration votes another billion and a half dollars on Thursday and turns the money over to Secretary Ickes, we will find more projects developed in the West, and then they will have to come in here for more money to carry on the projects they have started. This is entirely wrong, and the Members of the House should remember this on Thursday, when they vote on this question of appropriating one billion and a half dollars.

Mr. JENKINS of Ohio. I understand, Mr. Chairman, this project has already cost $8,000,000 and has brought in only about $265,000 into the Treasury.

This sort of expenditure is bound to break the country. It is absolutely absurd on its face. There has got to be a stop put to it somewhere. I fear the party in power is throwing up its economy claim simply as a smoke screen behind which it can go right on spending its billions.

I am a member of the Ways and Means Committee. It is the duty of this great committee to provide the funds with which to operate the Government, and we are pressed hard to get money to keep the country going; and here is the great Committee on Appropriations incessantly pouring out money. I see the Republican members of this committee, Mr. TABER and Mr. RICH, and others standing up here and fighting this wild extravagance, but I do not see any member of the Democratic Party doing anything to stop it. They are not for economy, for it was the great slush fund that this Congress voted to the President that elected most of them.

You talk about economy, the place to practice economy is at the spigot out of which the money comes.

As I have said, I am not against this gentleman's project, perhaps, or against any other particular man's project. I am for the Great West; but why talk economy and at the same time pour millions of dollars into the Great West when we do not get back one-tenth of a fair return?

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. O'CONNOR of Montana. It is a fact that not a single assessment has been levied against this property that has not been repaid to the Government. The Government has a lien upon every acre of the land for every dollar invested in it, and the security is the land itself, improved by a permanent water right that will forever make it worth at least $100 an acre, while it has only $85 an acre against it.

Mr. JENKINS of Ohio. I am not very familiar with the figures on this proposition. In order that the gentleman from Montana may get an intelligent and factual answer to his question, I am going to refer him to my friend the gentleman from New York.

Mr. TABER. My understanding is this project has been going on for 30 years.

Mr. O'CONNOR of Montana. That is untrue—about 20 years.

Mr. TABER. And has cost over $8,000,000, while the collections have been about $267,000.

Mr. RICH. The project was established in 1906, and that was certainly 30 years ago.

Mr. TABER. That is what I understood. The cost was $8,000,000 and the collections in 30 years have been $267,000, or 3 percent. This is the whole story.

Mr. FITZPATRICK. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, as a member of the subcommittee that brought in this bill, representing an eastern district I was

very much interested in the reclamation projects. When Mr. Page appeared before our committee I asked him whether putting this new acreage into production would compete with acreage already in production. He stated it would not. He also stated it would take farmers who could not now support themselves off of poor land and place them in the areas where we would spend this money and in this way we would make them self-supporting. His statement was that their production would not come in competition with the production of any other part of the country. For this reason I thought it was a fine way to spend our money, because it would take farmers off of land that would not pay and place them on farms that would repay them for their efforts, and they would refund the money received from the reclamation fund to the Treasury of the United States. [Applause.]

Mr. THURSTON. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, it is obvious to the Members here that if we are to save the people of these irrigation districts from the efforts of their own Members, we must point out and make clear that these proposals are not only unsound, but, in a sense, outrageous.

These new irrigation projects are mostly real-estate rackets to aid promoters and not for the benefit of farmers in the semiarid districts.

The gentleman from Montana a moment ago said it would cost about $85 an acre to bring this land under cultivation. You can buy good black fertile land in the States of Illinois and Iowa and in the Mississippi Valley for $85 an acre, and that land is located 1,500 miles nearer the consuming center of the country than these projects. Everyone knows that the high freight rate is the barrier against the profitable production of these lands in these sparsely settled sections of the country. Furthermore, the funds you make available in the existing soil-erosion program apply to and are paid to the persons bringing these additional lands into cultivation. You are not only expending the Federal funds in creating districts, but after they are completed you will take additional funds out of the Treasury to pay for soil-erosion benefits or benefits for not bringing the land into cultivation. Who can defend such a program?

That is inconsistent and is not warranted. Then we from the farming districts complain about the excessive production. Why this additional farm production? Is it required for the present generation? No; it is not. Possibly, when we have exhausted the fertility of the farm lands now being tilled, we may be obliged to place some of these projects under cultivation; but I insist that when you are having foreclosures by the thousands in these very areas, that the Members from these sections should save the farms there and not submit them to more competition from the new projects to be created. What is the logic, what is the present necessity for bringing additional land into cultivation? It only tends to hold down and lessen the price of grain and livestock that is now being produced mostly at a loss by the farmers who are in this legitimate business; and if we are to sustain and protect the farmer who now is engaged in this most useful occupation, we should oppose all of these proposals to bring additional land into cultivation, because they are unsound and they will extract further contributions from our Treasury.

These unwarranted raids upon the United States Treasury should be defeated.

Mr. HILL of Washington. Mr. Chairman, I move to strike out the last five words. This seems to have become a partisan question, and it should not be a partisan question. I submit that Republicans for the last three decades have supported irrigation in the West. Colonel Goethals went west, and he approved the Grand Coulee Dam that has been attacked here. Coolidge and Hoover approved it, and it has been mentioned that Theodore Roosevelt was for it, and I will just read what he said 36 years ago, before the reclamation program was started. He said:

> It is as right for the National Government to make the streams and rivers of the arid country useful by irrigation works, for water storage, as to make useful rivers and harbors of humid regions by engineering work of another kind.

Mr. RICH. Mr. Chairman, I make the point of order that we are not considering the Grand Coulee Dam.

Mr. HILL of Washington. We are considering the matter of irrigation.

The CHAIRMAN. The gentleman from Washington will proceed in order.

Mr. HILL of Washington (continuing quotation):

> The reclamation and settlement of the arid lands will enrich every portion of the country.

I submit it is not a partisan question at all. I am surprised that so many on the Republican side of the aisle are opposing it, although there are only four or five.

With reference to the costs that have been mentioned, first I emphasize the fact that there is a reclamation fund that is raised and maintained from the sale of land, oil, and so forth, in 11 Western States. There is where we get the initial amount to pay for irrigation projects. Second, I emphasize the fact that a great many of these have dams which will create electrical power, and the construction of these dams will be paid for by the sale of power.

Mr. PLUMLEY. Mr. Chairman, will the gentleman yield?

Mr. HILL of Washington. No; I have only 5 minutes. In the third place I emphasize that when these lands go into production they produce on diversified farms an average of $85 per acre, about twice as much as you get in the Midwestern States. That money goes into circulation and helps to buy products, so that we are paying for these projects in three different ways.

I emphasize another fact. Something has been said about the waste of money. These men who are trying to protect the Treasury of the United States forget the fact that we have been wasting for decades in this country, the wonderful water power of the United States, and now when we are trying to conserve that and build dams and generate electrical power they begin to object. We are trying to conserve instead of wasting water power. We have two great national resources in this country, the water and land remaining, and we are trying by these reclamation projects to save that land by bringing water onto it.

Half of the land being taken out of cultivation, submarginal land, through resettlement and otherwise is in the western section, and we are asking the land be irrigated out there to replace that being taken out of cultivation.

In the West we are taking care of 100,000 families, not people, but families, that have come out of the Midwest. We dislike to see the Dust Bowl of the Midwest, but it is a natural result of putting forage lands under cultivation. We are taking care of the people from these regions and we think you ought to help us take care of them by placing the water that is going to waste upon some of the best land in the country and thereby making homes for these thousands of homeless people.

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

Mr. SHORT. Mr. Chairman, I object.

Mr. SCRUGHAM. Mr. Chairman, I move that all debate on this amendment do now close. It appears we are getting almost into a filibuster.

The question was taken and on a division (demanded by Mr. SHORT) there were ayes 79 and noes 26.

So the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken and on a division (demanded by Mr. TABER) there were ayes 30 and noes 81.

So the amendment was rejected.

The Clerk read as follows:

Carlsbad project, New Mexico, $200,000.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 77, line 11, strike out all of the line.

Mr. TABER. Mr. Chairman, this is a case where the seepage is such that 25,000 acres are not getting water. This project was taken over by the Bureau of Reclamation in 1905 and we are still paying for it. We have already spent about $2,000,000 on it. The same thing applies to this that has applied to these other items. It is a case of going ahead and fixing things so that more production can be had on this acreage on these irrigation projects. It will not be very long before they will want to dip in further if you go along with this.

I hope this amendment will be adopted and we can begin to conserve.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. DOWELL. How much will this cost when it is completed?

Mr. TABER. $3,565,000. That means $1,500,000 more than will be appropriated after this item is appropriated.

Mr. DOWELL. The gentleman recalls that just a short time ago we had the policy of the administration of scarcity in order to raise prices of farm products. Does the gentleman think that by putting 3,000,000 acres into cultivation in the West by the expenditure of over a billion dollars will help that policy in the United States?

Mr. TABER. It will make a situation where they can go on employing people to hire farmers not to raise crops; continue jobs.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. DEMPSEY. I rise to correct an erroneous idea which the gentleman has about this project. This project is one of the oldest in the United States. They have kept up their payments in every instance. It does not put one additional acre of land under cultivation. That is not the purpose of it. The purpose of this is to complete expenditures already made in the amount of about $2,000,000. This is the final payment in order to correct a seepage condition which existed, and they will repay every dollar of it.

Mr. TABER. The Interior Department tells us that it will only place in cultivation 5,609 additional acres that were not under cultivation before. That is the record of the Bureau of Reclamation on the subject.

Mr. DEMPSEY. It was not the intention to put on any additional acreage. It is the oldest project in the United States. It stands first of the lands that have repaid to the Government their money.

Mr. TABER. Why do they tell us this if it is not so?

Mr. DEMPSEY. If this House desires to see a project within 5 percent of completion stopped, I say I think it is bad policy. I do not think the gentleman from New York would vote to stop a project that is 95 percent completed.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. RICH. I asked the Interior Department this question, "How much land under cultivation now?" They said 19,391 acres. We asked them the question, "How many acres will be irrigated after this development has been completed?" and they said 25,000 acres. That makes an additional acreage of 5,609 acres of land to be put under cultivation.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SHORT. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I have risen not to oppose this particular project. In fact, I think this particular project is a worthy one. I should even be reluctant to oppose my good friend who is the able Representative from the State of New Mexico [Mr. DEMPSEY].

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield for a question?

Mr. SHORT. In just a moment.

I have risen, however, to challenge one statement made by my good friend from the State of Washington [Mr. HILL]. I am sorry that he stated on the floor of the House that this has been made a partisan issue. Mr. Chairman, we on this side of the aisle cannot let such a serious charge go unchallenged. I think that the Members of this House are aware of the fact that all the Western Representatives, regardless of politics, always have fought for these irrigation projects. I do not want the people who live in the far West to think that only the Democrats are in favor of irrigation and that the Republicans are opposed to it, because in the Seventy-first Congress Scott Leavitt, from Montana, Addison Smith and Burt French, from Idaho, as well as Don Colton, from Utah, fought as hard as any of your Democrats for irrigation and reclamation projects, and today such men as MOTT, of Oregon, ENGLEBRIGHT, GEARHART, and CARTER, from California, CASE, from South Dakota, and other Republicans are just as anxious to see these irrigation and reclamation projects carried on as any Democrat in the House. The charge of partisanship having been made, Mr. Chairman, I have been wondering this afternoon where the Representatives from the great Middle Western States are today. I should like to know where my colleagues from Missouri, Kansas, Iowa, Nebraska, Illinois, Indiana, and Ohio are, because the farmers in these States, every one, are directly and vitally affected by the millions that we, sitting idly by, are allowing to be appropriated for opening up a vast region in the far West.

It has been repeatedly stated by Representatives from the Western States that the land brought into cultivation out in the arid country does not compete with the farmers in the Midwest. Such a statement I challenge as untrue and as revealing a gross ignorance of actual conditions. Only this morning I read a letter from a friend of mine who is now living on the Salt River project in Arizona. He moved out there from my district. In this letter he states that they were picking strawberries in direct competition with the Ozark strawberry growers in southwest Missouri—and we grow the finest strawberries there on the face of the earth. [Laughter and applause.] They plant cotton and they grow wheat in direct competition with the wheat that is produced in Kansas and the cotton that is produced in the Southern States. Mr. Chairman, I could go on enumerating agricultural products that are raised in competition, but the thing I want to clear up is that this is no partisan issue whatever, and it should not be made so. We have nothing against a reasonable reclamation program, in fact we Republicans started and have fostered it, but at this particular time when we have one department of the Government through the Secretary of Agriculture spending hundreds of millions of dollars of the taxpayers' money to limit acreage and reduce production on the plea of overproduction and to create a scarcity whereby the price of farm products may be increased, we consider that it is illogical, irreconcilable, and indefensible for another department to spend hundreds of millions of dollars more of the same taxpayers' money to develop vast regions in the arid West that will be placed in direct competition with our farm products. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All time on this paragraph has expired. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

Owyhee project, Oregon, $500,000.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Taber: Page 77, line 12, strike out all of line 12.

Mr. TABER. Mr. Chairman, this particular project calls for an additional appropriation of $500,000. The total cost when we get through will be $18,000,000. The project has been going along for quite a considerable time, but the repayments have not begun yet. I do not know why, because it seems to be very well along.

I think that this is the type of project where the construction program which is laid out for continuing construction of a pumping plant, laterals, and drainage systems ought to be suspended. We ought to stop trying to bring land under cultivation where we must have pumps to carry the water to the land. The part of this project relating to pumping could just as well be stopped. This would require them to put the brakes on. Such items can wait until that time in the future when the country needs the land brought under cultivation, but to go on with these irrigation projects at a time when we are in such a situation as we are at present is ridiculous.

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph do now close.

Mr. MOTT. Mr. Chairman, I object.

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. MOTT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I represent a district in the State of Oregon in which reclamation is not a very important factor insofar as the development of the State is concerned. In the eastern Oregon, however, which is represented by my colleague [Mr. PIERCE] reclamation is of very great importance. Ordinarily it would not be necessary for me to say anything for an item of this kind, but my colleague, in whose district the Owyhee project is situated, happens to be in the hospital at the present time and I desire therefore to say a word or two for this project.

Mr. BUCK. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from California.

Mr. BUCK. I am very happy to note that as far as the gentleman is concerned he does not feel this is a partisan measure at all?

Mr. MOTT. I have never thought it was a partisan issue.

Mr. BUCK. The gentleman is glad to stand up on the floor for his fellow Democratic and Republican Members?

Mr. MOTT. Yes; that is what I am doing now.

Mr. BUCK. Is it not true when the gentleman from Missouri mentioned the gentleman from Oregon and two or three gentlemen from California were Republicans favoring reclamation and irrigation that he mentioned the entire Republican delegation and that the gentleman is the sole survivor of a party attitude that opposes reclamation?

Mr. MOTT. I do not agree with the last part of the gentleman's statement, because it has never been the attitude of the Republican Party to oppose reclamation. I am very glad that the gentleman from Missouri [Mr. SHORT] made it clear that reclamation is not a party issue. The fact is that the Republicans from the West are all in favor of the reclamation program which, as a matter of fact, was inaugurated by the Republicans and not by the Democrats. It is unfortunate, however, that two or three individual Republicans have been consistently attacking this reclamation program because the Democrats will no doubt take advantage of this to put out propaganda in the West that all Republicans are against reclamation, and the attitude of the two or three objectors on this side may tend to lend color to that contention. However, that is not the fact. And I respectfully call the attention of these two or three individual Republicans that in attacking these reclamation items in this wholesale fashion they are not on solid ground either economically or politically.

The Republicans from the West are as much in favor of reclamation as the Democrats. There is a sectional rather than a party division on this question, and that kind of a division also, it seems to me, is most unfortunate. Members from the East sometimes fail to understand not only the reclamation problem but the entire western land problem. We are in a different situation out there than are the people of the East, because so much of the area of our States belongs to the Federal Government. The people in the Eastern States came into the Union with all of their land intact. They own it. They are allowed to tax all of it for the purpose of defraying the expenses of their State and local governments. In the West, however, and particularly in the land-grant States, that situation does not obtain. When we came into the Union the Government was not so generous with us. The Government withheld to itself a large portion of the area of our States. In my own State, for example, the Federal Government owns 54 percent of the entire area. We are not allowed in Oregon to tax any part of that 54 percent of our own area for the purpose of defraying the expenses of our State and local governments. Reclamation is one of the ways in which the Western States have undertaken to overcome this handicap. Through reclamation we have not only made thousands of acres of arid land valuable but we have converted it from public ownership to private ownership and have put it upon the tax rolls where it now helps to support our schools and our State and county governments.

Of all the reclamation projects appearing in this bill, none is more economically sound or more worthy than the Owyhee project. At a reasonable cost, all of which will ultimately by borne by the people on the land, this project will create thousands of acres of valuable and productive farms. It will make for the prosperity not only of the immediate district but of the State and of the Nation as well. There is no merit in the motion of the gentleman from New York to strike it out, and I trust the motion may be overwhelmingly defeated.

Mr. HILL of Washington. Mr. Chairman, I rise at this time because my good friend from Missouri misconstrued my statement. When I said this was being made a partisan question, I meant that opposition in this House now and last year has come from that side. I believe you will agree with me there are five or six determined men on that side who are fighting irrigation projects. That is what I meant. I went right on to show that Republicans in the past have been for it, naming Theodore Roosevelt, to start with, Taft, Coolidge, Hoover, Wilbur, and Mead, all Republicans. I may say that my predecessor in the House, who served for 14 years, fought as strongly for it as I have. So did Senator Jones.

The opposition now lies over there. I want to mention one or two things more.

Mr. Chairman, I call the attention of Members of the House to the fact that something over 400,000,000 acres, almost a half billion acres in the Western States, say 11 or possibly 13 States, are now off the tax rolls, State and county, because it is Government owned. We are not getting any tax money from the Federal Government from that land. We are not urging that the land be sold and put back on the tax rolls, but we do think it is only fair that in return we may be allowed to construct these dams to irrigate our western land in order to make up for the land that has been taken off the tax rolls.

May I again reemphasize the fact that what has been said here with reference to the cost per acre is not true. If you will take into consideration the fact that these projects are going to be paid for by sales of electrical power and that the money to a large extent comes out of the reclamation fund, and that when we get the land developed we sell annually products that will more than pay for the reclamation, you will find that this cost per acre is not, as has been stated here, $100, $200, or $300 per acre, but less than $100 per acre. Remember the fact that this money has for past projects been paid back and is being paid back. In the Yakima Valley, from which I come, we have paid back from 72 to 85 percent of the cost of construction.

Mr. RICH. Will the gentleman yield?

Mr. HILL of Washington. I yield to the gentleman from Pennsylvania.

Mr. RICH. There are now 7,951 acres under cultivation in the project, and it is intended by this bill to put in 106,000 acres. This means an increase of 98,049 acres, and when it is finished the total cost of the project, as figured by the Department of the Interior, will be about $170 an acre.

Mr. HILL of Washington. I do not know anything about this particular project. But take the Coulee Dam project—that will be paid for by the sale of electrical power.

Mr. RICH. I am talking about this particular project. When the gentleman stated Mr. Hoover was in favor of reclamation, he ought to admit that Mr. Hoover was right at least once.

Mr. HILL of Washington. Yes; certainly I do. He realized we needed homes for people who have to leave the submarginal lands all over our country.

Mr. Chairman, we are not pleased over the fact that there are dust bowls out in the Middle West. That part of the country used to be called the bread basket of the United States, and the far West was called the Great American Desert; but hundreds of thousands are now coming from the Middle West to California, Oregon, Washington, and Idaho, and the far West is going to be the bread basket and the workshop of the United States. We invite your people to come out there—not from your splendid soil but from your submarginal sections.

Mr. RICH. But you want the East to pay the bill.

Mr. HILL of Washington. No; we pay the Nation back every dollar.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was rejected.

The Clerk read as follows:

Ogden River project, Utah, $250,000.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 77, line 15, strike out all of line 15.

Mr. RICH. Mr. Chairman, I call the attention of the House to the fact that the only money voted for this project from the reclamation funds amounted to $13,000. Of the balance of the money which has been expended on the project, $3,450,000 came from the Public Works allotment and $500,000 from the emergency-relief allotment. In other words, $3,950,000 was expended out of moneys allocated by the Secretary of the Interior, over which Congress had no authority whatever after the money had been given to the President. The total amount Congress appropriated for this project was the enormous sum of $13,000—on a project which cost $4,200,000.

The Secretary, in speaking of the projects in this bill, stated they were approved by Congress, except the Ogden River project, Utah, which was authorized by allocations under the National Industrial Recovery Act of June 16, 1933, and the Emergency Relief Appropriation Act of April 8, 1935. This was when you gave the President of the United States the authority to spend money without stating for what the money should be spent.

I call your attention not only to the fact that you are here appropriating $250,000 to complete this program, but that on next Thursday you are going to be requested to appropriate to the President of the United States $1,500,000,000. When you delegate this authority to the President you Members of Congress do not know for what the money is going to be spent. You appropriated $13,000 for this project, which will now cost $4,200,000. Remember, you will possibly get yourselves into some more pucker-snatchers just like this if you delegate the spending of this money to the President of the United States, and you should not do it.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the distinguished gentleman from California.

Mr. CARTER. I understand this $250,000 will complete the project. Is this the understanding of the gentleman?

Mr. RICH. No, it will cost about $237,000 additional. If you delegate to the President of the United States the spending of a billion and a half dollars, the gentleman does not know where the money is going. Does the gentleman know where it is going? Neither the gentleman nor any other Member of Congress knows. I ask you to be careful on this proposition when we come to vote on appropriating this billion and a half dollars on next Thursday.

Mr. CARTER. Mr. Chairman, will the gentleman yield further?

Mr. RICH. Yes, to the distinguished gentleman.

Mr. CARTER. I understand we are considering this Ogden River project in Utah?

Mr. RICH. The gentleman is correct.

Mr. CARTER. This other business will be taken up next Thursday.

Mr. RICH. What I want you to get in mind is while this is important, that is more important. I want you to realize the importance of both propositions.

[Here the gavel fell.]

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. MURDOCK of Utah. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I cannot believe the gentleman from Pennsylvania is really acting in good faith in proposing this amendment. The gentleman knows by the data and evidence submitted to the subcommittee that this project is now 98 percent completed. If you take the present $250,000 item away from the project, you will prevent the Government from being able to collect one dime of the three and a half million or more dollars which has already been spent.

The Government has made an investment of almost $4,000,000 in this project, no part of which can be returned to the Government unless the project is completed so that the water can be utilized, thereby making it possible for the farmers to make their annual payments. If you take the present $250,000 item away from the project, you will prevent the Government from being able to collect one dime of repayments on that investment.

The merit of the Ogden River project has been demonstrated time and time again, and a full record of the benefits to be derived from it by the State of Utah and the Nation has been made available to the Committee on Appropriations. Suffice it to say, that the project will furnish a supplemental water supply to 14,700 acres of irrigated land now having an inadequate supply, that it will furnish an adequate water supply for 4,520 acres of land which is now being dry-farmed, and that it will assure the city of Ogden an annual water-storage supply of 10,000 acre-feet for municipal and irrigation purposes. These constructive results of the project, as is the case with all reclamation projects, will benefit every part of the Nation, and the Government's investment will pay continuing dividends which in time will amount to many times the money expended.

In regard to the question of Public Works appropriations on reclamation projects in the West, I may say that such projects were the only projects of any size we had on which to put people to work. Every dime which has been spent on this type of Public Works project will come back to the Government.

I do not believe there is any use of my taking further time on this item, because I cannot conceive of anyone voting against an item of $250,000 when such action would preclude this Government from getting anything back on the project. I hope the amendment will be voted down.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The amendment was rejected.

The Clerk read as follows:

Provo River project, Utah, $750,000.

Mr. TABER. Mr. Chairman, I make the point of order against this paragraph that the appropriation is not authorized by law. No construction has been started and no law is in force authorizing the project. I call the attention of the Chairman to the latter part of page 245 of the record of the hearings and to the following words:

Construction program through fiscal year 1937. The starting of actual construction work has been delayed by the necessity of organization and negotiating repayment and water-subscription contracts.

It is expected that bids will be received for the construction—

And so forth. This means there has been no actual construction on this job and that it has not been authorized by specific legislation. Therefore, I make the point of order against it that it is legislation on an appropriation bill, and has not been authorized by law.

The CHAIRMAN. The Chair invites attention to the provision of the United States Code in title 43, section 413, which reads as follows:

Approval of projects by President. No irrigation project shall be begun unless and until the same shall have been recommended by the Secretary of the Interior and approved by direct order of the President of the United States.

This is the act of June 25, 1910, commonly referred to as the Reclamation Act.

The Chair would like to inquire of the gentleman from Utah, or someone else in position to give the information, whether or not this item against which a point of order has been made has been recommended by the Secretary of the Interior and approved by the direct order of the President of the United States, and the Chair would like to have some evidence on this point.

Mr. ROBINSON of Utah. Mr. Chairman, I hold in my hand, in answer to the statement of the Chair, a letter——

Mr. SCRUGHAM. Mr. Chairman, I offer such documentary evidence.

Mr. ROBINSON of Utah. I am submitting, Mr. Chairman, a letter from Secretary Ickes, together with the approval of this project by the President.

Mr. DOWELL. Mr. Chairman, if documentary evidence is offered for the purpose of showing compliance with the law, it seems to me it should be presented to the committee.

The CHAIRMAN. The Chair has in mind referring to the document in passing upon the question here presented.

The Chair feels he has examined sufficient evidence to supply the information requested. Does the gentleman from Utah desire to be heard further?

Mr. ROBINSON of Utah. Does the Chair care to hear argument on the other proposition of whether or not work has actually been commenced on this project?

The CHAIRMAN. The Chair does not feel that particular point is involved with respect to this particular item.

The Chair is prepared to rule.

There has been presented to the Chair a letter from the Secretary of the Interior, under date of November 13, 1935, which consists of three pages, and the Chair will only refer to the pertinent part of the letter which applies to the particular item under consideration. The letter is addressed to the President of the United States by the Secretary of the Interior. Among other things, it is stated in the letter:

I recommend that the Provo River project, consisting of the Deer Creek division and the Utah Lake division, be approved and that authority be issued to this Department to proceed with the work and to make contracts and to take any necessary action for the construction of said projects or either division thereof.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

There appears on this letter, "Approved November 16, 1935, Franklin D. Roosevelt, President."

Therefore the Chair is of the opinion that the evidence is sufficient to meet the requirements in that this item in the pending bill has been recommended by the Secretary of the Interior and approved by the President of the United States, in accordance with the provisions of existing law, as cited by the Chair, appearing in section 413, title 43, of the United States Code. The Chair therefore overrules the point of order.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 77, line 16, strike out all of line 16.

Mr. RICH. Mr. Chairman, I wish to call the attention of the committee to the fact that we have appropriated $500,000 to this project—we have not appropriated this, but the Secretary of the Interior, under Public Works Administration, has appropriated it, and Mr. Ickes has also appropriated, under emergency relief, $800,000, which makes $1,300,000 to start this project, which is to cost $9,974,000.

I want the House of Representatives to realize the importance of this fact. You have not yet authorized a dollar for this project, you have not appropriated a dollar, but you gave it to Mr. Ickes and the President of the United States. They have started this project, and they have spent $1,300,000.

Now, get this in your minds. Let it soak in your brain. You are going to be asked next Thursday to appropriate $1,500,000,000. What for? For the President of the United States, and you do not know what he is going to with it. Then you are going to be called upon, probably next year or some year in the distant future, to appropriate seven or eight times as much money as now mentioned to complete some project which they will start with that money. To me this is one of the most foolish things that the Members of this Congress could possibly do. When you place your confidence in the President of the United States you do not know what he is going to do with the money, but you are going to obligate yourselves for seven or eight times the amount now involved because of his poor judgment. It is time for the Members of the Congress to be cautious and govern themselves accordingly in appropriating money without putting some strings to it. You should know what the money is to be used for before appropriating it. For this reason I say to you that you should proceed cautiously when you appropriate this $1,500,000,000 next Thursday. You should cut it down to a reasonable sum and then put the proper strings on it, so you will know what is going to happen to the money after you give it to the President.

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. The gentleman from Nevada asks unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes. Is there objection?

There was no objection.

Mr. ROBINSON of Utah. Mr. Chairman, I do not want to take up your time, but I do want to clear up one or two matters with reference to reclamation. In the first place, I call attention to the fact that the subcommittee has sat for 5 or 6 weeks listening to testimony with reference to these particular items. Every appropriation item in this bill has been considered carefully, thoroughly, and conscientiously by this subcommittee. After that thorough study this committee has recommended these appropriations. Not only that, but after the subcommittee had considered the items, the matter was discussed by the Committee on Appropriations of the House, and that great committee has recommended these items be approved.

The gentleman from Pennsylvania [Mr. RICH] and other Members of the House are talking about the Treasury, and how we are going to take money out of the Treasury. These items that we are discussing do not take one dollar out of the Public Treasury. We should get that into our minds. In 1902 the Congress established a reclamation fund. There was only $15,000,000 out of the Public Treasury put into that fund prior to 1933. Sixty million dollars has been placed in that fund since that time. This reclamation fund consists of money taken from the West. All we are asking for is that a portion of that money that comes out of the West, on matters pertaining absolutely to the West, shall be put back into the West. We are not raping the Treasury, as the gentleman from Pennsylvania says. We are simply asking you to stand by the committee on these items that have

been approved and recommended by the committee, and I want to thank the Democratic side of the House for the way that it is standing by us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

The Clerk read as follows:

Yakima project, Washington, Roza division, $500,000;

Mr. RICH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RICH: Strike out all of lines 17 and 18.

Mr. RICH. Mr. Chairman, I call attention to the fact that you started out with a project to cost $18,085,000. You have had from the emergency relief and from reclamation $6,670,000. To complete this project it is going to take $11,415,000. When we complete this project you will have 72,000 acres under cultivation, and it is going to cost you $251 an acre. There are in that valley 50,000 people, and it is going to cost for every man, woman, and child in the valley $360 each. Remember next Thursday you are going to be asked to appropriate one billion and a half dollars. What are you going to appropriate this money for? You do not know what is going to happen to it, neither do I. It is very important when the President of the United States asks you for a billion and a half dollars for relief that you know what the money will be spent for. Do not think that it is any idle jest of yours and mine when we determine to give him a billion and a half dollars and say, "All right, Mr. President, you can appropriate this money for anything you choose", and you yourselves have no direct knowledgement of how the money will be spent. It is a serious thing for Members of Congress to delegate to the President of the United States power which he can in turn turn over to Mr. Ickes or to Mr. Hopkins, without knowing what the money will be spent for. Remember, when that time comes, to give it your serious consideration and say to the President that Congress will hereafter appropriate the money for the things that he thinks it ought to be appropriated for, and then we will not have to bring in points of order against them, and we will not have to do something that Members of Congress might think is a direct slap against them.

We do not want to do anything against the Members of Congress, but we want to conserve the finances of the Federal Government, and when we look at the present Treasury statement and see that every day we are going in the red anywhere from $7,000,000 to $70,000,000, it is an astounding fact, and I ask you again, gentlemen, gracious goodness, tell me where are you going to get the money?

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto do now close.

The CHAIRMAN. Is there objection?

Mr. HILL of Washington. Mr. Chairman, I object.

Mr. SCRUGHAM. Then, Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in 3 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL of Washington. Mr. Chairman, I dislike to take up the time of the Committee, but this project is in my district. It is the Yakima project, and this is finishing up the fourth division of that project. The other three are the Sunnyside, the Tieton, and the Kittitas, which was finished some 3 years ago. This is what is known as the Roza project. About 2 years ago we completed a dam at the Cle Elum at a cost of about $3,000,000. Then the President, under the P. W. A., gave us $5,000,000, but that was cut in two and we got two and one-half million dollars. For this year, 1937, we have received $1,000,000.

Now the Reclamation Bureau has asked for $3,000,000. The committee cut that in half and allocated $1,500,000. That is what the committee has agreed to let us have.

May I call attention to two or three other things? The crop production of 1936 for this valley was $9,500,000. The projects of the valley averaged $63.48 per acre. They range all the way from $140.62 of the Tieton district to $33.12 on the Kittitas division. I want to emphasize the fact that after these projects have been finished it is shown by the figures that there was put into circulation in the country—and a great deal of that comes back east—as high as $140 per acre. That will offset the cost that has been mentioned over here.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. HILL of Washington. I yield.

Mr. DOWELL. Were any of the farmers in that area paid during the last 2 years for not producing on these lands?

Mr. HILL of Washington. I do not think so, except under the corn-and-hog contracts. The ones that were paid were the wheat farmers up around Walla Walla and Goldendale and Palouse district, but not in the fruit district.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The amendment was rejected.

The Clerk read as follows:

Casper-Alcova project, Wyoming, $650,000: *Provided*, That in recognition of the respective rights of both the States of Colorado and Wyoming to the amicable use of the waters of the North Platte River, neither the construction, maintenance, nor operation of said project shall ever interfere with the present vested rights or the fullest use hereafter for all beneficial purposes of the waters of said stream or any of its tributaries within the drainage basin thereof in Jackson County, in the State of Colorado, and the Secretary of the Interior is hereby authorized and directed to reserve the power by contract to enforce such provisions at all times: *Provided further*, That from and after the passage of this act, the reclamation project heretofore known as the Casper-Alcova project shall be known and designated on the public records as the Kendrick project, and that the change in the name of said project shall in no wise affect the rights of the State of Wyoming or the State of Colorado or any county, municipality, corporation, association, or person, and all records, surveys, maps, and public documents of the United States or of either of said States in which said project is mentioned or referred to under the name of the Casper-Alcova project shall be held to refer to said project under and by the name of the Kendrick project.

Mr. WIGGLESWORTH. Mr. Chairman, I make a point of order against the paragraph on the ground that it is clearly legislation on an appropriation bill, unauthorized by existing law.

The CHAIRMAN. Let the Chair inquire, did the gentleman make his point of order against the proviso or against the entire paragraph?

Mr. WIGGLESWORTH. I make it against the paragraph, based on the language embodied in the two provisos.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the committee admits, if the gentleman insists, that a point of order will lie against this paragraph, but this is an item that the gentleman from Colorado [Mr. TAYLOR], chairman of the committee, is very much interested in. The committee heard the evidence and knows all the facts, and the chairman of the committee is unable to be here, and I hope that out of courtesy to the chairman of the general Appropriations Committee, who, as many of you know, is unable to be present, you will accept our word for it that it is urgently needed, and will not insist upon the point of order.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. GREEVER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREEVER. Did the gentleman make a point of order against all of the paragraph, including the appropriation?

The CHAIRMAN. The Chair will state that the Chair asked that question and the gentleman replied he made his point of order against the entire paragraph.

Mr. GREEVER. Including the appropriation?

The CHAIRMAN. Yes.

Mr. GREEVER. I would like to be heard upon that.

Mr. JOHNSON of Oklahoma. We have an amendment prepared, if the gentleman insists upon the point of order.

The CHAIRMAN. Does the gentleman desire to be heard upon the point of order?

Mr. GREEVER. As I understand it, this point of order was against the entire paragraph, including the appropriation.

The CHAIRMAN. The gentleman is correct.

Mr. GREEVER. I realize that the proviso is subject to a point of order, but I maintain that the appropriation of $650,000 is not subject to such a point of order.

The CHAIRMAN. Of course, if a point of order is made against the entire paragraph, and any part of the paragraph is subject to a point of order, it naturally follows that the entire paragraph is subject to the point of order.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. CULKIN. If I might make a brief inquiry, I understand this provision protects the water rights of Colorado. Is that true?

Mr. GREEVER. It protects the water rights of Jackson County, Colo. That is correct.

Mr. CULKIN. It prevents them getting any priority rights?

Mr. GREEVER. In Jackson County, Colo.; yes.

Mr. CULKIN. I think the amendment is very meritorious.

Mr. GREEVER. I hoped that the gentleman would not press his point of order, due to the fact that the chairman of the committee is the one who is so anxious to have it adopted.

Mr. WIGGLESWORTH. Mr. Chairman, I made the point of order against this provision because it seems to me the height of bad practice to include legislative provisions of this character in an appropriation bill. However, in the light of the representations which have been made of the apparent importance of the matter to the State of Colorado and of my high regard for the chairman of the committee, the gentleman from Colorado [Mr. TAYLOR], I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. CULKIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am more or less familiar with this project. Several years ago I discussed this project in the House and characterized it as one of the most unauthorized and improper raids on the Treasury in the history of the country. I knew the genesis of it. I am in sympathy with this amendment which does protect the rights of a sister State against this unlawful appropriation of water. This project is going to cost $27,000,000. Originally it was supposed to bring 100,000 acres of land into production. Then it was cut to 60,000, and I am advised that now it is cut to 30,000 acres, and this land will cost Uncle Sam, if you please, $600 an acre.

On the Riverton and Shoshone projects in the same State there is about 60,000 acres of land with water on it that can be bought for $40 an acre.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. In a moment. This project, I say, is uneconomical, because most of the land in this area is shot through with selenium, a blood brother of copper, that goes into plant life.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. GREEVER. I wish to correct a statement the gentleman made that land can be purchased on the Shoshone division of this project or the Riverton division for $40 an acre. As a matter of fact, I do not know of any land that has been sold there in 1 or several years under $250 to $300 an acre.

Mr. CULKIN. I understand that on the Shoshone and Riverton projects there are 60,000 acres of land that have not been cropped as yet. There is water on them.

Mr. GREEVER. The gentleman is mistaken on that.

Mr. CULKIN. Does the gentleman question the fact that this Casper-Alcova project has been cut down to 30,000 acres now? Am I correct in saying that it has been cut down to 30,000 acres?

Mr. GREEVER. The present project is 35,000 acres. The entire project is 66,000 acres.

Mr. CULKIN. But there are 35,000 acres on which we are now about to spend $23,000,000.

Mr. GREEVER. Oh, no; that is the total cost of the project.

Mr. CULKIN. Which will make the cost per acre $600.

Mr. GREEVER. No. The cost per acre is limited to $80. The rest of it is charged to the power plant.

Mr. CULKIN. While I have the greatest admiration for the gentleman from Wyoming, I regret to oppose this project, which I know he has much at heart. I think this is the most uneconomical, the most daring—and I know the genesis of it—the most daring in the whole calendar of reclamation projects.

[Here the gavel fell.]

By unanimous consent, the pro-forma amendments were withdrawn.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 77, strike out, beginning on line 19, down to and including line 16, on page 78.

Mr. TABER. Mr. Chairman, I have offered this amendment to strike out the entire paragraph with reference to Casper-Alcova. I have said many times here on the floor that we ought not to go ahead with these reclamation projects at a time when our country has plenty of land available to raise all the crops that we need. Now, as was pointed out by the gentleman from Kansas, it is costing a tremendous amount of money for the reclamation projects in which the Government has engaged. This particular reclamation project calls for nearly $1,000 an acre, as near as I can figure, to place the land under cultivation, and, according to the information that we have available, it cannot possibly work out so that they can pay for the land and the project out of the crops they can raise on it. Why we should burden communities with booms which cannot go through, with projects which are so burdened with cost that their failure is guaranteed in advance, I cannot understand. There have been circumstances where there was a large export of crops that would have to be provided for from the projects. I think that we ought not at this time to go on with this kind of project under the circumstances and situation that confronts the country today.

[Here the gavel fell.]

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 4 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GREEVER. Mr. Chairman, I rise in opposition to the amendment and address myself to the statement of the gentleman from New York as to the cost of lands under the Casper-Alcova project. The original project was to take in 66,000 acres. That is what ultimately will be taken in by this project for the total cost that has been mentioned. I may say, however, that the total cost of the land has been limited to $80 per acre, which is a cost that it is well recognized that land of this kind and quality will bear. The remainder of the cost will be paid by power receipts.

In this connection permit me to state that Wyoming has contributed to the reclamation fund about $45,000,000, and $25,000,000 of this contribution to the reclamation fund has come from Natrona County, Wyo., wherein these lands are situated.

The drilling for oil has settled down. In 1932 we were presented with a relief problem there, and upon this project a great amount of relief labor was used which otherwise would have called for a great amount of relief appropriations. These people feel that, having had one great resource taken away from them in the way of their oil, most of the money from which moved, as we all know, into the eastern markets, they feel that it is only fair that there should be money left to replace that when it is gone, and for that reason they paid the tremendous sum of $45,000,000 into the reclamation fund. A part of this money is being spent on this project, and I do not know of any more fair proposition than that, a proposition which is not costing the Treasury of the United States one cent.

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. GREEVER. I yield.

Mr. THOM. When the gentleman says that his State has paid in $45,000,000, what does the gentleman mean by that? What was the source of the money?

Mr. GREEVER. I should say from the oil royalties from public lands in the State. Fifty-five or sixty percent of our lands are owned by the Federal Government.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. GREEVER. I yield.

Mr. CULKIN. Is it not a fact that the title to those moneys was in the United States, just the same as the title to the customs receipts in New York is in the United States?

Mr. GREEVER. It was paid into the reclamation fund.

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All time has expired under the unanimous-consent agreement.

The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was rejected.

The Clerk read as follows:

Colorado Basin investigations, $150,000.

Mr. RICH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 78, strike out all of line 20.

Mr. RICH. Mr. Chairman, I call attention of the Members of the House to the fact that this provision calls for an investigation to be made on the Colorado River amounting to $150,000. We are spending, as per appropriations in this bill, when the pending projects are completed on the Colorado River, the sum of $262,485,000. The $150,000, to which my amendment is directed, is for the purpose of continuing an investigation to determine how much more money we can spend out here on this river.

Do you not believe it is about time for us to stop some of these investigations wherein they are trying to find out how much more money we can spend along the Colorado River? A good many Members are smiling. It seems as if we are all smiles today. But some day our children are not going to smile when they have to meet the debt that this Congress has laid upon them. The day of smiles will be over for some of those boys and girls who are now in the high schools of our country. We may smile and we may believe it is a great thing to spend money. May I say right here that any fool can spend money, but it takes brains to make it. I repeat, any fool can spend money, but it takes a lot of brains to make it.

You heard the gentlemen from the Ways and Means Committee awhile ago state that they are supposed to raise the money. Why, the Ways and Means Committee cannot hold a candle in raising money in competition with the way the Appropriations Committee spends it. Never will they be able to catch up with the Appropriations Committee and with the Congress.

Mr. Chairman, I am a member of the Appropriations Committee and I consider it an honor to be a member of that committee. However, we, as members of the Appropriations Committee, must come to a realization that we cannot appropriate for everything some Member of Congress may want for his district. Now is the time to stop the spending of this $150,000, which may eventually mean the expenditure of $500,000,000 or a billion dollars more on the Colorado River. They have had enough out there to last them for a few years. We have done a pretty good job in the way we have appropriated for those people out on the Colorado River and they ought to be satisfied for what we have done. I think we have been more than generous. Let us just hold up a little while and stop this $150,000 and a future orgy of spending.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. RICH. The gentleman is not on the Colorado River, and I cannot yield at this time.

Mr. Chairman, my colleague, the gentleman from Arizona, will say they need this $150,000 to complete the survey. There is not a finer man in the House of Representatives than that gentleman. [Applause.] I would almost go out of my way to accommodate him, but as Members of the House of Representatives let us cut out this $150,000. Be sensible; stop spending. Where are you going to get the money?

[Here the gavel fell.]

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The amendment was rejected.

The Clerk read as follows:

For administrative expenses on account of the above projects, including personal services and other expenses in the District of Columbia and in the field, $750,000, in addition to and for the same objects of expenditure as are hereinbefore enumerated in paragraphs 2 and 3 under the caption "Bureau of Reclamation"; in all, $9,500,000, to be immediately available: *Provided*, That of this amount not to exceed $75,000 may be expended for personal services in the District of Columbia: *Provided further*, That the unexpended balances of the amounts appropriated from the Reclamation Fund, Special Fund, under the caption "Bureau of Reclamation, Construction", in the Interior Department Appropriation Act, fiscal year 1937, shall remain available for the same purposes for the fiscal year 1938.

Mr. TABER. Mr. Chairman, I make a point of order against the language on page 79, line 4, beginning with the word "Provided" down to the end of the paragraph.

Mr. Chairman, this includes a lot of allotments to irrigation projects, which would expire on the 30th of June, amounting to $33,000,000. As I understand, a great many of them have not been authorized by law. There is included, amongst others, the Gila project that was ruled out on a point of order previously. I will not call attention to any more at this time, but a tremendous lot of them are included in this item. One item being out of order, the entire group should go out.

The CHAIRMAN. Does the gentleman from Nevada [Mr. SCRUGHAM] desire to be heard on the point of order?

Mr. SCRUGHAM. Mr. Chairman, may I refer to page 387 of the Rules of the House of Representatives, paragraph 837, reading as follows:

The reappropriation of an unexpended balance, if properly authorized by law, may be made in an appropriation bill.

Mr. TABER. Mr. Chairman, if I may be heard further, this is a reappropriation for purposes that would expire on the 30th of June. If any of the purposes specified in the particular proviso are not authorized by law, the whole proviso falls. That is the substance of my point of order.

The CHAIRMAN. Can the gentleman from Nevada inform the Chair with respect to the statement just made by the gentleman from New York?

Mr. SCRUGHAM. In case the ruling of the Chair is adverse, I desire to offer an amendment.

Mr. RANKIN. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. RANKIN. Mr. Chairman, the gentleman's point of order is not well taken. In the first place, this is a continuation of appropriations already made, and they were made because authorized by law. There is nothing in this bill to indicate on the face of it, and there is nothing of a documentary character that has been presented, to indicate in the slightest degree that the appropriations we are asking for a continuation of are not authorized by law.

Therefore, I submit that the gentleman's point of order is not well taken. It does not apply at all.

The CHAIRMAN. The Chair is ready to rule.

The gentleman from New York makes the point of order against the language appearing in the proviso beginning in line 4 on page 79, and continuing through line 9, that the projects referred to have not been authorized by law, and that this provision is legislation on an appropriation bill, in violation of the rules of the House applicable to such points.

The Chair invites attention to the fact it is obvious that quite a number of projects are sought to be covered by the provision here contained. The Chair feels that under the rule cited by the gentleman from Nevada there can be no question but what unappropriated balances may be reappropriated, but the Chair is unable to see how this rule meets the situation here presented, because the question here is whether or not these various projects have been authorized by law. The Chair feels the burden of proof is on those supporting the projects and the provision contained in the bill to make some satisfactory showing, to the effect that the projects have been authorized. The Chair invites attention to the fact that such a showing has not been made. It follows, therefore, that the language to which the point of order has been made, in the opinion of the Chair, would be legislation on an appropriation bill, a proper showing not having been made that these items have been authorized by law.

The Chair is of the opinion this provision is not in order and, therefore, sustains the point of order.

Mr. SCRUGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCRUGHAM: Page 78, line 20, insert a new paragraph, as follows: "For administrative expenses on account of the above projects, including personal services and other expenses in the District of Columbia and in the field, $750,000, in addition to and for the same objects of expenditure as are hereinbefore enumerated in paragraphs 2 and 3 under the caption "Bureau of Reclamation"; in all, $8,250,000, to be immediately available: *Provided*, That of this amount not to exceed $75,000 may be expended for personal services in the District of Columbia: *Provided further*, That the unexpended balances of the amounts appropriated from the Reclamation Fund, Special Fund, under the caption "Bureau of Reclamation, Construction", in the Interior Department Appropriation Act, fiscal year 1937, shall remain available for the same purposes for the fiscal year 1938, for projects authorized under the reclamation law."

Mr. SCRUGHAM. Mr. Chairman, I think this amendment fully meets the objections made by the gentleman from New York.

Mr. TABER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an attempt to take about $33,000,000 which has been allocated beyond the requirements of the relief operations to the end of the authorized period ending the 30th of next June and make it available for reclamation projects. This was not included in the Budget, as I understand it, and really brings the bill something like $28,000,000 above the Budget and above the amount carried last year. It is, in my opinion, an addition to the bill which the Congress should not permit. It is an addition with which we should not go along for a moment in times like these. I do not see how Congress can continue going along with these operations, adding one thing after another to them, without getting the Treasury into such condition we shall not be able to survive. I hope the amendment will be rejected.

Mr. LEWIS of Colorado. Mr. Chairman, I move to strike out the last word, for the purpose of interrogating the acting chairman of the subcommittee.

Mr. Chairman, we had quite extended debate on Thursday and Friday of last week concerning an appropriation for a certain project known as the Gila Valley project in Arizona, which, on a point of order made by me, was stricken from the bill. May I ask the gentleman from Nevada if his amendment in any way attempts to bring into this bill, by indirection or otherwise, the Gila Valley project?

Mr. SCRUGHAM. The total amount is reduced by $1,250,000, in view of the ruling of the Chair made on Friday.

Mr. LEWIS of Colorado. Therefore, the intent of this amendment is not to bring in the Gila Valley project?

Mr. SCRUGHAM. No.

Mr. LEWIS of Colorado. On the contrary, it is to exclude it?

Mr. SCRUGHAM. The intention is not to exclude anything, but to meet the objections made by the gentleman from New York [Mr. TABER].

Mr. LEWIS of Colorado. The intent of this amendment, however, is not to bring in by the side door or otherwise the Gila Valley project?

Mr. SCRUGHAM. No.

Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, I do not purport to be an authority on parliamentary law; in fact, all I do not know on that subject would make a considerable volume. However, I was impressed, while the Chair was making the last ruling—and I do not question the correctness of the ruling—with the thought that if every time a point of order is made against the reappropriation of an unexpended balance in an appropriation bill proof must be adduced by the Appropriations Committee with respect to the validity of the original appropriation, that it was authorized by law, that expenditures were made under it, and so forth, this would impose an intolerable burden on Congress. It seems to me, Mr. Chairman, there ought to be a presumption in favor of the validity of the prior appropriation and compliance with existing law, in favor of the reappropriation of the unexpended balance, and the burden should be placed on the objector to prove to the contrary.

It has been stated on the other side of the aisle that approximately $33,000,000 is involved here. This might embrace 20 or 30 or 40 different projects or appropriations. Then too, many other sections or titles of this bill carry reappropriations of unexpended balances, so that the greater part of the time of Congress may be consumed substantiating the authority in law for the original appropriations and whatever further compliance in the way of construction is necessary to be shown in order to overcome the point of order. It strikes me the burden rests in the wrong place. If this ruling is in accordance with parliamentary law and the procedure of the House—and I do not question that it is—it seems to me our experience thus far on this bill would justify the Committee on Rules in reconsidering this rule and bringing in a rule creating a presumption in favor of the existence and validity of the prior appropriation and that the necessary expenditures have been made under it, when there are reappropriations in an appropriation bill.

The pro-forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada [Mr. SCRUGHAM].

The question was taken; and on a division, demanded by Mr. TABER, there were—ayes 72, noes 22.

So the amendment was agreed to.

The Clerk read as follows:

Total, from reclamation fund, $10,666,600.

Mr. SCRUGHAM. Mr. Chairman, I offer a committee amendment for the purpose of correcting the total.

The Clerk read as follows:

Committee amendment offered by Mr. SCRUGHAM. Page 79, line 10, after the word "fund" strike out $10,666,600" and insert in lieu thereof "$9,416,600."

The committee amendment was agreed to.

The Clerk read as follows:

Boulder Canyon project: For the continuation of construction of the Boulder Canyon Dam and incidental works in the main stream of the Colorado River at Black Canyon, to create a storage reservoir, and of a complete plant and incidental structures suitable for the

fullest economic development of electrical energy from the water discharged from such reservoir; to acquire by proceedings in eminent domain or otherwise, all lands, rights-of-way, and other property necessary for such purposes; and for incidental operations, as authorized by the Boulder Canyon Project Act, approved December 21, 1928 (U. S. C., title 43, ch. 12A); $2,550,000, to be immediately available and to remain available until advanced to the Colorado River Dam fund, of which sum not exceeding $50,000 shall be immediately available for the construction of a schoolhouse in Boulder City; and there shall also be available from power and other revenues not to exceed $500,000 for operation and maintenance of the Boulder Canyon Dam, power plant, and other facilities; which amounts of $2,550,000 and $500,000 shall be available for personal services in the District of Columbia (not to exceed $25,000) and in the field and for all other objects of expenditure that are specified for projects hereinbefore included in this act, under the caption "Bureau of Reclamation, Administrative provisions and limitations", without regard to the amounts of the limitations therein set forth.

Mr. WIGGLESWORTH. Mr. Chairman, I reserve a point of order for the purpose of asking the chairman of the subcommittee the effect of the language in lines 19 and 20 of the paragraph under consideration, "without regard to the amounts of the limitations therein set forth."

Mr. SCRUGHAM. Mr. Chairman, in answer to the question of the gentleman from Massachusetts, these expenditures are governed by the reclamation law, and this language was inserted at the request of the Bureau of Reclamation as a matter of facilitating administration. The paragraph is not intended to change the rules and regulations covering the expenditure of Government funds.

Mr. WIGGLESWORTH. What is the effect of removing the limitation?

Mr. SCRUGHAM. In answer to the gentleman from Massachusetts, I may say that the amounts in this item coming from the reclamation fund are small, and this authorization permits more facility in the handling of the construction.

Mr. WIGGLESWORTH. Mr. Chairman, I make a point of order against the language referred to in lines 19 and 20, on page 80.

Mr. SCRUGHAM. Mr. Chairman, the paragraph applies to limitations on appropriations, and I hold it to be clearly in order.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Massachusetts makes the point of order against the language appearing in lines 19 and 20.

There is no point made here that the provisions referred to are not covered by authorization of law. It is apparent from examining this provision, and referring back to the provisions contained on page 68, that the purpose here is to remove certain limitations imposed by the language on page 68 under the heading "Administrative provisions and limitations." Therefore the Chair is of the opinion that this language is not subject to a point of order and overrules the point of order.

Mr. HOPE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not want anything I may have said on the floor this afternoon to indicate I am opposed to a reasonable reclamation program. I am opposed to some of the projects in this bill because I regard them as unsound from the standpoint of economics and a national land-use program.

I think a very great deal of our trouble in this regard has come from the fact that the Bureau of Reclamation is located in the Department of the Interior. I do not know why it was put there in the first place. It should have been put in the Department of Agriculture, where it could function in formulating a general land-use policy. As stated above, I am not opposed to sound reclamation projects, but when undertaken they should be able to justify themselves, not only in the local community affected but as a part of the agricultural picture as a whole. In other words, there should be no new land brought into cultivation through irrigation except upon a determination by the Secretary of Agriculture that there is a market for the commodities which will be produced, and that such production will not adversely affect existing producers who have their own capital invested in farm land and are paying taxes and interest and keeping up their own communities.

We should have adopted the same policy many years ago with respect to the opening of public lands for settlement and should have placed the General Land Office in the Department of Agriculture. Our failure to do so has resulted in precisely the same situation which exists and will to a greater extent exist in connection with future reclamation projects, namely, that many farmers are trying to make a living on land which either because of its lack of productivity or because of its high cost, cannot produce enough to pay expenses and living costs.

A great deal has been said in recent years concerning the absurdity of having one department of the Government urge that farmers restrict their production while another department was expending vast amounts of Federal funds to increase production of agricultural commodities. That criticism is certainly justified, but it is just what might be expected as long as we have two different departments of the Government determining our land policy.

The trouble with the Bureau of Reclamation has been that it has looked upon these projects from an engineering standpoint rather than from the standpoint of practical farming. It is an engineering bureau and determines its policies on an engineering basis rather than as to whether a man can make a living on a reclamation project or whether the development of this new land is needed from the standpoint of our natural agricultural economy. Until the matter of reclamation can be considered from an agricultural, rather than an engineering standpoint, there is no hope of developing any sound policy in this regard. I submit to the committee which is studying the matter of the reorganization of the Government departments that it should give serious consideration to a transfer of the Bureau of Reclamation and the General Land Office to the Department of Agriculture.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. HOPE. Yes.

Mr. DEMPSEY. I understood the gentleman to say that if the Reclamation Service were in the Agricultural Department rather than the Interior Department, these huge expenditures per acre would not be made. Is the gentleman familiar with the resettlement program and the money that they have spent per acre?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. I am opposed to these appropriations because the farmers in the Middle West have been placed under a program by the Government to reduce acreage and production while the Government has been spending money in the West to bring other land under cultivation. It seems to me there is no consistency whatever in the fact that a limitation is placed upon the land already in production but on the other hand in other sections of the country the Government is spending millions of money to bring land into cultivation. I am wondering if in some of these projects the Government has been paying not to produce on those lands which have been under irrigation.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. WHITE of Idaho. Does the gentleman realize that the reclamation program was initiated by a Republican Congress?

Mr. DOWELL. I am not questioning that. I am asking if it is true that even in these irrigation lands the Government has been paying not to produce, while at the same time spending money to bring other lands into production.

Mr. WHITE of Idaho. And I say that most of the money paid to farmers has gone to States like Iowa and not to the reclamation States.

Mr. DOWELL. I rise to emphasize the inconsistency of paying in one section of the country not to produce on land that is already productive and in another section of the country paying to bring more land into cultivation. I think we could save many millions of dollars by leaving these irrigation projects until such time as the land is needed for production. If it were necessary that these lands be placed under cultivation, no one would make any

objection, but when we have spent millions and millions of money not to produce on good, cultivated land, it seems to me the Government cannot afford to spend money to bring further land into cultivation.

Mr. THURSTON. And I suppose in the next campaign the gentleman and others of us from these sections will hear Members urging their constituents to remember that they have brought some relief by bringing more land into cultivation.

Mr. DOWELL. I do not know, but I do know the program is inconsistent.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. RICH. You are not saying anything about this administration. They say one thing today and do something tomorrow, and you cannot believe them at all.

Mr. DOWELL. I am saying the Government has been doing two things at identically the same time—paying in some sections not to produce and paying in others to produce.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOILEAU. Mr. Chairman, all during this debate we have heard many accusations made against the present administration's farm program. I have been surprised that some Members on the Democratic side have not taken occasion during debate to point out the fallacy in the statement made by many of my very good friends on the Republican side, because many Republicans time after time during the debate have said that the present administration is presently paying the farmers of this country money for not growing crops. That is not the situation. I am surprised that some of my Democratic friends have not taken the floor to refute that statement, because at the present time the administration is not paying a dollar to a single farmer in the country to take lands out of production. That is not the program. That used to be the program under the Agricultural Adjustment Act, but under the Soil Conservation Act, the act under which the administration is now endeavoring to give some relief to agriculture, it does not anticipate taking the land out of production. There are only certain sections of the country that have any cause for complaint with the present program, and that happens to be the section that I come from, because the present law does not take lands out of production. It does say to the farmers, however, who are producing soil-depleting crops, that if they will desist from the raising of soil-depleting crops and use their land for the production of soil-conserving crops, the Government will pay them certain benefits. So that there is nothing in the present program that anticipates taking the land out of production. There are just as many acres of land used in agricultural production today as there were formerly.

Mr. HOFFMAN rose.

Mr. BOILEAU. The complaint I want to make, and the gentleman from Michigan will be glad when I bring this point up, because I think it is along the line of what is in his mind—the complaint I have now is that the new bill that is presently before us, the new bill that has been presented to the Committee on Agriculture, further contemplates the payment of benefits under certain conditions to certain types of farming. This privileged class will be the cotton, wheat, tobacco, and rice producers—there are five of them altogether—but they do not take care of the dairy farmer. We have been out of the picture during the past year, and we are going to be out of the picture again this coming year unless some amendment is made to that program. So that is where the kick should come. The kick should come from those who want all classes of agriculture to benefit the same. The program now in effect does not reduce the number of acres planted to farm products. It merely shifts the natural tendency and creates further and greater competition for the dairy farmer. The new program entirely kicks the dairy farmer out of the picture; and if the bill that is now before the Committee on Agriculture comes before you, it will be just one more year of leaving the dairy farmer up in the air entirely—that group representing the group having the greatest investment and the most important production in the country.

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

Central Valley project, California, $12,500,000, together with the unexpended balance of the appropriation for this project contained in the First Deficiency Act, fiscal year 1936: *Provided*, That no part of this appropriation shall be available for construction of such project until it is determined by the Secretary of the Interior, upon approval, as to legality by the Attorney General, that authorization therefor has been approved by act of Congress.

Mr. BUCK. Mr. Chairman, I make a point of order against the language beginning in line 24 with the word *"Provided."*

Mr. TABER. Mr. Chairman, I make a point of order against the entire paragraph.

The CHAIRMAN. Does the gentleman from New York make a point of order against the entire paragraph?

Mr. TABER. I do.

The CHAIRMAN. The gentleman from California made a point of order against the proviso?

Mr. BUCK. Against the proviso.

The CHAIRMAN. The gentleman from California makes a point of order against the proviso appearing in line 24, page 81. The gentleman from New York [Mr. TABER] makes a point of order against the entire paragraph. Of course, that presents to the Chair the necessity of ruling upon the the point of order as it relates to the entire paragraph, because if any part of a paragraph is subject to a point of order it naturally follows that the entire paragraph is subject to a point of order.

Does the gentleman from New York [Mr. TABER] insist upon his point of order?

Mr. TABER. I do, Mr. Chairman.

The CHAIRMAN. An examination of the language appearing in the proviso——

Mr. DOWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. For what purpose does the gentleman rise? The Chair is attempting to rule upon a point of order.

Mr. DOWELL. I rise to propound a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. If a point of order should be sustained, does that not carry with it also the paragraph itself?

The CHAIRMAN. The Chair has just stated that if a point of order is good as to any part of the paragraph, it naturally follows that it must lie to the entire paragraph.

Mr. DOWELL. But my inquiry is, if that is stricken out because it is legislation on an appropriation bill, would not the fact that it is legislation be conclusive that the first part of the paragraph has no authority under law?

The CHAIRMAN. That would not necessarily follow. The Chair is not passing upon that phase of the matter at this time.

The Chair was in the act of saying that the gentleman from California [Mr. BUCK] makes a point of order against the proviso; the gentleman from New York [Mr. TABER] makes a point of order against the entire paragraph. Of course, if a point of order is good as to any part of the paragraph, it naturally follows that it applies to the entire paragraph.

It appears to the Chair there can be no doubt that the language appearing in the proviso is legislation on an appropriation bill. The language imposes additional duties upon two executive officers of the Government, the Secretary of the Interior and the Attorney General. Therefore,

the language in the proviso constituting legislation on an appropriation bill, in violation of the rules of the House, and a point of order being good as to part of a paragraph, it naturally applies to the entire paragraph. The Chair, therefore, sustains the point of order made by the gentleman from New York as to the entire paragraph.

Mr. SCRUGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCRUGHAM: In line 20, page 81, insert a new paragraph, as follows:

"Central Valley project, California, $12,500,000, together with the unexpended balance of the appropriation for this project contained in the First Deficiency Act, fiscal year 1936."

Mr. DOWELL. Mr. Chairman, a point of order. This is legislation on an appropriation bill, and there is no authority for the appropriation.

May I call the attention of the Chair to the fact that there has been no showing by the committee that there is any authority for the appropriation in this paragraph. The conclusive proof of that is that the proviso just stricken out on a point of order was stricken out because it provided that there may be no authority for this appropriation, and I insist that the paragraph that was stricken out leaves the committee without any authority shown to the Chair under the law for this appropriation.

The CHAIRMAN. The Chair would be pleased to hear the gentleman from California on the point of order.

Mr. BUCK. Mr. Chairman, we have had considerable discussion of various similar points of order. The Chair has ruled several times on clause 2 of rule XXI of the House rules. I invite the Chair's attention again to the language of the clause:

No appropriation shall be reported * * * for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress.

I invite the Chair's attention to the fact that Central Valley project was established as a public-works project by the President under authority of the Emergency Relief Appropriation Act of 1935, and I send to the desk for the attention of the Chair the order establishing this as a public-works project. I call the Chair's attention further to the fact that on the 2d day of December 1935 the President of the United States approved the feasibility order which had been prepared and sent to him by the Secretary of the Interior as required by law to establish this as a reclamation project.

I call attention to the further fact that in the first deficiency bill of 1936 there appeared a paragraph, "Central Valley project, California, for continuation, $6,900,000", and so forth; and this I send to the desk for the attention of the Chair.

In view of the ruling Friday on the Gila project, I also call the Chair's attention to a letter received from Commissioner of Reclamation Page, dated May 17, 1937, addressed to me.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, May 17, 1937.

Hon. FRANK H. BUCK,
House of Representatives.

MY DEAR MR. BUCK: In reply to your request regarding the staus of work on the Central Valley project, I am providing the following information concerning construction on this project as of May 1, 1937.

On that date more than 8,000 feet of tunnels had been excavated under contract and by Government forces, and more than 18,000 feet of tunnel and calyx drill holes sunk under contract and by Government forces on the Kennett (Sacramento River Basin) and Friant (San Joaquin River Basin) divisions of the project. The contracts under which this work was done were still in force on May 1 and additional work now is in progress.

On May 1 a large concrete, steel-frame warehouse was under construction and nearing completion on the Friant division, which includes Friant Dam and the Friant-Kern and Madera Canals. Contractors were engaged also in construction of a concrete laboratory and the necessary cottages to house Government engineers and employees who are supervising the construction of the Friant division.

Of the $11,400,000 available for construction on May 1, 1937, a total of $1,069,069.48 actually had been expended in construction and engineering work, and a total of $1,179,600 had been obligated or encumbered. Encumbrances placed since May 1, due to award of additional contracts, have increased the total obligated funds by several hundred thousand dollars.

The construction work now is fully under way, with virtually all the preliminary engineering completed. I feel that the construction is being prosecuted vigorously and that good progress has been and is being made.

Very truly yours,

JOHN C. PAGE, *Commissioner.*

Mr. Chairman, I submit that under the rulings of the Chair during the consideration of this bill, and those of previous Chairmen, and under the precedents of the House, that this certainly establishes that this is a public work in progress regardless of the previous authorization contained in the deficiency bill of last year or the authorization under the Emergency Relief Act. Therefore this appropriation is in order, and the point of order should be overruled.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. TABER. I do.

The CHAIRMAN. The Chair will be pleased to hear the gentleman.

Mr. TABER. Mr. Chairman, on this point I desire to call the attention of the Chair to the hearings which were held on the 30th day of March, pages 281 and 289, the latter reference especially. It appears from page 281 that a large amount of money has been spent upon the preliminary and exploratory work, but when you get down to page 289 you get to the meat of this question. Down toward the bottom of the page appears the following colloquy:

Mr. RICH. What has the money been spent for?

Mr. PAGE. The money has been spent for investigation and preliminary work.

That is as of the 30th day of March. There cannot be any question but that is the situation, for that is the evidence before us. This, of course, is not under the reclamation law. This is a proposition where funds were appropriated directly out of the Federal Treasury.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Iowa makes a point of order against the amendment offered by the gentleman from Nevada on the ground that the provisions sought to be included by the amendment seek to make appropriations not authorized by law. The Chair desires again to invite attention to clause 2 of rule XXI, to which reference has heretofore been made and which was cited by the gentleman from California:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress.

The Chair further desires to invite attention to a precedent appearing in section 1340 of Cannon's Precedents of the House, volume 7, and read a part from that decision, as follows:

If the construction of a building, for instance, for a public purpose has been commenced, even though originally subject to the point of order, yet the work having commenced and there being no limit of cost, further appropriations may be made.

There has been presented to the Chair a letter from the Commissioner of Reclamation, and the Chair desires to invite attention to that letter in part as follows, the letter being under date of May 17, 1937. In passing the Chair would comment that, as shown by its date, the letter is subsequent to the date of the hearings to which the gentleman from New York invited attention. This letter is addressed to the gentleman from California [Mr. BUCK] and is as follows:

In reply to your request regarding the status of work on the Central Valley project, I am providing the following information concerning construction on this project as of May 1, 1937.

On that date more than 8,000 feet of tunnels had been excavated under contract and by Government forces, and more than 18,000 feet of tunnel and calyx drill holes sunk under contract and by Government forces on the Kennett (Sacramento River Basin) and Friant (San Joaquin River Basin) divisions of the project. The contracts under which this work was done were still in force on May 1 and additional work now is in progress.

On May 1, a large concrete, steel-frame warehouse was under construction and nearing completion on the Friant division which includes Friant Dam and the Friant-Kern and Madera Canals.

* * * * * * *

The construction work now is fully under way, with virtually all the preliminary engineering completed. I feel that the construction is being prosecuted vigorously and that good progress has been and is being made.

The Chair, therefore, feels that sufficient evidence has been presented to bring this appropriation in the pending amendment within the principle of work in progress as provided for in clause 2 of rule XXI.

The point of order is overruled.

Mr. RICH. Mr. Chairman, I offer an amendment to the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. RICH to the amendment offered by Mr. SCRUGHAM: Page 81, line 21, strike out "$12,500,000" and insert in lieu thereof "$7,200,000."

Mr. RICH. Mr. Chairman, may I call the attention of the Members of the House to the fact there has been spent on this Central Valley project the enormous sum of $128,485.23? Since the statement made by the gentleman from New York that the work had not been started, they have put on the picks and shovels of the P. W. A. and have accomplished a little work toward beginning the project—enough to keep from striking it out on a point of order.

I call the attention of the Members to a statement made by the gentleman from California [Mr. BUCK] on the floor of the House the other day. He said at that time the people of this valley were interested in having the project constructed. I call the attention of the Members to the vote of the California citizens when this project was put up to them for consideration and when there was talk about issuing bonds in the amount of not to exceed $170,000,000, principal and interest and operating costs, to be met by revenues from the project, provided cooperation of the Federal Government in constructing it and financing the project could be had.

I made the statement then, and I make it now, that the people of California would never have voted for this project if they had had to raise the money themselves. Let us see what the vote in California was. The total number of voters in California is 2,648,707. When the vote was taken on this project there were only 900,314 votes cast. There were 459,712 votes for the project and 426,109 votes against the project. If you had not had the enormous vote in the Central Valley, the people of California would have defeated it. They would not have gone ahead, even with the Federal Government's assistance. I am advised that this proposition in California is an engineer's nightmare—a real dream of some engineer.

I feel confident we should not go ahead and vote twelve and a half million dollars for this project, and I therefore ask you to cut this amount down to $7,200,000. That will finish the Friant Dam by paying for that part of the project, $3,600,000. It will give to the Madera diversion canal $3,600,000. The completion of these two will make a completed project.

Mr. Chairman, to give to the Central Valley of California $7,200,000 is giving them an enormous sum of money. The people of California themselves would not do this without Federal aid, and then they were almost against the proposition. We also want to consider that this money is being used to construct dams on the river 450 miles from where they want to deliver the water. It will be used to erect pumping stations in order that the water may be pumped or elevated 180 feet so that it can flow down into the San Joaquin Valley. We have done foolish things in the past, and we are noted for doing such things in this Congress, but I hope you will not vote to spend more than $7,200,000 for this pumping and raising of water. Let us finish the project with the $7,200,000 and let the San Joaquin Valley have jurisdiction of the impounding of that water, which, I believe, will be sufficient for this particular project. Will we ever learn to economize? It does not look to me as if this Congress knew what economize means. I hope they realize soon what they are doing.

[Here the gavel fell.]

Mr. SCRUGHAM. Mr. Chairman, I rise in opposition to the amendment to the amendment.

Mr. Chairman, the Bureau of the Budget and the Reclamation Service made a careful examination into the merits and feasibility of the California Valley's project and recommended an allotment of $15,000,000. Your committee made a most careful and exhaustive investigation of this project. Hearings continued over a period of 2 days. The conclusion of the majority members of the committee was that the project could not be economically conducted if a greater cut than two and a half million dollars were imposed; therefore, in the interest of effective and efficient construction, I ask that the amendment offered by the gentleman from Pennsylvania to my amendment be defeated.

Mr. LUCE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have been waiting 6 years to make this speech. In 1931 I was invited to accompany the subcommittee of the Committee on Appropriations having to do with the Interior bill on an inspection of Federal interests in nine far Western States and Alaska. I was invited because it was thought an eastern man should know something about these problems. I was the only member of the group from the Atlantic States. In the course of this expedition we traveled 6,000 miles by automobile, 4,000 miles by rail, and 2,000 miles by boat in 60 days; and if anybody thinks that was a junket, he has to use his brain a little further. They were the hardest 2 months of my life. We endured and profited by 41 gastronomic triumphs on the part of boards of trade, chambers of commerce, and similar organizations. I do not say that in a spirit of facetiousness, but, oh, how hard were those wooden chairs.

Mr. Chairman, I came back with a definite conclusion—that we ought to finish all of these projects in which we have already invested Federal money, but that as a Nation we should not spend another cent on new projects. The pending proposal happily illustrates the situation. This project is a good project, it is an important project, and ought to be carried through; but there is not the slightest reason under the sun why Massachusetts, New York, Mississippi, or any other States outside California should pay one cent toward it. This is a State project, pure and simple, and in it the rest of the country has none but the most general interest.

We traveled from one end of California to the other, from the south to the north. The communities rivaled each other in glorifying their prosperity. Not one would yield to any other part of the State in the zeal, enthusiasm, and extravagance with which it explained to us its own wealth, the precedence of California over every other State in the Union, its limitless advantages, and so forth. The taxi drivers, the hotel landlords, preeminently the real-estate dealers extolled the mighty possibilities of the great State of California. Yet it asks Arkansas, it asks Mississippi, it asks Vermont, it asks Maine to put up money to save it from destruction.

I do not know that I have anything more to say. I will answer questions.

Mr. CARTER. Will the gentleman yield?

Mr. LUCE. I yield to the gentleman from California.

Mr. CARTER. The gentleman appreciates the money for the building of this project comes out of the reclamation fund?

Mr. LUCE. Much of it comes out of my pocket and the pocket of every man here and that of every American who does not live in California.

Mr. CARTER. Did the gentleman make any objection to the Federal Government building the Cape Cod Canal?

Mr. LUCE. Not the slightest. The Cape Cod Canal serves the commerce of the world.

Mr. BUCK. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Surely.

Mr. BUCK. May I point out to the gentleman the fact the citizens of the State of California in their payment of income taxes and internal-revenue taxes rank fifth in the

United States. They are paying much more than their proportion not only of this cost but the cost of every other Federal project.

Mr. LUCE. Which does not excuse them from carrying their own load. [Applause.]

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Budget recommended $15,000,000 for the Central Valley project. The committee reduced this amount $2,500,000. The proposed amendment would reduce the total $5,000,000 more. The reason this sum should not be further reduced is a very simple, practical one. This is a large project; that work cannot proceed to the best advantages unless there is a reasonably ample fund available as a basis on which to let contracts. Like any other business venture, it cannot be handled economically unless adequately financed.

When Mr. Page, of the Bureau of Reclamation, was before the Committee on Appropriations, he made a statement which appears at page 1616, but unfortunately is credited to Mr. Hyatt instead of to Mr. Page. Mr. Page stated:

> In other words, by the awarding of the contract on the Friant Dam, the balance of the conduit construction, the removal of the railroad and the highway from the Kennett Reservoir and Canal system, the starting of canal systems from the Friant Dam, will require all of this money in actual cash, in payments to the contractors before the end of the fiscal year 1938.

This is a great project. It is in a valley where 900,000 people live. There is at present an industrial, agricultural, and mining production in this valley valued in excess of $500,000,000 per year. This project is not simply one of taking care of land. There are several important purposes to be served, including flood control. The Sacramento, like the Mississippi, flows for a long distance at an elevation above the level of the adjacent valley, where thousands and thousands of acres are subject to flood; in fact, over two-thirds of the flow of the stream moves outside of its banks at times of high floods. The valley is so nearly level that the effect of the tide from San Francisco Bay reaches up the rivers in the Central Valley for a distance of 80 miles.

There are 400,000 acres of land in this tidal area near the junction of these two rivers, 200,000 acres of which are menaced by salt incursion to such an extent that part of that land has been temporarily abandoned because of the inflow and seepage of salt water. This project will furnish the necessary volume of fresh water in the Sacramento River to eliminate that destructive influx of salt water. Water for domestic and industrial purposes will be provided for an industrial area on the south side of an arm of the San Francisco Bay, which now produces over $100,000,000 of industrial products per year.

This is a great project. It will be a credit to Congress in its final results. In conclusion, I call attention of Congress to the fact the cost of this project will be repaid to the Federal Government by California interests. After it is paid for in full, the ownership of the great reservoir and power plants at the north end of the Sacramento Valley will still be owned by the Federal Government. The Government will be repaid somewhat as it is being repaid for Boulder Dam. It was estimated a year or two ago the profit from Boulder Dam in 50 years would be over $50,000,000, yet when that project was presented to the House we heard the same arguments which are today being used against the Central Valley project.

I believe this amendment should be defeated.

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

Mr. GEARHART. I object.

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. FORD of California. Mr. Chairman, I wish to make a comment in reference to the statement of the very distinguished gentleman from Massachusetts [Mr. LUCE] as to this project being a strictly local matter. May I call the gentleman's attention to the fact that there are in this valley from 250,000 to 300,000 acres of already developed land which, if this project is not put through, will go back to desert, and the Government, both State and National, will be deprived of the income they would otherwise receive in the form of taxes through the success of the men who have their life's investment in labor and capital in this valley?

Further, the valley is the back country for several large cities through whose industrial and commercial operations hundreds of millions of dollars in taxes are reaching the treasuries of the Federal, State, and local governments. If this land goes back to desert, these cities would become ghost cities. Therefore, this is not a local project; it is a national project in every sense of the word. For remember, my friends, you cannot permit an injury to these cities without injuring the whole Nation. And let me further say that the San Joaquin Valley is a rich market for eastern manufactured products as well as for raw materials.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. FORD of California. Yes.

Mr. VOORHIS. Will the gentleman please add to his remarks that, in addition to what he has said, the State of California has been carrying a load, in the face of the present unemployment problem in America, such as no other State has carried, and that for the past 7 years we have been, and are at the present time, receiving monthly an average of 6,000 people from other States who are in immediate need of either work or relief. Their care is up to California. All we ask is a chance to keep our own farmers in the Central Valley solvent in order that they may not be put in the same position. All we ask is that the power development at Kennett Dam be included in order that our people may have cheaper electricity and a source of certain revenue from which to repay the Government.

Mr. FORD of California. I thank the gentleman for his contribution.

Mr. ENGLEBRIGHT. Mr. Chairman, I rise in opposition to the amendment to reduce the appropriation in the bill of $12,500,000 to $7,200,000 as offered by the gentleman from Pennsylvania.

The Central Valley project has been planned to be constructed as an entire project, and the completion or construction of some individual portion of the same would disturb the whole economic set-up of the project.

The construction of the Friant Dam and works alone, as proposed, would not solve the difficulties of the water shortage in the San Joaquin Valley and would not carry out the purposes of the Central Valley project. In this connection permit me to read from the testimony of Mr. John C. Page, Commissioner of the United States Bureau of Reclamation, as given before the Interior Department Subcommittee on Appropriations for the Interior Department appropriation bill of 1938, part I, pages 282 to 283, inclusive:

> This is a project to provide water for lands which have been irrigated for many, many years, by pumping from underground supply. The ground water has decreased to the point where it neither can be efficiently pumped on a considerable part of the area and they cannot get regular fresh water. The water has gone salt in many wells.
>
> The Central Valley water project is designed to provide better distribution of water in the two great semiarid, interior valleys of California. State and Federal agencies began studies in 1873 of methods of solving problems presented by unequal geographical distribution of rainfall in central California. The Central Valley project—outgrowth of these studies—provides an orderly development by which the waters of the Sacramento and San Joaquin Rivers will be conserved to fill two pressing and immediate needs and to serve additional beneficial purposes as well.
>
> The primary purposes of this project are to provide a supplemental water supply for a large area in the southern end of the San Joaquin Valley, where an old and intensive agriculture is endangered by exhaustion of underground irrigation supplies, and to increase the low flow of the Sacramento River to prevent encroachment of salt water from San Francisco Bay upon the rich lands of the Sacramento-San Joaquin Delta.

Storage in Kennett Reservoir of the huge surplus of the Sacramento River, which now fluctuates between wide limits, is contemplated for the purpose of regulating the flow of that stream, thus providing a reliable surplus for export into the San Joaquin Valley as well as eliminating saline encroachment in the delta region. Regulation of the Sacramento by creation of a large storage reservoir also will improve navigation of the river, reduce its floods, and provide water for generation of hydroelectric power. * * *

To provide these lands with supplemental water we must have a storage dam to be constructed in the San Joaquin River at the Friant site, near Fresno. All waters of the San Joaquin River already are being used by irrigators in its valley. That stored at Friant and diverted for use on the parching lands in the southern end of the valley must be replaced by substitution of water from the Sacramento River, the only source. Regulation of the flow of the Sacramento River will make water available for this purpose, which will be diverted into the San Joaquin Valley through a delta cross channel and taken to improve lands in the central and northern sections of the San Joaquin Valley by the San Joaquin pumping system. * * *

Principal construction features of the project are the following:

Kennett Dam Reservoir and power plant on the Sacramento River near Redding.

Keswick Afterbay Reservoir and power plant just below Kennett.

Transmission lines, length 200 miles.

Kennett power plant to Antioch.

Cross-cut feed canal from Sacramento River to San Joaquin River, through edge of common delta near Stockton.

Contra Costa Canal, length, 40 miles; to serve agricultural and industrial activities with fresh water.

San Joaquin pumping system, raising water from San Joaquin Delta upstream to Mendota Dam on San Joaquin River.

Friant Dam and Reservoir of 450,000 acre-feet capacity on the San Joaquin River in Madera and Fresno Counties 1 mile above the town of Friant.

Madera Canal, 41 miles long from Friant Reservoir, to serve 140,000 acres around Madera.

Friant-Kern Canal, 157 miles long, Friant Reservoir to Bakersfield, to serve about 500,000 acres.

From the foregoing statement of the Chief of the United States Bureau of Reclamation it can readily be observed that the completion of the Friant Dam and Reservoir will not in any sense solve the various problems involved in the Central Valley project, and that it is absolutely necessary to construct the Kennett Dam and Reservoir in order to carry out the problems involved in the project.

Mr. Chairman, permit me also to read a letter from Mr. John C. Page, Commissioner of the United States Bureau of Reclamation, under date of May 15, 1937, addressed to me, in which it is shown that all of the $12,500,000, as set out in this bill, can be contracted for and obligated during the fiscal year ending July 1, 1938. The letter also shows that the unexpended balance of $11,400,000 can also be obligated and contracted for, and that in order to proceed with this project in an expeditious and orderly manner the $12,500,000 is necessary. The letter is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, May 15, 1937.

Hon. HARRY L. ENGLEBRIGHT,
House of Representatives.

MY DEAR MR. ENGLEBRIGHT: In answer to your letter of this date, asking for the proposed program of construction on the Central Valley project and the requirements for funds therefor, I am submitting the following tabulation. It gives a program of construction which will require the expenditure of $11,400,000 now available, and $15,000,000 that was requested to be appropriated for fiscal year 1938:

Proposed schedule of work on Central Valley project

SAN JOAQUIN DIVISION

Feature	Total cost	Expended or obligated by June 30, 1938
Friant Dam	$15,800,000	$4,500,000
Friant-Kern Canal:		
Station 0–Station 30	1,500,000	1,000,000
Station 312–Station 780	1,850,000	1,000,000
Dry Creek Siphon	225,000	225,000
Station 780 to 1,000	2,000,000	500,000
Madera Canal:		
Station 0–Station 380	1,000,000	800,000
Station 380 to end	500,000	200,000

Proposed schedule of work on Central Valley project—Continued

CONTRA COSTA DIVISION

Feature	Total cost	Expended or obligated by June 30, 1938
Contra Costa Canal:		
Station 0–Station 200	$200,000	$200,000
Station 200–Station 500	1,100,000	1,100,000
Station 500–Station 1,000	2,200,000	2,200,000

KENNETT DIVISION

Kennett Dam and power plant	$65,000,000	$575,000
Railroad relocation to mile 272	7,000,000	4,750,000
Highway relocation	2,000,000	600,000
Additional railway grading	6,000,000	3,250,000

GENERAL OBLIGATIONS FOR ENTIRE PROJECT

Rights-of-way and water rights	$6,000,000	$3,500,000
Surveys and examination		500,000
Expenditures to June 30, 1937		1,500,000
Total		26,400,000

It is evident from the above program that the Bureau of Reclamation will be able before July 1, 1938, to obligate and make contracts for the expenditure of the $12,500,000 contained in the Interior Department appropriation bill for fiscal year 1938, and also obligate and make contracts for the unexpended portion of the funds that are now available.

Very truly yours,

JOHN C. PAGE, *Commissioner.*

Mr. Chairman, the Central Valley project is absolutely essential to the future welfare of the people of California, and some 4,000,000 inhabitants are directly dependent upon the prosperity of the agricultural and industrial pursuits of the Central Valley. The Central Valley of California contains 3,000,000 acres of irrigated lands and is responsible for about $300,000,000 worth of agricultural products. The population embraced within the area is about 1,000,000 people. One million acres of lands in the Central Valley and the delta region of the Sacramento-San Joaquin Rivers are threatened with destruction through the lack of water supply. The problem is one of a national character. The project will be self-liquidating under the reclamation laws and I sincerely hope that the house will vote down the pending amendment to reduce the amount in the bill to $7,200,000.

Mr. GEARHART. Mr. Chairman, in the brief time I have to speak to you today it will not be possible for me to describe the Central Valley project with any amount of detail. It has been described as one of the greatest projects that has ever been devised by man, and also as the one which offers the greatest promise to mankind. And, indeed, it is all of that!

Let it suffice to say that this project has been more thoroughly investigated than any other project that has ever been presented to this Government for its consideration.

It has been investigated independently by various governmental agencies, each one of which has prepared a separate report. It is strikingly significant that each report commends the project in the highest terms and earnestly recommends its favorable consideration by the Congress. Could a more impressive list be cited than these: The National Resources Board, the President's Waterflow Committee, Chief of the War Department Engineers, Federal Power Commission, Public Works Administration, the Commissioner of Reclamation, the Secretary of the Interior, and the President of the United States? It is gratifying, indeed, to report that all of these agencies—boards, committees, individuals—are all of one mind in praising the plan.

A few moments ago one of the speakers said he would not feel so unkindly toward reclamation if reclamation were confided to the Department of Agriculture for administration. In this connection it is interesting to note that this project has been thoroughly investigated by the Department

of Agriculture; that a thorough and complete report upon the water conditions existing in the upper San Joaquin Valley has been by it rendered. In no uncertain terms this report points out that it is absolutely necessary that something be done immediately to provide the upper San Joaquin Valley with water, lest it go back to the conditions of the wilderness; back, yea, even to the conditions of the desert. Only a few days ago, less than a month ago, the Secretary of Agriculture, himself, wrote me a letter in which he stated that the Department of Agriculture had no objection to the Central Valley water project whatsoever.

All of the witnesses who appeared before the appropriations subcommittee in support of the project testified in respect to the ability of the Reclamation Bureau to expend the full amount fixed in the bill within the next fiscal year. To cut that sum would merely cripple the construction work. I trust that you will vote down the amendment to the amendment which is now under consideration. [Applause.]

Mr. BUCK. Mr. Chairman, the pending amendment is offered by the gentleman from Pennsylvania [Mr. RICH], and I attempted to interrogate the gentleman during the course of his presentation of the amendment. I now merely call his attention to the fact, because this may be of interest to him, that in the year 1936, one-third of the steel products produced in Pennsylvania came to California and were paid for directly out of money derived from agriculture. I also call attention to the fact that agriculture in California is dependent upon irrigation and that this project will save from annihilation a substantial portion of the purchasing power of California which now goes toward maintaining the steel mills of Pennsylvania, the automobile manufactories in Michigan, and the textile mills in Massachusetts. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania to the amendment offered by the gentleman from Nevada [Mr. SCRUGHAM].

The question was taken, and on a division, demanded by Mr. RICH, there were—ayes 28, noes 74.

So the amendment to the amendment was rejected.

Mr. TABER. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER to the amendment offered by Mr. Scrugham: At the end of the amendment add "payable out of the reclamation fund."

Mr. TABER. Mr. Chairman, there have been many intimations that this money is payable out of the reclamation fund. I want to fix it so that these intimations are correct.

Mr. BUCK. Mr. Chairman, I am endeavoring to make a point of order against the amendment.

Mr. DOWELL. Mr. Chairman, I make the point of order that the point of order comes too late. No one was on the floor when the gentleman from New York took the floor and was recognized on his amendment.

The CHAIRMAN. The Chair regrets that he did not see the gentleman from California until the gentleman from New York had been recognized. The point of order made by the gentleman from Iowa is sustained.

Mr. TABER. Mr. Chairman, there is no question but that there would be money enough in the reclamation fund to take care of the development of the Friant Dam along with the eleven or twelve million dollars that remain on hand of this fund, and with the money that will come in. It will take care of the Friant Dam and all of the canals leading to the territory now under cultivation within just as rapid a time as the money can be used. I believe it is proper and fair that the reclamation fund be charged with this expense. I hope that the amendment will be adopted.

The CHAIRMAN. All time has expired. The question is on the amendment to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TABER, there were—ayes 24, noes 76.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Grand Coulee Dam, Wash.: For continuation of construction of Grand Coulee Dam and appurtenant works, $13,000,000, together with the unexpended balance of the appropriation for this dam contained in the Interior Department Appropriation Act, fiscal year 1937: *Provided*, That of this amount not to exceed $250,000 may be expended for economic, industrial, and mineral surveys.

Mr. CULKIN. Mr. Chairman, I make the point of order not against the first portion of the paragraph, but to the proviso on the ground that that amount is not authorized by law, and in corroboration of that fact I say to the Chair that legislation passed this afternoon cannot possibly have become law as yet.

The CHAIRMAN. Does the gentleman from Nevada desire to be heard on the point of order?

Mr. SCRUGHAM. Mr. Chairman, the act authorizing the reclamation project provides for such surveys.

Mr. TABER. That would not make any difference here, as this would come directly out of the Treasury and not out of the reclamation fund.

The CHAIRMAN. Can the gentleman from Nevada cite the Chair to any definite provision of law authorizing the appropriation of money out of the general funds in the Treasury for the making of economic or mineral surveys?

Mr. SCRUGHAM. The act authorizing the reclamation project, United States Code, page 1862, paragraph 391, authorizes an appropriation to be known as the reclamation fund to be used in examination and survey for the construction and maintenance of irrigation works for storage, diversion, and development of waters and reclamation of semiarid lands in such States and Territories.

The CHAIRMAN. The Chair calls the attention of the gentleman to the fact that apparently this appropriation does not come out of the reclamation fund but out of the general fund of the Treasury. Does the gentleman desire to make any further comment or cite any further authority?

Mr. SCRUGHAM. Did the gentleman from New York make the point of order only to the proviso?

Mr. CULKIN. That is all.

Mr. SCRUGHAM. I concede the point of order.

The CHAIRMAN. The gentleman from New York makes the point of order to the proviso appearing in line 9, page 82. Apparently this is an appropiration of money out of the general funds in the Treasury not authorized by existing law. The Chair, therefore, sustains the point of order as to the proviso.

Mr. CULKIN. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CULKIN: Page 82, line 7, strike out "$13,000,000" and insert in lieu thereof "$7,250,000."

Mr. CULKIN. Mr. Chairman, the amendment that I have offered carries an appropriation of $7,250,000. That is the amount that was originally fixed by the Budget down to the date of the Budget hearings. This will complete the Grand Coulee Dam with an elevation of 177 feet and will develop several hundred thousand horsepower. The power installation of this project, with which naturally we will subsequently agree, makes this project cost about $135,000,000. This will give the State of Washington a power development 10 times greater than Bonneville, and will afford, may I say to the gentleman from Mississippi [Mr. RANKIN], whom I see present, an ample yardstick for properly disciplining the utilities. The dam which I propose is 22 feet higher than Niagara Falls, and the power development is 200,000 horsepower greater than the American side of the Falls, which serves a great number of manufacturing plants and carries a peak load of half the State of New York. The adoption of this amendment will save the Nation $300,000,000. I repeat, with Bonneville and Fort Peck, it will furnish an ample yardstick for the Northwest. It will prevent bringing into production some 2,000,000 acres of land.

Incidentally it will prevent the Middle West from being robbed of its growing industries.

This procedure must appeal to all sensible men. It will be claimed that this is playing into the hands of the utilities. The fact is the utilities are for this vastly greater expenditure, for the utilities, with their blood brothers, the trust companies, investment bankers, and the railroads, own 700,000 acres of the land in this area to be reclaimed.

I trust that in this hour of our Nation's financial peril the House will adopt this amendment, which will do justice to the needs of the Northwest and will thus prevent this infliction on the Treasury and the farmers of the Nation.

[Here the gavel fell.]

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

Mr. RANKIN. Mr. Chairman, I object.

Mr. SCRUGHAM. Mr. Chairman, I modify the request that all debate on this paragraph and all amendments close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada, as modified?

Mr. CARLSON. Mr. Chairman, reserving the right to object, may I ask the gentleman if I am included in that division of time?

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that that time be increased to 25 minutes. At least five of us want 5 minutes each.

Mr. SCRUGHAM. We must proceed with this bill. We are only on page 82, and there are many more important things to take up.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada that the time for debate on this paragraph and all amendments be confined to 15 minutes?

Mr. CARLSON. Reserving the right to object, Mr. Chairman, I would like to ask if I am included in that 15 minutes?

The CHAIRMAN. The Chair will state that he observed the gentleman from Pennsylvania [Mr. RICH], the gentleman from Kansas [Mr. CARLSON], and the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. And the gentleman from Washington [Mr. LEAVY].

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. LEAVY. Mr. Chairman, I rise in opposition to the amendment.

COLUMBIA BASIN PROJECT

Mr. Chairman, in the early days of this Nation, the raw and undeveloped land was considered its greatest national asset. As the Nation grew, first the Mississippi Valley was occupied by the pioneers who established their new homes there, and within a short space of time, as measured by the life of the Nation, all of the free lands were taken. Then a migration began to the westward and on to the Pacific slope, where, in addition to homestead lands, natural resources, such as come from the forest, the mines, and the sea, offered inducements and made possible homes for hundreds of thousands of American citizens. The pioneers of this Pacific-slope region were almost exclusively natural-born American citizens coming from the Middle West, the East, and South. It is they and their descendants who now compromise probably 95 percent of the population of the so-called 11 reclamation States, which have a total population of about 12,000,000 patriotic citizens.

WESTERN CONSERVATION

The national resources that I have here mentioned are no longer available for development, and pioneering along the lines that were opened through their development no longer exists. The great haste and reckless extravagance in the use of the natural resources of the West caused far-sighted men to note the danger to the national welfare in the beginning of this century. It was then under the leadership of Theodore Roosevelt that a national policy of conservation in reference to national resources was established. This was a wise and intelligent step, even though it deprived these Western States of the present utilization of the great wealth that they had in forests, minerals, and the public domain generally. It resulted in practically 52 percent of the area of these 11 States being set aside as Federal domain to be utilized for the benefit of the whole Nation throughout the years. That policy today is the assurance to the crowded East that many of the things that are so essential to our national well-being can always be supplied in a sufficient amount to meet our present and future needs. It is a policy, however, that has resulted in giving us a very restricted limitation on raising tax revenues locally and because it belongs to all of the people, demands must be made upon the Federal Treasury to protect, preserve, and safeguard these great national assets.

A NEW NATIONAL ASSET

Progress made during this century has brought into the picture a new field for pioneering, and its possibilities are almost without limitation. The mighty rivers that run from the wonderful mountains in the Rockies and the Cascades down to the sea carry the same volume of water that they have through countless ages. It is only in the last 25 years that the American people have become conscious of the fact that here is an asset that can be utilized as a perpetual blessing to mankind and the use of it in no way destroys its existence. The small part that electrical energy has had in building the greatness of this Nation is insignificant when compared with the place it will occupy through future years. When its possibilities first began to dawn upon our people, we were indifferent concerning it and the sources from whence it came. There were a few men, who either by accident or because of greater vision, realized this significance of electricity and this group, with few exceptions, set about to monopolize this great natural resource for their own enrichment and to the detriment of all the people. The product of this selfish policy todays is the Power Trust. The result of this individual avarice and greed is the fact that electrical energy which is developed by falling water, wherever it occurs in the East, the South, or the Middle West, has largely been lost to the people and gone into the control of private profit-taking corporations. This is true in a degree even in the so-called reclamation States where more than half the land is still held by the Federal Government. Particularly is this true in reference to the more cheaply and easily developed projects which are now completely under the domination and control of the private power interests in the Northwest section, in which my district is located. This control is vested in the Stone & Webster interests and the Electric Bond & Share. A few men on Wall Street are the absolute and unqualified dictators as to when and where it should be used and the tribute that should be levied for its use.

THE NORTHWEST—THE NATION'S GREAT POWER RESERVOIR

There is one exception to what I have said that is outstanding. It is the Columbia River drainage system which includes in its watershed the States of Washington, Oregon, Idaho, and a portion of Montana. Here, according to recent surveys completed by the National Resources Committee, there is 42 percent of the Nation's hydroelectric energy developed and undeveloped. What is even more startling than this is the fact that in excess of 90 percent of this hydroelectric power is in the Columbia River drainage. What I am endeavoring to point out is that here we still have a field for future development that in its possibilities will rank well with the contributions made in the past by homestead lands and by forest and mineral developments.

THE HISTORY OF COULEE DAM

The pioneers in north central Washington 20 years ago saw the possibilities in this field of hydroelectrical development on the mighty Columbia River. Steps were taken to interest the Federal Government in taking over this giant task of making available to the people of the United States a national resource, having possibilities beyond the comprehension of any living man. The taxpayers of the State of Washington contributed from that time to this a sum of

approximately $2,000,000 in preliminary exploratory and research work.

The work of the State, aided and supplemented somewhat by the Federal Government and private agencies, demonstrated that at Grand Coulee, on the Columbia River, a point about 150 miles down the river from where it crosses the international boundary line between the United States and Canada, nature provided a perfect site for the construction of a dam. It had provided a comparatively narrow gorge with walls and base of perfect granite. At this same point there was provided by nature, in the form of the Grand Coulee, a natural reservoir for the storage of water which would make possible a full utilization of one and a quarter million acres of land upon which more than 10,000 families are struggling today to maintain a meager existence against the uncertainties that come to agricultural production by reason of wind and drought.

This site was examined by eminent engineers upon many occasions and in practically every instance they pronounced it feasible, practical, and advised that here a great dam should be constructed and the Columbia River should be put to work and made to enrich and bless mankind.

Finally, President Hoover, when the data was submitted to him, acting through his then Secretary of War, Patrick Hurley, caused an order to be issued directing Lt. Col. John S. Butler, one of the most eminent Army engineers in the great list of illustrious engineers that have been in that branch of the Government service, to make a survey of the Columbia River and particularly Grand Coulee Dam site. Following this survey it took many months, with the scientific accuracy that follows a capable engineering survey, before extensive reports were filed. The feasibility and practicability of this Grand Coulee Dam was established. As proof of the assertion that I have just made, I want to quote Lieutenant Colonel Butler after completion of this survey when he gave testimony before a committee of this House in the first session of the Seventy-second Congress upon hearings had upon H. R. 7446, and on page 36 of these hearings he said:

> Now, gentlemen, we were very much concerned in our studies about the economic feasibility of this great project, and to determine that question, as well as to make certain about the engineering features, I would like to say that we went the limit. Although we had at our disposal many previous but incomplete surveys by able engineers, we took nothing for granted and left nothing untested. We had at our disposal ample funds and actually spent on the work $316,441.45. I think I may say, without exaggeration, that we gave this project the acid test. We did not hesitate to call in the best talent we could find to assist us in solving the many engineering, geological, and economic matters involved.

Is it either reasonable or fair for the layman to question the carefully considered statement that I have just quoted from one of the world's greatest engineers, who was then representing, upon the assignment given him, his then Commander in Chief of the Army, the President of the United States?

If there are any in this House who still doubt the practicability and feasibility of this giant undertaking, I am glad to inform them that a great amount of additional expert testimony from the best-known engineers in this century is available. Willis P. Bacheller, known throughout the Pacific coast as an eminent hydroelectric engineer, after many months of study, approved the plan. John Savage, chief designing engineer of the Bureau of Reclamation, who designed Boulder Dam, on the Colorado River, and the Norris Dam, a part of the T. V. A., likewise unqualifiedly approved this project. Hugh Cooper, who is known throughout the world as an outstanding hydraulic engineer, and who has to his credit the designing and construction of Keokuk Dam, on the Mississippi River, in the days when hydroelectric power development was in its infancy, and who more recently designed and constructed that world-famous dam on the Dneiper River in Russia, which is known as the Dneiper-Droshky Dam, and which was built exclusively for the development of hydroelectrical energy, carefully examined Grand Coulee and pronounced it one of the world's greatest hydroelectric projects. Then, if we need further evidence, we have A. P. Davis, who in his lifetime was head of the engineering staff of the Bureau of Reclamation, and D. C. Henny, who was consulting engineer for that Bureau. All of these, after a careful, thorough, and scientific examination, pronounced the project feasible and practical and advised its construction.

The Army engineers' survey, together with other data gathered from such reliable sources as I have indicated, disclosed that the Columbia River is the second largest river in continental United States in point of run-off. At Grand Coulee Dam, when completed, it was shown that there will be five times the volume of water flowing over it, as now passes Boulder Dam, on the Colorado River. This survey further disclosed that the construction of this dam would aid navigation from there on to the sea, a distance of 600 miles, by increasing the river's depth 4½ feet over what it was before its construction, thus saving to the Government millions of dollars that would have to be spent, just as millions have already been spent in an endeavor to keep the river channel deep enough that vessels could make use of it for navigation purposes. These investigations and surveys further developed the fact that the problem of flood control on the lower stretches of the Columbia River would be appreciably removed. It further developed the fact that a great region of the most fertile lands on the face of the earth, quoting ex-Secretary of the Interior Ray Lyman Wilbur in the Hoover administration, amounting to 1,200,000 acres, could be developed and provide homes in urban and rural sections for a half million people. It further developed the fact that there are literally billions of tons of ores, many of them valuable and essential to the national welfare, which lie untouched in the region contiguous to the dam, all susceptible of utilization by modern uses made of electrical energy if such energy can be supplied at a minimum cost.

There is such a shortage of available electrical energy now, in the early stages of the mining operations that are being carried on in this territory, that Diesel engines have been installed and oil is being used as fuel to create a meager and expensive supply of energy to carry on these operations.

I would not feel that I have brought the evidence concerning the merits of this great undertaking to you if I did not give you a direct quotation from the former Secretary of the Interior, Ray Lyman Wilbur, from a letter which he wrote on May 20, 1932, to the chairman of the Committee on Irrigation and Reclamation of this House, as follows:

> Examination of the reports of the Bureau of Reclamation and of the Chief of Engineers of the War Department leads without difficulty to the conclusion not only that the construction of the Columbia Basin Project is highly desirable, but it is both physically and financially feasible under the plan contemplated by the proposed legislation for the development of power and for the utilization of power profits—after repaying the cost of power development—in amortizing, together with water user repayments, the cost of the irrigation developments in such units and at such times as economic conditions may justify.

POWER DEVELOPMENT

Then the most significant fact of all was the proof that by constructing Grand Coulee Dam and power plants at a cost not exceeding in the aggregate $175,000,000 there would be developed 2,700,000 horsepower of electrical energy, costing at the point of development an average of less than 1 mill per kilowatt-hour for primary and secondary power and that its construction would make possible 2,000,000 additional commercial horsepower of energy between that dam and the mouth of the river at dams now built or to be built in the future.

Those dams between Grand Coulee and the mouth of the Snake River would be able without any additional cost to produce 100 percent more commercial energy. Those below the Snake River and on to the sea would increase their energy output 50 percent. In other words, the Rock Island dam which is a privately owned dam with power plants now in operation near Wenatchee, Washington, would double its commercial energy output without expenditure of additional money and such increased energy output would be charged on an equitable basis to this concern to aid in paying the costs of Grand Coulee. Bonneville, which is a Federal project and about ready to deliver electrical energy in the region

of southwest Washington and northwest Oregon, would have its output increased 50 percent and this increase would likewise be charged toward the liquidation of Coulee.

I might add, by the way, that the Rock Island Dam is the only power site privately owned on the entire Columbia River out of the ten great power sites on that river and it is owned by the Stone & Webster interests, one of the members of the Power Trust.

PRESENT DEMAND FOR POWER

It has further been established from these same sources and surveys made of existing conditions that there is a present demand for the newly created electrical energy as rapidly as it can come upon the market, especially if it will be sold at a reasonable rate so that it might be utilized fully. Investigations show that it can be sold at the rate of 2¼ mills per kilowatt-hour at the point of generation. Selling electrical energy at this figure will result in the project showing a net annual profit of $15,000,000 when completed.

GRAND COULEE, THE KEY DAM

It has been shown that Grand Coulee is the key dam on the river. Its construction is essential to make possible the maximum service to be rendered by the other nine dams below it, as they are constructed, to make possible the absolute assurance that the lower river will never be subjected to floods again, as in the past and to make possible the navigation of the river to its maximum, and to ultimately bring into full use 1,200,000 acres of land that now is marginal or submarginal land upon which the scattered settlers are fighting a fearful struggle with the elements to continue their existence.

This undertaking is of such tremendous magnitude that it staggers the imagination. Even if seen it cannot be fully realized. It will have within it almost three and one-half times as much concrete as the great Boulder Dam. It will be 500 feet thick at the base, 550 feet high above the lowest bedrock, and 36 feet wide at the crest, and will develop 2,700,000 horsepower of electrical energy.

THE LONG STRUGGLE FOR RECOGNITION

Through days when less courageous individuals lost interest, such men as James O'Sullivan, who is now secretary of the Columbia Basin Commission; Rufus Woods, the editor of the Wenatchee Daily World; William M. Cliff, an attorney of Ephrata; Hon. Clarence D. Martin, now Governor of the State of Washington; Hon. Albert S. Goss, who for many years was master of the Washington State Grange, and who is now land-bank commissioner of the Farm Credit Administration; and W. E. Southard, an attorney of Ephrata, Wash., and scores of others gave of their time and money to keep alive the inspiration to harness the mighty Columbia River at Grand Coulee Dam.

These men were ably assisted and encouraged at every opportunity by Sam B. Hill, who was then Congressman from the Fifth District of Washington, and by Hon. C. C. Dill, who was then United States Senator from the State of Washington. President Hoover was undoubtedly persuaded of the wisdom of commencing this project. He did not undertake it, and it may be that either the magnitude of the undertaking staggered him and his advisors or it may be that the undertaking and the development of so great an amount of electrical energy was inconsistent with his economic philosophy, because his record would indicate that he was not a believer in public yardsticks that would fix a price standard for electrical energy.

RECLAMATION ENGINEERS PLACED IN CHARGE

The late Commissioner of Reclamation, Dr. Elwood Mead, and then his successor, John C. Page, and his wonderful staff of engineers, particularly R. F. Walter, chief engineer, and Frank A. Banks, engineer in charge of construction, were assigned by the President to the task of building this mighty structure. This assignment was made for two reasons: First, because there is no engineering staff in the world their superior, and it is doubtful if any are equal to the reclamation engineers in the construction of river dams; and, second, because this project in the course of years will result in reclaiming a substantial acreage of land now either a total loss or only partially utilized.

RECLAMATION FEATURE OF THIS STRUCTURE

The flood period in the Columbia River, or that is the period when the maximum melting of glaciers way back in the mountains where it has its source, coincides with the irrigation period on the Columbia Basin lands. This means two things: First, the enormous surplus water can be diverted to the land without interfering with the steady and uniform flow of the river; second, the electrical energy essential to pumping this great volume of water out of the reservoir created by the dam and into Grand Coulee, which will become the storage reservoir for the irrigation project, will be what is termed by the engineers as secondary power. The generation cost of it will be one-half mill per kilowatt-hour, and approximately 50 percent of the total power generated at this great dam will be this type of power. It is thus seen that energy used for lifting the water to be put on the land will in no way interfere with the sale of the energy consumed throughout the year for the thousands of uses of electricity for domestic, commercial, and industrial purposes.

COSTS OF THE LAND

It is estimated that the water rights for development of these fertile lands under this project will be about $88 per acre, and the annual maintenance would be $2.60 per acre. This low cost results from the fact that the tremendous power development at Grand Coulee will produce revenues that will liquidate its entire cost of construction within 30 years, paying back into the Federal Treasury 4 percent interest on the investment, and will likewise pay 50 percent of the cost of irrigation of the lands. After this has been done, this project will turn into the United States Treasury $15,000,000 per year, and this is counting the sale of the electricity at the price of 2½ mills per kilowatt-hour for power.

THE PROJECT AT PRESENT

Up to this date there has been expended approximately $50,000,000. The present appropriation will bring the amount allocated and appropriated for this project up to $70,000,000 to carry it through the fiscal year of 1938. There are now working on this giant construction project approximately 6,000 men, and there are more than 15,000 people who live in the immediate vicinity of the dam site. Schools, churches, homes, and so forth, have been established there. To discontinue construction on this project would mean a total loss of present investment except for such an insignificant sum as might be salvaged by selling it to the private power interests. It would mean throwing out of employment on the immediate job at least 6,000 persons. It would mean creating a ghost town out of a thriving, prosperous community of more than 15,000 people. It would mean throwing out of employment at least 15,000 men in other parts of the United States who are directly or indirectly engaged in supplying the materials used in carrying forward this great construction program, and worst of all, would be a denial to the American people of the right to enjoy the blessings of the greatest natural heritage that they still control in this mighty river.

GRAND COULEE PROJECT A FLEXIBLE DEVELOPMENT PROGRAM

The Grand Coulee project is a long-range, flexible program, calling for unit-by-unit development over a period of from 30 to 40 years. The first unit is the Grand Coulee Dam and initial power development of from 300,000 to 750,000 horsepower, costing from $125,000,000 to $138,000,000. From this point, if necessary, the Grand Coulee Dam could finance and pay for itself within 30 years. When the dam and power plant are paid for there will be a net revenue from the sale of power of $15,000,000 per year.

Since the revenues from the sale of power must pay for the dam and power plant and one-half of the cost of reclamation, it is quite apparent that reclamation can be undertaken only in small units, and as surplus power revenues become available to pay for one-half of the costs. Experts agree, therefore, that it will be 30 or 40 years before

all of the 1,200,000 acres of Columbia Basin lands can be reclaimed.

It is not inconsistent to say, therefore, that for a number of years Grand Coulee will be essentially a great power development and a great regulator of the river flow. As such, independent of reclamation, it ranks high among the river and harbor projects of the Nation. When ultimately its reclamation features are completed, it will constitute perhaps the largest and most justified combined storage, power, and reclamation project in the history of the world.

POWER CONSUMPTION IN THE NORTHWEST

The question is frequently asked what would be done with the power developed here. In the four Northwest States, when this project was first being seriously considered in 1920, there was 1,000,000 installed horsepower of electrical energy, practically all privately owned. In 1934 this had increased to 2,400,000 horsepower, and in the State of Washington the increase was in excess of 300 percent during that 14-year period. That there is an acute shortage of electrical energy in the four Northwest States is apparent today. Many essential and useful natural-development projects are being checked by reason of this fact. It is particularly true that development is retarded in the mineral field. Rates charged, with the exception of those at Seattle and Tacoma, where there are municipal plants, are, in many instances, far higher than they are here in the city of Washington. At my home, almost within a stone's throw of a hydroelectrical plant where power is generated by the private power companies, I am required to pay 50 percent more than steam-generated power costs here. In some sections of the Northwest States the rates are 200 percent higher than in this city. Reduction of power rates equal to those of the T. V. A. would automatically reflect itself by an increase of 100 percent in power consumption. This alone would absorb the whole output. It has been demonstrated for 2 years now that electrical energy can be used for heating homes, and is proved by what is being done in Mason City—the town owned by the contractors constructing the dam. Here we have 3,500 people living. There is not a chimney or a smoke stack in this entire town. The temperature for more than 60 days during the last winter was from 10 to 20 degrees below zero, yet every home in this city was comfortable night and day by means of being heated through electrical energy sold at a favored rate of 3 mills per kilowatt-hour by the private power companies who are charging my neighbors and myself 60 mills for the same energy. We have this charge to pay, even though we own our own distribution system and are right at the point of generation. While at Mason City the energy is transported 100 miles.

THE MONEY SPENT ON CONSTRUCTION AT COULEE

A careful check of the figures on the expenditures of the first $23,000,000 for supplies and material at Coulee Dam shows that the money went directly into 39 States of this Union. It is disclosed that aside from the State of Washington, the States of Colorado, Illinois, Indiana, New York, Ohio, and Pennsylvania have received out of this fund, an expenditure for supplies and materials ranging from $1,000,000 in Indiana to $1,874,000 in Ohio. The States of Oregon, New Jersey, and Minnesota received substantially in excess of a half million dollars each. In addition to these direct expenditures, much of the money spent in the State of Washington was merely the placing of orders for materials that were later purchased by dealers there in Central and Eastern States.

From the foregoing it is evident that even the expenditure of this money can in no sense be said to be local, and it has been one of the factors in aiding in a revival of the durable-goods industries. What is far more significant, however, than the disbursement of the original cost is the startling fact, based upon records kept for a long period of time, that the purchases, which will be made when this project is completed by the hundreds of thousands of people who live in that section, would amount to 200,000 carloads per annum of manufactured and processed materials coming from the Middle West and the East and the South. Truly this is a national project and vital to national development. There is nothing about it that can be called partisan. It was initiated, surveyed, and reported favorably upon under Republican Presidents, but actual development was begun under a Democratic President. It is a national heritage. It belongs to all the people. Its complete development will open a new frontier, modern in its conception, and bring with it the promise of a new day to bless not alone the region in which it is located but the entire Nation. The appropriation sought to continue this work should, by all means, be allowed, and the continued appropriations to complete it to the point where electrical energy is actually being generated should likewise be given willingly.

It would be a fitting tribute to the wisdom, foresight, and courage of a great leader who has repeatedly demonstrated upon thousands of occasions that he has the welfare of his fellow men at heart for this Congress to authorize appropriations in a sum sufficient to keep this project, mightiest of its kind on the face of the earth, as an everlasting monument to that leader, Franklin D. Roosevelt. [Applause.]

Mr. CULKIN. Mr. Chairman, I ask unanimous consent that the gentleman from Washington may be given 5 additional minutes.

The CHAIRMAN. The time has already been fixed, but, of course, it may be changed by unanimous consent.

Mr. CULKIN. I submit this request, Mr. Chairman.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time be extended 5 additional minutes and that the gentleman from Washington be allowed 5 additional minutes.

Mr. SCRUGHAM. Mr. Chairman, I shall have to object. We have been most generous in the distribution of time.

Mr. CULKIN. I hope the gentleman will not object, for I have several questions I wish to ask of the gentleman from Washington.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FLETCHER. Mr. Chairman, I object.

Mr. RANKIN. Mr. Chairman, I arise to reply to the distinguished gentleman from New York [Mr. CULKIN].

In the first place, I am for the complete development of the Grand Coulee project. I think it will be one of the most valuable investments this Government can make, and will supply electrical power for that great northwestern country for centuries to come. Remember the T. V. A. is our most profitable investment up to this time. It saved the American consumers of electricity $537,000,000 on their light and power bills last year.

When the gentleman from New York talks about what has happened to his people with reference to Niagara power, I want to call his attention to the fact that if at that time we had had a Democratic administration in charge of the Government, such as we have today, we could have saved New York her part of the power that is now being gobbled up by certain private interests along the Niagara River.

Let us see what that would have amounted to for the people of the State of New York, taking first the domestic consumers of electric power. According to the Ontario rates, the rates charged right across the river from New York, the domestic consumers in the State of New York were overcharged $74,279,000 for electric lights and power last year. If they had used the power at Niagara for the same purpose we are now using the power in the Tennessee River and for the same purpose we propose to use the power at Grand Coulee—for the benefit of the people in the surrounding territory—you might have saved your people a burden that they have borne throughout these years, and that they would have continued to bear throughout the years to come had it not been for the efforts on the part of the present administration to relieve them by forcing rate reductions.

Let me say further to the gentleman from New York that if all the consumers of electricity—domestic, commercial, and industrial—in the State of New York got their power at the same rates that are now being paid by the people in Ontario, Canada, right across the Niagara River, they would save $190,237,801 a year.

Think of that! A terrific burden of $190,000,000 overcharges for electricity now being wrung from the consumers of electric energy in the State of New York alone, and yet they are held down to the minimum. Especially is this true with reference to the domestic consumers who use less than one-third as much electricity per customer as we use in the Tennessee Valley area, or as they use in Ontario. If you used as much per capita in the State of New York as they use in Ontario, Canada, and paid the same rates you are now paying, the overcharges would be nearer $300,000,000 a year, or probably $500,000,000.

Let me say to the gentleman from New York, that in the building of the T. V. A., the Boulder Dam, the Bonneville, the Grand Coulee, and other similar projects, we are laying the foundation of the future greatness of America. This project will contribute immeasurably to the happiness and prosperity of mankind not only now but throughout centuries to come.

I hope that the amendment to cut this appropriation down will be defeated. [Applause.]

Mr. CARLSON. Mr. Chairman, I am reminded of the session that we held in August 1935, when we discussed the question of whether or not Congress should authorize the Grand Coulee Dam. I well remember that afternoon when the gentleman from Washington took the floor and told us of this project. I stated at that time, and the CONGRESSIONAL RECORD will show it, that this first authorization of $63,000,000 was just the foundation. Today I note that the report of this committee states that without further expenditures on this project it will be uneconomical. My prophecy, therefore, has been borne out. We are going to build a dam there at a cost of $186,000,000. We are going to authorize and appropriate in the future $200,000,000 more to bring 1,200,000 acres of land into production. I stated so at that time.

This Congress in this session has presented to us a great lobby in favor of irrigation. I do not want to come here this afternoon and have anyone feel that I am opposed to all irrigation projects, because I am not. I live in a section of the United States which is of great concern to a great group of citizens in this country. Secretary Wallace says that 30,000,000 acres are affected.

I do not believe for 1 minute that we can finish in this Congress all the projects which are listed in the report. They will cost a total of nearly $1,000,000,000. That will care for that great group of citizens out in the Middle West. Give us a portion of this money; make some small appropriations for us; let us dam up the draws, the creeks, and the streams, and we will cure a large sore spot which has developed into a cancer in that territory, an area which is of vital concern to every one of us. Let us distribute this money. I am not here saying we should not continue this project, because we are going to continue it, but I merely call attention to the fact that once you start, you continue adding projects and not getting any of them completed. In other words, you authorize one in this Congress and then insert a lot more projects in the next Congress.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. CARLSON. I yield.

Mr. RANKIN. Has the gentleman attempted to get any appropriation to take care of his own territory as he has suggested?

Mr. CARLSON. No; I have not. I have offered an amendment to the flood-control bill, which was adopted by the Flood Control Committee, which will make it mandatory for the Army engineers to report and furnish this Congress with a survey on flood control and water conservation, and when it is adopted I hope to come before Congress with a request for funds.

Mr. RICH. Mr. Chairman, the total cost of this Columbia Basin project is $394,500,000 as given in the justifications that the subcommittee received. What is this money going to be used for on the Columbia River? To create a project for new land. We are going to cultivate 1,200,000 acres of new land.

Let us see what the hearings of a year ago disclosed in reference to this matter. Mr. Page made the following statement:

We have studies which would indicate that all of that will be required in 19 years, if the irrigation development is completed.

Mr. WIGGLESWORTH. When will you be ready to start delivering power?

Mr. PAGE. We have no program on that, because we have no indication of how fast the money will be furnished to us. It will take probably——

Mr. TAYLOR. How many years?

Mr. PAGE. Three or four years to finish the high dam, if the money is furnished as it is required for efficient operation.

Mr. WIGGLESWORTH. What percentage of that power could you market today?

Mr. PAGE. None.

Now, when the gentleman from Mississippi talks about a building program, this is a second T. V. A. [Applause.]

Why obligate the Nation to 500 million more for another yardstick, as it were, for power when you have no use for the power. Why put into cultivation 1,200,000 acres more land when the Agriculture Department is buying up lands to put out of cultivation. You do not know what you are doing, my colleagues; you do not know what you are doing.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CULKIN].

The question was taken, and on a division (demanded by Mr. CULKIN), there were yeas 18, noes 77.

So the amendment was rejected.

The Clerk read as follows:

No part of any appropriation in this act for the Bureau of Reclamation shall be used for investigations to determine the economic and financial feasibility of any new reclamation project.

Mr. ROBSION of Kentucky. Mr. Chairman, I ask unanimous consent to proceed out of order for 15 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Chairman, ladies and gentlemen of the Committee, permit me to thank you for your gracious action in giving your unanimous consent for me to address you at this time.

I desire to speak to you on the Constitution and the Federal judiciary and their relation to the President's Court bill. I have deep and settled convictions on this important question, and while I may express my convictions with earnestness, I trust that I may do so without offense to my colleagues. I gladly yield to you the same privilege I claim for myself.

I am a liberal by birth and training. My father was one of President Roosevelt's alleged "forgotten men." He was a poor hillside tenant farmer with nine children. I worked at manual labor on the farm, in the shops, mills, and factories. I well remember when we first received the 10-hour day and $1.25 in wages.

No one could be more deeply or sincerely interested in the welfare of those who toil on the farm or in industry than myself. My service in the House and Senate from 1919 to the present time discloses my interest in the welfare of the farmers, the workers, and the common people of this country. It will clearly disclose that I am and have always been a liberal.

I am now ready to promote measures helpful to the farmers, the workers, and the common people of this Nation. I am especially interested in a program that will give permanent benefits to them. These emergency and stopgap measures must be replaced by a permanent program. At the same time I desire to keep the solemn oath that you and I take:

I do solemnly swear that I will support and defend the Constitution of the United States.

You will observe that this oath does not require us to support or defend the President, the Congress, or the Supreme Court. It simply requires us "to support and defend the Constitution."

Abraham Lincoln, on taking the oath, said his oath "was registered in heaven."

If we are sincere, we must so regard our oath.

Congress has already enacted that part of the President's bill authorizing the retirement of Justices of the Supreme Court. The other requirement, that the Attorney General be permitted to intervene in the lower courts where the validity of an act of Congress is in question and to take an appeal direct to the Supreme Court, has been acted upon by the House and, no doubt, will be adopted by the Senate. The only question which remains is the proposal of the President to give him the right to appoint 50 additional Federal judges, including 6 members of the Supreme Court.

With this proposal I cannot agree. The very life of a democracy depends upon an able, fearless, honest, impartial, and independent judiciary. I believe the President's bill, if adopted, would create a subservient judiciary and bring about the amendment of the Constitution through the action of a subservient court instead of by the people themselves; and it is, therefore, my honest opinion that the President's proposal is one of the greatest if not the greatest threat ever made since the founding of this Nation to constitutional government and the liberties of the American people.

It was recently well said by Senator WHEELER, that great liberal and Democrat:

> The cause of liberalism cannot and will not be advanced by stacking courts, stuffing ballot boxes, or packing juries.

Having the same views, I am, therefore, opposed to giving President Roosevelt, or any other President, or any other man or party the power to stack the Supreme Court or any other court. [Applause.]

THREE GREAT COORDINATE BRANCHES OF THE GOVERNMENT

The big question arising in the Constitutional Convention was how to set up this new government so as to protect the rights of the States, maintain the Federal Government, and above all protect and preserve the rights and liberties of the citizens. The 13 States had set up governments. Virginia was one of the first. Its constitution provided for three coordinate branches, executive, legislative, and supreme court. This supreme court had the power to pass upon the constitutionality of the acts of the Legislature of Virgina. A great many of the States patterned their constitutions and State governments after Virginia, so the delegates from these States at the Constitutional Convention had their own State governments as patterns, and they at once provided in the Constitution that the functions of the Federal Government must be divided into three coordinate branches, the executive, legislative, and judicial. They would serve as checks and balances, one on the other.

The Congress makes and the Executive executes the laws. The framers of the Constitution realized there must be somebody to interpret the Constitution and the acts of Congress. In other words, the power must be fixed in some man or group of men to act as an umpire.

The Constitution sets up the judiciary, consisting of the Supreme Court and such inferior courts as Congress might establish. The Supreme Court has no right to legislate, and neither should it add to or take away from the Constitution. Its sole function is to construe and interpret the Constitution and the laws.

THE SUPREME COURT

It might be of interest to some of my fellow countrymen to know when and who appointed the present sitting members of the Supreme Court.

President Hoover appointed Chief Justice Charles Evans Hughes on February 3, 1930; Justice Owen J. Roberts on May 9, 1930; and Justice Benjamin N. Cardozo on February 24, 1932. Former President Coolidge appointed Justice Harlan F. Stone on January 5, 1925. These four Justices were confirmed by a Republican Senate. There was very little opposition to the confirmation of Chief Justice Hughes and, as I recall, no opposition to the confirmation of Justice Roberts. It was my privilege to vote to confirm both Hughes and Roberts. These are four of the five men who sustained the Wagner Labor Act and the minimum-wage law for women.

There has been quite a lot of criticism recently directed against Justice McReynolds, urging that he has been overconservative. He, however, delivered the great opinion reaffirming protection for religious freedom under the Constitution. He was appointed by former President Wilson on August 29, 1914. Former President Wilson also appointed Justice Brandeis on June 1, 1916.

Former President Harding appointed Justice George Sutherland, who was at the time a Member of the United States Senate from Utah, on October 2, 1922. Former President Taft appointed Justice Van Devanter, of Wyoming, on December 16, 1910. Justice Van Devanter was appointed United States circuit judge for the eighth district by President Roosevelt in 1903.

Now, my Democratic friends, if Taft, Harding, Coolidge, or Hoover were President at this time and had sent this bill to us asking us to give to either one of them the power to name 6 additional Justices to the Supreme Court and 44 district and circuit judges and at the same time give these 44 district and circuit judges roving commissions, subject to be sent anywhere or recalled at any time by the Chief Justice, would there be a single Democrat in this House or in the Senate vote for any such bill? But for the fact that this proposal comes from a Democratic President with almost unlimited patronage and appropriations and with the pressure of members of his Cabinet with their patronage and favors, I wonder how few votes this proposal would secure in the House and Senate.

I appreciate the situation in which many of you good Democrats find yourselves. Many of you have been importuned and your political lives have been threatened. I do not know how you feel, but as for me, I feel that I shall make a small sacrifice indeed should my political career end here, compared to the sacrifice of the men at Lexington, Bunker Hill, Valley Forge, and Yorktown, and the sacrifices of millions of other noble men and women who offered or gave their lives and all to create and maintain this great democracy. [Applause.]

Article VI, section 2, of the Constitution provides:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

It will be observed that only laws of the United States which shall be made in pursuance thereof—that is, in conformity with the Constitution—shall be a part of the law of the land. Therefore act of Congress that is not made in pursuance to the Constitution and in conformity therewith is invalid, void, and not a part of the law of the land.

The President has quoted a member of the Supreme Court as saying that the Constitution is what the judges say it is. That is true, inasmuch as the Supreme Court is the supreme umpire. It must construe and interpret the Constitution and the acts of Congress made in pursuance thereof. That being true, it can be seen at once how vital it is to have an able, courageous, impartial, and independent Court so that their interpretations and decisions will represent the honest convictions of the Court and not the desires and opinions of either the executive or legislative branches of the Government.

NO MANDATE FROM THE PEOPLE

On January 12, 1937, the President sent a message to Congress in which he urged that he be given power to establish 12 major departments of Government, instead of 10, and thereby bring under him the hundred or more bipartisan commissions, bureaus, boards, and other agencies of the Government, for the purpose, he said—

> That there be a single responsible Chief Executive to coordinate and manage the departments and activities.

Like a bolt of lightning from a clear sky, the President on February 5, 1937, sent another special message to Congress, in which he used this language:

> I have recently called the attention of the Congress to the clear need for a comprehensive program to reorganize the administra-

tive machinery of the executive branch of our Government. I now make a similar recommendation to the Congress in regard to the judicial branch of the Government.

The President has stated in his speeches that he is requesting these 50 additional judges and justices because of the mandate he received from the people in the November 1936 election. This statement cannot be true. Neither he nor his party asked for any such mandate from the people. If such purpose was entertained by the President and his party, this purpose was kept carefully concealed from the American people during that campaign. In fact, the Democratic platform adopted in Philadelphia in June 1936 and the statements made by responsible leaders in the Democratic Party clearly indicated that no such action was contemplated. The Democratic platform used this language:

We have sought and will continue to seek to meet these problems through legislation within the Constitution. If these problems cannot be effectively solved by legislation within the Constitution, we shall seek such clarifying amendment as will assure to the legislatures of the several States and to the Congress of the United States, each within its proper jurisdiction, the power to enact those laws which the States and Federal legislatures, within their respective spheres, shall find necessary, in order adequately to regulate commerce, protect public health and safety, and safeguard economic security. Thus we propose to maintain the letter and spirit of the Constitution.

The last plank of that platform uses this significant language:

We hold this final truth to be self-evident—that the interests, the security, and the happiness of the people of the United States of America can be perpetuated only under democratic government as conceived by the founders of our Nation.

The Democrats say in their platform—

We propose to maintain the letter and spirit of the Constitution—

And that—

the happiness of the people of the United States of America can be perpetuated only under democratic government as conceived by the founders of our Nation.

I fully endorse the high purposes expressed in these planks of the Democratic platform of 1936.

Some of those opposed to the President and his party last year insinuated that if President Roosevelt was reelected he would perhaps attempt in some way to enlarge or stack the Supreme Court. This was promptly denied by the distinguished chairman of the Senate Judiciary Committee, Senator ASHURST, with the remark that it was ridiculous for any one to think of such a thing. It was also promptly denied by other great leaders of the Democratic Party. These prompt denials and the assurances contained in the Democratic platform at once took out of the campaign the question of any assault contemplated on the Supreme Court by the President. Earl Browder, the Communist candidate for President of the United States, did urge increasing the membership of the Supreme Court to 20, but he is the only man or party that advocated an increase.

Even after Congress met in January, the distinguished Democratic leader of the Senate pointed out that the proper way to handle these important questions of labor, agriculture, and industry was an amendment to the Federal Constitution, and it was generally agreed that some appropriate amendment or amendments would be introduced in Congress and submitted to the American people for approval.

With this background we can appreciate how much the American people were surprised when the President's message was submitted. This had been kept carefully concealed from the press, from the Democratic leaders of the House and Senate, and apparently from everybody except the person who wrote the bill for the President. The impression prevailed for some time that the President had written his own bill. It was admitted that no Member of the House or Senate had anything to do with the writing of the bill. It developed later that someone outside of Congress wrote the bill, gave it to the President, and he handed it on to Congress in his message and now urges Congress to adopt it without the crossing of a "t" or the dotting of an "i."

The President in his assault on the Federal judiciary misjudged the temper of the American people. I have never seen the faces of the Members of the House appear more grave as when the President's message was read. They appeared surprised and stunned, Democrats and Republicans. There was an instant outburst of opposition from great groups of Democrats in the House and Senate. Members of the House and Senate were at once deluged with letters, telegrams, and petitions from great farm organizations, scores and scores of patriotic groups and associations, churches, schools, bar associations, and others, vigorously opposing the President's bill. It cut through party lines. This is not a partisan issue and should be kept free from partisanship. Reports say that 30 Democrats in the Senate and scores of Democrats in the House, among these the leading liberals and friends of the President—Senators and Representatives who contributed greatly to his victory in 1932 and 1936 and who have been loyally and vigorously supporting the President in carrying out his program—oppose his Court bill. A majority of the great Senate Judiciary Committee is opposed to the President's bill. This is the only legislation proposed by the President which has the united opposition of the Republicans in the House and Senate.

There must be something vitally wrong with the President's proposal to cause so many of these outstanding liberal Democrats who have always loyally supported him to leave the President on this issue. They are not defeatist lawyers or economic royalists. We all know that the easier way for them would be to stand by the Democratic President. It is no small matter for a Democrat in Congress to oppose his President on an administrative issue. This is especially true as to a Senator. I had opportunity through years of service in the House and Senate, when my own party was in control, to know how hard it is to oppose the wishes of one's President in supporting certain farm, labor, and veterans' legislation and in opposing the ship-subsidy bill in the House. I also know what it means to oppose the President in the Senate. When I was a Member of that body my President had nominated a certain man to the Supreme Court of the United States. I felt it my patriotic duty to oppose his confirmation, and I did oppose it. His confirmation was defeated by one vote. Many millions of American people were opposed to his confirmation. We have too many great lawyers and great judges whose ability and fairness is so well recognized that it is always unwise, in my opinion, to force any man on the Supreme Court by an "eye-lash" vote. Whoever is named as a member of that great Court, the American people generally should have faith and confidence in his ability and also feel that he will pass upon all matters that may come before him without bias or prejudice, fear, or favor. On another occasion I felt the necessity to vote to override the veto of the President on a very important bill.

We cannot commend too highly the Democrats in the House and Senate for their patriotic stand in placing the welfare of our country above partisan considerations and party demands. The American people are against this bill; and I predict that those Democrats who are now standing foursquare on the Democratic platform of 1936 will receive their reward not only in rendering a patriotic service to our country but in the approbation of the people generally of their districts, States, and the Nation. [Applause.]

The courageous action of these Democrats in the House and Senate should cause right-thinking people everywhere to examine carefully this proposal of the President. There must be some compelling reason for their opposition. Many of them ran on the Democratic ticket and Democratic platform last year with the President. They know that there was no such issue raised and no such mandate given to them or to the President.

DOES THE PRESIDENT PROPOSE TO STACK THE FEDERAL COURTS?

Many of his leading friends among the liberals in the House and Senate, many of the leaders in great patriotic organizations in the country, the press, and many of the

leaders among the great farm organizations in the country, as well as others, frankly and boldly state that the President's bill can have no other purpose, and they directly charge the President with the attempt to stack the courts.

The President admits in so many words that he wants a Federal judiciary that will uphold the acts of Congress and give a different interpretation to the Constitution. If it is not his purpose to change the decisions and interpretations of the Supreme Court, then this bill that will cost the American people millions of dollars is a foolish gesture.

Why have new judges and more judges if they are going along and interpret the Constitution and acts of Congress as the present judges and courts have done? The President and his friends indicate they have abandoned the Democratic platform and their assertions heretofore to amend the Constitution. They evidently depend upon having a Court that will amend the Constitution by interpretation.

Democratic Senators and Representatives have openly charged that the Congress is subservient to the President. Congress is spoken of in the press throughout the Nation and by people everywhere as being a mere rubber stamp. Now the President is in absolute control of the executive branch, and with the control that a lot of us know he has over Congress, if he should be able to take over the judiciary and that judiciary should uphold as valid the acts of Congress, there would be no necessity of amending the Constitution. The President would force measures through Congress, and if the courts should uphold the acts of Congress, then the minds of the Executive, the Congress, and the judiciary would be in accord. We would have three in one. In other words, the will of the Executive would be supreme—the very condition that our founding fathers took so much pains to avoid in adopting the Constitution. Our President then will have taken the identical steps that were taken by Mussolini, Hitler, and other dictators of the world under the plea of emergency. Those executives took charge of the legislative bodies. The legislative bodies not only destroyed themselves but brought about a judiciary subservient to the dictator's will.

A ROVING JUDICIARY WITHIN THE JUDICIARY

The Ashurst bill in the Senate and Maverick bill in the House contain the identical provisions of the bill sent by the President to the House and Senate with his message on February 5, 1937.

You will observe that section 1, subsection (a), gives the President the power to appoint six additional Justices to the Supreme Court and as many as 44 judges to the other Federal courts. This includes not only district but also circuit courts of appeals. In each and every case where the judge or Justice has reached or may reach the age of 70 years with 10 years' service 6 months after the passage of this bill and fails to resign or retire, the President appoints another Justice or judge.

Section 2 (b) provides that the President cannot increase the Supreme Court beyond 15, or appoint more than two additional members to any circuit court of appeals, or more than twice the number of judges now appointed for any district, or the number of judges now appointed for more than one district—for instance, there are now one or more associate judges in a single district.

There are now, including Chief Justice Hughes, six members of the Supreme Court who are 70 years of age and have served 10 years or more on the Supreme Court. Under this bill, the President may appoint an additional Justice for each one of these six who fails to resign or retire within 6 months after the passage of this act.

Now the question arises, after these 44 judges are appointed for the lower Federal courts, who will assign them to their work? Section 2 (a) says "any circuit judge hereafter appointed may be designated and assigned from time to time by the Chief Justice of the United States for service in the circuit court of appeals for any circuit." What about these district judges? The bill provides, "any district judge hereafter appointed may be designated and assigned from time to time by the Chief Justice of the United States for service in any district court or subject to the authority of the Chief Justice by the senior circuit judge of his district for service in any district court within the circuit." The bill also provides, section 2 (a), "a district judge designed and assigned to another district hereunder may hold court separately and at the same time as a district judge in such district."

Of course, these district and circuit court judges will have all the powers in hearing motions, conducting trials, and making decisions as the duly regular appointed judges in those same district courts and circuit court of appeals. The designation and assignment of any judge may be terminated at any time by order of the Chief Justice.

Section 2 (c) provides "in case a trial and hearing has been entered upon and has not been concluded before expiration of period of service of the district judge designated and assigned hereunder, the period of service unless terminated under the provisions of section (a) of this section shall be deemed to be extended until the trial or hearing has been concluded."

THE FLYING SQUADRON—CHIEF JUSTICE IN COMMAND

You can see at once that under this bill the President has not only the right to name, as Senator GLASS stated, "6 wet nurses" to the Supreme Court but it creates a flying squadron, with roving commissions, to 44 judges for the lower Federal courts. They may roam the length and breadth of the land, subject always, of course, to the direction and authority of the Chief Justice of the Supreme Court.

The bill over and over uses the language "hereafter appointed." No one can be a roving judge or belong to this flying squadron except those judges "hereafter appointed." When one of these judges "hereafter appointed" is assigned to any district or circuit court, it is within the power of the Chief Justice to terminate at any time such designation or assignment. There is no limitation, even though such judge may be engaged in an important trial and may have under consideration the decision of an important case. Such judge must be an appointee of the President. The President has already appointed quite a number of judges to the lower Federal courts. I am advised that in each and every instance the judges appointed by President Roosevelt have uniformly upheld the acts of Congress put through by the President.

Let us see how this roving Federal judiciary within the regular Federal judiciary may work out. Let us suppose that some action may be filed in the district court at San Francisco involving the President's reorganization plan, if it goes through, or an order of the President or executive department involving the constitutionality of an act of Congress or such Executive order. The Chief Justice may then, under this bill, designate some district judge 'hereafter appointed"—that is, appointed by President Roosevelt under this bill—living in New Orleans or Boston, and direct him to go to San Francisco and hold a hearing on that particular case, and the Chief Justice can keep him there so long as he may desire, or the Chief Justice may terminate the designation or assignment of this particular judge "hereafter appointed" if he does not perform in a satisfactory way to the Chief Justice.

We must keep in mind all the time that if the President's bill prevails and he is able to stack the Supreme Court and force Chief Justice Hughes off the bench, the President will have the right to name the Chief Justice and we may not then have a John Marshall, a Chief Justice White, a Chief Justice Taft, or a man of great integrity, learning, and independence like Chief Justice Hughes at the head of that great Court. The President will, no doubt, name some man Chief Justice who is, as the President said to Commissioner Humphrey, "Whose mind will go along with the President's mind", and designate one of these judges "hereafter appointed" whose mind likewise will go along with the President's mind.

The House recently passed a bill giving the Attorney General the right to appear and defend where the validity of an act of Congress is in question. Therefore, the citizen

in San Francisco may be met with a judge in harmony with the President's views and also have to meet the Attorney General, the friend and appointee of the President, with the power and prestige of the Department of Justice behind him, urging a decision adverse to the citizen. Of course, this roving judge "hereafter appointed" knows that his designation or assignment as judge may be withdrawn at any time by the Chief Justice. It can be seen at once how there might be a meeting of the minds of this judge "hereafter appointed" and the Attorney General. The citizen loses his case.

Let us assume that the citizen appeals his case to the circuit court of appeals. The Chief Justice, under this bill, is given the power to designate at least two of these circuit judges "hereafter appointed" to sit in the case, and the citizen may then run up against at least two judges whose minds are in harmony with the President. The citizen loses again. He then brings his case to the Supreme Court of the United States, and there he is met with the "six wet nurses" named by the President to the Supreme Court and he must again contend with the Attorney General of the United States.

The person who prepared the President's bill overlooked nothing. I am surprised that many of those who oppose the stacking of the Supreme Court have made no complaint about "the flying squadron with roving commissions" of the Federal district and circuit courts. It evidently was the purpose of the person who drafted this bill to reach down to the grass roots and make it possible for the judges "hereafter appointed" to take hold of the lawsuits in the district courts and the circuit courts so that these appointees of the President could be designated at will to hear and determine cases in the district and circuit courts of appeals. This bill stacks the Federal courts from top to bottom.

If there should be a compromise as to the number of Justices the President may appoint on the Supreme Court and that part of his bill prevails that deals with the lower courts the President will have won a real victory, and the protection thrown about the designation and assignment of special judges to the inferior courts so far as the designation and asssignment of the judges to the lower courts "hereafter appointed" is concerned has been destroyed.

Under the present Judicial Code the senior judge of each circuit court district makes these special assignments for his own circuit, and he can only make them under certain special circumstances. Under the President's bill the Chief Justice can entirely ignore the senior judge of the circuit court in making the designation and assignment of these judges "hereafter appointed." Under the present Judicial Code special assignments to the circuits is under the control of the Justice of the Supreme Court who presides over that circuit. The Chief Justice can even ignore him in making designations of these judges to the district and circuit courts "hereafter appointed."

The possibility for evil and danger to the liberties of the American people and our free democracy can at once be seen in this roving Federal judiciary within the regular Federal judiciary. If it is not the purpose of the President to stack these lower courts, why not have these judges "hereafter appointed" subject to the same rules and regulations in designations and assignments as we have for judges of the inferior courts heretofore appointed?

This policy must be based on the purpose to uphold the acts of Congress and the President and to amend the Constitution by interpretation rather than permit it to be done by the people themselves.

The destruction of the independence of the Federal judiciary is inevitable under the President's bill. [Applause.]

NO NECESSITY

The President assigns four reasons for this extraordinary proposal to name additional judges and Justices. The President claims:

(a) These judges and Justices cannot perform efficiently because of age;

(b) Congested dockets of the Supreme Court and the inferior courts;

(c) Unwarranted denial of appeals by the Supreme Court; and

(d) To expedite action of the Supreme Court and other Federal courts.

He says (a) that judges 70 years of age and over should resign or retire because, as stated in his message—

> Older men, assuming that the scene is the same as it was in the past, cease to explore or inquire into the present or the future.

It is conceded that from the time he began his service, Justice Holmes was the most liberal man who ever sat on the Supreme Court Bench. He continued to serve until he was 90 years of age, and during all that long period of service he was the greatest liberal on the Supreme Court Bench, and wrote the greatest liberal opinions. It is conceded that Justice Brandeis, appointed in 1916, and with 21 years of service, is the outstanding liberal on the Supreme Court. He is 80 years of age, being the oldest man on the bench. Therefore, this reason given by the President must fall flat.

We must bear in mind that the men selected for the Supreme Court Bench, in the first instance, almost as a universal rule, are men of great physical and mental vigor. They are vigorous in mind and in body. The very nature of their work is not wearing on them as it is on Members of the House and Senate and men engaged actively in business or the professions. They are not called upon to make bitter political struggles or to meet the exacting demands of our social and economic life. Their tenure of office is for life.

Several of the outstanding and most capable men of the House and Senate are well beyond 70 years. I refer to Senators NORRIS, GLASS, BORAH, LEWIS, CAPPER, and MCADOO in the Senate and to the distinguished chairman of the Appropriations Committee of the House, the Honorable EDWARD T. TAYLOR, of Colorado. There is no contention anywhere that these distinguished Members of the House and Senate are not performing their duties efficiently and with great distinction. If the President is right, however, the States should see to it that "wet nurses" are provided for their Senators and Representatives over 70 years of age. The people of Nebraska, Idaho, Virginia, Illinois, California, Kansas, and Colorado, even though these men were past 70 years of age, voted them another term last November, except Senator MCADOO who was not up for reelection. [Laughter.]

Recently the President appointed and the Senate confirmed Admiral Wiley, 73 years of age, to the United States Maritime Commission; and the House the other day created the office of Counselor for the Department of State with the full desire and intention to make it possible for the Honorable Walton R. Moore, who is 79 years of age, to be made Counselor for the Department of State. He at one time rendered distinguished and important service in the House, and even if he is 79 years of age he will render outstanding service as Counselor for the State Department.

Many of us remember ex-Speaker Cannon, of Illinois; ex-Speaker Clark, of Missouri; and Major Steadman and General Sherwood, of Ohio. They rendered very wonderful service to our country long after passing the age of 70 years. I remember very well General Sherwood, of Ohio, rising in his place when he was 88 years of age and making a very wonderful speech consuming an hour and a half and reading the most delicate print without glasses.

The President has by Executive order extended the period of retirement for more than a hundred outstanding men in the service under the Executive branch of the Government who have long passed the retirement age provided by Congress. The reason assigned was that the services of these men were so valuable the Government could not afford to dispense with them. The President would be offended if any one suggested that he name "wet nurses" for these hundred or more officers of the Government.

Who claims that Senators BORAH, NORRIS, MCADOO, and GLASS and Congressman TAYLOR are less liberal now than they were 10 years ago?

The President urges (b) that the dockets of the Supreme Court and other courts are congested, largely due to the age

of the members of the Supreme Court and other Federal courts. The truth is that the Supreme Court calendar is not congested. It is now admitted that the Supreme Court considers and decides cases promptly as they are prepared and submitted by litigants and their attorneys. They keep up with their work—in fact, for a number of years the Supreme Court has been fully up with its docket when it adjourned, and when the Supreme Court adjourns in a few days it will be fully up with its docket and will have passed upon all cases that have been prepared and submitted to it for consideration and decision.

An investigation disclosed that in the district and circuit courts where there are congested dockets it is generally where the younger judges are presiding. As a general rule, in districts served by the older men the court is up with its work. So this reason of the President fails.

The President urges (c) that the Supreme Court denies a great many petitions for writs of certiorari and in effect denies appeals in a great many cases, and he urges that this works to the disadvantage of the poor man or the common man. If there is any fault here, he cannot lay it to the door of the Supreme Court because the Supreme Court in granting or denying certiorari is following the policy laid down by an act of Congress in 1925. It was clearly the intention of Congress by that act to limit the number of cases that should be considered by the Supreme Court of the United States. The rules of procedure of the Supreme Court and the action of the Supreme Court are based on that act of Congress.

The Supreme Court now considers cases in which the constitutionality of some act of Congress or act of a State legislature is involved or cases involving some important principle of law and on which there might be a contrariety of opinion in the district or circuit courts, so that there may be uniformity of opinion of the courts of the Nation.

Now, does this work to the disadvantage or to the advantage of the poor man or the average citizen or small concern? The limitation of jurisdiction is based upon the theory that where litigants have their day in court before a judge and jury in the district court and then have an appeal to the circuit court of appeals, the litigation should end there unless a constitutional question or some important principle of law are involved. Instead of the poor man and the average man trying to get into the Supreme Court from the circuit court of appeals, in about 95 percent of the cases where permission has been denied to have the matter further litigated in the Supreme Court they are cases of corporations, wealthy people, or big shots in criminal prosecutions. Perhaps less than 2 percent of the petitions denied for certiorari are by the poor man. As a general rule it is to the advantage of the poor man or the average citizen that his case be not taken to the Supreme Court of the United States.

For instance, in my own section a locomotive fireman was killed. I brought an action for the father, who was the administrator. He was a poor man with a large family and with practically no means. The case was tried out in the district court and we won. It was taken to the appellate court and we won there. This litigation had been carried on about 2 years. It was a tremendous burden to this father. The railroad company tried to take the case to the Supreme Court on petition for a writ of certiorari. The Supreme Court refused to grant the railroad company an appeal, and the litigation ended.

You will find the case to which I refer typical of the great majority of cases where petitions for writs of certiorari have been denied; and therefore the act of Congress of 1925 and the salutary rules adopted by the Supreme Court under it are an advantage to the poor man and the ordinary citizens and the country generally.

I might add that the Supreme Court does not deny the petition for a writ of certiorari without proper consideration. The litigant applying for a writ files his petition with the Court. Under the rules of the Court each and every Justice, including the Chief Justice, is furnished with a copy of that petition and the brief filed with it, and are required to examine them, and if upon examination of the petition and the briefs, as many as four of the nine Justices are of the opinion that the petition presents a question that should be considered by the Supreme Court, then the case is ordered to the Supreme Court for argument, consideration, and decision.

The President declares (d) that if there were 15 Justices instead of 9 it would expedite action on cases before the Supreme Court. This cannot be true. Chief Justice Hughes in a very clear statement to Senator WHEELER, of the Senate Judiciary Committee, and which was fully approved by Justice Brandeis, Justice Van Devanter, and others, pointed out that this would not expedite action, but on the contrary, would delay action on cases before the Supreme Court. Under the rules, each case is argued before the whole Court. Each member must read the record and briefs, and then they must all meet in a conference and discuss the questions raised and come to a decision. The Chief Justice points out that it would take less time for 9 men to discuss and come to a conclusion on a case than 15. Of course, this is just plain horse sense.

Furthermore, the Court is not behind with its docket. It is up with its docket. It is hearing and deciding cases just as fast as litigants and lawyers will prepare and submit them. The only way to expedite action would be for the litigants and lawyers to be more prompt in the preparation and submission of their cases for consideration.

Therefore, the reasons assigned by the President for increasing the courts on an examination of the facts must and do fail. [Applause.]

HAS CONGRESS NEGLECTED TO PROVIDE NECESSARY JUDGES FOR INFERIOR COURTS?

Members of the House and Senate, anxious to serve their constituents, are always very alert in discovering the need and pressing the need before Congress for Federal judges for their districts and States, and Congress has always been quite liberal in granting this relief. At the time the President submitted his message for more judges, there were then seven vacancies in the circuit and district courts that had not been filled. One of these vacancies on the circuit court of appeals had existed for more than 4 years, and two other circuit court of appeals vacancies had existed for a long period of time. Four additional district judges had been provided for by an act of Congress approved on June 22, 1936. With all the need for additional judges urged by the President, here were seven appointments which the President could have made long before his message was submitted but which he had not made. Since the President submitted his message, he has appointed three of these district judges as follows: Two on March 3, 1937, and on March 20, 1937. It has been almost a year, yet he has not made the appointment of the district judge provided for the State of Kentucky. On March 15, 1937, the vacancy of the circuit judge for the third circuit and which had been vacant during all of President Roosevelt's service as President was filled. Of the two vacancies for circuit judges in the seventh circuit, the President filled one on March 23. The other remains unfilled.

It seems that since the President submitted his message he has been quite active in appointing these several circuit and district judges, and some interesting sidelights have appeared; for instance, Judge Robert Lee Williams of Oklahoma, was appointed March 23, 1937, and according to press reports wrote the President a letter before his appointment. Judge Williams was 68 years of age December 20, 1936. He pledged the President in his letter that he would retire when he reached the age of 70 years. This would give him less than 2 years' service on that bench. Judge Williams' letter to the President says:

> I hope you will pardon this letter and that it will not be considered as inappropriate or improper. This would be in harmony with the President's judicial program and Court plan, which I endorse and approve.

Press reports also indicate that when another judge was appointed from another State, certain Senators who had not

committed themselves to the President's program, came out for the Court plan.

Senators WHEELER, HOLT, and others have charged openly efforts to coerce support for the President's Court bill. The Postmaster General has become very pointed in his references to Senators and others who do not support the President's bill.

It can be seen at once what an opportunity the appointment of 50 new Federal judges and Justices would afford the politicians to logroll and jockey support for the President's bill. Are we to have a political horse-jockeying, logrolling Federal judiciary? I pray God our country may be saved from this threat to our liberties.

Since the President has not appointed all the judges which Congress has given to him, why should we give him the right to appoint 50 additional judges and Justices?

Now what is the real reason for this extraordinary proposal which has arrayed a great majority of the Nation against it?

HUMPHREY, N. R. A., AND A. A. A. DECISIONS

There is little doubt but what the decisions of the Supreme Court in Humphrey against United States, Schechter Poultry Corporation against United States, commonly known as the N. R. A. decision; and United States against Butler, commonly known as the A. A. A. decision, were the decisions which aroused the ire of the President and brought about this proposal contained in his message of February 5, 1937.

Let us bear in mind that the President has urged Congress to give him authority to create two new departments, making 12 in all, and to cover within and under these 12 departments more than a hundred commissions, bureaus, boards, and every other agency of the Government, except Congress and the judiciary. This will include the bipartisan commissions set up by Congress as agencies of Congress with quasi-judiciary duties and powers, such as the Interstate Commerce Commission, Civil Service Commission, Tariff Commission, Federal Trade Commission, Securities and Exchange Commission, Federal Communications Commission, General Accounting Office, and others. If this authority is given to the President, it will place every activity and agency of the Federal Government, except Congress and the judiciary, under the direct control of the President. To accomplish this he may add to or take from. It can be observed at once that all of these agencies of the Federal Government will become political and partisan, and they will all be under the President and the secretaries of the various departments appointed by him and subject to his control. There is no contention that it will cut down the cost of Government and relieve the taxpayers' burden.

No President has ever sought such autocratic powers over all of the executive activities of the Government and hundreds and hundreds of thousands of persons employed therein. The President wants authority to make everything and everybody connected with the executive branch of the Government subject to his will. The Federal Trade Commission was and is an independent bipartisan commission. William E. Humphrey, a Republican, was appointed a member of that Commission on December 10, 1931. His term of office would expire on September 25, 1938, but on July 25, 1933, President Roosevelt addressed a letter to Commissioner Humphrey requesting his resignation on the ground that the aims and purposes of the President could be carried out more effectively with persons or personnel of his own selection on this Commission. Mr. Humphrey did not resign. Under date of August 31, 1933, the President renewed his demand in the following language:

> You will, I know, realize that I do not feel that your mind and my mind go along together on either the policies or administration of the Federal Trade Commission.

There was no intimation that Mr. Humphrey was not honest, experienced, or capable. This was all admitted. The only trouble with Mr. Humphrey was his mind and the President's mind did not go along together. He was not a mere "rubber stamp" in hearing and deciding important questions coming before the Federal Trade Commission. The President was determined to get rid of this fearless, honest, and capable public official. Therefore, on October 7, 1933, the President sent Mr. Humphrey a note as follows:

> Effective as of this date you are hereby removed from the office of Commissioner of Federal Trade Commission.

The President threw Mr. Humphrey out bodily and in violation of the law, as he had 5 years to continue in office. By appropriate action, the order of the President ousting Mr. Humphrey reached the Supreme Court. The Supreme Court, after carefully considering the act, by unanimous decision held that it was the intention of Congress to make the Federal Trade Commission a bipartisan body and one of the agencies or instrumentalities of Congress and the Commissioners could not be removed by the President without good cause shown and the President has disregarded the Constitution and laws of this country.

Clearly it was the purpose of the President to fill up the Federal Trade Commission and, no doubt, these other bipartisan Commissions, with persons of his own selection so that their minds and his mind might go along together in the decisions of the important matters coming before them—in short, make a "rubber stamp" out of the Federal Trade and other bipartisan Commissions. If he could have succeeded in that, what then would have happened to the members of the Interstate Commerce Commission, Civil Service Commission, Federal Communications Commission, Exchange Securities Commission, the General Accounting Office, and other Commissions?

The President was seeking more power and was thwarted in that purpose. He, of course, was chagrined over the decision of the Supreme Court, but he could not criticize the Court.

Mr. Roosevelt and others who favor an increase of six new Justices for the Supreme Court are all loud in their praise of Justices Brandeis, Stone, and Cardozo. Attorney General Cummings and others have said there would be no complaint if the Supreme Court were made up of men like Brandeis, Stone, and Cardozo. The decision in the Humphrey case was unanimous. Even Brandeis, Stone, and Cardozo agreed that the President had no legal right to remove Mr. Humphrey from his office. [Applause.]

When Mr. Roosevelt took office on March 4, 1933, he announced that a great crisis was confronting the country. To meet that crisis he forced Congress to pass the National Industrial Recovery Act—the N. R. A.—and the Agricultural Adjustment Administration Act—the A. A. A.—assuring the people of the Nation that these two acts would solve the unemployment problem and restore prosperity to the Nation. Very elaborate and expensive organizations of bureaus, boards, commissions, and other agencies were set up, and literally hundreds of thousands of officeholders were added to the Government pay rolls and hundreds of millions of dollars expended. These two measures gave to the President dictatorial power over labor, industry, and commerce, including the power to legislate, and it brought within the purview of this law strictly local activities such as little hot-dog restaurants, barber shops, beauty parlors, little grist mills and sawmills, and other small enterprises throughout the Nation, in the cities, valleys, in the hollows, and on the mountains.

The Supreme Court on May 27, 1935, declared the N. R. A. unconstitutional for two principal reasons. The Court said Congress had abdicated its powers and rights to legislate and had delegated these legislative powers to the President. This particular case involved the dressing and selling of poultry in New York City. It was purely a local act. It was no part of interstate commerce and did not directly affect interstate commerce. The Court said Congress did not have the power to regulate purely local activities or businesses. The President, however, could not openly criticize the Supreme Court in the N. R. A. decision because the Court's decision was unanimous.

The President claims in his message that some members of the Court are too old and are too conservative and he has

frequently made reference to 5 to 4 decisions. The oldest man on the Court is Justice Brandeis—80 years of age. In the N. R. A. decision, however, Brandeis, the oldest and most liberal, as did Cardozo and Stone, both recognized as liberals, declared the N. R. A. unconstitutional. The oldest man, the youngest man, the liberal and conservative, all agreed that Congress had attempted to give to the President the power to legislate and had acted in violation of the Constitution to invade the rights of the States to regulate purely local affairs [applause]. The President, however, showed every evidence of impatience and anger over this decision, and in a press conference he referred to the Constitution as "the horse and buggy days."

The President and his friends had much to say about amending the Constitution to make in order legislation similar to the N. R. A. He predicted dire consequences to the country on account of the decision on the N. R. A., but it is a noteworthy fact clearly established by record that business conditions improved immediately and continued to improve from the time of the N. R. A. decision. There was no hint or suggestion about additional judges or justices.

The Supreme Court held the A. A. A. unconstitutional. There had been levied and collected approximately $1,500,000,000 in so-called processing taxes on farm commodities. These taxes that were paid by the consumers of these commodities did not go to the Government. They were used to pay the farmers not to produce and to destroy part of the crops they had produced. The Supreme Court held that this was not a tax such as was authorized in the Constitution. None of this money could be used to support the Government, and Congress could not take money from part of its citizens in order to coerce other citizens to carry out the will or wishes of the Government. The act itself invaded, as the Court held, the power reserved to the States, and the United States could not expend money to purchase favorable action in a field in which it had no authority to act directly. In other words, it could not do indirectly what it could not do directly.

The President was again chagrined over action of the Supreme Court and we heard considerable said about the "Constitution of the horse and buggy days", but there was no hint or intimation about increasing the membership of the Court. Two of these three decisions complained of by the President were unanimous, and the other was 6 to 3. There were no 5-to-4 decisions.

We can trace in these decisions, and in the attitude of the President and his subsequent declarations, the real purpose of the President in urging the so-called reorganization of the Federal judiciary. In the event that the President's reorganization bill should go through in the form that he insists, it will in several respects run counter to the Constitution, and if the President persists in forcing through a new N. R. A. or A. A. A. these may run counter to the Constitution and, therefore, the complexion of the Supreme Court and other Federal courts becomes a vital issue with the President.

THE SUPREME COURT HAS POWER AND IT IS ITS DUTY TO PASS UPON ACTS OF CONGRESS

It is being urged throughout the country to take away from the Supreme Court, and other Federal courts, the power to pass upon the constitutionality of the acts of Congress, and turn the Congress loose and let it pass any kind of law it might desire, and also permit the Executive branch to execute the laws according to its interpretation, so that every act of Congress and every act of the Executive and his subordinates will stand as a valid law and valid act.

When we talk about turning the Congress loose we mean to turn the President loose to enforce his wishes and will through the Congress.

John Marshall, this country's greatest Chief Justice, in the case of Marberry against Madison, decided in 1803, with the unanimous backing of the other members of the Supreme Court, declaring:

> The Supreme Court had the power and it was its duty to pass upon the constitutionality of the acts of Congress.

And that has been the policy of the Supreme Court for 134 years. Chief Justice Marshall said in substance:

> If Congress passed an act and it was in conflict with the Constitution of the United States, then the act of Congress or the Constitution would have to yield. If the act of Congress should prevail over the Constitution, then the act of Congress would be superior to and overturn the Constitution.

It is as clear as daylight that the purpose of the framers of the Constitution was to have it as a yardstick and where an act of Congress is in conflict it must yield to the Constitution, the supreme law of the land.

If the Constitution does not control, there is no earthly use in having a written Constitution. It would be a dead letter. The Constitution is the chart and compass of our Government. The Supreme Court is the supreme umpire in the game of government. The Supreme Court not only passes upon the constitutionality of acts of Congress but, in many cases, is called upon to pass upon acts of State legislatures, and of acts of lawmaking bodies of cities and towns, where these acts conflict with the Constitution of the United States and take away from the people the rights guaranteed to them by the Constitution. Permit me to say here that Congress, State legislatures, and the lawmaking bodies of cities and towns have, during the history of this country, overthrown each and every one of the inalienable rights set forth in the Bill of Rights in the Federal Constitution, such as freedom of conscience, freedom of speech, freedom of the press, freedom from unreasonable and unlawful searches and seizures, freedom of assemblage, the right of trial by jury, and so forth, and it was through the Supreme Court that these inalienable rights of the citizens of this country have been preserved.

Would it not be amusing to deny the Supreme Court the right to review the acts of Congress and yet be permitted to review acts of State legislatures and the lawmaking bodies of the cities and towns where they violate the Constitution of the United States? Furthermore, the Supreme Court of every State of the Union passes upon the constitutionality of the acts of their respective State legislatures and the legislative bodies of the various cities and towns and they also pass upon the constitutionality of the acts of Congress. The inferior courts of the States, such as circuit courts, county courts, police courts, and even justices courts also have the right and they do in the several States pass upon the constitutionality of the acts of the legislatures, as well as the acts of Congress. What a peculiar situation we would find ourselves in to deny the Supreme Court and other Federal courts, made up of men of wide experience and great learning in the law, the right to pass upon the constitutionality of the acts of Congress, and then have the acts of Congress passed upon by a police judge in our home towns.

In playing this game of government for the greatest Government on the earth—the United States—Congress and the executive branches and the States are the teams. The rules of the game are set forth in our Federal Constitution. In all of our sports—baseball, football, basketball, and others—they have established written rules and have umpires.

There are those who would take away the umpire in government, the courts, and urge us to leave the decision to the election returns. Those same persons, however, would never think of having a ball game without rules and umpires, or leave the many decisions that are made during the plays to the fans in the grandstand and the bleachers. If that should happen, the game would break up in disorder and riots. How much more necessary is it to have fixed rules and an umpire to play the game of the great Government of the United States and the States where the inalienable rights of 130,000,000 people and property rights representing $300,000,000,000 or more are involved?

In sports they change the rules of the game from time to time. We have changed our rules, the Constitution, 21 times by adopting 21 amendments, and if our Constitution does not meet the requirements of the times to play the game of government to the best interest of the American people there is express provision made for changing the rules. The Supreme Court and the umpire must never

interfere with the game of government until and unless the States, the Executive, or Congress violate the rule or rules of the game. The Supreme Court, by unanimous decision, declared that President Roosevelt did not play the game according to the rules when he dismissed Republican Commissioner Humphrey from the Federal Trade Commission. The Supreme Court declared that Congress had not played the game according to the rules when it enacted the N. R. A. and A. A. A.

The Congress, under the urging of the President in 1933, passed an act which set aside the war-risk-insurance contracts for disabled veterans of the World War, and in the case of Lynch, a veteran, against United States, the Supreme Court decided that Congress had not played the game according to the rules as it had no power to destroy these insurance policies or contracts paid for by the veterans of the World War. [Applause.]

HAS THE SUPREME COURT ABUSED ITS POWER?

President, Members of Congress, and the Justices of the Supreme Court are human beings. They are not possessed of divine powers or wisdom. They are not infallible. No doubt the Supreme Court has made some mistakes and will in the future make other mistakes, and over a long period of years it may discover a mistake and correct it by reversing itself. This conduct should commend the Court to all right-thinking people. I have seen the House and Senate during my service in those bodies reverse themselves in a single day. I have seen them reverse themselves a number of times during the session, and we have ample evidence that President Roosevelt has reversed himself many times.

One would be led to believe from criticisms we hear that the Supreme Court devotes practically all of its time in declaring acts of Congress unconstitutional by 5-to-4 decisions. Congress first met in 1789, and it has passed 24,902 general laws from 1789 to 1937. The Supreme Court through all the years has considered and passed upon approximately 40,000 cases, and yet with all those acts of Congress and all those cases, in all those years it has held only 67 acts of Congress unconstitutional. It restrained the Presidents in 10 other cases in their attempt to enforce valid acts of Congress in an unauthorized or unconstitutional manner. In 32 of these cases the decisions were unanimous, in 10 with only 1 dissenting vote, in 14 with 2 dissenting votes, in 10 with 3 dissenting votes, and in 11 with 4 dissenting votes. Therefore, in the 67 cases, all except in 11 cases the decisions have been unanimous or by two-thirds or more, and there have been only 11 so-called 5-to-4 decisions declaring acts of Congress unconstitutional in 148 years and in the trial of 40,000 cases.

It is not an unusual thing for a group of great farmers, great teachers, great lawyers, great doctors, great labor leaders, great naval and military commanders, great scientists, great captains of industry, or great preachers not to see eye to eye on each and every matter that may affect the activities in which they are engaged. They often divide on a basis of 8 to 1, 7 to 2, 6 to 3, 5 to 4, or 3 to 2. No doubt the members of the Supreme Court would like to have unanimous decisions. The fact that they are not always unanimous may go far to establish that it is made up of honest, fearless, courageous, and impartial thinking men, wearing no man's collar.

At this very time we see a number of the greatest labor leaders in this country and of the world unable to see eye to eye on what they consider fundamentals. We have observed the spectacle of wide differences of opinion between Secretary Ickes and Administrator Hopkins, requiring the President to be the "odd man" in deciding the question between them.

The highest court of each of the 48 States have through all the years held it to be their duty and right to pass upon the constitutionality of the acts of Congress as well as the acts of their respective State legislatures, and these State courts with very few exceptions require no more than a majority in deciding constitutional as well as other questions. Some of the courts are made up of 3, 5, and 7 members, requiring only a majority in each instance. In Kentucky our court of appeals is made up of 7 members and we have many 4-to-3 decisions.

I cannot understand the attitude of some of our distinguished Senators and Members of the House in denouncing the Supreme Court for passing upon the constitutionality of the acts of Congress and in making majority decisions when the highest court of their respective States does that very same thing; and furthermore, when the inferior courts of their respective States pass upon not only the constitutionality of the acts of their respective legislature but also upon the acts of Congress, and many times it is merely one circuit judge or one police judge that makes the decision. These distinguished Senators and Representatives ought to quit talking about the Supreme Court and its procedure or go back home and have a judiciary reform in their home States.

Our distinguished Secretary of the Interior, Mr. Ickes, is touring the country urging the support of the President's bill to stack the Supreme Court and other Federal courts and yelling to his audiences—

> Don't let that odd man down in Washington on the Supreme Court overturn the acts of Congress and rob you of the victory that you won in the election last November—

a partisan political appeal. About the only vocal support the President has for his bill comes from those who have some connection with the New Deal, holding some office, or expecting some office, or special consideration or favors at the hands of the President. The average unbiased citizen is opposed to this whole proceeding. He knows it is wrong. He knows it threatens the overthrow of the liberties of the people of this country.

Secretary Ickes should start a great reform in his own great State of Illinois. The judges of the supreme court of that State, as well as the inferior courts, pass upon the constitutionality not only of the acts of the Legislature of the State of Illinois but of the acts of Congress. Is Secretary Ickes opposed to the rule of the majority? Our democracy is based upon the rule of the majority. If any of our citizens are anxious to have the minority to rule, why not transfer their citizenship to Italy, Germany, Russia, Poland, Rumania, or some other country that is blessed with a dictator?

The Democratic Party at its national convention in Philadelphia in 1936 abrogated the two-thirds rule and adopted the majority rule, so that the odd man may determine important matters in their conventions. The committees of the Senate and House as a general rule are made up of odd numbers, and how many times have you and I seen a bill reported or defeated in committee by one majority?

I have seen several bills in the House and Senate passed or defeated by one majority—the odd man. This same thing happens in the house and senate of State legislatures. It occurs in county courts and on boards of council or aldermen. In case of appeal in the Department of the Interior, it finally goes up to Mr. Ickes and he—the odd man—gives the final decision. In the various commissions, boards, and other executive agencies of the Federal Government, the majority rules. We find on school boards, fraternal organizations, church boards, boards of directors of banks, insurance companies, and building concerns, in stockholders' meetings, in cooperative meetings of farmers, various boards of labor organizations, and in almost every human activity, the majority rule prevails, and in many cases the "odd man" or "odd woman" casts the deciding vote. The President is now the "odd man" of the executive and legislative branches of the Government. Does he aspire to be the "odd man" of the Supreme Court and through a subservient Supreme Court cast the deciding vote there?

I have called your attention to the reasons for the rulings of the Supreme Court in the Humphrey, N. R. A., and A. A. A. cases.

In the case of *Panama Refining Co.* v. *Ryan et al* (293 U. S. 388), decided January 7, 1935, the opinion, written by Chief Justice Hughes and concurred in by Justice Brandeis

and all the other Justices except one, held the so-called Hot Oil Act of Congress invalid because Congress delegated its powers to the President and also violated the interstate commerce clause of the Constitution. Congress did not play the game according to the rules.

In *Railroad Retirement Board* v. *Alton Railroad Co. et al.* (295 U. S. 330), decided May 6, 1935, by a vote of 6 to 3, the Supreme Court held that the act included in the pension benefits persons not employed by the railroads and others engaged in strictly intrastate commerce. Congress had not played the game according to the rules. Since that decision Congress has passed a retirement act that was properly drawn and it was sustained by the Supreme Court.

In the case of *Booth* v. *United States* (291 U. S. 399), decided February 5, 1934, the Supreme Court by unanimous decision held the act of Congress cutting down the salaries of certain district and circuit judges was unconstitutional because the Constitution expressly provides that the salaries of a Federal judge cannot be reduced during his term of office. Congress had not played the game according to the rules.

In the case of *Lynch* v. *United States* (292 U. S. 571), decided June 4, 1934, the Supreme Court held that so much of the Economy Act as repudiated the war-risk contracts of the veterans of the World War who had taken out these insurance contracts and paid the premiums thereon was unconstitutional because it violated that section of the Constitution that prohibits Congress from passing any act that sets aside or violates contracts entered into prior to the act of Congress. Congress did not play the game according to the rules.

In the case of *Ashton* v. *Cameron County Water Improvement District*, decided in 1936, the Supreme Court held that the act of Congress permitting municipalities to repudiate their bonds—their just debts—or at least a part of them was violative of the Constitution. This Cameron County Water Improvement District, which is a municipality of the State, had issued bonds and sold the bonds and received and spent the money. The act of Congress in question undertook to permit the obligors of these bonds to repudiate the contract at least in part, and repudiate a part of its honest debts. Congress simply had failed to play the game according to the rules laid down in the Constitution for the protection of the citizens of the United States.

In the case of *Carter* v. *Carter Coal Co.*, decided in May 1936, testing the first Guffey Coal Act, the act was held unconstitutional because it undertook to include matters over which the States have reserved to themselves exclusive jurisdiction. This was the first Guffey coal bill. Since the Supreme Court acted and pointed out the limitations of Congress, a new Guffey coal bill has been passed by the Congress and signed by the President. It will likely accomplish more for the benefit of labor and the coal industry than the old Guffey coal bill. The present Guffey coal bill was prepared by Members of the House and Senate, persons of experience.

The Supreme Court has held unconstitutional 12 of the so-called New Deal acts. I have reviewed a number of them so that you might know the reasons for the Supreme Court taking such action.

The decisions of the Supreme Court through all the years are most interesting and heartening. We find the Supreme Court recently protecting the constitutional rights of a Communist in the West, a so-called labor agitator and radical from the South, a Chinaman, and people in every walk of life. This great Court gives the same patient hearing and consideration to the man or woman who is suing as a poor person without cost to him or her as it gives to the most powerful corporation or the most influential citizen of this country.

The trouble with the legislation of this administration is that the measures have been poorly drawn. They have been prepared in many instances by people inexperienced in this character of work, outside of Congress, and forced through Congress without proper consideration.

Let us not jump on the umpires for making the decisions according to the rules. Let us see to it that bills are properly prepared and are "in pursuance to the Constitution." If this policy is adopted and adhered to, I venture there will be little cause for criticism of the Supreme Court. If the rules do not permit the American people to do all they think is for their general welfare, let them amend the rules.

CHECKS ON FEDERAL COURT

There are ample checks on the justices and judges of the Federal courts. The members of the Federal courts cannot elect or appoint themselves. The Constitution sought to make them free and independent. They serve for life or during good behavior and their salaries cannot be reduced. The Executive and Members of the House and Senate, in the very nature of things, are more or less partisan. They owe their offices to political groups or parties. They must engage from time to time in heated and sometimes bitter political and partisan contests. The wise framers of the Constitution gave them a very limited term of office and provided the compensation of those offices to be changed from time to time. The Federal judiciary, however, could hold themselves aloof from these partisan contests and controversial issues and devote their time solely to mastering the law, making correct interpretations, and rendering independent, fearless, and honest decisions.

In the very nature of things, the judiciary is the least powerful branch of the three coordinate branches of the Government. The President has the Army and Navy and nearly a million Federal employees behind him. The Congress holds the purse strings of the people, but the Supreme Court has nothing except its intelligence, courage, and integrity. Each member of the Court must be appointed by the President, and the Senate has the power to approve or reject any such appointment. The Senate has rejected many appointments. Therefore, the executive and legislative branches of the Government, together, are responsible for the selection of the members of the Federal courts.

There is another check on the Supreme Court. The House of Representatives may bring a bill of impeachment against any member of the Supreme Court or other Federal judge. Impeachment proceedings may be set in motion by any Member of the House, arising in his place and on his own responsibility prefer charges against any Federal justice or judge. The President, himself, may institute impeachment proceedings in a message to the House, and charges may be made by State legislatures or Territories. It is not necessary to charge a crime against any justice or judge. It is sufficient if the justice or judge is charged with conduct unbecoming a justice or judge. When the House votes a bill of impeachment, the impeached justice or judge is tried before the Senate.

While we have heard a lot of insinuations from the President and Members of Congress, yet no Member of the House of Representatives has yet arisen in his place and made any charge of impeachment, either of wrongdoing or conduct unbecoming any member of the Supreme Court, and neither has the President made any such charge in any message to the House. I am satisfied that if any such charges could properly be made they would have been made.

PRESIDENT OVERTURNS ACTS OF CONGRESS

President Roosevelt himself does not consider Congress infallible. I am informed that the records show that during his first 4 years in office he vetoed 221 bills passed by Congress. His veto was overturned in only one instance—the soldiers' bonus. These bills were passed by the duly elected representatives of the people. The President himself disregarded the election returns. By this act he proclaimed to the country that Congress was wrong in 221 cases, and he defeated all but one of these acts by his veto. In this case the President was Mr. Ickes "odd man." [Applause.]

It is claimed that the records show that President Roosevelt has vetoed more bills than any other President. President Hoover vetoed 25 during his 4 years of office. President Coolidge vetoed 49 in nearly 6 years of office.

The President, however, complains bitterly when the Supreme Court by a unanimous vote in the N. R. A. case decided that Congress was in error and that in 4 years he decided that Congress was in error as to some 10 or 12 measures. Is it not the President's idea that he is the one to select the "must" bills to go through Congress, and he is the man to say when Congress properly or improperly exercises the constitutional powers given to it? It seems to be all right when the President invalidates and kills 220 acts of Congress, but it is all wrong when the Supreme Court invalidates some 10 or 12 acts of Congress.

THE PRESIDENT'S PLAN SOLVES NOTHING

The President's plan to increase the Supreme Court from 9 to 15 members does not solve any of the problems presented in the President's message or the economic problems of agriculture, industry, commerce, minimum wages, maximum hours, child labor, or collective bargaining.

There is no provision in the President's bill to require the appointment of young men or to require the retirement of Justices when they reach the age of 70, 75, or even 100 years. There is nothing in the President's bill that fixes permanently the number of members of the Supreme Court at 15. The maximum is 15. Why does the President at this particular time insist upon 15? It is his great desire to get off the bench Chief Justice Hughes and some other members of that Court.

It would require an amendment to the Constitution to force Federal judges to retire or resign. They have life tenure under the Constitution, and it would likewise require an amendment to the Constitution to fix permanently and definitely the number of members of the Supreme Court. Ambassador Brice in his great work, the American Commonweath, points out that this is one of the vital weaknesses of our great Constitution and form of government. It was also emphasized by President Woodrow Wilson. They point out that some popular Executive could force through a subservient Congress a bill greatly enlarging the Supreme Court and other Federal courts and in that way give the President the power to stack or pack the Supreme Court and other Federal courts, and validate unconstitutional acts and bring about a dictatorship or oligarchy.

That is the identical question that is now confronting the Congress. Do the Congress and the American people desire to enter upon this dangerous experiment? However benevolent and righteous we may believe the present occupant of the White House to be, do we desire to establish this dangerous precedent? There will be Presidential and Congressional elections in 1940. The then elected President and Congress may not agree with the interpretations of the Supreme Court and other Federal courts—they may urge, "Since President Roosevelt and the Seventy-fifth Congress stacked the Federal courts to carry out their views, why should not we add to the Supreme Court and other Federal courts sufficient 'wet nurses' to overturn the Federal courts as made up by the appointees of President Roosevelt?"

They may deem it necessary to have a Supreme Court of 20, and a subsequent administration may think it desirable to have a Supreme Court of 40 or even 50, and with sufficient number of district and circuit judges to control the Federal judiciary according to the purposes and wishes of the Executive.

Here can be seen the tremendous danger to the liberties of the American people. Through a subservient Congress, if we overturn the Federal judiciary, the Executive has in his hands the three great coordinate branches of our Government.

I am unwilling to embark your country and mine on this dangerous experiment.

Let us assume that three of these members who are over 70 and who have 10 years of service on the bench should retire. Then in that event the Court would be made up of the 6 remaining members and the 6 new members, making a Supreme Court of 12 members. But suppose that only Justice Brandeis, the oldest member, retires. Then we would have 8 remaining Justices and with the 6 new members, the Court would be made up of 14 members. Suppose that all six members that the President seeks to have retire do retire? Then we would have a Supreme Court made up of nine members.

Now let us assume that the President appoints somebody 65 years of age. There is nothing in the bill to prevent it. No "wet nurse" could be named for him until he had served 10 years and refused to retire or resign. He would be 75 years of age and before his "wet nurse" could be named, should the President name someone 69 years of age, no one could be appointed as his "wet nurse" until he passed the age of 79 and refused to retire.

If we have 15 members of the Supreme Court, there is nothing in the bill to prevent a majority decision—8 to 7—and if we should have 10 or 12 evenly divided, it would prevent, of course, the Supreme Court rendering a decision one way or the other. A constitutional amendment could settle these questions definitely.

AMEND THE CONSTITUTION

It is asserted and it is true that conditions in this country have materially changed since the adoption of the Constitution. Those who wrote and adopted the Constitution in their wildest dreams could not have visioned the development of this country in area, population, agriculture, industry, commerce, and invention. They could not have foreseen that airplanes would cross the continent from east to west in 8 hours, the Atlantic in less than 20 hours, and around the world in a few days; that transcontinental railroad, telephone, telegraph, utility, and motor lines would cross the country north and south and east and west; or visualize the great chain stores, the factories employing 300,000 men and women, receiving raw products from and sending finished products to every State in the Union and throughout the world.

Conditions have changed. When the Constitution was written the people were engaged largely in agriculture. The banks, stores, factories, shops, and mills were small as compared to this day and time, and their activities were almost exclusively local.

The Supreme Court by the very terms of the Constitution itself must be guided by this document in making its decisions, and is that not the trouble? We have changed everything in agriculture, commerce, and industry, but there has been practically no change in the Constitution since it was adopted with the first 10 amendments so far as it affects the regulation of agriculture, industry, commerce, and labor.

If some delegate had risen in the Constitutional Convention at Philadelphia and declared to the Convention that the document they had written would permit Congress to pass laws that would enable the Federal Government to regulate and control barber shops, pressing shops, poultry businesses, soft-drink stands, little sawmills, little gristmills, and would tell the farmers what to sow, when to sow, how much to sow, when to reap, and order them to destroy their wheat, corn, cotton, and other products of the farm, with 20,000,000 people on relief, they would have at once said, "That man is insane. Have we not limited the powers of the Federal Government, both the executive and legislative, and reserved all such powers to regulate our own local affairs to ourselves, the States?"

Then suppose that James Madison and George Washington had gone back to Virginia; Alexander Hamilton back to New York; Benjamin Franklin, Robert Morris, and James Wilson back to Pennsylvania; John Dickinson and Richard Bassett back to Delaware; Daniel Carroll and James McHenry back to Maryland; Hugh Williamson and Richard Spaight back to North Carolina; William Few and Abraham Baldwin back to Georgia; Charles Pinckney back to South Carolina; and William Samuel Johnson and Roger Sherman back to Connecticut, and the other delegates had gone back to their respective States and had told the people that this Constitution gives the Congress the power to regulate the local

poultry businesses, the local barber shops, the local gristmills, the local sawmills, the local restaurants, the local grocery and dry goods stores, and gives Congress the power to say to the farmers of these States when to sow, what to sow, how much to sow, how much to destroy—is there a Member of this House who believes for a moment that the Constitutional Convention at Philadelphia would have adopted it or the people of the 13 Original States would have ratified it?

Congress undertook to regulate these, and that is the reason the Supreme Court said in the N. R. A. and the A. A. A. cases that Congress had exceeded its powers, that these were matters which were subject solely and only to regulation by the States themselves, and that the Constitution gave the Federal Government no such power.

Now, if it is believed by the President and the Members of the House and Senate that it is desirable and proper for Congress to have this power and to wipe out State and county lines and set up a bureaucratic control here in Washington of almost everybody and everything in this country, and regiment agriculture, labor, industry, and commerce—for that is what it means—an appropriate amendment should be submitted to Congress and let the Congress, as provided in the Constitution, submit the amendment or amendments to the American people for their consideration. The people made the Constitution. They and they only have the right to amend it if they so desire. If they desire to have judges retire at 70 years, and 15 or 50 members of the Supreme Court Bench, let them say so. Let us do it in the orderly and constitutional way. If this policy is so earnestly desired by the American people as the President and some others would indicate, there is little doubt of its adoption. The President has a 3-to-1 majority in the House and nearly 6-to-1 in the Senate. He has unlimited funds behind him. He carried 46 of the 48 States. Why should he hesitate to submit this matter to the American people?

Washington, in his Farewell Address, uttered words of wisdom that should be heeded today. How pertinent his words are!

> It is important that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

I have faith that the American people know what they want, and will, if given an opportunity, express themselves. Let them accept it or reject it. As Washington and Madison both earnestly said, let there be no change of our Government by usurpation. Let it be done in the way and manner provided in the Constitution. This policy was declared in the Democratic platform of 1936. Let us not destroy our courts and our Constitution by stacking the courts.

But it is urged that it would take too long to proceed by amendment. Let us not forget it took 8 long years and cost thousands and thousands of lives and great quantities of treasure and much sacrifice to make this Constitution and our form of Government possible. We have ratified 21 amendments to the Constitution, and the average time for ratification is a little over a year.

It is true that the child-labor amendment has not been ratified. The President's own State of New York, and his friendly State of Massachusetts, recently rejected it by overwhelming votes.

I voted to submit the child-labor amendment. The people were at that time, and they have been ever since, anxious to take the children out of the shops, mills, and mines and place them in schools. Some of the States were exploiting children and sinning grievously against them. Since that time practically every State in the Union has adopted strong child-labor laws. No doubt some States have rejected this amendment because of their adherence to States' rights and their desire to manage their own affairs.

I am inclined to think, however, that the recent overwhelming action of the State legislatures against the child-labor amendment has been due to the President's Court bill. Fathers and mothers who are quite as much interested in their children as the President or Congress, are becoming alarmed over the encroachment of the Federal Government into the purely local affairs of the people. Many of them feel that their rights to care for, train, and order the affairs of their own children may be taken from them and placed under bureaucratic control here in Washington.

Yes; let the people say whether or not they desire to have strengthened here the great bureaucratic control that has been built up; let the people say whether or not they desire the National Government to direct and control their local affairs. If they do, let it be written into the organic law of the land. Let us change the Constitution and then there will be no cause for criticism of the umpires such as we have, headed by Chief Justice Charles Evans Hughes. I have an abiding faith that a substantial majority of that Court will always be found upholding the Constitution when it is at all possible to do so.

OUR CONSTITUTION AND DEMOCRACY A BLESSING

The big question arising at the Constitutional Convention was how to set up this new Government so as to maintain the Federal Government, protect the rights of the States, and, above all, preserve the liberties of the people. The 13 States had set up governments. Virginia was one of the first. Its constitution provided for three coordinate branches—executive, legislative, and judicial. The Supreme Court of Virginia had the power to pass upon the constitutionality of the acts of its State legislature. A great many of the States patterned their State governments after Virginia, so the delegates from these States in the Constitutional Convention had their own State governments as patterns. They at once realized the need and provided in the Constitution for three coordinate branches. They were to serve as checks and balances one on the other.

Because of their recent experiences and their study of history, they feared most the Chief Executive for the new Government. The liberties of free people have been overturned as a general rule by executives; therefore they spent more than half of the time in debate in framing the Federal Constitution in fixing the manner of electing, term of office, and powers of the Executive, and the manner of his election, his term, and his powers were definitely fixed.

The Executive has behind him the military and naval forces and thousands and thousands of aids. The Congress holds the purse strings of the people. It has power when it exercises it. Republics and democracies have never been overthrown by the judiciary. It is neither backed by the armed forces nor by the purse of the people. It can only rely upon its integrity and courage and the righteousness of its interpretations of the law.

If we destroy the three coordinate branches of the Federal system, we at once give a mortal blow to the three coordinate branches of the government of each of the 48 States, the counties, and the cities. Our whole system of government, from the highest to the lowest unit, is based on these three coordinate branches, each one functioning to serve and protect the citizens of each community in their constitutional rights. Neither of these must encroach upon the other.

Let us not forget the course followed by all those who have usurped power and taken away the liberties of the people. They have been attractive men. The people were in distress, and they caused the people to believe that no one could save them except the self-appointed dictator.

They offer security and other alluring benefits. We see in Italy, Germany, Poland, Rumania, and other countries the saber-rattling dictators destroying the liberties of the people—freedom of speech, freedom of conscience, freedom of the press, freedom of assembly, freedom of petition—all of these inalienable rights have been swept away.

President Roosevelt is one of those alluring personalities. He is always able to find and emphasize a crisis. In the crisis of 1933, under the N. R. A. and the A. A. A. he regimented agriculture, industry, and commerce. He assured us last year during the campaign that his wonderful policies had saved the country, the crisis was past, the emergency was over. Yet in his radio address to the American people on March 4, 1937, he tells the people we are faced with a much greater crisis now than in 1933 and the only way to save the country from that crisis is to give him the power to stack the Supreme Court and the other Federal courts and bring under his control the last coordinate branch of the Government, the last citadel and bulwark of the freedom and liberties of the American people—the judiciary. It is painful to contemplate, after he has created a deficit of approximately $15,000,000,000 and increased the national debt from twenty billions to about thirty-five billions and has had voted to him by a subservient Congress dictatorial powers with billions of dollars, to hear him now tell us that the country is confronted with a much greater crisis than when he assumed office on March 4, 1933.

We have frequently heard it said by persons speaking lightly of our Constitution and our democracy with its three coordinate branches of government that we cannot eat the Constitution or this democracy. Neither can we eat the Ten Commandments or the four gospels, but who would deny the great blessings they have brought to mankind?

Under our Constitution and form of government we have made the greatest political, social, and intellectual advancement of any nation. We have grown from 13 small States to 48 great sovereign States, with far-flung possessions. Our population has increased from less than 5,000,000 to 130,000,000; our national wealth has increased from a few billions to more than $300,000,000,000—our national income from less than $1,000,000,000 to approximately $60,000,000,000. Our people have had more food and better food, more clothing and better clothing, more homes and better homes, more farms and better farms, more schools and better schools, more churches, more high school, college, and university graduates, more and better highways, more and better railroads, more and better motor and air lines, more and better factories, shops, mills, and mines, more well-trained mechanics and other workers with higher wages and shorter hours and better working conditions, more automobiles, radios, bathtubs, and other luxuries of life, more liberty and freedom than the people of any other nation under any other constitution, written or unwritten, or any other form of government in more than 50 centuries of the world's history.

The President heads a committee which on September 17, 1937, will, in the city of Philadelphia, celebrate the one hundred and fiftieth anniversary of our Federal Constitution. We do well to reexamine that great document and the benefits that we have derived from it. It has carried us through many great struggles, many great depressions, and many great calamities, and from all of these we have emerged triumphant. Deeply sensible of the blessings of this wonderful heritage and the cost that it entailed in treasure, sacrifice, and blood, should we not highly resolve to keep inviolate our oath to protect and defend it, and hand down to our children, enriched and strengthened by our own patriotic contributions, this priceless heritage, a government of the people, by the people, and for the people? [Applause.]

Mr. FERGUSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FERGUSON: Page 82, strike out lines 20, 21, 22, and 23.

Mr. TABER. Mr. Chairman, I make the point of order that the language referred to has been passed.

The CHAIRMAN. The Chair overrules the point of order. The language had been read and the gentleman from Kentucky [Mr. ROBSION] was recognized, and by unanimous consent was allowed to proceed out of order.

Mr. FERGUSON. Mr. Chairman, lines 20, 21, 22, and 23 read that—

No part of any appropriation in this act for the Bureau of Reclamation shall be used for investigations to determine the economic and financial feasibility of any new reclamation projects.

I realize the temper of this House is to be fearful of investigating new reclamation projects, and we might well be cautious, due to the fact we are already undertaking projects that will cost one-half billion dollars and will have to appropriate some $50,000,000 for the next 10 years to complete the projects now under construction, but I may say in order not to take up the time of this Committee unduly that the chairman on the majority side has agreed to accept this amendment when I pointed out to him that Oklahoma, Nebraska, Texas, and a great many of the middle western reclamation States have no reclamation projects, and, certainly, are entitled to some investigation in case there are some unexpended balances that may be used for this purpose.

I know that since the chairman of the committee has agreed to accept the amendment the committee will vote with me, in all fairness, so that these States that are a part of the reclamation States may receive this consideration. I may say that Oklahoma has paid $5,000,000 into the reclamation fund and has never received as much as one survey, and certainly there should be no inhibitions in the bill against our receiving at least a survey to determine whether in our Dust Bowl area it may be possible to develop some irrigation projects—nothing like Grand Coulee. We could not possibly develop a project that would cost over $1,000,000.

I am going to offer an amendment pretty soon with respect to investigation of projects costing not more than $1,000,000, and I hope the Committee will vote with me since the committee chairman has graciously agreed to accept the amendment.

[Here the gavel fell.]

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

Mr. CASE of South Dakota. Mr. Chairman, reserving the right to object, I should like to speak in support of this amendment and if I am assured of time I shall not object.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, I rise in support of the motion to strike out the provision of the bill that no part of the appropriation in the act shall be used by the Bureau of Reclamation for investigations of any new reclamation projects.

Mr. Chairman, while I have no reclamation project in my district in Colorado, I cannot help chafing under the character of discussion that marks this feature of the Interior Department appropriation bill every year.

I said on the floor 2 years ago, and I repeat now, that the Interior Department appropriation bill, carrying the appropriations for the Bureau of Reclamation, is a recurring nightmare to the Members of Congress from the western half of the United States. The gentlemen on the other side of the aisle always begin as they did today. If there are any Members in this body who think they have heard anything new against irrigation today, it would indicate this is their first session in Congress. Annually, when the Bureau of Reclamation is reached, they begin seriatim with every reclamation project in the bill and characterize all of them as economically unsound, as raids on the Treasury, and as local projects that interest only the communities in which they are located, and move to strike them out.

It seems to me, Mr. Chairman, that that is a very localized and short-sighted view. I call attention to the fact that in the western half of the United States water is life. I do not mean by that the rainfall that comes down from the skies,

but I mean irrigation water is life, and if it were not for irrigation at least one-half of the territory of the United States would be barren of agriculture. It seems to me that in any well-rounded program for national improvement—and that is the only kind of program that we ought to have—the natural resources, according to their kind, of every section of the country, not simply some sections, ought to be recognized and encouraged, and while I come from the western half of the United States, that is my philosophy and my rule of guidance.

In the first session of the Seventy-fourth Congress we passed, and I supported, a rivers and harbors bill authorizing $600,000,000 of river and harbor improvements. There is not a harbor within a thousand miles of my district. There are no navigable waters except the Mississippi River within a thousand miles of my district. The seaports and navigable rivers will get the direct benefit of that whole $600,000,000, and there is not even a pretense that a cent of it ever will be paid back to the United States. We are at least making a "pretense", as the gentlemen on the other side of the aisle call it, that this reclamation money will be paid back. The United States has poured billions and will pour billions more into rivers and harbors in this country, where the principal initial benefits will be local, and not a dime of it will ever be repaid.

What is the principal resource of San Francisco, Boston, New York, and other great port cities? It is the harbors, which Nature placed there, but upon which the Government of the United States must spend billions to build up and keep in proper condition. The people in my State pay for rivers and harbors improvements and never get a cent of direct benefit.

We have a lot of people out in our country, in the hinterland, who think we do not need a navy in this country, because they feel there is no danger of any Japanese, German, or other foreign navy ever penetrating the Rocky Mountains. I think we need a navy, and I think a majority of our people do, and so I come here every year and vote for hundreds of millions of dollars more for the Navy. There are a lot of people in my country who feel that we do not need an army, because they do not feel that the Japanese or the German Army or any other army can ever invade the Rocky Mountains.

Nevertheless I come here and vote millions for the Army. I look at these matters from the national viewpoint. These natural resources, whether deep water, mining, irrigation, timber, manufacturing, or what not ought, and the sections to which they are adapted, to be given equal recognition, and if you do not give us in the West recognition for irrigation and reclamation, then you give us recognition for nothing.

Mr. Chairman, when the Interior appropriation bill was up 2 years ago and this same wrangle about reclamation was going on, I made use of a map, which I regret I do not have here now, a map showing that the Federal Government still owns more than one-third of the area of the Mountain and Pacific Coast States, including its mineral resources, from which it derives large revenues. In the case of one State the Government's oil royalties for 1 year being more than double the amount of the appropriation carried in the bill. I said then that if the Federal Government would turn over to the West its natural resources, as they are owned and enjoyed by the rest of the country, we could afford to relinquish all claims against the Government for aid in the development of our resources. That is one answer to the continual harping on the cost of reclamation to the Federal Government. Even these reclamation appropriations are secured by first mortgages on every acre of land under these projects, and every foot of water furnished by them. These appropriations are not gifts as in the case of rivers and harbors and flood control; they are only loans. The landowners must execute deeds to their lands and hand them over to the Government.

Next to the alleged cost of reclamation to the Government, criticism centers on spending money on the one hand to bring new lands into cultivation, while on the other hand the Government is paying out money for crop control on lands already in cultivation.

I have heretofore pointed out that very little of the irrigated land enters into competition in the production of basic farm commodities. They produce little cotton or tobacco and they are too valuable, except in a small way, for wheat and corn. It is a special-crop section. Sugar beets, alfalfa, potatoes, beans, vegetables, fruits, seed, and so forth, and livestock.

The agricultural output of the reclamation projects of the United States do not amount to more than 1 percent of the total agricultural output of the entire country, and this output consists in the main of noncompetitive crops, and much of the irrigated land is farmed in very small tracts.

But, Mr. Chairman, even if the irrigated land of the western United States did afford some competition for agriculture in other sections, that would be a singular argument against the development of the resources of that area. The argument that one great area of the United States should go undeveloped in order that other areas might enjoy a monopoly of like natural resources, as I said before, would certainly be spelling sectionalism with a small "s."

Mr. Chairman, another feature of this situation which irks me is the partisan aspect it is given. The attacks on irrigation and reclamation come wholly from the opposition, from certain Republican leaders, and their attitude is that this is a party matter and that the Democrats having the votes, they will be voted down and reclamation projects will be put over, not on their merits, but by sheer party force. Their attitude is, of course, that this policy, which they have called "the fatal policy of reclamation", is uneconomical, is a waste of public money which will never be repaid, but you have the votes.

But, Mr. Chairman, there is no politics in reclamation in the West. While it happens that most of the Representatives from the West, as from other sections of the country, are Democrats at this time, if they were Republicans their attitude would be the same as ours and they would be fighting the battle for reclamation. They were in power nationally and in the West when the reclamation policy was adopted. It is not a sectional policy and it is not a partisan policy. It is a policy to recognize and aid the development of the natural resources of a very large area of the United States, at least in one-third of its area, and an indispensable part of the Union, and of the national wealth, on a basis of equality with other areas.

In my opinion it is beneath the dignity of statesmen to try to destroy this beneficent policy for the reasons stated here on the floor over and over against every reclamation project year after year. This policy is becoming more indispensable with the development in recent years of projects on a scale not dreamed of. When it first originated, Boulder Dam the greatest engineering project of its kind in the world, Grand Coulee, Bonneville, and others. In its earlier stages it was only the medium of building up small irrigation districts operated by farmers, now it is developing vast projects wholly beyond the resources of local communities or even States, enterprises which can only be accomplished by the National Government itself. It is late in the day for representatives from other sections of the country to seek its destruction. The provision forbidding the Bureau of Reclamation from investigating new projects should be stricken from the bill.

The CHAIRMAN. The time of the gentleman from Colorado has expired. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. TABER), there were—ayes 58, noes 14.

So the amendment was agreed to.

Mr. FERGUSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. FERGUSON: Page 82, after line 20, insert "$500,000, or any unexpended appropriation in this act for the Bureau of Reclamation may be used for investigations to determine the economic and financial feasibility of new reclamation projects: *Provided*, The estimated cost of the project does not exceed $1,000,000."

Mr. TABER. Mr. Chairman, I make the point of order that that is not authorized by law and would be legislation on an appropriation bill. The investigation proposing to come out of the reclamation fund might be in order, but those that might come out of the general fund of the Treasury certainly would not be in order.

Mr. FERGUSON. Mr. Chairman, my amendment simply states that any fund, an unexpended balance, out of the reclamation fund may be used for this purpose. These services are definitely authorized by the reclamation law.

The CHAIRMAN. Does the gentleman from Nevada desire to be heard on the point of order?

Mr. SCRUGHAM. Mr. Chairman, I ask that the point of order be sustained. In my opinion, this is new legislation. It has not been brought before the proper committee.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard further on the point of order?

Mr. FERGUSON. No.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment to which the gentleman from New York makes a point of order upon the ground that it is not authorized by existing law and would constitute legislation on an appropriation bill. The Chair has endeavored to examine the amendment in the light of the Reclamation Act. In the opinion of the Chair the amendment of the gentleman from Oklahoma is too broad to be covered within the provisions of the Reclamation Act. The effect of the amendment would be not only to use funds out of the reclamation fund, but also out of the general funds in the Treasury, and certainly to that extent the appropriation would not be authorized by existing law. The Chair, therefore, sustains the point of order and the Clerk will read.

The Clerk read as follows:

The Public Works Administration allotments made available to the Department of the Interior, Bureau of Reclamation, pursuant to the National Industrial Recovery Act of June 16, 1933, either by direct allotments or by transfer of allctments originally made to another Department or agency, and the allocations made to the Department of the Interior, Bureau of Reclamation, from the appropriation contained in the Emergency Relief Appropriation Act of April 8, 1935, shall remain available for the purposes for which allotted during the fiscal year 1938.

REHABILITATE FARMERS WHERE THEY ARE WITH SMALL DAMS FOR SUPPLEMENTAL IRRIGATION

Mr. CASE of South Dakota. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to express my appreciation for the sympathetic consideration that the House as a whole has given to projects that concern the West, and to express my regret, to a certain extent, that there has been no greater attempt to discriminate as between types of reclamation projects.

Projects that bring raw land into cultivation are one thing; projects that merely store run-off water to provide adequate water for land already under cultivation, where people already have their homes, are something else. Supplemental irrigation to enable a farmer to stay on his own land is just as sound as it is to build a levee to enable a farmer in the flood area to maintain his home.

The amendment which was just offered by the gentleman from Oklahoma [Mr. FERGUSON] would be a constructive amendment. It would permit these small projects to help the drought area ranchers to help themselves where they have their homes.

Although it may not be in order at this time, that subject will come before the House again in the consideration of two bills which were passed over on the Consent Calendar today, one of them Senate 48, an act to authorize an appropriation for investigations under the Federal reclamation laws and H. R. 2512, offered by the gentleman from Wyoming, to authorize an appropriation for the construction of small reservoirs under the Federal reclamation laws.

To anyone who lives anywhere in the areas of insufficient rainfall it must be apparent that some common horse sense can be applied to the whole problem of watering dry land. It is my honest conviction we could spend $500,000, as the gentleman from Oklahoma [Mr. FERGUSON] has proposed, to investigate projects which will not exceed $1,000,000, and do more to solve the relief problem in the Central and Mid West than by many of the appropriations that will be made by this House in the general relief bill.

MANY INTERESTS IN THIS BILL

I might have spoken at many points in the consideration of this Interior Department appropriation bill. I doubt if any Member of the House has more interests in his district than I have in mine which this bill concerns. There are five Indian reservations, a national park, a national memorial, two national monuments, as well as a reclamation project, all of which have been intimately concerned with appropriations in this bill. But inasmuch as the several items were being accepted as offered by the committee to whom we had presented them, I have not taken your time to discuss them here.

CHEYENNE RIVER TRIBAL PURCHASE

There is only one item on which I think something should be said as a matter of record. In the discussion of the item of $12,500 for use of tribal funds for purchase of lands in the Cheyenne River Reservation, the gentleman from North Dakota [Mr. BURDICK] stated he had had petitions from several hundred Indians on that reservation protesting against this action. I may say that the Cheyenne River Reservation is located entirely in South Dakota, and not in North Dakota, but the gentleman has many friends in all Sioux reservations. I do not lay claim to the extensive personal experience and scholarly knowledge of Indian affairs possessed by the gentleman from my sister State from the north. I appreciate his fine counsel and cooperation and his earnest defense of Indian interests wherever they arise, but I think in justice to the committee and to this House and in view of the approval of this appropriation that I should say this:

I am in regular communication with the president and officers of the tribal council of the Cheyenne Reservation. My correspondence is not limited to the officials, but my files will show repeated letters from the rank and file of the members of the Cheyenne Reservation. Just prior to coming to this session of Congress—in fact, on my way down here—I arranged a meeting at Eagle Butte, and there met with a large number of members of the Cheyenne River Reservation. The invitation was open to all of the members of the reservation. It was just a public meeting; not an official tribal meeting.

In none of my correspondence from this reservation, nor at that meeting, has any protest been voiced against this particular appropriation of tribal funds. Indeed, the record says it was requested by a resolution of the tribal council.

The first purpose of that appropriation is to provide a small market where some of the old Indians, who might be said to be "land poor", could liquidate some of their lands and have some cash for the dire need they have in their last few years. The second purpose is to purchase lands which can be profitably used for subsistence gardens for the benefit of the whole reservation. Last year one small tract of bottom land, which could be irrigated from a small dam, provided 19 acres of vegetables, which were a lifesaver to approximately 38 families, to whom those 19 acres were assigned—half an acre to the family.

We hope in these Indian reservations in the areas of limited rainfall to develop small irrigation tracts that will provide some common, horse-sense protection against drought and against distress in famine years.

Another thing we hope to accomplish in the Cheyenne River Reservation is to purchase some piece of coal-bearing land and open a mine that will provide fuel for the Indians. The Indians in the South Dakota reservations—all of them—last year suffered from the lack of fuel. Even where there are some creeks with a little timber along them, the horses were gone and the Indians had to carry the fuel on their

backs or freeze, and some of them did freeze or became weakened victims for the flu epidemic that struck. At the western end of the Cheyenne River Reservation there are some allotted Indian lands that have coal. We are hoping to find a suitable property that can be purchased in the name of the tribe to insure coal for those who need it.

The Wheeler-Howard Act, of course, is a measure that has produced considerable confusion and controversy, but we have it, and the problem is to use what is good of it and discard or amend the parts that do not work or are not beneficial in practice. A little later we hope to bring before this House a measure designed to make the act a little more applicable and practical for our situation in South Dakota with our large reservations.

At this time I want to thank the House for the careful consideration that has been given to the items concerning the Indian Department and the Bureau of Reclamation in this appropriation bill.

All of the country at one time was in the West. A hundred years ago, if you will look back in the CONGRESSIONAL RECORD, you will see the same things that are now being said against projects for the far West were said against projects for the development of the Northwest territory at that time. If we are going to develop the country as a whole, good faith must be applied for all parts of the country.

Again I compliment the Appropriations Committee and thank the House for the kindly consideration it has given to this bill.

Mr. ROBSION of Kentucky. Mr. Chairman, I ask unanimous consent to revise and extend the remarks I made and to include in that a brief statement from Washington's Farewell Address and two paragraphs from the Democratic national platform of 1936.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

The Clerk read as follows:

Mining experiment stations: For the employment of personal services, purchase of laboratory gloves, goggles, rubber boots, and aprons, the purchase not to exceed $3,000, exchange as part payment for, maintenance and operation of motor-propelled passenger-carrying vehicles for official use in field work, and all other expenses in connection with the establishment, maintenance, and operation of mining experiment stations, as provided in the act authorizing additional mining experiment stations, approved March 3, 1915 (U. S. C., title 30, sec. 8), $305,000, of which appropriation not to exceed $17,100 may be expended for personal services in the District of Columbia.

Mr. STARNES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STARNES: On page 93, line 14, after the comma, strike out the sign and figures "$305,000" and the words in lines 14, 15, and 16, "of which appropriation not to exceed $17,100 may be expended for personal services in the District of Columbia", and insert in lieu thereof the following: "$355,000, of which appropriation $66,900 shall be expended in the Southern Experiment Station, Bureau of Mines, in Tuscaloosa, Ala., and not to exceed $17,100 may be expended for personal services in the District of Columbia."

Mr. STARNES. Mr. Chairman, my amendment would provide an additional $50,000 for employing technologists and experienced field men in the Southern Experiment Station, Bureau of Mines, at Tuscaloosa, and to meet administrative expenses. Briefly, the present situation is as follows: The Southern Experiment Station has been operating at Tuscaloosa for the past two decades. It is one of the 12 mine experiment stations in the country. It serves the entire southeastern section of the country, including the States of Alabama, North and South Carolina, Georgia, Tennessee, Florida, Mississippi, Louisiana, Arkansas, Texas, and Oklahoma. During the past year a new building was constructed on the grounds of the station which provides 20,000 square feet of floor space with splendid equipment for ore dressing, coal washing, and nonmetallics research.

The present staff of four technologists and the appropriation of $16,900 is utterly inadequate to cope with the problems confronting this station. The State geologist and the director in charge of the Southern Experiment Station, as well as the Director of the Bureau of Mines in Washington, state that with the plant and equipment at Tuscaloosa $100,000 additional appropriation is required to carry out a well-rounded program for the development of the southern minerals industries.

The Southern Experiment Station serves a larger scope of territory than any other experiment station of the Bureau of Mines. Research and experimental work is carried on not only in the important minerals of the Southeast but also on nonmetallic minerals. There is a wider diversity of both minerals and nonmetallic minerals in the southern area served by this station than any other section of the whole of America. Hence the absolute necessity of having an adequate staff of technologists and field men to assist in research work and developing methods of utilizing the vast resources of this region.

Specifically, money is needed for research and experimental work in extraction, preparation, and treatment of nonmetallic minerals in numerous deposits of clay, which if properly purified could be used in place of clay now being imported for pottery, decorative tile, and other high-grade uses. More than 200,000 tons of special clay were imported during our worst depression year. This amount rises to more than 500,000 tons in profitable years. There are excellent prospects of applying flotation, fractation, and chemical treatment methods to purify and prepare clay for the manufacture of high-grade building brick tile and other structural material. The development of the manufacture of paper and paper products from southern pine points to a new field—clay fillers for paper. In addition to clay there is a wide variety of other southern materials which can be utilized if proper methods were developed for their extraction, treatment, and purification, such as:

A. Removal of iron stains and other discoloring materials from glass sands, from feldspar needed for pottery; from kyanite that is to be used for the production of lithium salts and in making special glasses; and from barite that is to be used in paints, and for chemical purposes.

B. Separation of associated minerals by the application of heat and electricity in order that these may be used for industrial purposes. There are large southern deposits in which quartz and feldspar are associated in such a manner as to be useless. If the quartz and feldspar can be separated, then each becomes useful. The same holds true with respect to spodumene associated with feldspar in North Carolina, and with kyanite associated with quartz in the Carolinas, northern Georgia, and in Tennessee. Mica and silica are likewise associated in numerous Southern States, and the increasing demand for beryllium makes it desirable to find a method for concentrating any beryl which occurs in the Southern Appalachians.

C. Removal of sand and clay from southern diatomite. Here again the new process of froth flotation offers promise for obtaining a marketable material which is in great demand for the purification of vegetable and mineral oils and as an additional agent for canning. At the present time all diatomite used in the eastern United States comes from California. There are deposits in Florida and other Southern States, which, by proper purification methods, might find considerable use.

Additional money is needed for coal preparation, because southern coal presents unusual problems in washing and preparation for the market. It contains slate, clay, and other noncombustible impurities. The coal itself is quite pure. What we need here are methods of washing and treatment. This station is particularly well equipped to work on coal and is adjacent to the greatest coal region in the whole United States. Experiments are now being completed which tend to prove the 20-foot coal seam in the Birmingham district can be profitably utilized instead of the 6-foot which is now being used.

Concentration and treatment of low-grade southern ore is another matter which engages the attention of this station. These iron ores are high in phosphates and other impurities. As yet no particular method has been found for removing this phosphate.

Much fine work has been done in Florida, Tennessee, and South Carolina in phosphate rock. Working in cooperation with the T. V. A., promising experimental work in methods of refining vast kaolin deposits in North Carolina has been carried on. Also, some preliminary experimental work in low-cost methods of refining feldspar, which indicate that the great low-grade deposits of this mineral in the Southeast may be utilized when the high-grade feldspar has been exhausted. Experimental work has been done by the Bureau of Mines in the recovery of Georgia kyanite, kaolin, and bauxite. Also, additional work is being done in the activation of bentonite clays for use as bleaching clays.

In calling attention to the research needed for the development of southern mineral industries, it must be kept in mind that the results of this research are of national value. While the work is done on southern coals, iron ores, and nonmetallic minerals, the discoveries made and the procedures developed are in most cases valuable to minerals occurring anywhere in the United States, and in order to insure this national utilization of this work the Bureau of Mines follows a policy of including some work on materials from other places in the United States in order to draw comparisons and to make the knowledge generally available.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. STARNES. I yield.

Mr. SHORT. Is it not also true that you have vast deposits of sulphur and salt?

Mr. STARNES. The gentleman is correct, especially in the so-called Southwestern States.

Mr. SHORT. And is it not also true that the mining industry in the past years has paid more taxes but received fewer benefits in the way of appropriations than any other industry in the United States?

Mr. STARNES. The gentleman is correct, and may I add that the Director of the Bureau of Mines states in a letter which I shall insert in the RECORD, that $100,000 could be profitably used in this work at this particular time.

[Here the gavel fell.]

Mr. SCRUGHAM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. FITZPATRICK. Mr. Chairman, I dislike very much to have to oppose the amendment offered by my friend, the gentleman from Alabama. He appeared before our committee and we gave this very serious consideration. There was not any recommendation by the Budget. Furthermore, this matter already comes under two different Departments, the Bureau of Standards and the Tennessee Valley Authority. Therefore there is no necessity of appropriating extra money and giving additional power, for it is already invested in the two forementioned Departments.

Mr. Chairman, I believe that the amendment offered by the gentleman from Alabama should be defeated.

Mr. STARNES. Mr. Chairman, will the gentleman yield?

Mr. FITZPATRICK. I yield.

Mr. STARNES. May I state that after I appeared before the subcommittee and that point was raised by the gentleman from Nevada [Mr. SCRUGHAM] I got in touch with the Bureau of Mines here in Washington and they state:

With reference to your letter of April 23, requesting information on whether or not the Bureau of Mines is duplicating work on clays which is being done by the Bureau of Standards, or work of the Tennessee Valley Authority on ceramics and phosphates:

The Bureau of Mines is not duplicating any of the work of either of these organizations. Our work on clay deals with the mining, preparation, and beneficiation of clays and nonmetallic minerals; while the Bureau of Standards and the Tennessee Valley Authority manufacture pottery, tile, and other ceramic ware from properly prepared and purified clays combined with other nonmetallic minerals.

Mr. FITZPATRICK. I did not say there was any duplication. I simply said that two different Departments now had authority to make the investigation, if necessary.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. FITZPATRICK. I yield.

Mr. RICH. The gentleman spoke of duplication of work in Federal bureaus at this time. I may say to the gentleman that if he would confine his efforts to the Bureau of Mines he would get some place, for it is duplicated in another Department.

The Democratic Party is responsible for that. If you would consolidate these departments instead of making more you would accomplish a great deal more in the end.

Mr. FITZPATRICK. That is the gentleman's opinion, but the people of the country feel different about the T. V. A.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. FITZPATRICK) there were—ayes 27, noes 39.

So the amendment was rejected.

The Clerk read as follows:

Economics of mineral industries: For inquiries and investigations, and the dissemination of information concerning the economic problems of the mining, quarrying, metallurgical, and other mineral industries, with a view to assuring ample supplies and efficient distribution of the mineral products of the mines and quarries, including studies and reports relating to uses, reserves, production, distribution, stocks, consumption, prices, and marketing of mineral commodities and primary products thereof; preparation of the reports of the mineral resources of the United States, including special statistical inquires; and including personal services in the District of Columbia and elsewhere; purchase of furniture and equipment; stationery and supplies; typewriting, adding and computing machines, accessories and repairs; newspapers; traveling expenses; purchase, not exceeding $1,200, exchange as part payment for, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work; and for all other necessary expenses not included in the foregoing, $274,790, of which amount not to exceed $200,000 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be available for the preparation of monthly forecasts of demand for gasoline and motor fuel and estimates of crude-oil production to supply such demand.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment.

Mr. COLE of Maryland. Mr. Chairman, I raise a point of order against the paragraph.

The CHAIRMAN. The gentleman will state it.

Mr. COLE of Maryland. My point of order goes to the proviso beginning in line 21 of page 94.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I submit that it is not subject to a point of order; that it is a limitation.

Mr. COLE of Maryland. Mr. Chairman, I desire to be heard on the point of order.

Mr. JOHNSON of Oklahoma. I may state to the gentleman from Maryland that my amendment is to strike out the proviso.

Mr. COLE of Maryland. Mr. Chairman, in view of the statement of the gentleman from Oklahoma, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: Page 94, beginning in line 21, strike out the proviso ending in line 25.

The amendment was agreed to.

The Clerk read as follows:

Appropriations herein made for the national parks, national monuments, and other reservations under the jurisdiction of the National Park Service shall be available for the giving of educational lectures therein and for the services of field employees in cooperation with such nonprofit scientific and historical societies engaged in educational work in the various parks and monuments as the Secretary, in his discretion, may designate.

Mr. TABER. Mr. Chairman, I make a point of order against the paragraph on page 109, lines 18 to 25, that it is legislation on an appropriation bill not authorized by law.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. I do not care to be heard.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Appropriations herein and hereafter made for the National Park Service shall be available for the installation and operation of telephones in Government-owned residences, apartments, or quarters occupied by employees of the National Park Service, provided the Secretary determines the provision of such services are advantageous in the administration of these areas.

Mr. WIGGLESWORTH. Mr. Chairman, I make a point of order to the words "and hereafter", line 10, page 110, on the ground it constitutes legislation on an appropriation bill.

The CHAIRMAN. The point of order is sustained.

The Clerk read down to line 8, page 111.

Mr. SCRUGHAM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 6958) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. BURDICK asked and was given permission to extend his own remarks in the RECORD.

COMMITTEE ON LABOR

Mr. KELLER. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on Labor hearing the textile bill may be permitted to meet during the sessions of the House for 3 days.

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

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, as I stated before, 3 days is too long, especially in these times when important matters are pending before the House. I think the request should be made from day to day. I have no objection to 1 day.

The SPEAKER. Does the gentleman from Illinois [Mr. KELLER] modify his request?

Mr. KELLER. Mr. Speaker, if the gentleman wants us to come back day after day we will do so, and I modify my request and ask unanimous consent that the subcommittee of the Labor Committee may sit tomorrow during the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from Illinois,

There was no objection.

EXTENSION OF REMARKS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the pending bill be permitted to revise and extend their remarks in the RECORD.

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

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. NICHOLS], may be permitted to revise and extend his own remarks in the RECORD.

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

There was no objection.

ORDER OF BUSINESS—CALENDAR WEDNESDAY

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that after the business of the Committee on Naval Affairs on Calendar Wednesday next has been disposed of further consideration of the Interior Department appropriation bill may be in order.

The SPEAKER. The gentleman from Texas asks unanimous consent that on Wednesday next when the Committee on Naval Affairs has concluded its business in order on that day the pending bill may have a privileged status for consideration. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, what is to hinder the committee from finishing this bill tomorrow?

Mr. RAYBURN. On tomorrow the Speaker has agreed to recognize the gentleman from New York, to call up an omnibus Private Calendar bill.

Mr. RANKIN. Mr. Speaker, may I say to the gentleman from Texas that the Committee on World War Veterans' Legislation has a bill in which we are very much interested. It seems now that we will not have a chance to have this bill called up on Calendar Wednesday. To me this bill is important; I think it is as important as any of the omnibus bills, which are nothing more than a number of private bills thrown together. I am wondering if it would not be possible to proceed with the pending bill tomorrow so that we may get our turn on Calendar Wednesday.

Mr. RAYBURN. The Veterans' Committee would not be called anyway on next Wednesday.

Mr. RANKIN. Probably not.

Mr. RAYBURN. We reach about one committee each Wednesday. One of the reasons we have not tried to go further is that no committee wants to come in at 3 or 4 o'clock in the afternoon.

Mr. RANKIN. We would not mind coming in late because we only have one bill of importance pending.

Mr. RAYBURN. I may say to the gentleman there are several committees that have bills which require consideration before the gentleman's committee is reached. His committee would not be reached on Wednesday in any event.

Mr. RANKIN. I am not going to object. I do not want to interfere with the progress of the pending bill, but I serve notice now that I am going to object hereafter unless I can get a rule for the consideration of this bill from the Veterans' Committee.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

There was no objection.

EXTENSION OF REMARKS

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent that in revising and extending my own remarks in the RECORD I may be permitted to include certain excerpts from letters as well as figures from the Bureau of Reclamation on the Ogden River project.

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

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech delivered by myself last night over the Columbia Broadcasting System.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PEYSER, indefinitely, on account of illness.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 5478. An act to amend existing law to provide privilege of renewing expiring 5-year level-premium term policies for another 5-year period.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 5966. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes.

ADJOURNMENT

Mr. SCRUGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned until tomorrow, Tuesday, May 18, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON FOREIGN AFFAIRS

There will be a meeting of the Committee on Foreign Affairs in the Capitol on Tuesday, May 18, 1937, at 10:30 a. m. Business to be considered: Hearings on House Joint Resolution 314, Federal participation in the exposition to be held by the San Francisco Bay Exposition, Inc., sponsors for the Golden Gate International Exposition to be held in San Francisco in 1939.

COMMITTEE ON MILITARY AFFAIRS

There will be a meeting of the Committee on Military Affairs in room 1310, New House Office Building, at 10:30 a. m. Tuesday, May 18, 1937, for the consideration of H. R. 1608 and H. R. 2298, to provide for the common defense by acquiring certain commodities essential to the manufacture of supplies for the armed forces in time of an emergency, and for other purposes.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, May 18, 1937, for the continuation of hearing on H. R. 6956, railroad retirement bill.

COMMITTEE ON RIVERS AND HARBORS

There will be an executive session of the Committee on Rivers and Harbors on Tuesday, May 18, 1937, at 10:30 a. m.

COMMITTEE ON THE CIVIL SERVICE

The Committee on the Civil Service will begin hearings Wednesday, May 19, 1937, at 10:30 a. m. in room 246, House Office Building, on H. R. 5558, H. R. 5821, and H. R. 6497, which deal with preference to veterans in civil-service employment.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be an executive meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., on Wednesday, May 19, 1937, on an omnibus bill (H. R. 6903).

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., on Thursday, May 20, 1937, for the public consideration of H. R. 4353, H. R. 4354, H. R. 4355, and H. R. 4356 (Starnes bills).

COMMITTEE ON THE LIBRARY

There will be a meeting of the Committee on the Library on Thursday, May 20, 1937, at 10 a. m., at which time testimony on several bills will be accepted.

EXECUTIVE COMMUNICATIONS, ETC.

617. Under clause 2 of rule XXIV a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 14, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of channel from deep water in Back Sound, N. C., through Shackleford Banks, to deep water in Lookout Bight, authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 251), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MAGNUSON: Committee on Naval Affairs. H. R. 6866. A bill authorizing the obligation of funds for work at Government-owned establishments; without amendment (Rept. No. 818). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 670. An act authorizing an appropriation for payment to the Osage Tribe of Indians on account of their lands sold by the United States; with amendment (Rept. No. 822). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. O'MALLEY: Committee on War Claims. H. R. 418. A bill for the relief of Bertram Lee Schoonmaker; with amendment (Rept. No. 819). Referred to the Committee of the Whole House.

Mr. DEEN: Committee on War Claims. H. R. 2171. A bill for the relief of Frank Burgess Bruce; without amendment (Rept. No. 820). Referred to the Committee of the Whole House.

Mr. DEEN: Committee on War Claims: H. R. 5880. A bill to amend Private Act No. 210, approved August 13, 1935, by substituting as payee therein the Clark Dredging Co. in lieu of the Bowers Southern Dredging Co.; without amendment (Rept. No. 821). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6531) for the relief of Bertha Hymes Sternfeld; Committee on Invalid Pensions discharged, and referred to the Committee on World War Veterans' Legislation.

A bill (H. R. 6517) granting an increase of pension to James L. Huston; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3779) granting a pension to Mary A. Frederick; Committee on Invalid Pensions discharged, and 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. CRAVENS: A bill (H. R. 7076) authorizing a preliminary examination and survey of Walnut Bayou in Little River County, Ark., with a view to the control of its floods; to the Committee on Flood Control.

By Mr. McCORMACK: A bill (H. R. 7077) to provide for the distribution to each naturalized citizen at the time of issuance of his certificate of citizenship of a copy of The Story of the Constitution; to the Committee on Immigration and Naturalization.

By Mr. RANKIN: A bill (H. R. 7078) to liberalize effective date of claim for reimbursement for burial and funeral expenses contained in Veterans' Regulations; to the Committee on World War Veterans' Legislation.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 7079) to provide for the location, survey, and building of a system of three transcontinental and six north-south highways; to the Committee on Roads.

By Mr. WILCOX: A bill (H. R. 7080) conveying certain unsold lots in Harding town site, Fla., to Dade County, Fla.; to the Committee on the Public Lands.

By Mr. CARTWRIGHT: A bill (H. R. 7081) to amend section 101 of the Judicial Code; to the Committee on the Judiciary.

By Mr. McGRATH: A bill (H. R. 7082) to authorize the erection of an addition to the existing Veterans' Administration facility, Palo Alto, Calif., to the Committee on World War Veterans' Legislation.

By Mr. MOSIER of Ohio: A bill (H. R. 7083) to authorize the coinage of 50-cent pieces in commemoration of William Holmes McGuffey and the one hundredth anniversary of the

McGuffey Readers; to the Committee on Coinage, Weight, and Measures.

By Mr. NICHOLS: A bill (H. R. 7084) to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes; to the Committee on the District of Columbia.

By Mr. QUINN: A bill (H. R. 7085) to regulate barbers in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ROBERTSON: A bill (H. R. 7086) to direct the Secretary of the Interior to notify the State of Virginia that the United States assumes police jurisdiction over the lands embraced within the Shenandoah National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. KNUTSON: A bill (H. R. 7087) to provide for aiding 4–H clubs in exhibiting and demonstrating their various projects and activities at State agricultural fairs; to the Committee on Agriculture.

By Mr. OLIVER: A bill (H. R. 7088) to amend the Securities Act of 1933, as amended, for the purpose of providing protection for investors in foreign securities; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGNUSON: A bill (H. R. 7089) to require examinations for issuance of motorboat operators' licenses; to the Committee on Merchant Marine and Fisheries.

By Mr. OLIVER: A bill (H. R. 7090) to amend the act entitled "An act to prohibit financial transactions with any foreign government in default on its obligations to the United States", approved April 13, 1934; to the Committee on Foreign Affairs.

By Mr. MARTIN of Colorado: A bill (H. R. 7091) to give the consent and approval of Congress to the extension of the terms and provisions of the present Rio Grande compact signed at Santa Fe, N. Mex., on February 12, 1929, and heretofore approved by act of Congress dated June 17, 1930 (Public, No. 370, 71st Cong.); to the Committee on Irrigation and Reclamation.

By Mr. LAMBETH: A bill (H. R. 7092) to provide for the transfer of Scotland County to the middle judicial district of North Carolina; to the Committee on the Judiciary.

By Mr. PETERSON of Florida: A bill (H. R. 7093) providing for a preliminary examination and survey of a waterway from Anclote River to Tampa Bay, Fla.; to the Committee on Rivers and Harbors.

By Mr. BLOOM: Joint resolution (H. J. Res. 363) to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission; to the Committee on the Library.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States to consider their Joint Resolution No. 44–A and No. 73–A, concerning legislation for the generation of power on the upper Mississippi River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIGELOW: A bill (H. R. 7094) for the relief of Joseph Lawrence Rusche; to the Committee on Naval Affairs.

Also, a bill (H. R. 7095) for the relief of Sevellon Smith; to the Committee on Military Affairs.

By Mr. BREWSTER: A bill (H. R. 7096) for the relief of Amanda R. Nadeau; to the Committee on Claims.

By Mr. FITZGERALD: A bill (H. R. 7097) for the relief of Minnie D. Gadle; to the Committee on Claims.

By Mr. GRIFFITH: A bill (H. R. 7098) to confer jurisdiction upon the United States District Court for the Eastern District of Louisiana to hear, determine, and render judgment upon the claims of C. B. McClure and Lucinda McClure, and providing for the payment of any judgment, if any is so rendered; to the Committee on Claims.

Also, a bill (H. R. 7099) to confer jurisdiction upon the United States District Court for the Eastern District of Louisiana to hear, determine, and render judgment upon the claims of Dossie E. Worrell and Eva Worrell, and providing for the payment of any judgment, if any is so rendered; to the Committee on Claims.

By Mr. KELLY of New York: A bill (H. R. 7100) granting an increase of pension to Mary E. Lewis; to the Committee on Invalid Pensions.

By Mr. LEWIS of Colorado: A bill (H. R. 7101) for the relief of DeWayne F. Clark; to the Committee on Claims.

By Mr. LUCKEY of Nebraska: A bill (H. R. 7102) granting an increase of pension to Elizabeth V. Duggan; to the Committee on Invalid Pensions.

By Mr. McCORMACK: A bill (H. R. 7103) for the relief of Frank Patrick Canney; to the Committee on Naval Affairs.

By Mr. PEYSER: A bill (H. R. 7104) for the relief of the estate of F. Gray Griswold; to the Committee on War Claims.

By Mr. THURSTON: A bill (H. R. 7105) granting a pension to John Sanford; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 7106) granting a pension to Alice M. Ransom; to the Committee on Invalid Pensions.

By Mr. WILCOX: A bill (H. R. 7107) for the relief of the heirs of Lewis G. Norton; to the Committee on the Public Lands.

By Mr. BURDICK: Joint resolution (H. J. Res. 364) for the relief of Charles Walking Cloud; to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2265. By Mr. COFFEE of Washington: Petition of the Washington State Federation of Teachers, B. M. Patten, secretary, urging passage of House bill 5962, known as the Fletcher-Harrison bill, providing for Federal aid to State educational programs; to the Committee on Education.

2266. Also, petition of the Washington State Federation of Teachers, B. M. Patten, secretary, protesting against the passage of the Sheppard-Hill war profits bill (S. 25 and H. R. 1954); to the Committee on Military Affairs.

2267. Also, petition of the Washington State Federation of Teachers, B. M. Patten, secretary, urging Congress to continue to provide sufficient Works Progress Administration funds in order that the adult education program will not suffer; to the Committee on Appropriations.

2268. Also, petition of the Washington State Federation of Teachers, B. M. Patten, secretary, urging Congress to pass House joint resolution introduced by Mr. O'CONNELL of Montana, which memorializes Governor Merriam, of California, to grant a full and complete pardon to Tom Mooney, the imprisonment of whom has become a national disgrace; to the Committee on the Judiciary.

2269. Also, petition of the Washington State Federation of Teachers, B. M. Patten, secretary, endorsing the President's proposals for reform of the Supreme Court as a measure of benefit to the Nation and to the American people, and asking that members of the Washington State delegation give their full and unmitigated support to this vital measure; to the Committee on the Judiciary.

2270. By Mr. LUTHER A. JOHNSON: Resolution of the House of Representatives, State Legislature of Texas, advising delay of payment of Federal allotment of funds for old-age

assistance in Texas, and urging need for immediate appropriation; to the Committee on Appropriations.

2271. By Mr. KRAMER: Resolution of the Los Angeles Municipal Housing Commission, pertaining to housing legislation; to the Committee on Banking and Currency.

2272. Also, resolution of the Los Angeles chapter of Phi Alpha Delta law fraternity, referring to the proposed Federal judiciary system; to the Committee on the Judiciary.

2273. By Mr. KENNEY: Petition of the United Weighers' Association of the Port of New York, protesting against the O'Mahoney-Adams-Jones bill; to the Committee on Ways and Means.

2274. Also, petition of the Sugar Refinery Workers Local, No. 20225, of Philadelphia, Pa., opposing O'Mahoney-Jones-Adams bill; to the Committee on Ways and Means.

2275. Also, petition of the United Sugar Samplers' Association, opposing O'Mahoney-Adams-Jones bill; to the Committee on Ways and Means.

2276. By Mr. KEOGH: Petition of the United Weighers' Association of the Port of New York, concerning the O'Mahoney-Adams-Jones sugar importation legislation; to the Committee on Ways and Means.

2277. Also, petition of the United Sugar Samplers Association, New York City, concerning the Adams-Jones-O'Mahoney sugar importation bill; to the Committee on Ways and Means.

2278. Also, petition of the Building Trades Employers' Association of the City of New York, concerning the Federal Emergency Administration of Public Works, Administration order no. 197; to the Committee on Appropriations.

2279. Also, petition of the New York Artists Union, concerning the Boileau bill; to the Committee on Appropriations.

2280. By Mr. LEWIS of Colorado: Petition of the Thirty-first General Assembly of the State of Colorado, House Joint Memorial No. 14, regarding House bill No. 513, of the Colorado General Assembly, to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade mark, brand, or name, and urging the Congress to enact the Miller-Tydings bill; to the Committee on the Judiciary.

2281. By Mr. LORD: Petition of the Woman's Christian Temperance Union of Chenango County, N. Y., opposing changes in the Supreme Court of the United States of America proposed by the President and any change in the organization of said Court or in the method of appointing Justices, believing that such changes would destroy the liberties of the people and would substitute the tyranny of the individual for our present government of law; to the Committee on Ways and Means.

2282. Also, petition of L. D. Bailey and 26 residents of Deposit, N. Y., urging enactment of the old-age pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

2283. By Mr. NICHOLS: Petition concerning House bill 3297, affecting money and hours; to the Committee on Banking and Currency.

2284. By Mr. PFEIFER: Telegram from the New York Artists Union, New York City, concerning the Boileau bill for Federal art project workers; to the Committee on Appropriations.

2285. Also, petition of the United Sugar Samplers Association, New York City, concerning the O'Mahoney-Adams-Jones sugar bill; to the Committee on Ways and Means.

2286. Also, petition of the United Weighers' Association of the Port of New York, concerning the O'Mahoney-Adams-Jones sugar bill; to the Committee on Ways and Means.

2287. By Mr. QUINN: Resolution of the Federation of Technical Engineers, Architects, and Draftsmen's Union, Pittsburgh, Pa., concerning the $3,000,000,000 for Works Progress Administration and $1,000,000,000 for direct grants to the States; to the Committee on Appropriations.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 18, 1937

The House met at 12 o'clock noon.

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

Let thanksgiving be our prayer, Heavenly Father, for the arms of Thy strong care shall be roundabout us. They that put their trust in the Lord shall be as Mount Zion, which shall not be moved, but standeth forth forever. Blessed be the Lord our God of Israel, which only doeth wondrous things. Our blessings are countless; Thou hast prepared a bounteous table in our land. We pray that upon these shores Thy saving health may be known among all nations. Grant that large-minded, great-souled men and women shall bless it with an ever-widening horizon. Almighty God, we lift our grateful hearts to Thee; do Thou make them strong. Fortify us with courage that we may overcome vexations, annoyances, and harassing cares; deliver us, O Lord, from all things that blight and blur. May we lift our eyes unto the hills from whence cometh our strength; our help cometh from the Lord. In our Savior's name. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 593. An act for the relief of Albert Wheeler;

H. R. 859. An act for the relief of the Union Shipping & Trading Co., Ltd.;

H. R. 1092. An act for the relief of May Howard Bloedorn;

H. R. 1119. An act for the relief of Dr. E. T. Kirkendall;

H. R. 1254. An act for the relief of William A. McMahan;

H. R. 1346. An act for the relief of James M. Winter;

H. R. 2218. An act for the relief of Helen Marie Lewis;

H. R. 2352. An act for the relief of Donald L. Bookwalter;

H. R. 3135. An act for the exchange of land in Hudson Falls, N. Y., for the purpose of the post-office site;

H. R. 3326. An act for the relief of Printz-Biederman Co.;

H. R. 3573. An act for the relief of D. B. Carter;

H. R. 3773. An act for the relief of B. B. Odom and Lilla Odom;

H. R. 4329. An act for the relief of George T. Heppenstall;

H. R. 4778. An act to confer jurisdiction on the United States District Court for the Southern District of New York to hear, determine, and render judgment on the claim of A. Mateos & Sons, owner of the coal hulk *Callixene*;

H. R. 5142. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. William Hollister;

H. R. 5171. An act to reimpose a trust on certain lands allotted on the Yakima Indian Reservation;

H. R. 5311. An act for the relief of the estate of Robert Edwin Lee;

H. R. 5416. An act to amend the act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935;

H. R. 6566. An act granting a pension to Helen H. Taft;

H. J. Res. 228. Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December on the 20th day of that month of each year; and

H. J. Res. 251. Joint resolution to extend the lending authority of the Disaster Loan Corporation to apply to flood disasters in the year 1936.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 114. An act to provide for studies and plans for the development of a hydroelectric power project at Cabinet