3269. By Mr. HOOK: Resolution of the Gogebic County Board of Supervisors at Bessemer, Mich., that the Federal Government adopt some system whereby townships and counties shall be reimbursed for the financial loss created by the removal of tax-paying land from tax roll for Federal reserves; to the Committee on the Public Lands.

3270. Also, resolution of the Board of Supervisors of Keweenaw County, Eagle River, Mich., petitioning the Federal Government to adopt some means whereby the townships and counties in which the United States Government has purchased lands for the purpose of creating Federal forest reserves and national-park purposes, be reimbursed for the financial loss sustained by the removal of said lands from the tax roll; to the Committee on the Public Lands.

3271. By Mr. LUTHER A. JOHNSON: Petition of H. J. Kent, president, and J. C. Parks, secretary, Navarro County Agricultural Association, Navarro County; George H. Wyatt, of Kirven; A. J. Harris, S. H. Lee, T. L. Sherrard, of Streetman; Oscar Johnson, Joe Gillespie, James Davis, P. Baty, Tom Beck, Jim Dunkin, Smith Johnson, Nathaniel Brown, Aaron Dunkin, G. Tatum, Alf Tatum, Hubert Tatum, Tennessee Taylor, D. W. Mims, Virginia Mims, Blaine Brown, Homes Brown, O. C. Brown, Clint Henderson, F. R. Smith, W. W. Moore, R. H. Moore, Marvin Moore, W. V. Geppert, A. B. Geppert, Ellen Victery, E. R. Simmoms, and Clair Clark, of Teague; and A. O. Hagen and A. E. Hagen, of Fairfield, all of the State of Texas, favoring general farm bill this session; to the Committee on Agriculture.

3272. Also, petition of H. B. Walker, of Corsicana, Tex., opposing the Black-Connery wage and hour bill; to the Committee on Rules.

3273. By Mr. SANDERS: Resolution of A. D. Winston and 78 farmers, of Smith County, Tex., urging enactment of House bill 7577 at this session of Congress; to the Committee on Agriculture.

3274. By Mr. KEOGH: Petition of the Brooklyn Merchant Bakers Association, Brooklyn, N. Y., concerning Senate bill 2475 and House bill 7200; to the Committee on Labor.

3275. Also, petition of the Citizens Committee for Support of Works Progress Administration, New York City, concerning the Schwellenbach-Allen resolutions; to the Committee on Appropriations.

3276. By Mr. PFEIFER: Petition of the Brooklyn Merchant Bakers Association, Brooklyn, N. Y., concerning House bill 7200 and Senate bill 2475; to the Committee on Labor.

3277. Also, petition of the Citizens Committee for Support of Works Progress Administration, New York City, urging support of the Schwellenbach-Allen joint resolutions; to the Committee on Appropriations.

3278. Also, petition of the American Federation of State, County, and Municipal Employees, Local 61-2, New York City, urging the passage of the wage and hour bill and the Wagner-Steagall housing bill; to the Committee on Labor.

SENATE

TUESDAY, AUGUST 17, 1937

(Legislative day of Monday, Aug. 16, 1937)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, August 16, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

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

S. 1216. An act authorizing the Secretary of the Interior to convey certain land to the State of Montana, to be used for the purposes of a public park and recreational site;

S. 1282. An act to amend Articles of War 50½ and 70;

S. 1551. An act to amend section 24 of the Judicial Code, as amended, with respect to the jurisdiction of the district courts of the United States over suits relating to the collection of State taxes;

S. 1696. An act to authorize the revision of the boundaries of the Snoqualmie National Forest, in the State of Washington;

S. 1816. An act to amend section 77 of the Judicial Code, as amended, to create a Brunswick division in the southern district of Georgia, with terms of court to be held at Brunswick;

S. 1889. An act authorizing the Secretary of the Interior to convey all right, title, and interest of the United States in certain lands to the State of New Mexico, and for other purposes;

S. 2249. An act providing for the manner of payment of taxes on gross production of minerals, including gas and oil, in Oklahoma;

S. 2401. An act for the relief of sergeant-instructors, National Guard, and for other purposes;

S. 2613. An act for the relief of certain applicants for oil and gas permits and leases;

S. 2614. An act authorizing the Secretary of the Interior to patent certain tracts of land to the State of New Mexico and Cordy Bramblet;

S. 2682. An act to authorize the Secretary of the Interior to issue patents to States under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), subject to prior leases issued under section 15 of the said act;

S. 2751. An act to authorize the transfer to the jurisdiction of the Secretary of the Treasury of portions of the property within the West Point Military Reservation, N. Y., for the construction thereon of certain public buildings, and for other purposes;

S. 2851. An act to authorize the reservation of minerals in future sales of lands of the Choctaw-Chickasaw Indians in Oklahoma;

S. 2882. An act to authorize the construction of bridges in Caddo Parish, La.; and

S. 2888. An act to authorize the Secretary of the Interior to lease or sell certain lands of the Agua Caliente or Palm Springs Reservation, Calif., for public airport use, and for other purposes.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 29. An act 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;

S. 1040. An act placing provisional officers of the World War in the same status with emergency officers of the World War and extending to them the same benefits and privileges as are now or may hereafter be provided by law, orders, and regulations for said emergency officers, and for other purposes; and

S. 1516. An act to authorize certain payments to the American War Mothers, Inc.; the Veterans of Foreign Wars of the United States, Inc.; and the Disabled American Veterans of the World War, Inc.

The message further announced that the House had passed the following bills, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1283. An act to increase the extra pay to enlisted men for reporting;

S. 2263. An act providing for per-capita payments to the Seminole Indians in Oklahoma from funds standing to their credit in the Treasury;

S. 2647. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost while engaged in emergency relief expeditions during the Ohio Valley flood in January and February 1937; and

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

S. 2862. An act to provide funds for cooperation with the school board at Worley, Idaho, in the construction of a public-school building to be available to Indian children in the town of Worley and county of Kootenai, Idaho.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7645) to authorize appropriations for construction and rehabilitation at military posts, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7646) 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, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITTINGTON, Mr. GRISWOLD, and Mr. ENGLEBRIGHT 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. 7667) to regulate commerce among the several States, with the Territories and possessions of the United States, and with foreign countries; to protect the welfare of consumers of sugars and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; to raise revenue; and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES, Mr. DOXEY, Mr. MITCHELL of Tennessee, Mr. HOPE, and Mr. KINZER were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1485. An act to amend section 40 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes";

H. R. 3021. An act to authorize the acquisition of a certain building, furniture, and equipment in the Crater Lake National Park;

H. R. 4399. An act authorizing payment for certain lands appropriated by the United States, and for other purposes;

H. R. 4402. An act to continue in effect a certain lease for the quarters of the post office at Grover, N. C., and for other purposes;

H. R. 4539. An act authorizing a per-capita payment of $25 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation;

H. R. 5753. An act to authorize advance of the amounts due on delinquent homestead entries on certain Indian reservations;

H. R. 6042. An act making further provision with respect to the funds of the Metlakahtla Indians of Alaska;

H. R. 6589. An act to conserve the watersheds and water resources of portions of Santa Barbara and San Luis Obispo Counties, Calif., by the withdrawal of certain public land, included within the Los Padres National Forest, Calif., from location and entry under the mining laws;

H. R. 7210. An act to authorize an exchange of lands at the New Cumberland General Depot, Pennsylvania;

H. R. 7436. An act to validate settlement claims established on sections 16 and 36 within the area withdrawn for the Matanuska settlement project in Alaska, and for other purposes;

H. R. 7649. An act relating to certain lands within the boundaries of the Crow Reservation, Mont.;

H. R. 7709. An act to incorporate the American Chemical Society;

H. R. 7849. An act authorizing State Highway Commission of Arkansas and State Highway Commission of Mississippi to construct, maintain, and operate a toll bridge across the Mississippi River at or near Lake Village, Chicot County, Ark., and to a place at or near Greenville, Washington County, Miss.;

H. R. 7867. An act to amend section 11 of the act of Congress approved July 10, 1890 (26 Stat., ch. 664), relating to the admission into the Union of the State of Wyoming;

H. R. 8167. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River between the village of Barryville, N. Y., and the village of Shohola, Pa.; and

H. R. 8234. An act to provide revenue, equalize taxation, prevent tax evasion and avoidance, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

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

S. 854. An act for the relief of James O. Cook;

S. 2871. An act for the protection of certain enlisted men of the Army;

H. R. 854. An act for the relief of Robert Coates;

H. R. 1375. An act for the relief of Wayne M. Cotner;

H. R. 1767. An act for the relief of the Rowesville Oil Co.;

H. R. 2014. An act to amend an act entitled "An act to provide for the establishment of the Everglades National Park in the State of Florida, and for other purposes", approved May 30, 1934;

H. R. 3406. An act for the relief of the Southeastern University of the Young Men's Christian Association of the District of Columbia;

H. R. 3426. An act for the relief of Rose McGirr;

H. R. 4489. An act for the relief of Stella Van Dewerker;

H. R. 4582. An act to amend the act, approved August 4, 1919, as amended, providing additional aid for the American Printing House for the Blind;

H. R. 5927. An act for the relief of Walter G. Anderson;

H. R. 6167. An act to provide a surcharge on certain air mail carried in Alaska;

H. R. 6762. An act to amend the act known as the "Perishable Agricultural Commodities Act, 1930", approved June 10, 1930, as amended;

H. R. 7127. An act authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to be held May 14 to May 21, 1938;

H. R. 7172. An act for the relief of Jesse A. LaRue;

H. R. 7430. An act for the relief of Mary Lucia Haven;

H. R. 7949. An act to exempt State liquor-dispensing systems from the requirement of keeping certain records and rendering transcripts and summaries of entries with respect to distilled spirits;

H. R. 8174. An act to make available to each State which enacted in 1937 an approved unemployment-compensation law a portion of the proceeds from the Federal employers' tax in such State for the year 1936;

H. J. Res. 171. Joint resolution for the designation of certain streets or avenues in the Mall as Ohio, Missouri, Oklahoma, and Maine Avenues;

H. J. Res. 385. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the Oil World Exposition at Houston, Tex., to be held October 11 to 16, 1937, inclusive;

H. J. Res. 406. Joint resolution to establish the General Anthony Wayne Memorial Commission to formulate plans for the construction of a permanent memorial to the memory of Gen. Anthony Wayne; and

H. J. Res. 445. Joint resolution granting the consent of Congress to a compact between the States of New York and New Jersey providing for the creation of the Palisades Interstate Park Commission as a joint corporate municipal instrumentality of said States with appropriate rights, powers, duties, and immunities, for the transfer to said commission of certain functions, jurisdiction, rights, powers, and duties,

together with the properties of the bodies politic now existing in each State known as "Commissioners of the Palisades Interstate Park", and for the continuance of the Palisades Interstate Park.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Connally	Lee	Reynolds
Andrews	Copeland	Lewis	Schwartz
Ashurst	Davis	Lodge	Schwellenbach
Austin	Dieterich	Logan	Sheppard
Bankhead	Donahey	Lundeen	Shipstead
Barkley	Ellender	McAdoo	Smathers
Berry	Frazier	McGill	Smith
Bilbo	Gillette	McKellar	Steiwer
Bone	Glass	Minton	Thomas, Okla.
Borah	Green	Moore	Thomas, Utah
Bridges	Hale	Murray	Truman
Brown, N. H.	Hatch	Neely	Tydings
Bulow	Hitchcock	Nye	Van Nuys
Burke	Holt	Overton	Wagner
Byrnes	Hughes	Pepper	Wheeler
Capper	Johnson, Calif.	Pittman	White
Caraway	Johnson, Colo.	Pope	
Chavez	King	Radcliffe	

Mr. BARKLEY. I announce that the following Senators, members of the Committee on Finance, are unavoidably absent from the floor because they are in session considering the tax "loophole" bill: Senators HARRISON, CLARK, BYRD, LONERGAN, GUFFEY, GERRY, BULKLEY, HERRING, BROWN of Michigan, LA FOLLETTE, and TOWNSEND.

Mr. MINTON. I announce that the Senator from Wisconsin [Mr. DUFFY] and the Senator from Georgia [Mr. RUSSELL] are absent on official duty as members of the committee appointed to attend the dedication of the battle monuments in France.

I further announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Connecticut [Mr. MALONEY] are absent because of illness.

The Senator from Nevada [Mr. MCCARRAN], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Massachusetts [Mr. WALSH] are necessarily detained.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of illness.

The VICE PRESIDENT. Seventy Senators have answered to their names. A quorum is present.

VIRGINIA DARE CELEBRATION, ROANOKE ISLAND, N. C.

The VICE PRESIDENT. The Chair has received communications from the Senator from Kentucky [Mr. BARKLEY], the Senator from Massachusetts [Mr. LODGE], and the Senator from North Carolina [Mr. BAILEY] tendering their resignations as members on the part of the Senate of the joint congressional committee appointed to represent the Congress at the celebration of the three hundred and fiftieth anniversary of the birth of Virginia Dare, to be held at Roanoke Island, N. C., on the 18th instant, and appoints the Senator from Illinois [Mr. DIETERICH], the Senator from Mississippi [Mr. BILBO], and the Senator from South Dakota [Mr. BULOW] to fill the vacancies.

SUPPLEMENTAL ESTIMATE, NAVY DEPARTMENT (S. DOC. NO. 101)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department (public works, Bureau of Yards and Docks), fiscal year 1938, amounting to $600,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR (S. DOC. NO. 100)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting draft of a proposed provision pertaining to an existing appropriation for the Department of the Interior, National Park Service (salaries and general expenses, public buildings and grounds, in the District of Columbia), fiscal year 1938, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES—INTERNATIONAL PRODUCTION CONTROL COMMITTEES (S. DOC. NO. 99)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting two drafts of proposed provisions pertaining to existing appropriations for the Department of Agriculture, namely, "Conservation and use of agricultural land resources, Department of Agriculture", and "International Production Control Committees", which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF LABOR (S. DOC. NO. 102)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Labor, fiscal year 1938, amounting to $53,420, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram in the nature of a memorial from the Amalgamated Association of Street Electric Railway and Motor Coach Employees of America, by W. D. Mahon, international president, Detroit, Mich., remonstrating against reduction in the appropriation for the National Labor Relations Board, which was referred to the Committee on Appropriations.

He also laid before the Senate a telegram in the nature of a petition from Brooks Whitton, proprietor, etc., Dr. Edward Brannan, and sundry other citizens, engaged in business and in the professions, all of Birmingham, Ala., praying for the confirmation of the nomination of HUGO L. BLACK, of Alabama, to be an Associate Justice of the Supreme Court of the United States, which was ordered to lie on the table.

Mr. LUNDEEN presented letters in the nature of memorials from Elmer Haugen and G. H. Hubmer, cashier, St. Clair State Bank, both of St. Clair; A. A. Bibus, vice president, etc., Stock Yards National Bank, of South St. Paul; the Little Falls Farmers' Shipping Association, of Little Falls; and members of the Grey Eagle Stock Shipping Association, of Grey Eagle, all in the State of Minnesota, remonstrating against the ratification of the so-called Argentine Sanitary Convention, which were referred to the Committee on Foreign Relations.

Mr. LODGE presented resolutions of the mayors and aldermen of Springfield and Northampton, and the selectmen of Amherst and Blandford, all in the State of Massachusetts, favoring the prompt approval and ratification, without amendment, of the Connecticut River Interstate Flood Control Compact, so that immediate construction of impounding reservoirs may be possible, which were ordered to lie on the table.

REPORTS OF COMMITTEES

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

H. R. 345. A bill for the relief of Genevieve E. Daley (Rept. No. 1220);

H. R. 459. A bill for the relief of the Derby Oil Co. (Rept. No. 1221);

H. R. 518. A bill for the relief of Rosolino Zamito and Maria Zamito (Rept. No. 1222);

H. R. 1233. A bill for the relief of employees of the Indian Service for destruction by fire of personally owned

property in Government quarters at the Pierre Indian School, South Dakota (Rept. No. 1223); and

H. R. 2860. A bill for the relief of Walter W. Johnston (Rept. No. 1240).

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

H. R. 2641. A bill for the relief of John Stevens and the estate of Fred Hausauer, Jr. (Rept. No. 1224);

H. R. 6135. A bill for the relief of R. E. Rainer, R. H. Alderman, and John Harmon (Rept. No. 1225);

H. R. 6155. A bill for the relief of Sadie N. Pike and Edward W. Pike (Rept. No. 1226);

H. R. 6271. A bill conferring jurisdiction upon the United States District Court for the Northern District of Georgia to hear, determine, and render judgment upon the claims of George Perdue, O. B. Ross, Sadie Washington, and the estate of Larry W. Fleming (Rept. No. 1227);

H. R. 6316. A bill for the relief of Helen Niehaus (Rept. No. 1228);

H. R. 6469. A bill conferring jurisdiction upon the United States District Court for the State of Massachusetts to hear, determine, and render judgment upon the claim of Anthony Caramagno (Rept. No. 1229); and

H. R. 7458. A bill for the relief of John E. T. Clark (Rept. No. 1230).

Mr. HATCH, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 7618) relating to the revested Oregon & California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon, reported it without amendment and submitted a report (No. 1231) thereon.

He also, from the same committee, to which was referred the bill (S. 2759) authorizing the sale of certain lands to the Regents of the Agricultural College of New Mexico, reported it with an amendment and submitted a report (No. 1232) thereon.

Mr. MURRAY, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2953) to provide a measure of damages for trespass involving timber and other forest products upon lands of the United States, reported it with amendments and submitted a report (No. 1233) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the joint resolution (S. J. Res. 208) relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits, reported it without amendment and submitted a report (No. 1234) thereon.

Mrs. CARAWAY, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 206) to authorize the painting of the painting The Signing of the Constitution for placement in the Capitol Building, reported it without amendment and submitted a report (No. 1235) thereon.

Mr. BYRNES, from the Select Committee on Government Organization, to which was referred the bill (S. 2970) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes, reported it without amendment and submitted a report (No. 1236) thereon.

Mr. RADCLIFFE, from the Committee on Commerce, to which was referred the bill (H. R. 7806) authorizing the State Roads Commission of the State of Maryland to construct, maintain, and operate a free highway bridge across Sinepuxent Bay in Worcester County, Md., at Ocean City, Md., to replace a bridge already in existence, reported it with amendments and submitted a report (No. 1237) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 1424) to repeal that provision in the act of March 2, 1917 (39 Stat. L. 976), directing the making of allotments to Indians of the Mission Indian Reservations, Calif., reported it with amendments and submitted a report (No. 1238) thereon.

He also, from the same committee, to which was referred the bill (S. 2223) to provide for the construction, extension, and improvement of public-school buildings in Uintah County, Utah, reported it without amendment and submitted a report (No. 1241) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 2701) relating to certain lands within the boundaries of the Crow Reservation, Mont., reported it with an amendment and submitted a report (No. 1239) thereon.

BILLS INTRODUCED

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

By Mr. GLASS (by request):

A bill (S. 2974) to revise the code of laws of the District of Columbia relating to building and loan associations; to define associations and to provide for their organization, incorporation, examination, operation, regulation, and supervision; and prescribing penalties for violations of the provisions of the act; to the Committee on the District of Columbia.

By Mr. LUNDEEN:

A bill (S. 2975) for the relief of Joseph Lane; to the Committee on Claims.

A bill (S. 2976) granting a pension to Effie G. Mallon; to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 2977) for the relief of Bert Peters; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 2978) requiring that persons holding certain positions under the United States be citizens of the United States; to the Committee on Civil Service.

HOUSE BILLS REFERRED

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

H. R. 1485. An act to amend section 40 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes", and;

H. R. 7867. An act to amend section 11 of the act of Congress approved July 10, 1890 (26 Stat. ch. 664), relating to the admission into the Union of the State of Wyoming; to the Committee on Territories and Insular Affairs.

H. R. 3021. An act to authorize the acquisition of a certain building, furniture, and equipment in the Crater Lake National Park;

H. R. 6589. An act to conserve the watersheds and water resources of portions of Santa Barbara and San Luis Obispo Counties, Calif., by the withdrawal of certain public land, included within the Los Padres National Forest, Calif., from location and entry under the mining laws; and

H. R. 7436. An act to validate settlement claims established on sections 16 and 36 within the area withdrawn for the Matanuska settlement project in Alaska, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 4399. An act authorizing payment for certain lands appropriated by the United States, and for other purposes;

H. R. 4539. An act authorizing a per-capita payment of $25 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation;

H. R. 5753. An act to authorize advance of the amounts due on delinquent homestead entries on certain Indian reservations; and

H. R. 6042. An act making further provision with respect to the funds of the Metlakahtla Indians of Alaska; to the Committee on Indian Affairs.

H. R. 4402. An act to continue in effect a certain lease for the quarters of the post office at Grover, N. C., and for other purposes; to the Committee on Post Offices and Post Roads.

H. R. 7210. An act to authorize an exchange of lands at the New Cumberland General Depot, Pennsylvania; to the Committee on Military Affairs.

H. R. 7649. An act relating to certain lands within the boundaries of the Crow Reservation, Mont.; to the calendar.

H. R. 7709. An act to incorporate the American Chemical Society; to the Committee on the Judiciary.

H. R. 7849. An act authorizing State Highway Commission of Arkansas and State Highway Commission of Mississippi to construct, maintain, and operate a toll bridge across the Mississippi River at or near Lake Village, Chicot County, Ark., and to a place at or near Greenville, Washington County, Miss.; and

H. R. 8167. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River between the village of Barryville, N. Y., and the village of Shohola, Pa.; to the Committee on Commerce.

H. R. 8234. An act to provide revenue, equalize taxation, prevent tax evasion and avoidance, and for other purposes; to the Committee on Finance.

AMENDMENTS TO THIRD DEFICIENCY BILL

Mr. PITTMAN submitted an amendment intended to be proposed by him to House bill 8245, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place, to insert the following new paragraph:

"To pay Edward J. Trenwith, as compensation for compiling a revised supplement to the compilation entitled 'Treaties, Conventions, International Acts, and Protocols Between the United States and Other Powers', to include treaties, conventions, important protocols, and international acts to which the United States may have been a party since March 4, 1923, under resolution of the Senate (S. Res. 132, 75th Cong., 1st sess.), $2,500."

Mr. BYRNES submitted an amendment intended to be proposed by him to House bill 8245, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place to insert the following:

"Notwithstanding any other provisions of section 32 of Public, No. 320, Seventy-fourth Congress, as amended, not to exceed $65,000,000 of the funds available under said section 32 in each of the fiscal years 1938 and 1939 shall be available (at such times and in such amounts as the Secretary of Agriculture may determine) until expended for a price-adjustment payment, upon such terms and conditions as the Secretary of Agriculture may determine, with respect to the 1937 cotton crop to cotton producers who have complied with the provisions of the 1938 agricultural adjustment program formulated under the legislation contemplated by Senate Joint Resolution 207, Seventy-fifth Congress. Such payments shall be the difference between 12 cents per pound and the average price of cotton on the 10 spot cotton markets for the months of August 1937 to January 1938, inclusive, but in no case shall exceed 3 cents per pound. Such payments with respect to each farm shall be based upon the aggregate normal yield of the cotton base acreage that was or could have been established under the provisions of the 1937 agricultural conservation program less the aggregate normal yield of the maximum acreage for which a diversion payment offer was made under said program. Such payments shall be divided among cotton producers in the proportion that they were entitled to share in the 1937 cotton crop, or the proceeds thereof, under their lease or operating agreement and the facts constituting the bases for any such payment, or the amount thereof, when officially determined in conformity with rules prescribed by the Secretary of Agriculture shall be reviewable only by the Secretary of Agriculture."

ASSISTANT CLERK, COMMITTEE ON PATENTS

Mr. McADOO submitted the following resolution (S. Res. 178), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Resolution 14, Seventy-fifth Congress, authorizing the Committee on Patents to employ an assistant clerk during the first session of the Seventy-fifth Congress, to be paid from the contingent fund of the Senate at the rate of $2,400 per annum, hereby is continued in full force and effect until the end of the Seventy-fifth Congress.

CONSOLIDATION OF HOME OWNERS' LOAN CORPORATION AND FEDERAL HOUSING ADMINISTRATION

Mr. WAGNER submitted the following resolution (S. Res. 179), which was referred to the Committee on Banking and Currency:

Resolved, That a special committee of five Senators who are members of the Committee on Banking and Currency, to be appointed by the President of the Senate, is authorized and directed to make a full and complete investigation of the desirability of consolidating all the functions of the Home Owners' Loan Corporation and the Federal Housing Administration in one agency of the Government. The committee so appointed shall report to the Senate, at the beginning of its next session, the results of its investigation together with its recommendations.

For the purposes 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, recesses, and adjourned periods of the Senate in the Seventy-fifth Congress, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $1,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

"BACK ROOSEVELT"—EDITORIAL FROM THE NASHVILLE TENNESSEEAN

Mr. McKELLAR. Mr. President, on July 25, 1937, the Nashville Tennesseean, one of the best and most widely circulated newspapers in the State of Tennessee, contained an editorial entitled "Back Roosevelt." It is one of the best editorials on that subject that has been written, an editorial which I approve, and I ask unanimous consent that it be printed in the RECORD as a part of my remarks.

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

[From the Nashville Tennesseean of July 25, 1937]

BACK ROOSEVELT

On a murky March day 4 years ago a reassuring and vibrant voice came through the air to a hundred million desperate and despairing people. Banks were closed. The stark specter of hunger stalked, pointing its naked finger at the cradle, the tenement, the farm house. Barred doors under idle smokestacks greeted the factory worker. Empty freight cars were rusting to steel rails in every freight yard in the Nation. Empty shelves of stores were unreplenished because the merchant neither had the faith nor funds to buy, nor the customer to serve. Farmers looked skyward by habit only, because to till the soil under favoring weather would be but to plant for a harvest which would bring no return. Brokers fingered ticker tapes that moved slowly to tell a depressing story of values falling to zero levels.

That voice said, "The only thing we have to fear is fear itself."

The voice was that of Franklin Delano Roosevelt.

It was the voice of hope, vital, aggressive, inspiring.

That same voice has been heard many times since. It has always spoken in behalf of the people—the folks—of the Nation Franklin Roosevelt loves so well. Whether it came from the heart of a dust bowl, under a copper sun which for months sent its torrid heat to kill the hope of the soil, or from the farm belt in behalf of the stabilization of the price of the farmer's crops, or to take men from the breadline and put them to work, and after they went to work that they should receive a fair wage for their labor, that voice spoke the conscientious feeling of President Roosevelt for the improvement of the Nation. We have heard it plead for the peace of the world, and have acutely realized that the man who spoke stood against any encroachment which would send the sons of our lands into warfare.

During 4 years, through which the backwash of the depression sent the fretful waves of Huey Long-ism, Townsendism, and Coughlinism against the Government, the financial fidelity of the American dollar has stood, and, despite the howlers, every Government financing issue has been oversubscribed, the best proof of the confidence of the financial world, just as the soaring national income and the steady rise of Treasury receipts is the best proof of the return to health of the Nation's economy under Roosevelt.

It has been predicted that the defeat of his plan for reform of the Supreme Court would be President Roosevelt's "great test"; that his reaction would measure the durability of his powers of leadership; would try anew his qualities as a man.

The President has met that test and has come through it as through so many others, smiling and face forward.

It was prophesied that he would be embittered, petulant, vengeful. Instead, he has been calm, philosophical, undismayed. He has counted his gains in his battle for the people and, with courage undiminished, counts to gain more.

He has been prompt to declare that he will continue to press for the complete establishment of his great program for the improvement of the lot of all citizens and for the lasting economic stability of the Nation.

It has been argued, on no better basis than the wishful thinking of his personal and political enemies, that his defeat on the Court plan "would be the end of Roosevelt."

That was the opium pipe dream of self-deluding Tories. Franklin D. Roosevelt remains head and shoulders above any other political leader of these times, and his continuing leadership is the chief hope of progressive democracy.

The Tennessean newspapers, in the main, steadfastly have supported the cardinal aims of the President throughout the first New Deal and in the second New Deal as far as it has run.

We shall continue to stand behind the President and his program as long as his proposals shall seem to us reasonable and just,

and until some program better calculated to advance the general welfare shall be presented.

We are frank to say that we can discern on the American political scene no potential leader whose figure can compare with that of Roosevelt; nor have any alternative programs been offered which recommend themselves as more constructive or more sensible than the program which has been launched by this administration, and which it actively pursues.

We have seen instead the constant carping of professional political bourbons and economic nabobs who, in face of repeated expressions of the enthusiastic approval of the people of Roosevelt and his New Deal policies, have carried on an unremitting "war of attrition" against the President's prestige, and have sought ceaselessly to block, discredit, and destroy his reforms.

We do not believe that our readers, or the general public anywhere, have been misled by these constant and often picayunish thrusts at their President, or have placed upon the court bill defeat a significance beyond its due. The bill is dead, beyond chance of resurrection. The Senate in the exercise of its judgment rejected it—and Franklin Roosevelt in the exercise of his oft-proven sense of sportsmanship candidly acknowledged the setback, smiled—and went down the Potomac with ALBEN BARKLEY to discuss the furtherance of his plans for the improvement of the economic and social life of the people of the United States. The people realize that after all the reforms proposed were only a corollary to the New Deal program for "the greater good of the greater number", and that those who have sought to make political capital of that fight, by appealing to every prejudice and trotting out every shibboleth to which humanity might be susceptible, are—apart from a few ingrates within his own party—the same superpatriotic gentlemen who in the last Presidential campaign strained to excite those same prejudices and overworked those same shibboleths in a futile effort to whip Roosevelt out of Washington with a sunflower.

But the sunflower wilted, and the Literary Digest went to the wall, and the false prophets were sent to the doghouse—to join the calamity howlers who had been relegated before them by the happy news that was on the financial pages of every newspaper in the land.

And that happy news still is on those pages, and it is a rare and fate-plagued citizen in these United States who does not know of his own personal experience that the Roosevelt drive for recovery has succeeded. And it is a very dull—or very obstinate—citizen indeed who will not perceive that the man who, no later than last November, was elected President of the United States by 46 of the 48 States of the Union is today, as he was on November 4, the chosen leader of the vast majority of the people.

He is that popular leader—as Members of Congress soon, it is likely, to be on their way back to renew acquaintance with the sentiments of their constituencies will discover.

For the time is ripe for 1934 to repeat itself—when the first New Deal Congress in the first lull after the breath-taking introduction to the New Deal wondered "what was to come next?"—and discovered that what was coming was the New Deal extended, more and better, and a President, strong with the confidence and good will of the public, ready to advance and direct the unfolding and interlocking phases of his plan for "recovery and reform."

Congress soon will adjourn, and that is always taken as an auspicious event by the business leaders of the country, and the Members of Congress will find back home where lie the sinews of the President's strength.

For the real measure of President Roosevelt's accomplishment is the simple comparison of the "now" and the "then." It is the sum of the difference between the condition—mental as well as economic—of the citizenry in 1933 and in 1937. Every farmer, businessman, professional man—every stockholder and coupon clipper—has only to look at the trail from red to black in his or her account book for the past 5 years to appreciate what the New Deal has done.

And the test now is not Roosevelt's—he has passed his: the test now is of the gratitude, the loyalty and the intelligence of a people. We believe the people to hold these qualities—but, unfortunately, the people speak only at the intermittent times of election, with years between.

In the meantime the "raucous voices" clamor incessantly their paean of disparagement, and seek to break down the people's trust.

In these times between—at this present time—there is great need that the voiceless masses of the people serry their ranks behind a gallant leader, to uphold his cause and aims to the best of their ability, for his comfort and the protection of the progress that has been made for their own welfare.

In these times the watchword of those who have benefited and whose hopes of a better future are being fulfilled should be:

"Back Roosevelt!"

VIRGINIA DARE CELEBRATION, ROANOKE ISLAND, N. C.

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article on Roanoke Island, published in the Washington Herald of Aug. 17, 1937, which appears in the Appendix.]

PROSPERITY IN INDIANA

[Mr. MINTON asked and obtained leave to have printed in the RECORD articles from the Evansville Press, the Fort Wayne Journal Gazette, and the Indianapolis Star, which appear in the Appendix.]

MESSAGES FROM THE PRESIDENT

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

AUTHORITY FOR FINANCE COMMITTEE TO SUBMIT REPORT

Mr. BARKLEY. As in legislative session, I ask unanimous consent that the Committee on Finance be authorized to report during any recess or adjournment of the Senate following today's session the so-called tax loophole bill.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and (at 11 o'clock and 10 minutes a. m.) the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, reported favorably the nominations of sundry officers to be surgeons or passed assistant surgeons in the United States Public Health Service.

Mr. LONERGAN, from the Committee on Finance, reported favorably the nomination of Edward G. Dolan, of Connecticut, to be Register of the Treasury, to fill an existing vacancy.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar. If there be no further reports of committees, the Secretary will state in order the nominations on the calendar.

HUGO L. BLACK

The Chief Clerk read the nomination of HUGO L. BLACK, of Alabama, to be an Associate Justice of the Supreme Court of the United States.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to this nomination?

Mr. COPELAND. Mr. President, we are met here today to perform a vital function, to deal with a nomination sent to us by the President of the United States. I can conceive of no more important matter which could be considered by the Senate. I can conceive of a nomination for no other office which ought to be given more careful consideration. Therefore, Mr. President, I venture to say something regarding this nomination and the nominee.

When the delegates to the Constitutional Convention of 1787 drafted our charter of liberty, they sought to drive out of America for all time to come every form of tyranny and intolerance. The absolute independence and impartiality of the judiciary was their aim. They were chartering a new government of human liberties, and to that end placed in the courts of the land the sacred duty of enforcing respect for such liberties. They sought to make certain that the fundamental rights of American citizens might not be trampled under foot by tyrannical officials, intolerant majorities, or narrow-minded judges.

Before the ink was dry upon the original document there was a demand for a more definite guarantee of individual privileges under the new government. To formulate these the first 10 amendments, the Bill of Rights, were added to the Constitution. Then indeed the instrument became and has continued to be the shield of our liberties.

Throughout its history the Supreme Court has independently and fearlessly discharged this duty. The Court's aloofness from partisan politics, bigotry, and popular clamor has heretofore been considered its crowning virtue—a virtue essential to the impartial interpretation and application of constitutional restrictions.

The wisdom of our forefathers has been amply demonstrated. Almost every fundamental liberty guaranteed by the Bill of Rights has been violated at one time or another, by a law of Congress or of some State legislature; the

Supreme Court, in the performance of its duty, has had to extend protection against the enforcement of such laws. The right to labor in the profession of one's calling, the right not to be tried for a capital crime except upon indictment by a grand jury, the right of trial by jury, the right to be secure in one's person and papers, the right not to be twice put in jeopardy for the same offense, freedom from ex post facto laws and bills of attainder, and the right of every person not to be forced to testify against himself—each of these guaranties has on various occasions been violated by an act of Congress.

At the close of the Civil War the State of Missouri attempted to deprive ministers of the right to exercise their divine calling unless they should first take an oath to the effect that they had not aided or even sympathized with the Confederate cause. A Roman Catholic priest who had not taken the oath was convicted and thrown into jail for the high crime of preaching the Gospel in a land boasting of its religious freedom. In those days of passion and prejudice only an independent tribunal of the integrity and character of the Supreme Court could have reached out its protecting arm as the Court did when, in the case of *Cummings* v. *Missouri* (4 Wall. 277), it declared the law unconstitutional.

In that terrible era Congress reflected popular sentiment, and was itself busily engaged in passing laws establishing military commissions and divesting southerners of their civil and political rights—laws which were also declared unconstitutional by the Supreme Court. It was only recently that the Court, through Justice Brandeis, had to extend protection to the dependents of a disabled veteran because Congress had attempted, by the Economy Act, to forfeit the proceeds of term insurance which the Government had solemnly agreed to pay. The Court, too, protected the parochial schools against closure.

Neither the President nor the nominee can complain if we scan today with greatest care the character, the attitude of mind, and the past record of a man who has been named to the group that determines the destinies of a people presently free. This nomination is an index of what may follow. Our liberties may not be seriously endangered by one doubtful addition to the bench. But if this start at the remanning of the Court is intended to move it in the wrong direction, God help America.

At the moment America is free—free in all matters relating to education and civil rights. In our free America, with the Supreme Court above political dictation, bias, and bigotry, we worship God according to the faith of our fathers. We work for our daily bread without fear of racial discrimination.

We are free here in the United States because we are guarded by the Supreme Court. Catholics, Protestants, Negroes, Jews, gentiles, all of us, are guarded by the Supreme Court. But what would happen if a half dozen men of the mental bias of the nominee should be seated on the bench? Is it likely that the remodeled Court would deal tolerantly and generously with religious and racial questions as the Court has done in the past?

Does the leopard change his spots? Will Mr. Justice BLACK be any different than Candidate BLACK, who, according to the Mobile Register of August 15, 1926, "backed by the Klan, had a walk-away in his race for the senatorial nomination"?

According to Charles Michelson, well known to us, speaking of the Alabama results in the New York World:

> The primary resulted in the nomination of Klan-endorsed men for both the senatorship and governorship.

Likewise, the World said:

> With Alabama's most powerful political organization (the Klan) backing him, HUGO L. BLACK seems to have won the Senate nomination beyond a reasonable doubt. * * * In BLACK the Alabama Klan has a loyal and devoted friend.

During his campaign Candidate BLACK made speeches about and against Alfred E. Smith, a devoted and devout Catholic. The New York Times for August 9, 1926, said:

> BLACK has devoted part of his late campaigning to voicing opposition to Gov. Al Smith in an effort to hold his part of the Klan support.

In the New York Sun for August 16, 1937, appeared an article by David Lawrence from which I quote:

> Senator BLACK is under charges widely made that he either was a member of the Ku Klux Klan or accepted its support for election to the United States Senate in 1926. One of the obligations of the Klan at that time was discrimination against the Negro, against the Catholic, and against the Jew.

I have quoted Lawrence because he boldly recited the obligation of the Klan and of the Klansmen. It corresponds exactly to my own and to the general acception of the Klan's purpose.

What chance would Gov. Al Smith have were he, for some reason, to appeal to a Supreme Court made up of a majority of Klansmen or Klan sympathizers of the modern type? What chance would any Catholic have who sought justice there?

We see Catholics attacked, their churches destroyed, their priests and nuns massacred, their property confiscated. All this occurred in a country where once that great church symbolized the state religion. Whatever constitutional guarantees Catholics possessed in Spain have disappeared like a morning mist.

I need not argue with any Jew as to the significance of unlawful and unconstitutional modification of the Palestinian constitution. Surely it is not necessary to remind loyal Americans of Jewish blood that a violation of the American Constitution by indirection is of the same essence.

The rights of all racial groups and religions, all minorities, in America, are not asserted in the Congress, or our States, or our legislatures. They are asserted in the Constitution and enforced by the courts of justice.

It was just a few months ago that several humble Negro boys without money and without homes, and with very few friends, were convicted of a capital crime in the State of Alabama. All the power of that great State was against them. They were sentenced to death. But they learned about the Constitution of the United States. They filed a petition with the Supreme Court; and, with the Constitution wrapped about them, they appeared there by counsel. They had no influence. They were just poor human beings who asserted that they were entitled to the protection of the Constitution of our country. They could not even read that instrument, and it had never been read to them; but the Court read the instrument, and the Court said in effect to the State of Alabama: "You have not given these poor Negro boys a fair trial. You are about to take their lives without due process of law. You shall try this case again, and you must try it fairly. This is our order: There will be no execution of these boys until they shall have been fairly tried." What the Constitution and the Court meant to those poor Negro boys in Alabama it means to every man and women now in our land, and to every child to be born, so long as the Court and the Constitution are what they are, so long as the Justices are free from bigotry and intolerance.

From the time he came into the Senate Mr. BLACK has been a leader against all efforts to pass an antilynching bill. Within 2 weeks he moved to table my own motion to add this rider to a pending bill.

Naturally, one wonders what Mr. Justice BLACK would do were another Scottsboro case appealed to the Supreme Court. Would he face such a case with impartiality and a sincere desire to do justice to Negroes?

Klansmen, Mr. David Lawrence says, take an obligation to discriminate against the Negro. What would be the reaction of the new Justice, Mr. Justice BLACK, to a case of this sort?

Personally, I feel so outraged by this proposal to put a Klan sympathizer upon the bench that it is difficult to discuss the matter in temperate language.

More than 40 years ago, in 1893, in the city of Detroit, I said of the American Protective Association, the vile ancestor of the Ku Klux Klan, that it was the most unkind,

unjust, un-Christian, and ungodly movement of the generation.

Mr. President, I wish to make it clear that what I am saying today about the Ku Klux Klan is not a new thought of mine with reference to racial and religious intolerance. I was a young doctor in Bay City, Mich., at a time when that congressional district of Michigan sent to the United States House of Representatives Mr. Crump, who was supported and sent there by the A. P. A. In the adjoining district, the Ninth District, in which Saginaw is situated, Mr. Linton was sent to the United States House of Representatives by the A. P. A.

The political activities of that organization and its acts of oppression, discrimination, and social indecency caused indignation in my soul, because of the spirit of tolerance given me by my father. I met and joined a young Catholic priest in Bay City, Father Joseph Schrembs, now Bishop Schrembs, of the Diocese of Cleveland. We reviewed the circumstances of that fight when we happened to meet upon shipboard a year ago.

We organized in Bay City and in Bay County a great movement in opposition to the American Protective Association, which had taken possession of Saginaw, our adjoining city. The A. P. A. confined its attacks to the Catholics. The later organization, the Ku Klux Klan, the unworthy son of the A. P. A., makes its attacks not alone upon the Catholic, but upon the Jew, upon the Negro, upon all of foreign birth. Anyhow, Father Schrembs and I, together with our associates, organized what we called the Christian Union. We had a great meeting in the opera house, overflow meetings, and other meetings throughout that section. We preached the doctrine of tolerance and the importance of neighbors living together in fellowship. We killed the A. P. A. in Bay County.

Let no man say that I am a convert to tolerance, as evidenced by my bitter opposition to the Ku Klux Klan and the spirit of the Ku Klux Klan. While some men now in the Senate were yet boys, I was doing the best I could to put down a similar spirit of intolerance.

I said in a speech in Detroit in 1893, at a great Methodist gathering there, speaking of the A. P. A., that it was the most unkind, unjust, un-Christian, and ungodly movement of that generation. So I say now, Mr. President, of the New Deal, that if it must depend for its validation upon decisions participated in by members or supporters of this un-American, un-Christian, and ungodly organization, the Ku Klux Klan, it must be apparent to the country that the New Deal is founded in iniquity. To say the least, it is as far from the democracy of Jefferson, Jackson, Cleveland, and Wilson as the North Pole is from the South Pole.

When I look over this Senate and see the fine men from the South, numbering several who would have honored the bench and honored the President by their appointment, I can hardly restrain my tears. O Mr. President, I beg of you to withdraw this name and send us another, that of a New Dealer, if you must, but one free from the taint of religious and racial prejudice!

In what I have said there has been no thought in my mind of reflecting upon the great State of Alabama, nor upon Mr. BLACK in his capacity as a United States Senator from that State. Mr. Franklyn Waltman, of the Washington Post, expresses exactly the thought I have about this matter. He says:

> If the people of Alabama wish to be represented in the Senate by a Klansman, that is their privilege. If the Klan dominates the voters of Alabama, it is their right to elect the Senators from that State. None in another State may say nay to them. But placing a representative of the Klan on the Supreme Court is another and entirely different matter.

Since I have mentioned Mr. Waltman, let me quote another paragraph from his statement. It is as follows:

> If Senator BLACK has been a member of the Ku Klux Klan, or if he solicited the support of that organization to win his Senate seat, he is not a fit person to sit in judgment over the rights of minorities against which that organization was directed, or over the rights of any group. Such action goes to the very roots of the question of Senator BLACK's fitness. A man throughout his life may make mistakes and mend his ways, but he cannot absolve himself of membership or association with the Ku Klux Klan—an organization based on bigotry and intolerance—because that indicates an enduring state of mind.

The New York Sun of August 14 said editorially:

> Senator BLACK's history is one of intense political prejudice. If he has judicial ability, it has never been shown. He has been the prosecutor, not the judge. His exhibitions in the inquiries he has conducted have been those of bias. Perhaps he knows law; there is no sign that he knows justice. Why should Senators lay the ermine on him merely because he has sat with them? Senatorial courtesy should not become senatorial folly.

Senators, as I see it, our duty is clear. This nominee should be rejected if the Klan relationship charge is accepted as true. If there is a doubt in senatorial minds about his connection with the Klan, the nomination should be recommitted so that the Judiciary Committee may investigate and find the truth.

We have equal responsibility with the President in this matter. It is our duty to preserve the integrity and independence of the Court. For myself I have no doubt of what my action should be. Other Senators will be governed, as they should be, by their convictions. But, Senators, there rests upon us a responsibility in importance second only to the decision we made in the Court packing scheme. Unless the President relieves us from that responsibility by withdrawing the designation, it is our manifest duty, as I see it, to know the whole truth before we act.

Mr. BURKE. Mr. President, I am opposed to the confirmation of this nomination for the Supreme Court and, very briefly, will state the reasons which impel me in opposition.

It has been suggested on the floor of the Senate, and also in the Committee on the Judiciary, that since the nominee whose name is now before us is a Member of this body it is somehow improper and out of place for any examination to be made of his qualifications or, I take it, even of his eligibility. We are referred to an ancient, immemorial rule known as "senatorial courtesy", which, it is said, requires that when a Member of this body receives the honor of having his name suggested for high appointment the entire body should feel that it is honored, and that that of itself should be enough to do away with all examination or inquiry.

It seems to me, Mr. President, that exactly the opposite ought to be the true principle. When one of our colleagues is nominated to any office, particularly to the high office of a Justice of the Supreme Court, when the danger may be present that because of our years of association and the close ties of friendship we may have established with the colleague we may be induced to give our support to one not qualified to hold the office to which he is nominated, it would seem to me we ought to be particularly on our guard.

It has been said that immemorial custom in this body precludes committee study and hearings and requires prompt and favorable action. If there is such a precedent, it seems to me unwise and dangerous, and that it ought not to be followed except within certain definite limits. But, whatever the recent rule may have been, there are precedents to the contrary. I cite only one, although I have little doubt that others could be found.

In January 1853 a vacancy arose on the Supreme Court by the death of Mr. Justice McKinley. President Fillmore sent to the Senate the nomination of one of its members, Senator George E. Badger, of North Carolina. It was freely charged in the press of that day that this was a corrupt effort on the part of the President to capitalize on senatorial courtesy, and to take advantage of the Senate by bringing into play "the kindly sentiments that exist in that body for one of its Members."

Senator Badger was an outstanding lawyer. He had been a judge in North Carolina, and stood at the very top of the legal profession in his State. Yet this body, for reasons, possibly, that were not altogether worthy—there was a good deal of politics being played at that time—put aside senatorial courtesy, debated the matter day after day, postponed action, and never did confirm the nominee. So that

at least there is a precedent for the examination of the qualifications and the eligibility of the present nominee.

Whatever may be said in favor of the doctrine of senatorial courtesy in general, it ought to have no place in determining the action of any Senator when considering a nomination to the great Court which stands as the final bulwark of our liberties, the protector and defender of the rights of minorities, the haven of the oppressed, the final refuge of those fleeing before the lash of the persecutor burning with religious or racial intolerance.

I like this expression found in the constitution of the Commonwealth of Massachusetts:

> It is the right of every citizen to be tried by judges as free, impartial, and independent, as the lot of humanity will admit.

No doctrine of senatorial courtesy, no emphasis upon the kindly sentiment that exists in this body for one of its Members, ought to deter us from examining, with what care we can, the record of the nominee, even though he be our colleague.

We can do no better in considering the qualifications of the nominee before us, the first whose name has been submitted for this exalted office by a Democratic President in almost 20 years, than to quote again the words of President Wilson in his letter to Senator Culberson when the nomination of Mr. Justice Brandeis was pending. Those words, it seems to me, set forth the qualifications which a nominee for Justice of the Supreme Court ought to have, and although Senators undoubtedly have all read these words recently, I take occasion to read again this part of the letter:

> Let me say by way of summing up, my dear Senator, that I nominated Mr. Brandeis for the Supreme Court because it was and is my deliberate judgment that of all the men now at the bar whom it has been my privilege to observe, test, and know, he is exceptionally qualified.
>
> I cannot speak too highly of his impartial—

I call attention to the first qualification:

> I cannot speak too highly of his impartial, impersonal, orderly, and constructive mind, his rare analytical powers, his deep human sympathy, his profound acquaintance with the historical roots of our institutions and insight into their spirit, or of the many evidences he has given of being imbued to the very heart with our American ideals of justice and equality of opportunity; of his knowledge of modern economic conditions and of the way they bear upon the masses of the people, or of his genius in getting persons to unite in common and harmonious action and look with frank and kindly eyes into each other's mind, who had before been heated antagonists.
>
> This friend of justice and of men will ornament the high Court of which we are all so justly proud. I am glad to have had the opportunity to pay him this tribute of admiration and of confidence; and I beg that your committee will accept this nomination as coming from me quick with a sense of public obligation and responsibility.

President Wilson placed the trait of impartiality at the very top of what he considered the essential qualifications of a Justice of the Supreme Court. He emphasized the importance of calling to that position one who has the genius of getting persons to unite in common and harmonious action, and to look with frank and kindly eyes into each other's minds.

The prosecutor has his place, and it is a very important place, but it is not sitting as a Justice of the Supreme Court. The man who can see only one side of a question, and who has trained himself in ways that are shrewd and cunning in developing prejudice against anyone who holds a different view, may accomplish a great deal of good in furthering just causes, but such a man lacks the essential qualifications required to administer even-handed justice as a member of the greatest Court in all the world.

I think each Member of this body should weigh the nominee now before us, and determine whether he possesses the attributes of fairness, tolerance, and impartiality along with judicial poise and temperament which would give promise of a distinguished career on the bench. If those qualities have not been displayed, no amount of zeal, no amount of industry, no amount of sharpness, no record of unwavering and unquestioning support of a political program will make up for their deficiency.

Mr. President, it seemed to me it would be proper at this time to state in this brief way what I would consider, and what I know all Senators would consider, the real qualifications which should be possessed by a nominee for the Supreme Court. We all know this nominee. Some Senators have known him longer than others. I think we may say we all like him and admire many of his splendid qualities. I think we should direct our attention in this matter now before us solely to this one side of his character, his traits, to determine whether he has in him, in his very soul, a desire to administer even-handed justice to all who may come under his influence, regardless of race, of religion, or of anything else, and whether that attribute is accompanied by judicial poise.

I am not going to take up much more of the Senate's time on this point—in fact, very little—before I discuss one other matter that is of interest.

It has seemed to me—and I raise a question which some may consider extraneous—that one incident in the life of the nominee within the past 2 years, which seems not to be subject to dispute, is of such a character as to put the nominee well beyond the line of those who could properly be considered as measuring up to the qualifications required for this office. I refer to an incident with which some of our colleagues are more familiar than am I, in connection with the lobby investigating committee's seizure of telegrams. In order that I may not give my own views on the matter—and I stand subject to be corrected if there is anything wrong in what I am saying here—I should like to read at least a part of the opinion of the court in this matter.

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

Mr. BURKE. Yes, indeed; gladly.

Mr. SCHWELLENBACH. I ask the Senator, before he reads the opinion of the United States Court of Appeals for the District of Columbia, to explain to the Senate the manner in which the case got before the court of appeals, the manner in which it was presented, and the form of pleadings upon which it was presented.

Mr. JOHNSON of California. Mr. President, we cannot hear the Senator on this side of the Chamber.

Mr. SCHWELLENBACH. The Senator from Nebraska has announced that he intends to read from an opinion of the United States Court of Appeals for the District of Columbia in a case in which William Randolph Hearst was the plaintiff, and the Senator from Alabama [Mr. BLACK], the Senator from Indiana [Mr. MINTON], the Senator from North Dakota [Mr. FRAZIER], the Senator from New Hampshire [Mr. GIBSON], and I were the defendants. I asked that he explain to the Senate the way in which the case was presented to the court, and the pleadings under which it was considered, so that the Members of the Senate may know the extent to which the court went out of its way and deviated from its judicial path in an effort last fall to hand down a "political" decision.

The matter was presented to the court upon what we commonly call a demurrer. Under pleadings with which every lawyer in this body is familiar, when one goes into a court and presents a matter on a demurrer he takes part in the legal fiction that he admits that the facts properly pleaded are true. In passing upon this case—in which we went in on a demurrer, and in which, for the purposes of that demurrer, and for the purposes of that demurrer only, we went through the legal fiction of admitting that the facts pleaded were true—the court of appeals assuming those facts to be true, and indulged in a tirade against the Members of this body who were members of that committee, when what they as judges should have done, if there had been the slightest, the most meager evidence of judicial attitude upon their part, was to say, "This matter comes before us on what we may call a demurrer, and these are the facts which for the purposes of the pleadings alone are admitted to be true."

The case was decided upon the question of jurisdiction, and not upon the question of the facts to which the Senator

from Nebraska now refers, and which he is now attempting to use against the Senator from Alabama.

Mr. BURKE. I evidently misunderstood the query of the Senator from Washington, as at first I thought he asked me to explain the circumstances under which the matter arose; but I think the Senator has answered, and I am very glad to have him answer, his own question. In fact, if there is anything more than he would care to say on that point, I shall ask unanimous consent that he may continue on that point without my losing the floor, because I think it is important to have those facts in mind.

Mr. SCHWELLENBACH. I may say to the Senator that the reason I interrupted him——

Mr. BURKE. I was very glad to have the Senator do so.

Mr. SCHWELLENBACH. Was because the Senator said he was going to read a part of the opinion.

Mr. BURKE. I will read it all.

Mr. SCHWELLENBACH. And I do not think it is fair to the Senator from Alabama, I do not think it is fair to those of us who were members of that committee, and I do not think it is fair to the Senate itself to have any statement read from that opinion without first having an explanation of the manner in which the case was considered.

Mr. BURKE. I will read the entire opinion—it is not very long—and I shall be glad to have submitted any further information that ought to be stated in reference to it.

This is a case in the United States Court of Appeals for the District of Columbia.

William Randolph Hearst, appellant, v. *Hugo L. Black, Chairman of the Special Committee of United States Senate to Investigate Lobbying Activities, et al., appellees.*

Appeal from the District Court of the United States for the District of Columbia.

The matter was argued on October 12, 1936, and the decision was rendered November 9, 1936.

Mr. McGILL. November 8.

Mr. BURKE. A day or two after the election.

Mr. SCHWELLENBACH. Does the Senator imply, by his reference to the date, that the courts do not indulge in "political" decisions except at times immediately prior to election?

Mr. BURKE. I was answering only the statement made by the Senator from Washington that this was purely a "political" decision delivered last fall, without having any definite information as to the time; and I was merely interested in knowing now, for the first time, that the decision was rendered the day after election.

The case was argued before Justices Robb, Van Orsdel, Groner, and Stephens, and the decision is by Justice Groner.

Appellant is engaged in the business of publishing daily newspapers and magazines. In March of this year he brought in the court below his bill to enjoin the Special Senate Committee and the Federal Communications Commission from copying and using telegraphic messages in the possession of the telegraph companies sent by him to his employees in the conduct of his business.

The bill alleges that in the month of September 1935 the Senate committee under blanket subpenas duces tecum demanded of the telegraph companies doing business in the city of Washington the delivery to it (the committee) of all communications—i. e., telegraph messages—transmitted through the offices of such companies during the period February 1, 1935, to September 1, 1935; that when the companies expressed reluctance to make delivery of the messages the committee went to the Commission and asked its assistance to compel the production of the communications desired by the committee.

If I may interrupt the quotation right there, I may say that I am advised, on what I consider very reliable authority, that the chairman of the committee, our colleague, Senator BLACK, the present nominee, himself went to the head of the Telegraph Division of the Communications Commission and stated what was under way and that they wanted the cooperation—we might call it by a different term, I think, and still be within legal phraseology—of the Commission——

Mr. MINTON. Mr. President——

Mr. BURKE. Just a moment, and I will be glad to yield—in turning over telegrams, and that as a result the arrangement more fully set forth here will be described.

I say I am told on what I consider reliable authority that our colleague, Senator BLACK, handled that matter in person. He may have been accompanied by the Senator from Indiana or the Senator from Washington; I do not know; but I want to make it certain my information is that at least the other members of the committee, and no one else, put anything over on the nominee. I yield now to the Senator from Indiana.

Mr. MINTON. I just want to say to the Senator from Nebraska, as one of the interested parties in that matter, that his informant is entirely mistaken; that Senator BLACK did nothing of the kind, and neither did any member of the committee. So the Senator's facts are all wrong.

Mr. BURKE. In that connection let me say that yesterday at the meeting of the Judiciary Committee I urged the committe to set this nomination down for hearing before the committee, at least, to the extent of inviting Senator BLACK to come before the committee, my idea being that if he would sit around the table with us and we could ask some of these questions we might be able to straighten the matter out. This was one of the points that I wanted cleared up, because, in spite of what my colleague from Indiana says, I am "of the same opinion still", which I stated a few moments ago, and I think I know whereof I speak.

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

Mr. BURKE. I yield to the Senator.

Mr. SCHWELLENBACH. I simply want to add my statement, as a member of the committee and one fully familiar with the facts, to the statement made by the Senator from Indiana, and say that if the Senator from Nebraska wishes to disbelieve both of us, that is perfectly all right with us.

Mr. BURKE. Will the Senator be kind enough to indicate what part of the statement I made he thinks is not founded on facts, and as to which my informant must have been mistaken?

Mr. SCHWELLENBACH. I refer to all the statements the Senator has made from the point where he said that somebody informed him that Senator BLACK went to the Commission and informed them of what was going on—I believe those were the words the Senator used—and requested the cooperation of the Commission in the seizure of the telegrams.

Mr. BURKE. Does the Senator mean that someone else did that, and that Senator BLACK did not do it, or that it was not done at all?

Mr. SCHWELLENBACH. I think that the Senator from Nebraska knows me well enough to know that I would not quibble about any transaction. What he states did not take place that way to the slightest extent.

Mr. BURKE. I would ask unanimous consent to let the Senator explain, but I presume he can do it in his own time.

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

Mr. BURKE. I yield.

Mr. WHITE. If Senator BLACK did not make this request of the Communications Commission, can the Senator from Washington tell by whose authority the request was made of the Commission? I assume that it is not denied by anyone that a request was made of the Communications Commission to enter into these telegraph offices and to examine their files and to make available to the committee thousands upon thousands of copies of telegrams therein found, because that was what, in fact, was done. I assume—I may be wrong, but I assume—that the Commission did not act on its own volition in the matter.

Mr. SCHWELLENBACH. I will answer that question, if I may.

Mr. BURKE. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. The assumption of the Senator from Maine is entirely incorrect. He asked upon what authority the request was made. The request was never made of the Communications Commission by Senator BLACK or any member of the committee or any representative of the committee. There was no such request made.

Mr. WHITE. Then, do I understand the Commission acted on its own initiative in the matter and that no suggestion from the committee or its authorized agent was made? The fact is that in the legal proceedings that was the allegation made, and it was never denied by any pleadings.

Mr. SCHWELLENBACH. I think that the Senator from Maine, if I may interrupt——

Mr. BURKE. I yield to the Senator.

Mr. SCHWELLENBACH. I think the Senator from Maine, on a moment's hesitation and consideration, will appreciate the unfairness of the statement he has made, that it was never denied in the pleadings. The reason, as I have just explained, was that no answer was ever made. The pleadings of the committee raised the question of jurisdiction, and there never was a request to the Commission made by the committee or any of its members or any of its agents.

Mr. BRIDGES. Mr. President, will the Senator from Nebraska yield to me?

Mr. BURKE. I yield.

Mr. BRIDGES. May I ask the Senator from Washington, then, why did the Communications Commission proceed in the manner in which it did as an organization when a request was never made of them by a member of the committee or any one connected with the committee?

Mr. SCHWELLENBACH. I will say to the Senator that I think the suggestion of the Senator from Nebraska that I answer as to this matter in my own time is entirely satisfactory. Certainly there is no desire upon the part of the committee or any of its members to refuse to answer the question submitted, but I do not like to take the time to discuss a complicated transaction in the time of the Senator from Nebraska. I will be very glad to discuss it later.

Mr. WHITE. Mr. President, will the Senator from Nebraska yield further?

Mr. BURKE. I yield.

Mr. WHITE. I wish to read into the RECORD the action that was taken by the Communications Commission on this matter. I quote:

It was voted "to detail a member of the Commission's staff to work with the examiners from Senator BLACK's investigating committee in an examination of the messages and records in the Washington offices of the telegraph companies, relating to lobbying activities which are being investigated by the Senate committee, the records and messages to be made available in the name of the Federal Communications Commission."

That, according to my understanding, was adopted by the Commission. It is inconceivable to me that it acted on its own volition in the matter.

Mr. BURKE. Mr. President, let me say that, of course, I accept fully the statements of the Senator from Indiana and the Senator from Washington that to the best of their knowledge—and they are stating only what they know themselves—such a request was not made. I assume they are not speaking of anything that they do not know about of their own personal knowledge, and I accept that fully.

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

Mr. BURKE. I yield.

Mr. MINTON. I wonder if the Senator from Nebraska would be kind enough to give us the name of his informant or at least tell us whether it was not Elisha Hanson?

Mr. BURKE. I will be very glad, if the Senator from Indiana and the Senator from Washington will join with me in urging that this nomination be sent to the Judiciary Committee for examination, to produce not the witness but the witnesses who gave me the information.

Mr. MINTON. The Senator's informant was Elisha Hanson, who was attorney for the Hearst newspapers, and from whose office yesterday the Senator from Maine had documents.

Mr. BURKE. Is the Senator applying the Lobby Investigation Committee procedure to me now on the floor of the Senate?

Mr. MINTON. No; I have not intimated that the Senator needed investigation, but it could be done. [Laughter in the galleries.]

Mr. LEWIS. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LEWIS. In view of the solemnity and great importance of this matter, I beseech the Chair, at his convenience, to inform the occupants of the galleries that expressions of approval or disapproval are not allowed in this body as in the other House. They greatly interfere with the Senator presenting his views and greatly detract from what should attend such a discussion as is at present taking place before this body.

The PRESIDENT pro tempore. The suggestion of the Senator from Illinois is quite appropriate. Evidently the occupants of the galleries do not know that they are the guests of the Senate and that any talking or laughter or other demonstration results in an increasing noise that is disturbing to those on the floor. The doorkeepers are derelict, for they have been told time and again that they must warn the occupants of the galleries. Our only remedy in the case of disobedience of the rule is to close the galleries.

Mr. BURKE. Mr. President, I proceed with the opinion of the learned Justice in this case.

The bill alleges that in the month of September 1935 the Senate committee under blanket subpenas duces tecum demanded of the telegraph companies doing business in the city of Washington the delivery to it (the committee) of all communications—i. e., telegraph messages—transmitted through the offices of such companies during the period February 1, 1935, to September 1, 1935—

When my friends, in their own time, make their statement on this point, I hope they will tell us whether that statement also is untrue and that the Senate committee did not make the demand on the telegraph companies in the first instance. I proceed—

that when the companies expressed reluctance to make delivery of the messages, the committee went to the Commission and asked its assistance to compel the production of the communications desired by the committee; that thereafter the committee and the Commission conspired together to deprive appellant of his constitutional rights and liberties under the first, fourth, and fifth amendments to the Constitution of the United States, in that the Commission by a formal resolution detailed a member of its staff to work with an examiner of the Senate committee in an examination of the messages and records in the offices of the telegraph companies; that pursuant to this arrangement agents of the Commission "made copies of or notes concerning thousands of telegrams" from or to sundry individuals, firms, or corporations, and turned the same over to the Senate committee; that among the telegrams examined and copied were messages from appellant to his associates and employees and messages from his associates and employees to him which had no connection with the subject matter of the investigation—all of which were sent in the regular and orderly conduct of the business in which appellant was engaged; that the use of the messages will result in the disclosure of the contents to the committee and to the general public and will disclose to appellant's business competitors privileged and private information relating to his private business affairs and will result in irreparable injury to appellant.

The bill further alleges that the members of the Senate committee are about to make further search in an effort to gather up additional messages which have passed between appellant and his associates and employees and that the Commission is ready and willing to cooperate in the illegal seizure of such messages unless restrained by the court.

Appellees, who are the members of the Senate committee, filed a special appearance through counsel and a motion to dismiss the bill of complaint for lack of jurisdiction. The Commission neither answered the bill nor moved to dismiss, but filed what is called an "opposition" to the motion for preliminary injunction. This paper appears in the record and in it is a statement that the examination by the Commission of the local telegraph offices had been completed prior to the filing of the bill and that no further investigation or examination was then planned or contemplated.

The district court refused to grant the injunction pendente lite, and for lack of jurisdiction dismissed the bill as to the Senate committee, but took jurisdiction as to the Commission; and the judge stated from the bench that the denial of the motion for preliminary injunction as against the Commission was made solely on its disclaimer of any intention thereafter to make any further examination of the telegraphic messages of appellant or otherwise to change the then status of the case, and was without prejudice to renewal of the motion upon any evidence of further activities in the respects mentioned. Apparently it is agreed that thereafter the Commission by formal resolution rescinded its original order for an investigation and examination of the messages in the telegraph offices. And we assume—as did the lower court—that the Commission's activity in the respects complained

of will not be repeated. But because of the importance of the question raised as to the Senate committee, we granted a special appeal.

Section 1 of the Communications Act of 1934 (48 Stat. 1064) states the purpose of the act to be to regulate interstate and foreign commerce in communications by wire and radio so as to make available to the people of the United States an efficient Nation-wide and world-wide wire and radio communication for the national defense. The act provides for the appointment by the President of a Commission and provides (sec. 220 (c)) that the Commission shall "at all times have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers." And further, that the prohibition in section 605 against disclosure of the contents of messages shall not apply to the provisions just above quoted.

This last provision we think means merely that the Commission shall have complete freedom in the examination and inspection necessary in the discharge of its duty and that the prohibition (sec. 605) against disclosure of the contents of telegraph messages by telegraph companies shall not be so construed as to cripple or destroy the statutory right and duty of examination and inspection of records, etc., necessary in the enforcement of the act.

Section 605 provides:

"No person receiving or assisting in receiving, or transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee, his agent, or attorney, or to a person employed or authorized to forward such communication to its destination", etc., etc., etc.

The Senate committee was appointed pursuant to two resolutions of the Senate, the first July 11, 1935, and the second July 29, 1935. The committee was authorized to investigate "all lobbying activities and all efforts to influence, encourage, promote, or retard legislation, directly or indirectly, in connection with the so-called holding-company bill, or any other matter or proposal affecting legislation"; to investigate also the financial structure of persons, companies, corporations, partnerships, or groups seeking to influence the passage or defeat of legislation; to investigate their political contributions and activities, and their efforts to control the sources and mediums of communication and information. The resolutions permit the committee to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents as it deems advisable.

Appellant's bill does not challenge the power of the committee in any of the respects just mentioned, but rests on the proposition that the Communications Commission was without lawful authority to coerce the telegraph companies, over which it has supervisory control, to make the contents of appellant's telegrams available to the Senate committee or anyone else—and that the committee is now unlawfully in possession of the messages and therefore without legal right to retain, disclose, or in any manner use them. The judge of the lower court, as we assume from his statement from the bench, was of opinion that, though the court would have had jurisdiction to restrain the Commission and its agents from doing an unlawful act, it ought not to grant the prayer for injunction because the things charged—whether lawful or unlawful—had been done before the filing of the bill, and because the Commission had then disclaimed any purpose to give any further assistance to the committee to obtain private telegraph messages. As to the Senate committee, the court held it had no jurisdiction. In dismissing the bill as to it, the judge said:

"If the Senate committee has been proceeding in a way which some people might regard as unlawful, it is better to let them continue to do it and let that be corrected in some other way than it is for me to proceed in the way that seems to me to be unlawful to attempt to correct what they do that I do not agree with."

As the allegations of the bill are not denied, we are obliged to take them as true. And in that view we are of opinion that the resolution adopted by the Commission, under which its agents took possession of the telegraph companies' offices and examined wholesale the thousands of private telegraph messages received and dispatched therefrom over a period of 7 months—for the purpose of securing to the Senate committee knowledge of the contents of the messages—was without authority of law and contrary to the very terms of the act under which the Commission was constituted. And we may, we think, properly go further and say that, even without the express prohibition contained in the act, the disclosure by the Commission of the contents of private telegraph messages—solely—as the bill charges—for the purpose of furnishing to the committee information relevant or irrelevant which might or might not be used for legislative purposes—was unauthorized. And this we think, is true because the property right in private telegrams is in no material respect different from the property right in letters and other writings; nor is there any good reason why the right of privacy in the one should be any greater than in the other. Telegraph messages do not lose their privacy and become public property when the sender communicates them confidentially to the telegraph company. Indeed, in many of the States their publication without authorization—except as a necessary incident in the due administration of justice—is a penal offense; and this is so because of an almost universal recognition of the fact that the exposure of family confidences and business and official secrets would as to telegrams equally with letters, "be subversive of all the comforts of society."

That there is and always has been a property right in letters and other writings which a court of equity will protect is too well settled to discuss. It is one of those rights which antedate the Constitution. It is inherent in a free government (*Pope* v. *Curl*, 2 Atk. 342, 26 English Reports 608). Judge Story, in *Folsom* v. *Marsh* (9 Fed. Cas. 342 (no. 4901)), speaking of the nature and extent of this property interest, said:

"In short, the person to whom letters are addressed has but a limited right, or special property (if I may so call it), in such letters, as a trustee, or bailee, for particular purposes, either of information or of protection, or of support of his own rights and character. The general property, and the general rights incident to property, belong to the writer, whether the letters are literary compositions, or familiar letters, or details of facts, or letters of business. The general property in the manuscripts remains in the writer and his representatives, as well as the general copyright. A fortiori, third persons, standing in no privity with either party, are not entitled to publish them, to subserve their own private purposes of interest, or curiosity, or passion."

And the Supreme Court of Massachusetts, in *Baker* v. *Libbie* (210 Mass. 599, 97 N. E. 109), said:

"The existence of a right in the author over his letters, even though private and without worth as literature, is established on principle and authority. The right is property in its essential features. It is therefore entitled to all the protection which the Constitution and laws give to property."

See also *Ku Klux Klan* v. *International Magazine Co.* (294 Fed. 661); *King* v. *King* (Wyoming), 168 Pac. 730).

In principle, therefore, we think that a dragnet seizure of private telegraph messages as is alleged in the bill, whether made by persons professing to act under color of authority from the Government or by persons acting as individuals, is a trespass which a court of equity has power to enjoin. As the Supreme Court said in *Federal Trade Commission* v. *American Tobacco Co.* (264 U. S. 298), "It is contrary to the first principles of justice to allow a search through all the respondents' records, relevant or irrelevant, in the hope that something will turn up." And we cannot doubt that the purpose and intent of Congress, in including in the Communications Act a positive prohibition against disclosure, was to recognize this principle and give it effect.

And so we think the law is settled that, if appellant were before the Senate committee as a witness and were questioned as to matters unrelated to the legislative business in hand, as his bill alleges is true of the messages in question, he would be entitled to refuse to answer; and if, for his supposed contumacy, he were imprisoned, he could secure his release on habeas corpus. And so, also, if a Senate committee were to attempt to force a telegraph company to produce telegrams not pertinent to the matters the committee was created to investigate, the company could be restrained at the instance of the sender of the telegrams, for as the Supreme Court said in *McGrain* v. *Daugherty* (273 U. S. 135), the decisions in *Kilbourn* v. *Thompson* and *Marshall* v. *Gordon* point—in such circumstances—to admissible measures of relief. We are, therefore, of opinion that the court below was right in assuming jurisdiction as to the Commission, and if the bill had been filed while the trespass was in process it would have been the duty of the lower court by order on the Commission or the telegraph companies or the agents of the committee to enjoin the acts complained of. But the main question we have to decide is in a different aspect. Here, as appears both from the bill and by admission of parties, the committee has obtained copies of the telegrams and they are now physically in its possession; and this means neither more nor less than that they are in the hands of the Senate, for the committee is a part of the Senate (*McGrain* v. *Daugherty*, 273 U. S. 135) created, as we have seen, by the Senate for the purpose of investigating the subject of lobbying, in aid of proposed legislation.

The prayer of the bill is that the committee be restrained from keeping the messages or making any use of them or disclosing their contents. In other words, that if we find that the method adopted to obtain the telegrams was an invasion of appellant's legal rights, we should say to the committee and to the Senate that the contents could not be disclosed or used in the exercise by the Senate of its legitimate functions. We know of no case in which it has been held that a court of equity has authority to do any of these things. On the contrary, the universal rule, so far as we know it, is that the legislative discretion in discharge of its constitutional functions, whether rightfully or wrongfully exercised, is not a subject for judicial interference.

The Constitution has lodged the legislative power exclusively in the Congress. If a court could say to the Congress that it could use or could not use information in its possession, the independence of the Legislature would be destroyed and the constitutional separation of the powers of government invaded. Nothing is better settled than that each of the three great departments of government shall be independent and not subject to be controlled directly or indirectly by either of the others. "This separation and the consequent exclusive character of the powers conferred upon each of the three departments is basic and vital—not merely a matter of governmental mechanism" (*Springer* v. *Philippine Islands*, 277 U. S. 189, 201). In *McChord* v. *Louisville R. R. Co.* (183 U. S. 483) a somewhat similar question arose. There the

railroad sought to enjoin McChord and others, as railroad commissioners of the State of Kentucky, from acting as directed by the legislature of that State in connection with the establishment of railroad rates. The lower court granted the injunction, but the Supreme Court reversed the decree on the ground that the making of rates was a legislative function and as such could not be controlled by a court. The opinion cites and quotes from *New Orleans Waterworks Co.* v. *New Orleans* (164 U. S. 471) and *Alpers* v. *San Francisco* (32 F. 503).

Both of these cases involve the attempted restraint of a city council by a court. In the latter case, which was decided by Mr. Justice Field, the complainant alleged he had a contract with the city and county of San Francisco, and that the council proposed to pass an ordinance which would impair the obligation of the contract. In other words, the enactment of an unconstitutional law. After recognizing that what complainant said was true, the court said (p. 506): "The difficulty presented in the case before us is that the application to enjoin the passage of any resolution, order, or ordinance, which may tend to impair the obligation of the contract, is an application to enjoin a legislative body from the exercise of legislative power, and to enjoin the exercise of such power is not within the jurisdiction of a court of equity. This no one will question as applied to the power of the legislature of the State. * * * The fact that * * * the legislative action threatened may be in disregard of constitutional restraints, and impair the obligation of a contract, as alleged in this case, does not affect the question. It is legislative discretion which is exercised, and that discretion, whether rightfully or wrongfully exercised, is not subject to interference by the judiciary."

If courts cannot enjoin the enactment of unconstitutional laws—as to which proposition there can be no doubt—then by the same token they cannot enjoin legislative debate or discussion of constitutional measures because of the incidental disclosure or publication of knowledge unconstitutionally acquired. If it be insisted that this is the acknowledgment of a power whose plenitude may become a cataclysm, the answer is that the Congress "is as much the guardian of the liberties and welfare of the people as the courts"; and in this view the assumption may properly be indulged that, attention being called to the unlawful nature of the search, the senate will not use its proceeds in disregard of appellant's rights.

Decree affirmed.

Mr. President, I have taken occasion to go at some length into this matter of the seizure of telegrams. I do not care to go into other matters bearing on the question, as I am sure all Members of the Senate, once they determine to apply a certain test to the qualifications of this nominee, will find plenty of examples in his sayings and in his conduct that will weigh the scales one way or the other in their individual minds. I do think the matters so far mentioned this morning—that mentioned by my colleague, the Senator from New York [Mr. COPELAND] in reference to certain alleged affiliations of the nominee, at least in times past, with organizations not especially noted for their emphasis upon tolerance and impartiality and fair dealing—are worthy of consideration. I believe, also, that the circumstances in reference to the seizure of the telegrams as they may be fully developed, whatever other evidence may be offered on the matter, are worthy of the consideration of the Senate. So I proceed in a moment to another phase of the matter.

We have all heard the views of the nominee expressed on the floor of the Senate and elsewhere at a time when probably no flight of fancy carried our colleague to the heights of imagining himself either a possible or a suitable appointee to the Supreme Court. His attitude toward the Court as an institution, and in respect to individual honored judges, has not been such as to lead me to cast a willing vote in favor of his elevation to that body. I think a decent respect for the Court, carefully observed through the years, and not, it might be said, slipped on as a cloak in an emergency, should be a prerequisite to elevation to membership in that body. I have not observed any such attitude on the part of this nominee. He has been caustic in his criticism. There has been something of a sneer in his references to the judges whose social and economic philosophy the Senator does not share. There has been a rather complete lack of what, it seems to me, ought to be the feeling of every just and fair person toward the body which has such an important function to perform.

I would therefore find it impossible to cast a vote in favor of confirmation even if Senator BLACK were eligible. There is, I realize, a decided difference of opinion on the points which I have mentioned, and I have no doubt that I am in a decided minority in holding those views—at least in expressing them. There ought to be no question of the lack of eligibility of any Member of Congress for appointment to the Supreme Court at this time.

If the emoluments of the office of Justice of the Supreme Court have been increased at this session, then of course there is a clear prohibition against this nominee being confirmed. If a new office has been created which he is to occupy, of course he cannot be confirmed.

The facts are not in dispute. The conclusion is inescapable, to my mind, that Congress by its own act, and the President by placing his signature on the measure and making it a law, raised an insurmountable barrier against the appointment to the Supreme Court of any person who was a Member of Congress on March 1, 1937. That ban will last for the remainder of the present term of each such Member.

The framers of the Constitution wanted to remove from Congress and from the Executive the temptation to create or aid in creating new offices, and then filling them with their own Members. Surely that is a sensible and wise provision. I believe the man on the street would say "Amen" to that. The Constitution says that if any Congress creates an office, no sitting Member shall be eligible to fill such office until the full term has expired for which he was elected.

On this point, which I mention only briefly, honest minds may reach different conclusions. Personally, I feel that the effect of the retirement act was to create a new office of Justice each time that a member of the Court having reached the age of 70, after 10 years of service, should elect to forego further active service on the Supreme Court. Such a Justice by such election does not shed the power with which he became invested upon the confirmation of his nomination by this body. He does not leave the Court; he merely says, "I am willing, in strict compliance with the act of Congress, not to sit with the active members of the Court any longer. I remain a Justice, but I will cooperate to the extent of making it possible for a new, active Justice to be appointed."

There is no constitutional authority for setting up a new class of Supreme Court Justices outside the Court, nor for having two members, one active and the other inactive, filling at the same time the same place. Since the one who has now become inactive is already occupying the place, the legal effect of the retirement act must be that the new active member occupies a new place. It was fully within the power of Congress to create that new place. It must be admitted that more appropriate language might have been selected. I believe the legal effect of the act is to create a new justiceship each time an active Justice, complying with the conditions, signifies his intention to put himself within the provisions of the retirement act.

If this be so, then Congress has effectually prevented the appointment of any of its Members to the Supreme Court at this time, or for the remainder of the term for which each of us has happened to be elected. There may be doubt in the minds of some on that point, but there is none in my mind.

There certainly cannot be any doubt, it seems to me, on the proposition to which I now advert. The framers of the Constitution were not content to say that no Member of Congress should be appointed to an office newly created during his term. They went one step further and applied the same prohibition against appointment to any office the emoluments of which had been increased during the term of any sitting Senator or Representative. If, then, the emoluments of the office of Supreme Court Justice were increased by the Retirement Act of March 1, 1937, this nomination cannot be confirmed, unless we who are sworn to defend and uphold the Constitution are willing to flout it.

We all understand what the act provides. Upon confirmation, a Federal judge holds office during good behavior. Only death or impeachment can remove him, or terminate or reduce his salary against his will. If by reason of advancing age or ill health, or if for any other reason, a justice of

the Supreme Court, prior to the enactment of the law of March 1, 1937, desired to be relieved of his active duties, he could do so only by stepping out of the office altogether, in other words, by resigning. He would then no longer be a Federal judge. Whatever Congress might see fit to allow in the way of a pension would be his to have until some subsequent Congress reduced the amount, or abolished the salary altogether.

Congress, therefore, being desirous of treating with fairness men who had every legal right to continue to hold active office upon full salary for the remainder of their lives, passed the retirement act, under which the Justice, giving up his active duties on the Supreme Court altogether, and on the inferior courts serving only to the extent to which he elects, is still assured of his full salary for life. That salary is not subject to reduction by any subsequent Congress. It is not available to the search of the income-tax collector. That is all there is to it.

Did that act increase the emoluments of the office? To my mind, it did so as clearly as if the salary had been raised by $1,000 or $10,000 per annum. Yet every Member of this body would admit without hesitation that if that were so, no sitting Member of Congress could be appointed to the office the salary of which had been thus increased.

Consider this example: Assume that on February 28, 1937, there was a vacancy on the Supreme Court, and that the nomination of Senator BLACK had been sent to this body and confirmed. Having fixed ideas about the propriety of keeping old men off the Court, the new Justice determines to resign on reaching the age of 70. On that point, if I may interrupt the thread of my illustration, there were indications a couple of months ago, in the matter of the promotion of a district judge to the circuit court of appeals, that the Department of Justice was about ready to declare that they would recommend no one for nomination or promotion to a judgeship unless he filed in writing his intention of resigning at the age of 70. At least the letter of Judge Williams was on file at the time he received his notice.

I return to my illustration. Having fixed ideas about the propriety of keeping old men off the Court, the new Justice determines to resign on reaching the age of 70. But, being a prudent man, he desires to provide for his family and his own old age, so he consults an insurance actuary. He is 51 years of age, we will say, and he wants to know how much it will cost him each month or each year to make provision so that when he reaches the age of 70 he can give up his duties as judge and receive an income equal to his salary, $20,000 a year. With very little figuring any insurance man would tell him just how many hundreds of dollars a year—and all of us realize it would be a very substantial sum—the new Justice would have to pay this year, and next year, and every year, in order to be assured that when he reached the age of 70 and gave up work he would receive $20,000 a year for the remainder of his life.

I have stated what would have been the condition if the vacancy had been filled on February 28. But suppose we skip 1 day, and come to March 2; and, of course, the condition then would have been the same as that which exists now. Under the act the appointee could go on the Supreme Court and live up fully to his determination to give up all his duties on reaching the age of 70, yet he could push the insurance men away from his door and say, "I have nothing to do with you. The Congress—the House of Representatives and my colleagues in the Senate—on March 1 passed a measure under which I can save the five hundred or six hundred or a thousand dollars a year, whatever it might be, that I would have to pay you for the assurance of $20,000 a year after I reach the age of 70. They have taken care of that for me, and now I will serve on the Court until I am 70. Then I will avail myself of the provisions of this act, and so long as I live I will receive $20,000 a year. No subsequent Congress can touch it, no income-tax collector can say anything about it, because the Constitution protects that salary of mine, and it still is a salary and not a pension."

Can anyone seriously say that the act of March 1, 1937, the Retirement Act, does not increase the emoluments of this office? Certainly no one can say it unless he has in mind some very peculiar and unusual definition of the term "emoluments." Even the slightest examination of the books should convince any lawyer in this body and convince anyone else that when the framers of the Constitution used the term "emoluments" they wanted to use a broader and more inclusive term than "salary", or "compensation", or "pay", and so they took that word which covers them all. Any advantage accruing as the result of holding an office is an emolument of the office, and the Constitution says that if a Congress does increase the emoluments of an office, does make an office more attractive by any act, then no Member of either House of Congress can for the term for which he was elected be transplanted into such office and receive the benefit of that increased emolument. It is not a matter of degree. If Congress were to raise the salaries of Supreme Court Justices $1 a year, making the salary $20,001 a year, would anyone doubt that that would be as effective a bar to the appointment of any Senator or Representative during the term for which he was elected as if Congress had doubled the salary?

So, I say that all we have to do is to look with some clearness of vision or intellect upon what the framers of the Constitution had in mind, examine their language and apply common sense to this matter. Certainly, if Senators want to uphold the Constitution and see that it is kept sacred, they cannot, as I see it under these circumstances, reach any other conclusion than that the Retirement Act of March 1, 1937, does increase the emoluments of the office of Justices of the Supreme Court.

In closing I refer to only one case, *McLean* v. *United States* (226 U. S. 374), a case decided about 20 years ago. It is an interesting case. An Army officer of the Civil War—a major, we will say—had left the service and was out of it for some time, and Congress wanted eventually to pass a bill to make him whole, to restore to him what he would have had had he continued in the service. Whether that was a wise act or not is immaterial, but Congress passed a law which provided that this major should have all the pay and emoluments to which he would have been entitled if he had remained in the service. Of course, he was given his pay promptly for the 15 years or so that he had been out of the service, but when it came to the matter of emoluments a dispute arose. The officer eventually died, and in the Court of Claims to which the question was brought, his widow contended that in the rank that he had held he was entitled to forage for two horses and the keep of two servants, and that that was included in the word "emoluments." Possibly it would not have been included had the measure referred simply to pay; certainly it would not have been included had the word "salary" been used, but Congress used the term "pay and emoluments." But the Court of Claims could not see the justification for that contention and the matter went to the Supreme Court, and the Supreme Court said: "Why, of course, when you talk about the emoluments of the office you talk about everything that makes the office attractive."

Mr. MINTON. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. BURKE. I yield.

Mr. MINTON. Does the Senator say that when we built this nice courthouse across the way for the Supreme Court we increased the emoluments of the members of the Court?

Mr. BURKE. I think that may be going a little bit far.

Mr. MINTON. According to the Senator's last statement, if we do anything to make the office more attractive or advantageous we increase the emoluments.

Mr. BURKE. I will let the Senator's query stand along with my statement, and our colleagues can draw their own conclusions.

So the Supreme Court said, "Why, of course, when Congress used the expression 'pay' and then added to it 'emoluments' they meant everything." Well, in the light of what the Senator from Indiana said, I will say, "They meant practically everything that would make the office more attractive." Anyway, they used this expression, and I will read simply one sentence:

> The word "emoluments" is the most adequate that could have been used.

Whether adequate enough to cover the new Supreme Court Building I do not venture an opinion, but the Supreme Court said:

> The word "emoluments" is the most adequate that could have been used. It especially expresses the perquisites of an office.

I have a long list of cases, but I am not going to refer to them. In all of the cases I have been able to find, in which the courts refer to the word "emoluments" they give the word that all-inclusive definition. So, regardless of whether anyone at all shares my view concerning the propriety, advisability, and necessity of examining the qualifications of this nominee, or whether, having made examination, Senators may reach the same conclusion that I have, I conclude merely by stating that while I have the greatest admiration for this nominee in many particulars, I do not consider that he has judicial temperament, poise, training, experience, or anything that would justify me in voting for him, but, regardless of those points, I still say with respect to the matter of eligibility, that a new office was created, and our colleague cannot be boosted into that new office until the term for which he was elected as Senator has expired. But even beyond all that, as clear as the English language can express it, the Retirement Act of March 1, 1937, increases the emoluments of the office of Justice of the Supreme Court, and the provisions of the Constitution prohibit any Senator during the term for which he was elected from ascending to that office.

Mr. McGILL. Mr. President, I do not care to occupy much of the time of the Senate in discussing the matter of the confirmation of Senator BLACK's nomination. I cannot agree with some of the conclusions which have been reached relative to the law governing this matter. In the addresses made on this subject yesterday it appeared that the points made against the nomination of the Senator from Alabama were based entirely upon questions of law, but today we find that some of those who are opposing his nomination seek to prevent confirmation on the theory that under no circumstances is he qualified to fill the position of a Justice of the Supreme Court of the United States. On that score I have no difficulty whatever. It has been my pleasure during the past nearly 7 years to sit on the floor of this body but a short distance removed from the Senator from Alabama. In my judgment every man on the floor of the Senate knows the character, the high standing, and the qualifications of the nominee as well as does any other citizen of this country.

The holding of hearings to determine whether or not the Senator from Alabama is a good lawyer, whether or not he is a man of high standing, high qualification in statesmanship, in learning, and in knowledge of the law, whether or not he is a man above reproach, would be futile indeed, because, in my judgment, every Member of the Senate would be a witness to his character, his standing as a man, and his qualifications as a lawyer. He has demonstrated throughout his career here, since I have known him, that he is tolerant in his views toward his fellow men, that he is possessed of great learning as a lawyer, highly educated, quick in intellect, and capable in every respect to fill the high office to which he has been nominated.

On this occasion today we have heard a few newspaper clippings read with reference to the past career or supposed career of Senator BLACK. I dare say there is not a man on the floor of the Senate relative to whom it would not be possible to say that we could go to his State and find wherein he had been assailed by the newspapers of the community in which he resides. I do not say that disparagingly of the press, but I do not take it as evidence against Senator BLACK.

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

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New York?

Mr. McGILL. I yield to the Senator from New York.

Mr. COPELAND. If it were definitely proven that Senator BLACK has been a member of the Ku Klux Klan, would the Senator think that that disqualified him from the Supreme Bench?

Mr. McGILL. It might under some circumstances and not under others.

Mr. COPELAND. What would be the circumstances under which it would?

Mr. McGILL. I am not going to go into any speculative proposition to determine with the Senator from New York whether or not a thing might have been true at some time or other. The question is, if it was true, what, if anything, did the nominee do at any time in his career that would disqualify him from holding the high office?

Need I say to the Senator from New York that since I came to this body the Senator from New York has been a Member of the United States Senate and long prior to that time he was a Member of the United States Senate? Did the Senator from New York ever raise a question against Senator BLACK relative to his qualifications to sit as a Member of this body? No, Mr. President, the Senator from New York sat silently in this body and raised no question whatever against the Americanism, against the integrity, against the character, or against the citizenship or statesmanship of Senator BLACK. It ill behooves him here today to come on the floor of the Senate and complain against the appointment of Senator BLACK simply because he is a liberal, and simply because, if you please, his nomination has been sent to the Senate by Franklin Delano Roosevelt, notwithstanding the wishes or the sentiments of the Senator from New York.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield further to the Senator from New York?

Mr. McGILL. I yield for a question.

Mr. COPELAND. Perhaps I can put my interruption in the form of a question. Did the Senator hear me say a little while ago that Senator BLACK's membership in the Klan, whether real or alleged, would have no relationship to his membership in this body?

Mr. McGILL. It would have just as much relationship——

Mr. COPELAND. No.

Mr. McGILL. If the Senator will allow me, it would have just as much relationship to his membership in this body, if there was anything reflecting upon him as a citizen, as it would insofar as filling any other office in the land is concerned.

Mr. COPELAND. Will the Senator please answer my question?

Mr. McGILL. I have answered the Senator's question. That is what is wrong with the Senator from New York. [Laughter in the galleries.]

Mr. COPELAND. Did the Senator hear me say that that would have no relationship, in my opinion, to his membership in the Senate?

Mr. McGILL. I did not take down notes as to just what the Senator from New York may have said. In fact, his speech did not appeal to me, for it was based on prejudice and intended to prejudice the American people against the man who has been nominated for the position of Associate Justice on the Supreme Court of the United States, the highest court of the land.

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

Mr. McGILL. I yield.

Mr. SCHWELLENBACH. Does not the Senator from Kansas know that the speech of the Senator from New York was not intended to appeal to him, but to the electorate in a campaign which is in the offing? [Laughter in the galleries.]

The PRESIDING OFFICER. There must be no demonstrations of any kind in the galleries.

Mr. McGILL. I will let the Senator from New York——

Mr. COPELAND. May I answer that?

Mr. McGILL. Mr. President, I do not yield to the Senator from New York to make a political speech or campaign address at this time. He had that opportunity and availed himself of it.

Mr. President, I do not care to occupy the time of the Senate in discussing the nominee. I am not any more qualified to speak relative to his high standing than are other Members of this body. I know nothing about political campaigns in the State of Alabama. I do know that at the time with reference to which the Senator from New York has complained Senator BLACK's opponent in that campaign is now a Member of this body and is able and capable to speak for himself with reference to the standing of Senator BLACK in the State of Alabama and with reference to that campaign or anything that may have occurred during that period.

Mr. President, I rose largely to express myself to the effect that, insofar as I am concerned, I have found Senator BLACK to be a liberal-minded man throughout the period of time in which I have known him. I have found him to be a patriotic citizen, a man of high standing and high motives. I have found him to be a man of strict integrity and strict honesty, in mind and in every other respect. So I can find nothing personal, insofar as my knowledge of him is concerned, which would reflect upon him in the slightest degree or interfere with my voting for the confirmation of his nomination.

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

Mr. McGILL. I yield to the Senator from Maryland.

Mr. TYDINGS. Does the Senator intend to discuss in his remarks whether or not a new place has been created upon the Supreme Bench by the retirement of Justice Van Devanter?

Mr. McGILL. I shall advert to that in a few moments.

Mr. TYDINGS. Would the Senator be so kind now as to indicate whether or not he feels that a new place has been created by the retirement of Justice Van Devanter?

Mr. McGILL. I do not feel that there has been a new place created on the Supreme Court of the United States. There has been, in my judgment, a new place created by virtue of the act of March 1, 1937, and the voluntary retirement of Justice Van Devanter. It is my judgment that the office to which Senator BLACK has been nominated is one previously occupied by Mr. Justice Van Devanter and that it was created long prior to the time Senator BLACK became a Member of the Congress.

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. McGILL. I yield.

Mr. TYDINGS. I am asking the question purely for information, because the Senator is on the committee and I have not had the chance to study the subject that he has had; I am not arguing with him; but does the Senator consider that Justice Van Devanter is a member of the Supreme Court of the United States?

Mr. McGILL. I do not.

Mr. TYDINGS. To what extent could Justice Van Devanter exercise the functions of an Associate Justice of the Supreme Court of the United States?

Mr. McGILL. In my judgment, he cannot exercise any of the functions of a Justice of the Supreme Court of the United States, but he is possessed of some of the qualifications he previously had as a Justice of the Supreme Court, to wit, the right, if called upon, to sit upon a circuit court bench in the United States.

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. McGILL. I yield.

Mr. TYDINGS. Does the Senator think that Justice Van Devanter is now a member of the judiciary insofar as he can sit upon the circuit court or the courts of appeals or any other court inferior to the Supreme Court?

Mr. McGILL. He is qualified, if willing and called upon, to sit upon the circuit court of appeals of the United States.

Mr. TYDINGS. Let me ask the Senator one more question. In considering the legality of what is happening, one of the difficulties that has confronted me, and to which I have not yet received an answer in my own thought, is if Justice Van Devanter can sit as a circuit court judge without being appointed and confirmed by the Senate, how he can occupy that category when the Constitution provides that nominees shall be named by the President and confirmed by the Senate. Will the Senator be so kind as to tell me what the committee has found in reference to that paradox, namely, that Justice Van Devanter becomes an associate judge without being named and confirmed by the Senate? Obviously if he is not a circuit judge, a question might arise as to whether or not there is a vacancy. I am asking this question because I have had difficulty in working it out in my own mind, and I thought the Senator might explain it.

Mr. McGILL. Let me say to the Senator from Maryland that when one is nominated by the President, or by a President, to be a member of the Supreme Court of the United States, and is confirmed as a member of that Court, he is likewise appointed and confirmed as having the authority and capacity to sit and act as a judge of the circuit court of the United States. Therefore appointment to the circuit court is included in the appointment to the Supreme Court.

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

Mr. McGILL. I yield.

Mr. TYDINGS. Then, as I understand, Justice Van Devanter, having been appointed at one and the same time to both the Supreme Court and the circuit court, insofar as jurisdiction is concerned has surrendered his Supreme Court jurisdiction and still retains his circuit court jurisdiction?

Mr. McGILL. Under and by virtue of the act of March 1, 1937.

Mr. TYDINGS. Was a new place created in the circuit court personnel of the United States circuit court?

Mr. McGILL. No; Justice Van Devanter has been a member of that court all the time.

Mr. TYDINGS. Here is the point I am endeavoring to cover. If Senator BLACK is confirmed and sits upon the Supreme Court, have we not added one new Justice to the Federal judiciary?

Mr. McGILL. We have added one new circuit court judge if it is seen fit to assign a Justice of the Supreme Court to serve on the circuit court bench. It has always been the rule, regardless of the issue now before us, that members of the Supreme Court are vested with authority to serve on the circuit court bench.

Mr. TYDINGS. But Justice Van Devanter is no longer a member of the Supreme Court of the United States and unless he is a member of the Supreme Court of the United States how can he be assigned as a circuit court judge of the United States when he has retired as an Associate Justice of the Supreme Court?

Mr. McGILL. Under and by virtue of the act of Congress of March 1, 1937, which specifically provides that where a Justice retires from the Supreme Court of the United States he may be called by the Chief Justice to serve on the circuit court of the United States and may serve if he so desires. If a new judgeship is created it is not one on the Supreme Court, but on the circuit court.

Mr. TYDINGS. I shall ask the Senator another question. I think his answers to my previous questions have been very elucidating. As I recall, the Senator from Texas [Mr. CONNALLY] yesterday made the statement that a new place had been created on the Supreme Court by making

the membership of that court 10 instead of 9, that Justice Van Devanter occupies the new place, and that Senator BLACK would be appointed to the place vacated by Justice Van Devanter. If that be correct, then what the Senator has just now said would not be true, but if what the Senator from Kansas said is true then the contention of the Senator from Texas would not be well founded.

Mr. McGILL. If that has been the contention of the Senator from Texas, of course he and I are not in agreement on the subject.

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

The PRESIDING OFFICER (Mr. BULKLEY in the chair). Does the Senator from Kansas yield to the Senator from Texas?

Mr. McGILL. I yield.

Mr. CONNALLY. I had hoped I would not be dragged into this debate. [Laughter.] What the Senator from Texas said yesterday was that if the position of the Senator from Idaho [Mr. BORAH], to the effect that Justice Van Devanter was not off the Court, is correct, then the effect of the retirement statute which Congress enacted was to create a new position unknown heretofore to the law, and that position is a retired Supreme Court Justice. Up to a recent time a Supreme Court Justice could not retire. That act operated upon the choice of Mr. Van Devanter to accept it as a relinquishment of his duties as a member of the Supreme Court on active service, we will say, and his voluntary assumption of a new status, which is that of a retired Justice of the Supreme Court. The law does not permit him to exercise any of the functions, strictly speaking, of a Justice of the Supreme Court, but provides that he may be assigned to circuit court duty.

Assuming these things to be true, the Senator from Texas asserted yesterday that Senator BLACK is being appointed, not to the new place, but to the old place. Whose place is he taking? He is taking the place of Mr. Justice Van Devanter held by him until Mr. Van Devanter voluntarily relinquished it. So it does not make any difference whether Congress created a new place or not. The place that is being filled is the old place on the Bench in the Supreme Court Building, and not on a farm out in Maryland where Justice Van Devanter is now living. [Laughter.]

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. McGILL. I yield.

Mr. TYDINGS. I think the Senator from Texas has stated the matter accurately, and that brings us back to the point that after Justice Van Devanter retires from the Supreme Court of the United States, the question is how can he act as a circuit judge without being nominated and confirmed by the Senate? After he was nominated and confirmed originally, obviously Justice Van Devanter accepted a place created by an act enacted subsequently. The office did not exist at the time he was originally nominated and confirmed, therefore he could not have been appointed to an office which was created only a few months ago. So, if Justice Van Devanter were relying upon the old law, then it seems to me we have to reach the conclusion that he is still on the Supreme Court Bench or else we have to have him nominated and confirmed as a circuit court judge in order that our logic may be consistent clear down the road to the end.

Mr. McGILL. Let me inquire of the Senator from Maryland if he contends the office of judge of the circuit court did not exist at the time of the Van Devanter appointment?

Mr. TYDINGS. The retirement bill to which the Senator refers, and which gave Justice Van Devanter a right to leave the Supreme Court and still be an Associate Justice of the Supreme Court, was not in existence when Justice Van Devanter was appointed to the Supreme Court.

Mr. McGILL. Does the Senator contend that the office of judge of the circuit court of the United States did not exist at the time Justice Van Devanter was appointed to the Supreme Court?

Mr. TYDINGS. My answer to the Senator is that when Justice Van Devanter retired from the Supreme Court of the United States, having been clothed with authority to sit as a circuit judge while he was sitting as a Supreme Court Justice, by the act of retirement he cannot sit as a circuit judge unless he is renominated and reconfirmed.

Mr. McGILL. That is the Senator's position; but the Senator does agree that the office of circuit judge existed at the time Van Devanter was appointed to the Supreme Court?

Mr. TYDINGS. That is true; but he is no longer a Justice of the Supreme Court, and that is the position that gave Justice Van Devanter the jurisdiction to sit on the circuit court. Having given up the position which gave him jurisdiction, and a new office having been created within the last few months after he was originally appointed to the Supreme Court, then Justice Van Devanter will have to be renominated and reconfirmed as he is no longer a member of the Supreme Court of the United States.

Mr. McGILL. The status of Justice Van Devanter is not the issue with which we are concerned here today. The Senator may be correct, but I think he is entirely in error. However, the status of Justice Van Devanter is not the issue. The issue is whether or not there is a vacancy on the Supreme Court.

Mr. TYDINGS. I think the Senator has stated perhaps what may be true, namely, that Justice Van Devanter is not the issue. The only reason why I raised the point is that I want to approach the situation logically. It has been contended here that Justice Van Devanter could try circuit court cases notwithstanding that he was not a member of the Supreme Court of the United States. The Senator from Maryland was at a loss to know how he could do that when the office for which he is now to perform the duties was created after Justice Van Devanter was nominated and confirmed by the Senate. The Senator from Maryland was trying to get some kind of coordination in his mental processes as the argument seemed most contradictory, even as made by those who are supporting the nomination of Senator BLACK.

Mr. McGILL. I shall be glad to help the Senator from Maryland in any way I can. He thinks one way and I another. The question is not whether Justice Van Devanter can sit on the circuit court. His status is not what we are considering.

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

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Kentucky?

Mr. McGILL. I yield.

Mr. BARKLEY. In discussing the subject of a vacancy on the Supreme Court and the status of former Justice Van Devanter, it seems to me we should keep in mind the fact that the Supreme Court is a mandatory constitutional institution, and that appointments to the Supreme Court, when provided for by Congress or when the law was passed governing such appointments, are mandatory because the Constitution requires the establishment of a Supreme Court. It does not require the establishment of any inferior courts. Therefore, whatever duties were conferred upon Justices of the Supreme Court in addition to their membership on the Court itself are statutory and not constitutional.

Therefore, when any man was appointed to the Supreme Court after the law was enacted which placed upon his shoulders circuit duties in the circuit courts, he was confirmed not only as a Justice of the Supreme Court, but he was confirmed in the performance of such incidental duties in the circuit court as the law requires. If the Congress has seen fit to make it possible for a Justice to retire from the Supreme Court, it may do it with the limitation that he may still be required, or at least called upon, to perform duties in a lower court, and therefore when he is confirmed for all the duties he does not have to be reconfirmed for any part of them that may remain with him after he has retired from the high court to which he was primarily appointed.

Mr. McGILL. I thank the Senator from Kentucky. That is the view to which I have held.

Mr. LEWIS. Mr. President——

Mr. McGILL. I yield to the Senator from Illinois.

Mr. LEWIS. I ask the attention of the Senator from Maryland [Mr. TYDINGS].

Apart from any position I may take, or be called on to take, as to the confirmation of the distinguished gentleman who has been nominated to the Supreme Court, I realize that there is a possibility of much confusion, in view of the apparently contradictory state of the statutes, as to whether or not the retiring judge becomes a circuit judge by the act of the *Legislature*; that is, the act of Congress.

I invite the attention of the able Senator from Maryland—who was not honoring this body at the time—to the fact that Congress some time past enacted a law creating a court known as the commerce court. On that court there were three judges appointed, the head of whom, I believe, was named Mr. Justice Archbald. There were other judges, among whom was one from Illinois, now known as Mr. Justice Julian Mack. There arose situations by reason of which Congress was compelled to abolish that court, and it was abolished by a statute which turned these judges into circuit judges. One has passed, let us hope, to heaven. Two still survive as circuit judges under the act; but the name of neither was ever sent up for separate confirmation in this honorable body.

Does not that parallel the situation of my able friend, and remove from his mind what I may designate as uncertainty as to the necessity of personal confirmation of one already in office?

Mr. TYDINGS. Mr. President, will the Senator yield to me?

Mr. McGILL. I yield to the Senator from Maryland.

Mr. TYDINGS. No; it does not. I do not think the cases are analogous; and I am familiar with the abolition of the commerce court judges. None of them was ever reappointed, as the Senator has rightly stated; but the Senator from Illinois will recall, I am sure, that the Senator from New Mexico [Mr. HATCH], a member of the Judiciary Committee, has contended on this floor with a great deal of force and logic that the Senate, whether it wittingly did so or not, created a new associate justiceship when it passed the retirement bill, and other Senators have so contended.

If that be so, then the argument made by the Senator from Kansas would not lie on a sound foundation. But, of course, if, as he contends—and I am rather inclined to accept his view—that is not so, then we should be proceeding in the right direction; the point being that the members of the Judiciary Committee who are supporting Senator BLACK's nomination are arguing it from two entirely different standpoints which are in conflict with each other, and we who are not on the committee are having a great deal of difficulty in finding out just what the committee as a whole thinks.

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

Mr. McGILL. I yield to the Senator from New Mexico.

Mr. HATCH. The Senator from New Mexico has not as yet argued this particular question on the floor. On yesterday, or a day or two ago, some questions were asked by the Senator from New Mexico. I have not at any time said on the floor of the Senate that the retirement act of March 1, 1937, created an additional office of Justice of the Supreme Court of the United States. I do not think it did. My views are in exact accord with the views expressed by the Senator from Texas [Mr. CONNALLY] on yesterday and this morning, especially the part about the Maryland farm. [Laughter.]

Mr. McGILL. Mr. President, I think probably some difficulties have arisen by reason of a decision of the Supreme Court of the United States and one of the circuit courts of appeal of the United States in construing the act of 1919, which provided for the retirement of district and circuit court judges. That act specifically provided if a district judge or a circuit court judge availed himself of its provisions and retired under and by virtue of the act, that, notwithstanding that fact, such person remained a judge of the court from which he retired; and the language of the Supreme Court in the Booth case and the language of the circuit court of appeals in the Maxwell case, and other decisions which I have had the opportunity to examine, is merely language construing the act of the Congress passed in 1919.

I do not see how the Court could have arrived at any other conclusion than the one it did arrive at in holding that under and by virtue of the statute those men who had retired remained judges of the courts from which they retired because the act specifically so provided. There was no constitutional question before the Court in that case, except the one question that when a man remained a judge of a court from which he was supposed to have retired under and by virtue of the Constitution his salary could not be reduced after the date of retirement. That really was the only issue. We will find in the decision language that is probably, to some, confusing; and I claim no higher degree of capacity to interpret it than may be claimed by any other Member of this body. Nevertheless, other language in the opinion handed down by Mr. Justice Roberts is wholly foreign to the issue which was before the Court, and the issue which the Court, in fact, did decide, and which only was that a judge who had retired still remained a member of the court, and that was determined to be true by virtue of the language of the statute under which he had retired.

So far as I know, we have no precedent to guide us in this particular case. In my judgment, we had the right under the Constitution to enact the act of March 1, 1937. We could not remove anyone from the Supreme Court; but, after having enacted a method by which a Justice of that Court could retire, the voluntary retirement of the Justice created a vacancy and a new position in which he voluntarily placed himself.

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

Mr. McGILL. I yield to the Senator from Montana.

Mr. WHEELER. Does the Senator contend that Mr. Justice Van Devanter is not now a member of the Supreme Court?

Mr. McGILL. I do. Those are questions, however, which were raised just a moment ago.

Mr. WHEELER. Quite frankly, I am not clear about it. If he is still a member of the Supreme Court, then it seems to me without a question of a doubt we have created another judgeship. I do not think there is any question as to that. The question in my mind is as to whether or not he is still a member of the Supreme Court.

Mr. McGILL. Under the act of March 1, 1937, he could not retire and still be a member of the Supreme Court. When he retired, he abandoned all the duties of his office, voluntarily abandoned the office, and ceased to be a member of the Supreme Court of the United States.

Mr. WHEELER. I am not familiar with the statute with reference to the retirement of other judges; but when a district judge, for instance, reaches the age of 70 and retires, he is still a member of the court and may come back and hold court.

Mr. McGILL. That is the point to which I was referring just a moment ago by reason of certain language used by Mr. Justice Roberts in the Booth case. The act of 1919, under and by virtue of which a judge of a district court or a judge of a circuit court may retire, specially provided that the retired judge should remain a member of the court. The act of March 1, 1937, provides that the only duties any retired Justice of the Supreme Court may be called upon to perform are those the Chief Justice may ask him to perform on the circuit court, in which event, he may, if he so desires, perform them. Under the act of March 1, 1937, he does not remain a Justice of the Supreme Court from which he retired.

Mr. WHEELER. What would happen to Mr. Justice Van Devanter in the event the Congress should repeal the Retirement Act?

Mr. McGILL. He would be in the same status of any other circuit judge.

Mr. WHEELER. How would he be a circuit judge? The act does not make him a circuit judge.

Mr. McGILL. The act makes him a circuit judge, and he has been a circuit judge ever since he was confirmed on the Supreme Court.

Mr. WHEELER. But would he not still be a member of the Supreme Court if we should repeal the Retirement Act?

Mr. McGILL. No. He has abandoned the duties of the office of Justice of the Supreme Court. He has so declared himself. He did it voluntarily, and has ceased to be a member of that Court. He did not have formally to resign.

Mr. WHEELER. The Senator will recall that his retirement was exactly in compliance with the terms of the Retirement Act as passed by Congress. He was extremely careful so to specify. If he retired specifically under the act, and the act should be repealed, the Senator thinks he then would not be a member of the Supreme Court and entitled to sit upon it?

Mr. McGILL. I certainly do. He is in the same situation as every member of the Circuit Court of Appeals of the United States. Congress might repeal the acts creating all the courts below the Supreme Court of the United States. Judge Van Devanter in his declaration has availed himself of the privileges of this act, which specifically provides that he may be called upon to perform duties on the circuit court of appeals if he is willing to perform them. It does not authorize him to perform any other public duty in any other public office.

Mr. WHEELER. In the event the Retirement Act did create another place, will the Senator agree that when Justice Van Devanter retired he did not retire to some new place? He retired to the place that he had, and was simply a retired member of the Supreme Court, was he not?

Mr. McGILL. He retired to a new place. I assume the Senator intends to ask me what would be the result should the act of 1937 be held unconstitutional, and I do not think it will be, although there is no precedent. The Court in the Booth case did not rule upon the constitutionality of the act of 1919; it did not pass upon that question. In any event I would say a vacancy exists on the Supreme Court now because Justice Van Devanter by his voluntary act has abandoned every duty of that office.

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

Mr. McGILL. I yield.

Mr. CONNALLY. If the Court should hold the act unconstitutional—and I do not think it will—would it not be likely to hold that Justice Van Devanter, if he has not been retired, resigned, by abandoning the office and going out and taking up other duties?

Mr. McGILL. By abandoning the duties of an office one resigns from that office. That is the law. If the Senator will look up the authorities, he will see that that is the law. One does not need formally to resign. If he abandons the duties of his office, walks out, and has nothing more to do with it, it will be held that he resigned.

Mr. WHEELER. He specifically stated in his letter to the President that he only retired in accordance with the act passed by the Congress of the United States. If we passed an act permitting a judge to retire, and that act should be held unconstitutional, no court, in my judgment, would hold that that was an abandonment of the office, and the Senator cannot find one single authority holding that it would be an abandonment of the office.

Mr. McGILL. And the Senator from Montana cannot find one single authority that holds that would not be the law. There is no authority on the subject, so I can challenge the Senator from Montana just as readily as he can me.

Mr. WHEELER. Does the Senator contend that if the Justice retired under an act passed by Congress, and specifically stated that he was retiring under the provisions of that act, and the act were not upheld, it would deprive him of the office?

Mr. McGILL. He would have taken his chances with reference to the constitutionality of the act, as the Senator from Montana and I in many of our daily acts in the walks of life take our chances on whether an act of the Congress is or is not constitutional. The fact remains that Justice Van Devanter has abandoned every duty of the office of Justice of the Supreme Court of the United States, which in effect constitutes a resignation, under the law.

Mr. President, I do not wish to occupy more of the time of the Senate in discussing this matter. The other cases which are found, cases decided by circuit courts of appeal, are in harmony and in line with what I have said relative to the Booth case. None of them attempt to pass upon the constitutionality of the acts of the Congress granting retirement privileges.

It is my view that Senator BLACK has not been nominated by the President to an office created since the Senator was elected the last time as a Member of the National Congress, but the office to which he has been nominated is the one previously held by Mr. Justice Van Devanter, and was created by the act of Congress in 1869; that the salary of that office, which constitutes the "emoluments", has in no way been increased at any time since Senator BLACK was elected as a Member of this body; that the office was created in 1869, and that by virtue of the retirement of Mr. Justice Van Devanter under the act of March 1, 1937, from the Supreme Court of the United States, a vacancy was left on the Supreme Court to which this nomination is made.

I will not contend whether there was or was not a new office created, but if any new office was created, it was the office of a retired Justice of the Supreme Court of the United States, now held by Mr. Justice Van Devanter.

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

Mr. McGILL. I was hoping to close, but I yield.

Mr. STEIWER. Does the Senator mind indicating, if his theory is that the new office is that of a retired Justice, by what means Mr. Justice Van Devanter was inducted into that office?

Mr. McGILL. I have discussed that, and I am sorry the Senator was not on the floor at the time. We have been discussing that matter for about 30 minutes, and I have been answering questions in which that problem was involved, questions propounded by the Senator from Maryland, the Senator from Montana, the Senator from Kentucky, the Senator from Illinois, and others. I do not think it would avail us anything to reiterate just exactly what we have been going over for about 30 minutes.

Mr. STEIWER. I withdraw the question. I would not ask the Senator to reiterate anything.

Mr. McGILL. My contention is that the issue before us is not primarily the status of Mr. Justice Van Devanter, except insofar as it is necessary for us to go to determine that he is no longer a member of the Supreme Court of the United States. A vacancy on that bench exists, in my judgment, and it was within the province, the right, and duty of the President to nominate whom he might select to the high office, and unless something can be disclosed to this body showing that the nominee is unfit to fill the position, it is the duty of the Senate to confirm the nomination.

My judgment is that the Members of this body are well advised that the nominee, Mr. BLACK, is one of the best lawyers in the United States, is a man possessed of a high degree of learning, of strict integrity, whose honesty has never been questioned, and that his attitude of mind toward the masses of mankind is that of one of the great liberals of the country.

I thank the Senate.

Mr. CONNALLY. Mr. President, I should like to inquire of the Senator from Vermont and the Senator from Oregon whether they desire to address the Senate at this time.

Mr. AUSTIN. Mr. President, I appreciate the courtesy of the Senator from Texas. I know that he will adorn the situation so much better than I could that I prefer to have him proceed at this time.

Mr. CONNALLY. I regret that the Senator will not speak at this time, because the Senator from Texas feels that he would have so much more information when he should come to discuss this question if he first had the opportunity of listening to the Senator from Vermont, that he approaches the question now with a great deal of trepidation and hesitancy.

Mr. President, the question before the Senate at the moment is whether or not we shall confirm or reject the nomination to be Associate Justice of the Supreme Court of the United States of HUGO L. BLACK, not Senator HUGO L. BLACK, but HUGO L. BLACK, who happens to be a Senator. At the very threshold of the discussion we are told that the Senate cannot properly confirm this nomination because there is no vacancy on the Court. I dare say that when the Supreme Court convenes in October, if this nomination shall not be confirmed, when the spectators and litigants go before the bar of that Court they are going to see a vacant chair, the chair formerly occupied by Mr. Justice Van Devanter, and the question will be, Where is Mr. Justice Van Devanter? Is he on the Bench? Can he ever come back to the Supreme Court Bench? Can he ever hereafter perform any of the duties on the Bench of the Supreme Court? No. The Senator from Texas suggests, then, if those facts be true, no matter how they be true, whether they be true because Mr. Justice Van Devanter shall have died, or whether he shall have fled the realm and gone to foreign countries, or whether he voluntarily surrendered the performance of the duties of a Supreme Court Justice—regardless of how he got off, the question is, Is he off? I submit that he is off that Bench, because I have here his own letter in which he says that he gives up and surrenders the duties of a Justice of the Supreme Court.

Mr. Justice Van Devanter says he accepts the terms of the Retirement Act. The retirement act which the Congress passed provided:

> That Justices of the Supreme Court are hereby granted the same rights and privileges with regard to retiring, instead of resigning, granted to judges other than Justices of the Supreme Court by section 260 of the Judicial Code (U. S. C., title 28, sec. 375), and the President shall be authorized—

Who is this speaking? This is the Senate speaking. This is the House also speaking. Senators who voted for this measure now say that the President has no authority or power to appoint a successor. When the bill was before us they said he ought to do it.

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

Mr. CONNALLY. I yield.

Mr. McGILL. Not only was that the Senate speaking and passing the bill, but that measure passed through this body by a vote of 76 yeas and only 4 nays.

Mr. CONNALLY. Exactly. The point the Senator from Texas is making is that the same Senators who in March voted in favor of this bill and directed the President of the United States to appoint a successor to any judge of the Supreme Court who might say that he wanted to retire now say that he must not do it and cannot do it because there is no vacancy.

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

Mr. CONNALLY. I yield.

Mr. BARKLEY. Under that law former Justice Van Devanter cannot voluntarily go back and sit on the Supreme Court in any case.

Mr. CONNALLY. Exactly. I was coming to that.

Mr. BARKLEY. And there is no power in the United States that can compel him to do so.

Mr. CONNALLY. What is that old story about "all of his horses"? What is that old story—the Senator knows it—that "all of his horses" cannot put Humpty Dumpty back again?

Mr. BARKLEY. "All the king's horses and all the king's men", and so forth.

Mr. CONNALLY. Yes.

> Humpty Dumpty sat on a wall.
> Humpty Dumpty had a great fall.
> And all the king's horses and all the king's men
> Cannot put him up again.

[Laughter.]

Mr. President, no matter how Justice Van Devanter got off the Bench, he is now off, and nobody can put him back.

So does not that create a vacancy? Does not that create a vacancy in the old job of being a Supreme Court Justice who sits on the Bench and renders decisions in the Supreme Court of the United States?

I had not completed reading the act. I was just coming to that, I shall say to the Senator from Kentucky.

> And the President shall be authorized to appoint a successor—

To whom?

> to any such Justice of the Supreme Court—

Mr. Van Devanter; yes. Mr. Hughes; yes. Mr. Brandeis; yes. Mr. Anybody else who retires—in his place the President shall appoint a successor. Yet these same Senators now say "No; we did not mean that. We were just playing like. [Laughter.] We did not mean it at all, because there could not be a vacancy; there could not be a successor."

The language of the act continues:

> So retiring from regular active service on the Bench, but—

And listen to this language—

> but such Justice of the Supreme Court so retired may nevertheless be called upon by the Chief Justice and be by him authorized to perform such judicial duties in any judicial circuit—

Not on the Supreme Court, not over here in this marble palace, but out in some circuit—

> including those of a circuit justice in such circuit as such retired Justice may be willing to undertake.

Under the express terms of this statute, Mr. Justice Van Devanter cannot go back on the Supreme Court Bench. No matter how much he may desire to resume the duties which he voluntarily surrendered, they have left him and left him forever, under the solemn provisions of this act of Congress. So is there a vacancy?

Mr. President, I have some law books here. I shall not quote from all of them. I hold in my hand Words and Phrases, which contains syllabi from a number of cases. Without reading these decisions, what do they hold? They hold that an office is vacant when the officeholder resigns, when it is a new office to which no one has been appointed, when the holder of it voluntarily relinquishes its duties, and in fact, they say "vacant" means "empty." [Laughter.] If there is nobody in the office and nobody performs its duties, it is vacant.

So, Mr. President, by no lucubrations or hallucinations, or any other kind of "nations" can I understand how Senators can come to the conclusion that there is no vacancy on the Supreme Bench. Mr. Van Devanter was on that Bench. He is not on it now, and he never expects to return to it, and never can go back on it. It is the old position to which Senator BLACK has been appointed; not to some new one that the Senators speak of. Senator BLACK—and all Senators know this—is being nominated to perform the duties which Mr. Justice Van Devanter did perform while he was on the Bench, and which he has abandoned.

Mr. President, can there be any challenge to that?

Mr. LEWIS rose.

Mr. CONNALLY. I hope the Senator from Illinois is not going to challenge that statement.

Mr. LEWIS. I simply rose to suggest that there be order in the Chamber.

Mr. CONNALLY. Never mind! The Senator from Texas does not care for order. I thank the Senator from Illinois for offering to secure order, but the Senator from Texas is so often in disorder himself he does not mind a little disorder. [Laughter.]

Mr. President, the Constitution created the Supreme Court. It is the only court which the Constitution directly created. As to other courts, the Constitution vests the power in Congress to create them. For the sake of the record, let us put into the RECORD article III, section 1:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

While the Constitution created the Supreme Court, it did not fix the number of justices, leaving that to Congress. I agree that if the office which is to be filled or some new office had been created by the Congress during the life of the term of the Senator from Alabama, he could not accept an appointment to it. I agree that if Congress during that period should have increased the emoluments of the office to which he has been appointed, he would not be eligible. But, Mr. President, the contention of the Senator from Texas is that Senator BLACK is being appointed to one of the nine positions, the nine judgeships on the Supreme Court that have existed since 1869.

I ask the chairman of the Judiciary Committee, Is that correct?

Mr. ASHURST. That is my view of the situation.

Mr. CONNALLY. Mr. President, I thank the Senator, because as to the history of the Supreme Court and the governmental institutions of the United States there is no more learned man in this Chamber than the eminent and attractive Senator from Arizona. [Laughter.]

Mr. President, if there is a vacancy, then the Senator from Alabama is eligible thereto unless the emoluments of the office have been increased. I submit that the emoluments of the office have not been increased. Under the Constitution, Mr. Justice Van Devanter will receive for the rest of his life the same compensation that he received as a member of the Court. Had he remained on the Court he would have received that same compensation. How is there any increase in compensation by reason of the mere decision on the part of a judge to retire in the exercise of the option or election either to stay on the Court and perform such duties as he may desire or of not performing all of those duties but going out on his farm and retiring? No increase in compensation is brought about by such a decision.

Oh, but the Senator from Nebraska said that this hazy sort of thing called the privilege of retiring when a man gets to be 70 years of age is an increase in the emoluments. Let us see. Suppose the Senator from Alabama should be appointed and should die when he is 65 years old; he would then not have received any increase of emolument, would he? Suppose he did not retire; he will not have received any increase in emolument. Suppose he does retire. He does not get a copper cent more when he shall have retired than if he had remained on the Bench. How is that an increase in emolument?

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

Mr. CONNALLY. I yield.

Mr. MINTON. It does not increase his emolument. It just decreases his work.

Mr. CONNALLY. That is all. It just lessens his duties a little bit. Everyone knows that a member of the Supreme Court now works when he wants to work, and no one can make him work unless he wants to. [Laughter.] The Federal judges over the country take longer vacations than do Senators and Representatives. They take them frequently at the rate of $5 and $10 a day, Government expense money. They go when and where they please, except when they leave their State I believe they are obliged to get the consent of someone. The State judges take their vacations when they want to. After all, you have got to rely upon the conscience and the patriotism and the sense of responsibility of judges to perform their duties. The only weapon against that is that of impeachment, which is rarely employed, because, as a rule, over the great average, men do not bring themselves within the terms of impeachment.

Mr. President, it is said that a new office has now been created. If that be true, that office is a new status called a retired Justice of the Supreme Court. Why do I say that? Until the act of Congress providing for retirement was passed there was no such place. There was no such status. A judge could not retire. There were no retired Justices of the Supreme Court. So the effect of what the Congress did when it passed the retirement statute was to create a new status called a retired Justice of the Supreme Court. It did that only on the condition and on the contingency that a judge should retire. If no judge had ever retired or should retire, there would be no filling even of that office, that status.

But since Congress said to the Justices of the Supreme Court "when and if you reach 70 years of age and when you shall have served continuously as a Federal Judge for 10 years you may"—do what? "You may relinquish voluntarily your duties on the Supreme Bench and receive the same compensation that you have been receiving."

Mr. President, we must approach this matter from the viewpoint of the public welfare. What is the public welfare concerned with? It is concerned with having a court over yonder of nine Justices; it is concerned with having every place on that court filled. All these fine-spun legal theories, these legalistic quips and quirks cannot erase the fact that there is a vacancy there now; that Justice Van Devanter has surrendered his place on the Bench or that he has given up his duties on the Bench, and he never expects to return to them. Yet it is said that we cannot fill that vacancy; that it must continue. According to such a theory, the Court would automatically extinguish itself by retirements under the new law, and would get down to where there were only three Justices of the Court, when the law requires that six shall be necessary to constitute a quorum. Of course, the Congress might destroy the Supreme Court; it might refuse ever to confirm any nominations and in the course of time, though the Constitution established the Supreme Court, there would be no Court; but the Senate does not want to and does not expect to do that thing.

Now, Mr. President, I want to quote and put in the RECORD the letter of Mr. Justice Van Devanter. We have in the RECORD the statute, and, in construing the statute, the letter of Mr. Justice Van Devanter should be considered.

WASHINGTON, D. C., *May 18, 1937.*

MY DEAR MR. PRESIDENT: Having held my commission as an Associate Justice of the Supreme Court of the United States and served in that Court for 26 years, and having come to be 78 years of age, I desire to avail myself of the rights, privileges, and judicial service specified in the act of March 1, 1937, entitled "An act to provide for retirement of Justices of the Supreme Court", and to that end I hereby retire—

I hereby retire—

from regular active service on the Bench.

What is meant by retiring from regular active service? It means he never will get on that Bench again. It means that he will never serve as a Justice of the Supreme Court, according to his own language, because he cannot do it under this act; he accepts that act, and shows that he understands it if Senators do not understand it. [Laughter in the galleries.]

The PRESIDENT pro tempore rapped with his gavel.

Mr. CONNALLY. Mr. President, I wish the Chair would not be so careful about restraining applause. The Senator from Texas likes to have a little approval now and then. [Laughter.]

And to that end I—

Who? I—Justice Van Devanter. This is his abdication in favor of whomever the President shall appoint and whomever the Senate shall confirm, because the act, the terms of which he accepts, commands the President to appoint his successor. He says he accepts that act.

"I hereby retire. I accept the command which Congress gives to the President to appoint somebody in my place—not in the new status that I am assuming, in this good easy job where it is not necessary to work", in the retired place out on the Maryland farm, where he can fish and cut hay and have a good time during the summer. He is not giving that place up; but he says, "I hereby retire under this act; and that act says that the President shall appoint my successor, and I invite"—that is the effect of his action—"I invite the President to appoint my successor, and I invite the Senate to confirm his nomination." He was not quite through. What does he say furtermore?—

And to that end I hereby retire from regular active service on the Bench.

What is a Supreme Court judge for except to sit on the Bench and work on the Bench?—

This retirement to be effective on and after the 2d day of June 1937, that being the day next following the adjournment of the present term of Court.

I have the honor to remain,

Very respectfully yours,

WILLIS VAN DEVANTER.

And here is the President's letter accepting his retirement.

Mr. President, those things, the act of Congress, the retirement, the acceptance of the retirement by the President make a closed incident. When those things happened a vacancy on the Supreme Court was created not by act of Congress, not by the Senate, but by the incumbent vacating a job that has been in existence ever since 1869. If there was any new position created, it was this new status that no judge of the Supreme Court has ever held before—and if that is not new, I do not know what new means, for it is something that never happened in the history of this Republic until the passage of the act March 1, 1937—a new status, that of a retired Justice of the Supreme Court.

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

Mr. CONNALLY. I yield.

Mr. BURKE. Has the Senator found any provision in the Constitution that authorizes Congress to create that new status of a retired Justice of the Supreme Court?

Mr CONNALLY. Oh, there is no express authority.

Mr. HATCH. Mr. President, will the Senator from Texas yield to me right on that point?

Mr. CONNALLY. Of course, under the Constitution we can create any kind of a court except the Supreme Court itself. I yield to the Senator from New Mexico.

Mr. HATCH. If there is any constitutional question raised, if there is any doubt as to the validity of the new office, does not that doubt go to the position now held by Justice Van Devanter rather than the old position held by him?

Mr. CONNALLY. Exactly. The Senator from New Mexico, in addition to being a very able and efficient Senator, is a very high-class lawyer.

Mr. HATCH. I thank the Senator.

Mr. CONNALLY. The Senator owes me no thanks. It is only a very small portion of what the Senator from Texas could very justly and accurately say.

If there is any question as to the status of Justice Van Devanter, it would have no effect whatever upon the vacancy which is being filled or which is about to be filled by the Senator from Alabama. Why? If the Supreme Court should hold what we undertook to do to be invalid at all, according to the view of the Senator from Texas, the probability would be that they would hold that what has happened, regardless of what it may be called, might have amounted to a resignation of Mr. Justice Van Devanter. Why? He says, "I am giving up the office"; the President accepts his abdication, and it is entirely conceivable to the Senator from Texas that if the Supreme Court should say that Congress had no power to create that kind of a status for a retired Justice they would hold that under the facts Justice Van Devanter had voluntarily resigned.

Mr. BURKE. Mr. President——

Mr. CONNALLY. I yield to the Senator from Nebraska with a great deal of pleasure.

Mr. BURKE. I know the Senator from Texas has read the Sumners retirement act of March 1, 1937?

Mr. CONNALLY. Had the Senator from Nebraska honored the Senator from Texas with his presence he would have heard him read it a while ago in the Senate.

Mr. BURKE. I merely call the Senator's attention to the fact that specifically under that act, in order to permit a Justice of the Supreme Court to leave the Court without resigning a method of retirement is provided.

Mr. CONNALLY. Oh, yes.

Mr. BURKE. How, then, can anyone claim, in justice, that it may be held that Justice Van Devanter in accepting the provisions of the act laid down before him by the Congress resigned when the act itself says specifically that it is to avoid resigning that the privilege is offered to him?

Mr. CONNALLY. That is true, of course. "Resign" is a word. Acts are more forceful or more compelling than words. What the Senator from Nebraska evidently means is that Congress said, "We are going to let Justice Van Devanter occupy this status and he can take it voluntarily without resigning"; but, Mr. President, courts look at substance. The Supreme Court looks at the substance of things. It does not stop at words; it does not simply read the sign over the store as to what is in it, but it goes inside and explores what is in it. I am not saying that the Court would hold that Justice Van Devanter had resigned but I say if it should not uphold the act as Congress passed it, there is little other probability than that it would decide that by his act in voluntarily retiring and giving up the duties of his office he had resigned.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Idaho?

Mr. CONNALLY. I am honored by an interruption by the Senator from Idaho.

Mr. BORAH. I can follow the Senator without any difficulty at all if he takes the position that what Mr. Justice Van Devanter did amounted to resigning. I understand that is the position of the Senator from Texas?

Mr. CONNALLY. The Senator from Texas said that it was entirely conceivable to his mind if the Supreme Court ever could pass upon what has been done here in a determination of the status of Mr. Justice Van Devanter, if the Court did not uphold this act it would probably be on the ground that Mr. Justice Van Devanter had by his act really resigned in fact.

You can resign, Mr. President, by signing your name to a little piece of paper, but that is not the only way to resign. Another way to resign is to give up the office, abandon the office; and what Mr. Justice Van Devanter has done—I charge him with no bad motives—is to accept pay for life and to accept the proposition that he may abandon his duties on the Supreme Bench and take up that which is more congenial in his declining years.

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

Mr. CONNALLY. I yield.

Mr. BURKE. Is not the Senator from Texas willing to admit that, on the evidence before us, it is perfectly clear that Justice Van Devanter had no intention of resigning from the Supreme Court?

Mr. CONNALLY. Naturally; and he evidently thinks his action is legal. Mr. Justice Van Devanter evidently thinks the act of Congress is constitutional, and if back on the Bench he probably would so hold it. Does the Senator from Nebraska contend that Senator BLACK is ineligible because of the fact that the place he is going to fill is a new office that has been created by this Congress?

Mr. BURKE. I have two strings to my bow.

Mr. CONNALLY. One good string is much better than two broken ones.

Mr. BURKE. The first one, which will not break, even under the strain put upon it by the Senator from Texas, is that the legal effect of the act is to create a new office, an additional justiceship on the Supreme Court, every time a member of the Supreme Court 70 years of age and having had 10 years of service elects to come within the provisions of the act which the Senator from Texas and I supported and laid before him. That creates a new office. The office that Mr. Justice Van Devanter has been occupying he still occupies now in an inactive status, and I find nothing in the Constitution nor in common sense that says two men can occupy the same office at the same time. Justice Van Devanter is still there by the express provisions of the act——

Mr. CONNALLY. Still where?

Mr. BURKE. Still in the same office.

Mr. CONNALLY. On the Bench in the Supreme Court Building, or out in Maryland on his farm?

Mr. BURKE. All the Justices are away somewhere, and we all hope we will soon be joining them on the farm or elsewhere.

I say that in legal effect Justice Van Devanter is still vested with judicial power, and the only judicial power that he has is as a Justice of the Supreme Court. By virtue of our act we have given him the privilege of performing some other duties, but he still occupies that office. I find nothing in the Constitution or anywhere else that permits us to put another man in the same bed with him. So the legal effect of this act must be that Congress created a new position, as it had the right to do, and that is the position to which Senator Black is nominated.

But more than that, there is the second string to the bow.

Mr. CONNALLY. Emoluments!

Mr. BURKE. Yes. More than that, we have clearly increased the emoluments of the office.

Mr. CONNALLY. I listened with a great deal of interest to the speech of the Senator from Nebraska and understand his position. I had hoped he would listen to the speech of the Senator from Texas, but he did not, so necessarily I have to advert again to his attitude.

Let me ask the Senator from Nebraska a question. Had Senator Robinson lived would he have been under the same handicap as the Senator from Alabama?

Mr. BURKE. Certainly.

Mr. CONNALLY. Did not the Senator from Nebraska publicly state in the press that he was going to vote to confirm Senator Robinson?

Mr. BURKE. No; I made no such statement as that. I stated, not to the press but to my friends, that I thought that would be a fine appointment to the Supreme Court. That was a mark of esteem for our late departed leader. We all joined in it without regard to the serious constitutional questions involved. I would say to the Senator from Texas that if Senator Robinson had lived and if the President had sent his name here, which he never would have done, he undoubtedly would have secured an opinion from the Attorney General——

Mr. CONNALLY. Would Senator Robinson have secured the Senator's vote?

Mr. BURKE. I shall come to that. I have no doubt in my mind that an opinion from the Attorney General would have been forthcoming that the Retirement Act of March 1, 1937, increased the emoluments of the office and, therefore, Senator Robinson was ineligible. But if that had not happened to be true, if Senator Robinson's name had come before the Senate, I would have wanted to make the same examination as to his eligibility that we are making today, solely on the question of eligibility under the constitutional provision.

Mr. CONNALLY. The Senator from Texas does not want to do the Senator from Nebraska any injustice because he entertains a very warm and close personal regard for him, but I had understood from someone that the Senator from Nebraska had given out a statement to the press, when Senator Robinson's name was being discussed, to the effect that he would be confirmed practically unanimously and that the Senator from Nebraska would support him. However, I withdraw that statement.

Mr. BARKLEY. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. Certainly.

Mr. BARKLEY. Did the Senator from Texas understand the Senator from Nebraska or did I understand the Senator from Nebraska to say that if Senator Robinson had lived and had been appointed, the Attorney General would have given the President an opinion that he was ineligible, notwithstanding the fact that he has given the President an opinion that the present appointee is eligible?

Mr. BURKE. I think the Senator from Kentucky understood what I was throwing out as a suggestion. If he wants to know my own opinion, I never felt that the President would send the name of Senator Robinson to the Senate of the United States.

Mr. BARKLEY. That does not answer my question.

Mr. BURKE. Give me an opportunity and I shall answer it. I cannot answer it in one breath.

I felt very strongly, as everyone realizes, that there were reasons why the President would feel he was under obligation to our late departed leader and that he would feel under the necessity of sending his name to the Senate unless there was some objection to it. In my own mind I have the very strong feeling that at the right time the Attorney General, looking at the authorities, and very properly, would advise the President that there would be at least a cloud on the title of any Member of the Senate who might be appointed to the Supreme Court under those circumstances and that the President would feel justified in saying, "We will appoint someone outside the Senate upon whose title there will be no cloud."

Mr. BARKLEY. Mr. President, will the Senator from Texas yield further?

Mr. CONNALLY. I yield, but I dislike very much to indulge in all this speculation. We have a great deal more important matter to consider.

Mr. BARKLEY. I hope the Senator from Nebraska does not desire to leave the impression that, although the Attorney General of the United States, the highest law officer in the Government, has given the President an opinion that Senator BLACK is eligible to the vacancy, he would have been guilty of such duplicity toward the President that if Senator Robinson had been nominated he would have found some way to render an opinion that he was ineligible.

Mr. BURKE. I have not seen any opinion or any statement of any kind from the Attorney General, although I know it has been referred to in the press that he has told the President that Senator BLACK is eligible. I have no doubt at all that the Attorney General would have been able to give—and would have been able to back it up with very excellent authority—the kind of opinion which I say, speculating entirely, he might have given, which was that no Member of the Senate was eligible to this office.

Mr. BARKLEY. No one has been able to cite such authority, even those who oppose the nomination of Senator BLACK.

Mr. CONNALLY. The Senator from Texas was interested in the suggestion of the Senator from Nebraska that in the case of Senator Robinson, because of our affection for him and the esteem in which the President held him, the Senate would vote to confirm him, whether it was a question of eligibility or ineligibility. If we are going to determine the matter purely on constitutional grounds, I cannot understand how Senator Robinson's popularity or our fondness for him could in any wise alter our view or our attitude.

Mr. BURKE. I think the Senator misunderstood my point entirely. I was referring only to the first announcement that was made upon the retirement of Justice Van Devanter, that we as Members of the Senate felt that Senator Robinson had all the qualifications to fill the position honorably. None of us at that time had given any consideration to the constitutional questions involved. I did not say and I do not say that when the point arose and we had occasion to look into the matter, I would have reached any different conclusion in reference to Senator Robinson than we ought now to reach in the case of Senator BLACK. We should treat them both alike on this point, certainly.

Mr. CONNALLY. I thought the Senator certainly meant that, although his language was subject to the other construction.

Mr. BURKE. Hardly so to anyone who listened to it.

Mr. CONNALLY. The intellect of the Senator from Texas may be dull, but his hearing is not. [Laughter.] Let me say to the Senator from Nebraska, when he says that none of us had thought about this legal question, that at the time the Senator from Idaho [Mr. BORAH] raised the question, the Judiciary Committee was considering the retirement bill. The Senator from Nebraska is a member of that committee just as is the Senator from Texas. The Senator from Idaho raised the question regarding his theory as to there being no vacancy created when the retirement bill was originally before the Senate and before it passed the Senate.

Mr. President, I was about to say, when I was interrupted——

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

Mr. CONNALLY. I am delighted to yield to my distinguished colleague from California.

Mr. McADOO. May it not be a fact that by the act of March 1, 1937, we created an inferior court composed of retired Justices of the Supreme Court? The Constitution clearly gives to the Congress the power to create inferior courts of the United States.

Mr. CONNALLY. And it has created some, too. [Laughter.]

Mr. McADOO. Yes; some very inferior ones, I admit. [Laughter.] But, as I read the act—and it seems to me a perfectly logical construction—the retired Justice absolutely gives up his position on the bench. He cannot be recalled to service on the bench under the very terms of the act; and he goes into retirement, into what we might call a retirement status or court. He may be called upon, by the very terms of the act, to perform certain duties. The Chief Justice may call upon him "to perform such judicial duties, in any judicial circuit"—which is an inferior court of the United States—"including those of a circuit justice in such circuit, as such retired Justice may be willing to undertake."

Mr. CONNALLY. That is correct.

Mr. McADOO. Therefore, he can be called upon to serve as an inferior judge of the United States only if he has ceased to serve on the Supreme Bench.

Mr. CONNALLY. That is right.

Mr. McADOO. If that does not create a vacancy on the Supreme Bench, because he can never retake his seat on it, then I cannot understand the language of the statute.

Mr. CONNALLY. Let me say to the Senator from California that the Senator from Texas discussed that matter a little earlier in his address, and undertook to point out that if we created any new place at all, it was a new status as a retired Justice of the Supreme Court; one which, both by the statute and by his own letter of retirement, precluded any possibility of his ever returning to perform the duties which he formerly performed.

What is the Congress concerned with? What is the country concerned with? With the performance of the duties of the office. What is an office? An office is not a salary. An office consists of certain duties which devolve upon a man who was appointed to that station. That is all there is to an office. So when Mr. Justice Van Devanter gave up all the duties of a Supreme Court judge, he gave up, in essence, the office itself. He retained merely the shell. He retained merely the little decorative coating and the $20,000 salary, which, of course, was the real objective. That is why Congress put in the act the words "instead of resigning." It was to undertake to create a way to insure that his salary could never be reduced, and that it could never be taxed under the income-tax law.

If the Senator from Alabama [Mr. BLACK] is eligible because there is a vacancy, and if he is not ineligible because the emoluments of the office have not been increased—and they have not—he should be confirmed. The Senator from Alabama will not get a cent more than Mr. Justice Van Devanter got while he was on the Bench, not a cent more than Mr. Justice Van Devanter gets off the Bench; so the option there is not one of emolument or moneyed consideration. Anyway, the increased emolument in this particular instance has gone to Mr. Justice Van Devanter, if there is any increase in the emoluments, of course. It will never be received by Senator BLACK until he shall have lived to be 70 years of age, which many of us will never do, and shall have served 10 years, and shall have made up his mind to quit work; and not many of us who like to work want to quit work.

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

Mr. CONNALLY. I yield.

Mr. BURKE. Does not the increased emolument, if any, attach to the office of Justice of the Supreme Court? It is not personal to Justice Van Devanter.

Mr. CONNALLY. No; that is true.

Mr. BURKE. It attaches to the office.

Mr. CONNALLY. Certainly; I agree to that. I am glad to find something on which I agree with the Senator from Nebraska.

Mr. BURKE. So there really is no force in what the Senator has just said about the emolument going to Justice Van Devanter. It attaches to the office to which the nominee is being appointed with the concurrence of the Senate.

Mr. CONNALLY. That is true. Of course I knew the Senator from Nebraska did not think there was anything in what the Senator from Texas was saying. That statement was really surplusage. I knew he thought that anyway. If there is any increase of emolument, it does go with the office, of course, but the Senator from Texas says there is no increase of emolument. That sort of a theory is so speculative, it is so imaginative, it is so shadowy and nebulous, that it cannot form any substance upon which to refuse to confirm a nominee for the Supreme Court of the United States.

Mr. BURKE. Mr. President, will the Senator yield for just one point before he goes on?

Mr. CONNALLY. I shall be glad to yield.

Mr. BURKE. Does the Senator from Texas take the position that the only way in which there could be an increase in the emoluments of the office of a Justice of the Supreme Court would be to raise the present salary of $20,000 to some sum above $20,000?

Mr. CONNALLY. I think that would be an increase of the emoluments.

Mr. BURKE. But is that the only way in which there could be an increase?

Mr. CONNALLY. I do not know that it is the only way. I do not know. I am sure the ingenuity of the Senator from Nebraska could devise a way, if anybody could.

Mr. BURKE. Is the Senator willing to admit that any increased benefits coming from the office of Justice of the Supreme Court would amount to an increase of emoluments?

Mr. CONNALLY. No. I do not mean giving him another secretary. That would not increase the emoluments of the office. I do not mean that giving him a soft chair to sit in, instead of a hard one, would be an increase of the emoluments of his office. I do not mean that by air-cooling the Senate Office Building we thereby have increased the emoluments of Senators of the United States, or by giving us comfortable offices instead of having our offices in our apartments and our hotels.

Mr. BURKE. Is not the Senator now descending to the level of the Senator from Indiana in arguing that the logical contention is that because the Justices have a new Supreme Court Building, therefore there has been an increase in the emoluments of the office?

Mr. CONNALLY. When a Senator is interrupted, he has to get down on the level of the interruption. [Laughter.]

Mr. BURKE. Is there anything that the Senator will say he would consider an increased emolument, other than an actual increase in salary?

Mr. CONNALLY. The Senator from Texas has never had either an increase in salary or an emolument, so he is not really familiar with it.

Mr. BURKE. Probably he never deserved it. [Laughter.]

Mr. CONNALLY. Well, likely I have not. The Senator from Nebraska made his speech on the subject of emoluments. The Senator from Texas listened attentively, and he thinks he understands the position of the Senator from Nebraska. The Senator from Texas will content himself with saying that he does not regard the act which we passed, conferring the retirement privilege at some indefinite time in the future, subject to all the vicissitudes of life and death and things of that kind, as being of a sufficiently substantial character as an emolument to disqualify a Senator from accepting the office.

The Senator said I got down on the level with somebody. The Senator from Texas is always on the level with the people. He tries to be on a level with the people of the United

States. What he is trying to do now is to perform his duty to the people of the United States who wrote this old Constitution, and who need a Supreme Judge over yonder, and who invested the President of the United States under the Constitution with the power to nominate him, and directed the Senate of the United States either to consent or not to consent to his appointment. The Senator from Texas is going to vote to consent to this appointment.

Now, let us see what else there is.

Oh, yes, Senators say that even if the Senator from Alabama is eligible, even if the emoluments have not been increased, they want to vote against him for some other reason, because he took some telegrams from somebody.

Mr. President, I have here a letter from one of my constituents who thought he was grievously wronged by the seizure by a committee of the Senate of a lot of telegrams, and it turned out that he had been wronged because none of the telegrams that were received had anything to do with the matter under investigation. This letter is from an outstanding citizens of my State:

You are well aware that Senator BLACK authorized the seizure of my private telegrams—

Of course, the writer did not know whether Senator BLACK did it or whether somebody else did it. He assumed that Senator BLACK did it, but in reading this letter I do not assume that Senator BLACK did it.

as well as those of my associates and of the Times Publishing Co. I believe he was overinfluenced in that act by others, who I will not name, but who you know well. After having gone that far, every single telegram that myself and family and my company had sent during a period of 10 months were returned and marked "Unrelated."

Of course, I think he should have at least written a letter clearing me and my newspapers of a false accusation, but no such letter was received from Senator BLACK.

How does this man act? What is his attitude?—

Notwithstanding—

Notwithstanding that he felt outraged by what had occurred to him—

Notwithstanding, it is my judgment that he should be confirmed for the appointment the President has seen proper to make.

Mr. MINTON. Mr. President——

Mr. CONNALLY. Just a moment.

Mr. President, here is a man who at the moment felt that Senator BLACK's committee had done him an injustice; but he realized that Senator BLACK was acting in an official capacity. Suppose he was a prosecutor. All investigations are more or less prosecutions, and this man does not hold that as impairing the character of the Senator, or his fitness for this high office. When a man is a prosecutor, he is one thing; he is a prosecutor; but when he gets on the bench and under a sense of responsibility and duty with respect to both sides of a question, that is quite a different function than that of a prosecutor in court.

I now yield to the Senator from Indiana.

Mr. MINTON. As to the facts with reference to the letter which the Senator has just read, I may say to the Senator and to the Senate that Senator BLACK did not in any way authorize the seizure of those telegrams, or the telegrams of any newspaper, but expressly directed his workers on the committee not to subpena any telegrams of any newspaper.

Mr. CONNALLY. Mr. President, I cited that instance not to discredit Senator BLACK, but to show the attitude of broad-minded citizens of this country, that they recognize that what a man does in his representative capacity, holding a responsibility of investigating, is not to be held against him, even if they do not agree with what he did.

Mr. President, what are the tests that the Senate should apply to nominees for office? I have known of only two outstanding tests that it has been the custom of the Senate to require. First, has the man character and integrity and honesty? Second, has he ability?

Does the Senator from Alabama measure up to these tests? There has been no charge filed in the Judiciary Committee attacking the character or the integrity of the Senator from Alabama. Has he ability? Well, Senators say he has ability, but he has not judicial ability.

Mr. President, how can a man give evidence of judicial ability until he is a judge? Over on the Supreme Bench now there are several members of the Court who never held a judicial office until they went on the Supreme Court. My information is—and I hope I shall be corrected by Senators if I am in error—that Mr. Justice Butler was never a judge of any kind of a court until he was appointed on the Supreme Court of the United States. It is said that Senator BLACK was only a police court judge. Mr. Justice Butler was not even a police court judge; he was not any kind of a judge, and yet he was appointed to the Supreme Court.

Mr. Justice Owen J. Roberts, so the Senator from Tennessee [Mr. MCKELLAR] suggests, appointed a member of the Supreme Court of the United States, had never before held a judicial office. He was an active practitioner at the bar, fighting lawsuits, trying cases, arguing to the jury. It might have been said quite as justly, "Why, Mr. Roberts has no judicial pose. I saw him trying a lawsuit, and he did his darndest to win it for his side. He was bitter. He went after the witnesses who, he thought, were lying, and made them tell the truth, or tried to. He is not of a judicial temperament."

Mr. Justice Stone was never a judge of any court. He was a professor of law in a great university in New York. Somebody might have said, "Why, he has no judicial temperament. He is a professor", and that term does not appeal very much to some Senators. "He is only a professor."

Mr. Justice Brandeis was not a judge prior to his appointment to the Supreme Bench; but he was a great lawyer, a lawyer of the poor man, a lawyer for the underprivileged, serving in many cases without compensation, fighting bitterly, fighting so bitterly that he aroused the antagonism and the bitterness of the reactionary and hard-boiled element all over the country, so that when President Wilson submitted his name here they fought it, and they blocked it for months before it was finally confirmed.

Mr. BURKE. Mr. President, am I correct——

Mr. CONNALLY. I doubt very much if the Senator is. [Laughter.]

Mr. BURKE. With the permission of the Senator from Texas, I will change my question and ask, Is it correct that the Senator from Texas, as a Member of this body, voted against the confirmation of Charles Evans Hughes for membership on the Supreme Court and now proposes to vote for confirmation of the nomination of HUGO L. BLACK? Is that correct?

Mr. CONNALLY. The Senator from Nebraska knows that that is correct; he knows that the Senator from Texas voted against the confirmation of Mr. Hughes; and the Senator from Texas learned something as a result of that vote. When he voted against Mr. Hughes' confirmation he honestly believed, as his speech in the RECORD will show, that Mr. Hughes was so indurated, so saturated, and so soaked with the corporate outlook, the outlook of the great monopolies which he had been representing after he had gone off the Supreme Bench in his vain campaign for the Presidency—the Senator from Texas thought that Mr. Hughes, though an honest man, and though an able man, had become so saturated with the economic outlook and the legal outlook and the legal construction of laws and the constitution of the great corporations and the great monopolies that he voted against confirming Mr. Hughes. But, carrying out what the Senator from Texas was trying to suggest to the Senator from Nebraska a little while ago, Mr. Hughes, when he quit the bar, when he gave up his fees, when he gave up the emoluments he was getting from his clients and laid them on the table, held up his hand and took the oath as a Justice of the Supreme Court and put on the robes of a Justice of the Supreme Court, he had the character and the ability and the manhood to say, "I am no longer the attorney for these corporations. I am no longer a partisan at the bar. I am here as a judge. It is my duty to weigh questions fairly between the people and the corporations." Carrying out that

theory, Mr. Justice Hughes has made a great Justice of the Supreme Court of the United States. Does the Senator from Nebraska deny that?

Mr. BURKE. I join heartily with the Senator in aproving it.

Mr. CONNALLY. On the other hand, let me suggest to the Senator, why can he not be somewhat similarly charitable, even though he does not agree with the economic views of the Senator from Alabama—and the Senator from Texas does not agree with all of them; although the Senator from Nebraska may not agree with his views, why can he not be charitable enough to say that the Senator from Alabama, being an honest man and being an able man and being an industrious man, when he ceases to prosecute, when he gives up his investigating committees, when he gives up his ambition to hold office and to run for office, and goes over yonder on the Bench of the Supreme Court, and with his hand on the Bible and with his lips touching it, signs an oath to perform the duties for the rich and the poor alike, will carry out that oath?

I want to read to the Senate the oath a Justice of the Supreme Court must take. It is a little different from the oath we take. He promises to hold the scales evenly between the rich and the poor, and I am willing to believe that the Senator from Alabama, when he goes over there, being an honest man, and nobody has said he is not, and being an able man, and nobody has said he is not, will abide by the oath he must take.

Mr. BURKE. Mr. President, will the Senator yield there?

Mr. CONNALLY. Just one word, and I shall yield. Being an honest man, being an able man, having a sense of responsibility to the people, not the little people alone, but the big people also; not to the rich people alone, but to the poor people as well; not to people who wear silks alone, but to ragged people as well—that he will rise to his responsibilities and perform his duty, and make America an honest and a faithful judge. I yield to the Senator.

Mr. BURKE. Mr. President, when the Senator from Texas voted against the confirmation of Mr. Hughes as Justice on the Supreme Court, is it not true that Mr. Hughes had previously served a number of years as a member of that Court?

Mr. CONNALLY. Yes. He had been off in the meantime running as a candidate for President.

Mr. BURKE. He had been off the Court, yes, but the Senator knew of his judicial qualifications by reason of the fact that he had served on the Court already.

Mr. CONNALLY. I have not read all his decisions, but after he made those decisions I saw him in the Supreme Court every time I would go there, and he was there representing some great corporation from New York, with a flock of young lawyers writing the briefs, sitting around him, and he frequently did not know much about the case himself. I did not like that farming out of his influence and his prestige, for one thing.

Mr. BURKE. The Senator from Texas does not mean to intimate to this body, when he says he voted against the confirmation of Mr. Hughes, and now is voting for the confirmation of the present nominee, that there was any comparison between the two individuals as to their legal training, their experience in the law, and their general qualifications for the position, does he?

Mr. CONNALLY. Oh, no; I do not claim there is equality, and I will tell the Senator why. Mr. Hughes lived in New York, a great city. His clients had been corporations, monopolies, banks, trusts. Senator BLACK is from down in Alabama, from a more or less small town. I imagine that most of his clients have been people who did not have much money with which to pay his fees, and I imagine that they were of the common people. I do not see that it makes any difference as to whether one has been representing rich clients or poor ones, if he is fair, and if he has a conscience and a character, and knows enough about law to get on the Bench, to assume such a position, if he is going to be honest, he will be a good Judge, whether his clients were corporations or whether they were not corporations, unless his mind becomes so slanted and so warped and so bent as that he honestly and conscientiously thinks along those lines.

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

Mr. CONNALLY. I yield.

Mr. McKELLAR. The Senator from Texas was giving the names of those members of the Supreme Court who had never served as judges before they went on the Bench.

Mr. CONNALLY. Yes.

Mr. McKELLAR. The Senator omitted the names of Mr. Justice McReynolds and of Mr. Justice Sutherland. I call his attention to the fact that of the eight Justices now on the Supreme Court six out of the eight had never served in judicial positions before, and had no experience as judges before they went on that Bench.

Mr. CONNALLY. I thank the Senator. I was interrupted. I intended to go along and call the roll, but some of these inquiring Senators, who are seeking information and nothing else, interrupted me, and I was diverted.

Mr. Justice McReynolds is a very able Judge; I do not agree with many of his opinions, but he is an able Judge. Mr. Justice Sutherland is an able Judge; I do not agree with his opinions very often, but still he is an outstanding and an able Judge, a fomer Senator. They were never judges on any court, never sat on any bench in their lives until they got on the Supreme Court of the United States.

Mr. President, I now wish to read the oath Judges of the Supreme Court must take. It is not like the oath we take. I want Senators to listen to this, and ask themselves the question whether, if they were appointed on the Supreme Court and should take this oath, they would have a sense of responsibility and a sense of fairness, or refuse to take it. I read from the Judicial Code:

> Justices of the Supreme Court, the circuit judges and the district judges appointed, shall take the following oath before they proceed to perform the duties of their respective offices:
> I, EDWARD R. BURKE, of Nebraska——

[Laughter.]

Mr. NEELY rose.

Mr. CONNALLY. "I, MATTHEW MANSFIELD NEELY, of West Virginia" [laughter]——

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

Mr. CONNALLY. I yield.

Mr. NEELY. I still insist that the Senator must not resort to such fiction as that of intimating that either of the Senators whom he has named will ever take the oath of office as a Justice of the Supreme Court.

Mr. CONNALLY. This is not reality, I shall say to the Senator from West Virginia; this is a supposition. [Laughter.] I never would have used the Senator's name except as a supposition. [Laughter.]

Listen to this. It is not funny—

> Do solemnly swear, or affirm, that I will administer justice without respect to persons—

What could there be more solemn, with your hand on the Constitution and your lips on the Bible, and those words being uttered by your tongue?

Mr. BURKE. Mr. President, will the Senator yield there?

Mr. CONNALLY. No; not until I get through with the oath. [Laughter.] Wait until I get through with the oath, and then I shall yield to the Senator.

Mr. BURKE. The question would not have any point then.

Mr. CONNALLY. Very well; I yield.

Mr. BURKE. Will the Senator read that again?

Mr. CONNALLY. I thought the Senator heard it.

> I do solemnly swear, or affirm, that I will administer justice without respect to persons—

Mr. BURKE. "Persons", the Senator, of course would understand to mean, regardless of race——

Mr. CONNALLY. Exactly.

Mr. BURKE. Religion.

Mr. CONNALLY. Exactly.

Mr. BURKE. Or anything else.

Mr. CONNALLY. Exactly; that is what the Senator from Texas means when he says that.

Mr. BURKE. Very well.

Mr. CONNALLY. There is no prejudice against anybody unless he is a nominee for the Supreme Court—

that I will administer justice without respect to persons and do equal justice to the poor and to the rich—

They put the poor first. If there is any difference, they give the seniority to the poor—

and that I will faithfully—

What does that mean? What does that mean? Senators know what it means. Faithfully without dishonor, honestly, with righteousness and with rectitude. Not with prejudice, not with meanness, not with something low and groveling, but faithfully—

and impartially—

Impartially. What does it mean? It means that one shall divest himself of any predilections, or any preferences, or any prejudices, to go on that Bench as a Judge and act impartially, without favor, without fear, without intimidation from Congress, or from the White House, or from any place on earth. A Judge goes on the Bench and swears to be impartial and unafraid—

impartially discharge and perform all the duties—

Not some of them. Not a part of them. Not just two or three, but all of the duties of Judge. The highest duty of a Judge is to be honest, and to be fearless, and to be courageous against every influence, whether it is the wild passions of the mob outside of the doors of the Court or whether it is against some other master, either the Congress or the Executive, that seeks to control him. That is the kind of Judge I want—

incumbent upon me as—

What? Not as a prosecutor. Not as a Senator. Not as a lawyer down in Alabama, but as a Judge—

according to the best of my abilities and understanding, agreeable to the Constitution and laws of the United States.

Who does he call upon to help him? Does he call on Congress to help him—"So help me Congress"? Oh, no. Does he call on the President—"So help me, Mr. President of the United States"? No. Does he call on the voters as he does when he is running out in the elections somewhere for votes? Oh, no. He calls on the highest, the supremest of supreme Judges—

So help me God.

I challenge any Senator in this body to take that obligation and then to go out and vary from what he believes to be his duties under that oath. No one but a craven, no one but a scoundrel, would do it. He might be mistaken, he might misunderstand his duties, but a man who would take an oath like that and then either corruptly, or willfully, or maliciously use the tremendous powers of his office to do that which was not according to his standard of justice and right and impartiality would be a character so debased as not to be worthy to occupy any place of high station anywhere.

Mr. President, has anyone said that the Senator from Alabama is a man of that kind? No one has attacked his character. But some say, "We do not agree with his views."

Mr. President, we do not have to agree with the views of nominees on all things when we vote on the question of confirming them. If we in the Senate voted to confirm only those with whom we agreed, I doubt if any nominee would ever be confirmed. If I voted to confirm only those who belonged to my church, I do not believe I would get along very well. Suppose Senators voted to confirm only such nominees as belong to their church, to their lodge, to their political party, or who wear their hair like some of us do, or who do this, that, or the other. I know many Senators with whom I do not agree 30 percent of the time, and yet they would make Supreme Court Judges of much better ability than the Senator from Texas. Should I say that they ought not to sit on the Supreme Court simply because I do not agree with them? Senators, that would be an unsound standard. The standard to take is, Is he honest, has he good character, and has he integrity and ability?

We do not run a training school for Judges of the Supreme Court. The nominee for that position should know the law. I do not mean to say that he must have had experience on the bench so long that he is about ready to drop off the bench with old age before he attains sufficient knowledge of the law. I think young men going on the Bench can become better trained and be better Judges than some old man who has spent his life at the bar either on one side of an issue representing corporations, or on the other side representing those who bring damage suits. I think one is as bad as the other. But if we take a young man who is intelligent, able, and industrious—and everyone agrees that the Senator from Alabama is industrious, and that he is able, and that he is intelligent, and that he has character—and put him on the Supreme Court Bench, if he does not make a good Judge, then it is no one's fault on earth but that of God Almighty, who did not give him sufficient intellect.

Mr. President, in conclusion, I submit that there is a vacancy on the Court, the old place that Mr. Justice Van Devanter formerly occupied and which he surrendered; that if there is any new place it is the new status of a retired Judge of the Supreme Court which has been assumed by Mr. Justice Van Devanter; and if that is not a legal retirement, I submit again to the Senator from Idaho [Mr. BORAH] that if the Court ever holds differently it will hold that he resigned because of his letter saying that he gave up his duties.

So, Mr. President, with those legal impediments, those constitutional obstacles removed, I do not care what church Senator BLACK belongs to. So far as I am concerned, I believe in absolute religious liberty and religious freedom for every class of our citizenship. Whether a man be a Protestant, or a Jew, or a Catholic, or a Mohammedan makes no difference to the Senator from Texas. The Senator's record in his own State is clear on that issue, because when he was elected to the Senate for the first time in his campaign he proclaimed his opposition to secret organizations which would challenge the right of men to exercise religious freedom. So my record in that respect is clear.

I am against intolerance. I stand for complete tolerance and freedom. I do not care whether a Supreme Court Justice is a Jew, or a Gentile, or a Protestant, or a Catholic, I would vote to confirm him if I thought he was honest, if he had integrity and he had ability, and was capable of filling the office, and that such an office existed.

So, Mr. President, I submit to the Senate of the United States that we should vote to confirm HUGO L. BLACK as Associate Justice of the Supreme Court of the United States.

SUGAR PRODUCTION AND CONTROL

As in legislative session,

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7667) to regulate commerce among the several States, with the Territories and possessions of the United States, and with foreign countries; to protect the welfare of consumers of sugars and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; to raise revenue; and for other purposes; and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to; and the President pro tempore appointed Mr. HARRISON, Mr. KING, Mr. GEORGE, Mr. BROWN of Michigan, Mr. LA FOLLETTE, and Mr. CAPPER conferees on the part of the Senate.

HUGO L. BLACK

The Senate resumed the consideration of the nomination of HUGO L. BLACK to be an Associate Justice of the Supreme Court of the United States.

Mr. AUSTIN. Mr. President, the earnest debate that we listened to during part of yesterday and today should be enough to convince any reasonable persons that the Senate is dealing with a question of supreme importance. Of course, matter of confirmation of one who has been named by the President of the United States to the highest judicial office in the world is sufficient to attract the interest and study of all who may be affected by the judgments of that person. That, however, is not the only issue here. On this occasion we are confronted by an issue that comes very closely to the people, because it deals with the formation of that branch of the Government of the United States which is most intimately associated with the lives, the property, the civil rights, and the immunities of all citizens of this country.

There is no department of our Government that the citizen so quickly reacts to as the judicial department. We have had evidence of that during the last 3 months. When the people of this country had the impression that the Supreme Court of the United States and all of the other judicial tribunals under the Federal system in the United States were about to be so tampered with as to affect their independence, there was such a reaction that we were completely inundated with telegrams and letters and importunities from people all over the United States asking us to do our duty and to protect them from a change in their fundamental law, made without their consent.

Now we are confronting exactly the same question here as we were throughout the investigation of the bill to reorganize the judiciary, for here we are about to decide the question of whether a Senator of the United States may be appointed to an office created by Congress during the term of his office, or, on the other hand, if not that, whether we shall confirm the nomination to an office of a Senator of the United States who participated in increasing the emoluments either of an old office that existed or a new office created during his term of office. In either event, as we see it, it means a transgression of a direct prohibition imposed by the people of the United States upon the Senate and upon the other House of Congress. In other words, brought down to our own condition here, it is a question, as I see it, whether we shall exercise self-restraint and self-discipline under the temptation to favor one of our colleagues with this appointment.

Now, I wish to answer, or try to answer, some of the claims made to avoid or evade the contention that a new office has been created by the act of March 1, 1937, to which Senator BLACK has been nominated. In the first place, it is said that it is not a new office; that it is the old office, and that the vacancy exists in it because of an abandonment of the office. Secondly, that there is nothing left for a Justice of the Supreme Court to do which belongs to his office as a Justice of the Supreme Court when he accepts the terms of the act of March 1, 1937.

Let us examine the question of abandonment. Let me say, in the first place, that I would regard it a most remarkable mental performance for the Congress of the United States to convert what it expressly declared was not a resignation into a resignation through a device called abandonment. Secondly, I would regard it as a despicable trick unworthy of the Congress of the United States to place upon its own act, which undertook to invest a great old man and others in a similar situation with a retirement allowance corresponding to his salary, such a construction as would deprive him of the surety and the certainty and the unfailing support of that retirement pay by interpreting our own act in such a manner as to expose him to having that retirement pay reduced by any subsequent Congress at any time. I cannot conceive of any honest mental reaction to the proposal we have listened to here today, which proceeds along this line—and I took the pains to write it down in order that I might not overstate it: If under the act of March 1, 1937, a Justice innocently should abandon and thereby vacate his office, he would not be entitled to retirement pay; he would not be secure from diminution under the Constitution. This right lasts only during his continuance in office. He would have to discontinue his term of office if he abandoned or vacated the office.

In other words, his tenure would be ended by a trick, because that construction would reverse, in occult manner, the clear recognition of retirement instead of resignation expressed in the law.

Now let us see if that is not so. I read from the act of March 1, 1937:

> That Justices of the Supreme Court are hereby granted the same rights and privileges with regard to retiring, instead of resigning, granted—

And so forth.

Did the Congress hold out to Mr. Justice Van Devanter a beguiling hand that would induce him to leave the Bench of the Supreme Court, induce him into such a position that Congress could today say, "We have got him now, he has vacated, he has abandoned by accepting the benefits and the emoluments of that act of ours; we have tricked him out of his office"? Is this venerable man, who has served until beyond the age when he wished to retire, who has contributed to the learning and the welfare and the security and safety of this country during that long life, will to be served that scurvy trick by the Congress of the United States? I cannot believe that that device will be accepted, mentally or morally, by the Senate or by the people of the United States as a way out when we say that a new office on the Supreme Court was created by the act of March 1, 1937.

What is the other device? It is equally remarkable, it is equally unbelievable, it is equally absurd, it is equally ridiculous. It is—and I have heard it not from one alone but from several who have debated this matter—that by the act of March 1, 1937, the Senate did not leave any duty as a Justice of the Supreme Court of the United States to be performed by the Justice who accepted its terms. One must deny the statute itself, one must run right counter to the express words of the law when he takes that position, for this is what the statute says in that respect—and I read from the last part of the act of March 1, 1937:

> And the President shall be authorized to appoint a successor to any such Justice of the Supreme Court so retiring from regular active service on the Bench, but such Justice of the Supreme Court—

What does that law say? It says, "Justice of the Supreme Court." We named him, we labeled him, we kept the same old name; we did not change it and call him a "retired Justice of the Supreme Court"; we named him; and then we said of him, treating him in that manner—

> so retired, may nevertheless be called upon by the Chief Justice and be by him authorized to perform such judicial duties, in any judicial circuit, including those of a circut justice in such circuit as such retired Justice may be willing to undertake.

Not only did we lay our finger upon his office and say, "This man's office is the same as it was before; this man who has retired is a Justice of the Supreme Court", but we also assigned to him duties which no one but a Justice of the Supreme Court can have assigned to him, namely, duties "including those of a circuit justice in such circuit."

If there were nothing else to lean upon, if there were no other place to go to find out what the intention of the law expressed in the act is, that would be conclusive, for a circuit justice cannot be separated from the office of a Supreme Court Justice. There is not any such office; there is not any such person holding an office in the United States. A circuit justice is a Justice of the Supreme Court of the United States assigned to a definite territory. No judge of a circuit court occupies the same office.

What is the proof of that? Let me call the attention of the Senator to section 215 of title 28 of the United States Code Annotated.

> Allotment of Justices to the circuits. The Chief Justice and the Associate Justices of the Supreme Court shall be allotted among the circuits by an order of the Court, and a new allotment shall be made whenever it becomes necessary or convenient by reason of the alteration of any circuit, or of the new appoint-

ment of a Chief Justice or Associate Justice, or otherwise. If a new allotment becomes necessary at any other time than during a term, it shall be made by the Chief Justice, and shall be binding until the next term and until a new allotment by the Court. Whenever, by reason of death or resignation, no Justice is allotted to a circuit, the Chief Justice may, until a Justice is regularly allotted thereto, temporarily assign a Justice of another circuit to such circuit.

That deals with no one but a Justice of the Supreme Court. The officials or officers who occupy the circuit court of appeals or who occupy the circuit court or who occupy the district courts of the United States are not justices. They are judges. The distinction is kept for very valid reasons. It is obviously necessary to have no confusion between the offices of the Federal judicial system, and so we find that this designation was of such great importance that the Congress defined the difference and fixed in the code a rule to govern us about it, so that we ought not and we cannot with any validity claim that the Justice who has taken the benefits of the act of March 1, 1937, is something else than one of the circuit justices and, therefore, one of the Justices of the Supreme Court.

Here is section 217 of title 28 of the Code, Annotated:

DESIGNATION OF JUSTICES ALLOTTED TO CIRCUITS

The words "circuit justice" and "justice of a circuit" shall be understood to designate the Justice of the Supreme Court who is allotted to any circuit; but the word "judge", when applied generally to any circuit, shall be understood to include such Justice.

Continuing about the judges who occupy circuit courts and district courts, let us look at the statute. Section 213 of the Code provides:

Circuit judges. There shall be in the second and seventh circuits, respectively, four circuit judges; and in the eighth circuit, six judges; and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate.

Then the section deals with salaries. I omit that and continue:

The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law. Nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided by other sections of the judicial code.

Thus great care has been exercised by the Congress to separate the designation so there could not be any mental aberration regarding the use of the word "justice" and the use of the word "judge" in the Federal judicial system. There is no "justice" save a Justice of the Supreme Court. When Congress enacted the obligation upon a retired Justice that "he may nevertheless be called upon by the Chief Justice and be by him authorized to perform such judicial duties in any judicial circuit, including those of a circuit justice in such circuit as such retired Justice may be willing to undertake", Congress in effect said, "We are dealing with the office of a Justice of the Supreme Court, and we are adding to that office an emolument, and that is all we are doing." Any independent research of this act will lead to that one definite clear objective, that we were providing retirement emoluments for a Justice of the Supreme Court.

Therefore, Mr. President, we say that neither by the device of abandonment nor by the device of saying there is nothing left, there is no duty of a Justice of the Supreme Court left by this act, do we avoid the plain fact that Mr. Justice Van Devanter is a Justice of the Supreme Court; that the law itself expresses the fact.

On the question of what constitutes an abandonment, we find that the party alone cannot complete the vacation of an office by abandonment. We find there must be an ouster declared. More than that, we find there cannot be an abandonment of a part of the duties and a reservation of a part of the duties, and thereby vacate the office. That is an utter impossibility.

To constitute an abandonment of an office it must be total and under such circumstances as clearly to indicate an absolute relinquishment.

That is the syllabus in *State ex rel.* v. *Huff* (87 New England 141, 143; 172 Ind. 1; 139 Am. State Reporter 355).

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

Mr. AUSTIN. Certainly.

Mr. HATCH. The Senator stopped his quotation at the word "relinquishment." What follows? Relinquishment of what?

Mr. AUSTIN. There is a period after the word "relinquishment." It is obvious it means relinquishment of all duties of the office.

Mr. HATCH. The duties of the office?

Mr. AUSTIN. Yes. Meacham on Public Offices and Officers states the same principle in the following manner:

SEC. 435. Where, however, while desiring and intending to hold the office if he has a legal right to do so, and with no desire or intention willfully or purposely to abandon it, he vacates it in deference to the requirements of a public statute which is afterward declared unconstitutional, such a surrender will not be deemed an abandonment, and upon the overthrow of the law during his term, he may recover his office.

Mr. HATCH. Mr. President, will the Senator yield further?

Mr. AUSTIN. Certainly.

Mr. HATCH. Does the Senator agree to the general proposition that an officeholder cannot relinquish the duties of the office and yet retain the office?

Mr. AUSTIN. Yes. There is one other necessary step, and that is the judgment of ouster. Meacham, at page 279, section 436, says:

But while such an abandonment is clearly a cause for forfeiture, it is ordinarily held that it does not of itself create a completed vacancy, but that a judicial determination of the fact is necessary in order to render it conclusive.

Mr. HATCH. Mr. President, will the Senator yield again?

Mr. AUSTIN. Certainly.

Mr. HATCH. Will not the Senator also agree that the cases hold generally that where the intent to relinquish the duties of an office is manifest, it requires no judicial determination to create a vacancy? Does the Senator agree with that proposition?

Mr. AUSTIN. There has to be a meeting of minds on it. The State, on the one hand, must accept the relinquishment in some form—not exclusively by a judgment of a court, because it may be accepted by the filling of the vacancy by another election; but in some manner there must be a meeting of the minds.

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

Mr. AUSTIN. Yes.

Mr. HATCH. On that point I think we are not in disagreement at all—that where the officeholder manifests his clear intention to relinquish the duties of the office, the office then does become vacant, provided, of course, he relinquishes the office; and then the power to fill the office, whether it be by an appointment or by election, may be called into play, and the vacancy may be filled.

I think we agree on that point, do we not?

Mr. AUSTIN. I think so, substantially.

Mr. President, in this situation we find Mr. Justice Van Devanter writing his views about this matter in such unequivocal terms that there can be no doubt of the understanding that he was not vacating his office by abandonment; that he was not carelessly or innocently being enticed out of his office, to be afterward caught from behind with the claim that "Now you are out, we will reduce your retirement pay."

Mr. HATCH. Mr. President, will the Senator yield and pardon me for interrupting him?

Mr. AUSTIN. Yes.

Mr. HATCH. But no one has expressed any desire to catch the Justice from behind and reduce his compensation.

Mr. AUSTIN. Oh, certainly; I know that. That would not be done. I am talking about what could be the result, what could be the effect of an interpretation by us of this law after the manner of accomplishing a resignation through the device of abandonment. That, in my opinion, would be

a trick. I think it would be a disgraceful thing for Congress to do, and in the face of the statement that we are making a law for a man to retire instead of resigning, I cannot see how we can possibly make such a claim for the law. What I say is that Mr. Justice Van Devanter recognized the import of the duties and service that were required by the act of March 1, 1937, in his letter of retirement, which read as follows:

Having held my commission—

Do not forget that he wrote that. I am going to call attention to that, because he still holds his commission, and I am going to ask the Senate what commission it is.

Having held my commission as an Associate Justice of the Supreme Court of the United States and served in that Court for 26 years, and having come to be 78 years of age—

Every word is important—

I desire to avail myself of the rights, privileges, and judicial service specified in the act of March 1, 1937, entitled "An act to provide for retirement of Justices of the Supreme Court", and to that end I hereby retire from regular active service on the bench—this retirement to be effective on and after the 2d day of June 1937, that being the day next following the adjournment of the present term of the Court.

He was careful to limit the things from which he retired. He did not end his statement simply by saying "I retire from the bench." He did not allow anybody to make such an interpretation of his act. He said:

I hereby retire from regular active service on the bench.

He did not retire from the bench, and most certainly he did not abandon the office. Most certainly he did not resign, because he said he desired to take advantage of the privileges and benefits contained in the act, one of which was that he could retire instead of resigning.

Mr. President, it seems to me that that device for evading or avoiding the claim that we are about to confirm the appointment of a Senator to an office created by this act cannot live through careful, candid, and rational study and consideration.

What about this other plan? We cannot do this.

Some of my learned friends have made the claim that the act of March 1 created an inferior tribunal. That is an attractive way out, is it not? If we did, if that is what we did, what words here did it? I cannot find that we created any court here in express language; and why put in this statute the word "successor"? To what does the word "successor" refer? To something anterior. Is there any other office about to be made vacant by retirement, if we examine this act; any other office anterior to in it than the office of a Justice of the Supreme Court? Let us see:

And the President—

I am quoting from the act—

shall be authorized to appoint a successor to any such Justice of the Supreme Court so retiring from regular active service on the bench.

How absurd to say that the new office was another office than that of an additional Justice of the Supreme Court, if a new office was created.

Examining this matter in another way—for it seems to me we must apply something realistic to this discussion—under what appointment is Mr. Justice Van Devanter acting? That question would not be important at all if the people of this country had not said to us, and to everyone entrusted with making laws relating to the Federal judiciary, that "the only way in which you can appoint to a judicial office under the Constitution is through the President of the United States." I refer to section 2 of article II, and it is also in clause 2, as follows:

And he—

Meaning the President—

shall nominate and, by and with the advice and consent of the Senate, shall appoint * * * judges of the Supreme Court and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law.

If we are going to the device of stretching the act of March 1, 1937, into the creation of an inferior tribunal, we then have come within this part of the Constitution, "and which shall be established by law", have we not? And we get to the next step, that in order to have a Justice there he must be appointed by the President, and he must be confirmed by the Senate; and, of course, we know that the appointment by virtue of which Mr. Justice Van Devanter exercises judicial duties and functions is an appointment as an Associate Justice of the Supreme Court of the United States which was confirmed by the United States Senate.

He said in his letter:

Having held my commission as an Associate Justice of the Supreme Court of the United States—

And so forth; and he laid his finger upon another thing that we ought to stop and consider: Under what commission is Mr. Justice Van Devanter exercising functions and duties of a judicial nature? It is the commission of an Associate Justice of the Supreme Court of the United States, and no other commission. Again, Mr. President, we did not believe any of this nonsense before. We ought not to believe it now. We know perfectly well that Mr. Justice Van Devanter could not hold any such office at all without coming here or elsewhere where he could find a magistrate and taking the very solemn oath that has been referred to here, adapted in some form to this supposed new office of his. In other words, we find him acting under the oath of an Associate Justice of the Supreme Court today with a commission of that character under an appointment and confirmation of that kind, and nobody has power to oust him from that office save for cause, and then only by way of impeachment.

He cannot occupy two of these Federal offices. But would it not be a strange thing, in the interpretation of statutes of any kind, to treat this act of March 1 as endowing Mr. Justice Van Devanter with an office? And that has to be the construction if we follow those who make the claim that the office he is occupying is the office of a retired Justice, instead of the office of an Associate Justice of the Supreme Court.

I make the claim that there is no power to endow any citizen with any office of any kind, anywhere, any time. That is strictly contrary to the spirit of our institutions. When we get to the point where we may from this high and exalted place of ours endue, or endow, or honor, or benefit a citizen by the creation of an office on his head or on his shoulders, then we will be indeed in danger.

Mr. President, we are not creating the high office of a Justice in that manner. We are not picking out men and endowing them with an office right out of our benevolence. There is no question but that we undertook on the 1st day of March, in a most unskillful manner, to provide the same retirement emoluments, theretofore enjoyed by other Federal judges, for Justices. There is no doubt that we overlooked many things in the passage of that measure. For my part I am ready to make the confession that I did not give the legislation the examination, preceding my vote upon it, to which it was entitled. I confess that I believed that the thing we were doing was conferring upon Justices of the Supreme Court the same right of retirement which we had theretofore conferred upon judges of the inferior Federal courts. I had no idea that we were getting into such a remarkable position as that in which we are today by virtue of the act of March 1, 1937. I feel bound to respect the act until it is amended or repealed, but I certainly question the wisdom of leaving out of the act the provisions contained in the act of 1919, one of which is extremely important, and which would have prevented the great questions which have been raised about the number of members of the Supreme Court. That is the very last part of the act, providing in substance, that on the death of one of the retiring judges the office left vacant by the death shall not be filled up. That prevented the accumulation of judges in the Federal courts, which the act of March 1 does not do with respect to the Supreme Court, because we omitted it.

I wish now to call attention to the fact that these principles are not new; they have been decided; they have been passed upon. We cannot help being guided by the opinion of the Supreme Court expressed by Mr. Justice Roberts in the Booth case. There this claim which I am discussing now was argued, and he said, with respect to the act of 1919:

The act does not, and indeed, could not, endue him with a new office, different from, but embracing the duties of the office of judge. He does not surrender his commission, but continues to act under it. He loses his seniority in office, but that fact, in itself, attests that he remains in office.

We have that reference in the 1937 act to his undertaking to perform the duties of a circuit justice. To my mind it has more probative force than the reference to seniority in the act of 1919, and the other statement, in effect, in that act, that he is indeed a Justice of the Supreme Court, completely answers the claim.

There was, in this connection, just a shadow of a suggestion, not boldly asserted, not definitely argued, but I caught the suggestion, that the office of the Associate Justice of the Supreme Court was created by the Constitution, and, therefore, that the office of an Associate Justice of the Supreme Court was not created by the Congress. It was not asserted, but it was implied in some of the claims that were argued.

Mr. President, that is not a new question. That principle has been passed on. The new office of an additional Justice of the Supreme Court, if one exists, did not come into being when the Constitution was adopted. Indeed, no single one of the offices of the Associate Justices of the Supreme Court came into being until the Congress, by the act creating the Supreme Court, established the office. I refer now to the reasoning of the Court in an Alabama case. It is very interesting that this case should come from Alabama at this time. It was the case of *State* v. *Porter* (1 Ala. 688), a case decided in 1840. I will not take the time to go into a description of the case, but will turn directly to the language in point:

The fifth section of the fifth article of the constitution, page 707, directs that "the State shall be divided into convenient circuits, and each circuit shall contain not less than three nor more than six counties; and for each circuit there shall be appointed a judge, who shall after his appointment reside in the circuit for which he may be appointed." Thus it will be seen that the constitution instead of dividing the State into circuits, and creating the office of the circuit judges, devolved that duty upon the legislature, to be exercised, as the increase of counties of population might render it expedient.

I skip now, and read the following:

The fact that the counties included in the tenth circuit, previously composed in part of the first circuit, does not make the statute of January 31, 1840, less an act of creation. Though each had its circuit court, yet it was under a different organization, so that the tenth circuit, or the office of judge (if the expression be allowable) had no vitality until the legislature spoke them into being.

Mr. President, I do not believe Mr. Justice Van Devanter is left, after his years of public service, in any such situation that he can be regarded as no longer a Justice of the Supreme Court, and, therefore, that his retirement allowance or pay may be diminished at any time that Congress sees fit to diminish it. I think that in his case his pay may not be reduced by taxation, but, of course, in respect of any person who has been or may be appointed a Justice of the Supreme Court after 1932 that rule does not apply, as I understand the situation.

Mr. HATCH. Mr. President——

The PRESIDING OFFICER (Mr. LOGAN in the chair). Does the Senator from Vermont yield to the Senator from New Mexico?

Mr. AUSTIN. I yield.

Mr. HATCH. I thought the Senator was about to conclude and I wanted to get his theory definitely in my mind.

I understand from the Senator's argument that he says in effect that no new office, such as he has termed an inferior judgeship——

Mr. AUSTIN. I adopted the language of one of the speakers; it is not mine.

Mr. HATCH. That that office, whatever it may be, has not been created, because there are no words in the act creating such an office. Am I correct in that?

Mr. AUSTIN. Yes; because of the fact that the act itself is wholly inconsistent with that, and contains words which show that the office is that of a Supreme Court Associate Justice.

Mr. HATCH. Does the Senator argue that an additional Justice of the Supreme Court has been authorized?

Mr. AUSTIN. Yes.

Mr. HATCH. So that the Court would consist, say, of ten members?

Mr. AUSTIN. Yes. I have not come to that, but I intend to follow up that thought.

Mr. HATCH. I did not want to interrupt. I just wanted to get the Senator's view on that. When he gets to that, will he point out in the act of March 1, 1937, the words referring to a Court of 10 members?

Mr. AUSTIN. I do not think I will be able to do that.

Mr. HATCH. I did not think so, either.

Mr. AUSTIN. What I have said thus far has been intended to meet if possible the claim made by those who say that the new office which was created by this statute is an inferior one, or that it is the office of a retired Justice of the Supreme Court, and to meet the claim that there is a vacancy in the old office formerly occupied by Mr. Justice Van Devanter by virtue of abandonment of the office by Mr. Justice Van Devanter, and the loss by him of all he was supposed to have saved when he accepted the terms of the act.

That is the intended effect of what I have said up to this point. The proposition, it seems to me, is this: We come within the reasoning of the Booth case with respect to judges of the Federal courts when Mr. Justice Roberts discusses the successor of a judge retired from the Federal bench. Senators will notice that we have in the act of 1919 identically the same blundering sentence with respect to the appointment of a successor as we have here, but we do not have the clarity of expression that is found in the naming of the office into which a successor is to be inducted as we have it in the act of 1937. The act of 1937 leaves no doubt at all that the office into which the new person who follows Mr. Justice Van Devanter is to be inducted is that of Justice of the Supreme Court. That is the office. Mr. Justice Roberts says about that matter—and I am reading from page 351 of the official report:

Some reference is made to the fact that under the act a successor to the retiring judge is to be appointed, and it is claimed the direction is inconsistent with his retention of office. The phraseology may not be well chosen, but it cannot be construed to vacate the office of the retiring judge, in the light of the evident purpose that he shall continue to hold office and perform official duties.

We have exactly the same thing here. In fact, this wording was taken from the act of 1919:

And the President shall be authorized to appoint a successor to any such Justice of the Supreme Court so retiring from regular active service on the bench.

Mr. President, if we are going to give this act any validity, if we are going to obey what I regard as our duty here until this act shall be declared unconstitutional, repealed, revised, or amended, or in some other way we are excused, we must regard that word "successor" as the naming of a new Associate Justice. The President, in other words, is authorized to appoint an Associate Justice to the Supreme Court of the United States upon this retirement taking place. Such an act as that is a violent way to create a new office. I do not approve of it, but I see no other course for us to take than to regard that as the creation of a new office—an additional Associate Justice of the Supreme Court.

Mr. BORAH. Mr. President, may I make a suggestion, that the way to avoid that situation is for the Congress to legislate upon the subject. The thing that is troubling us here is that Congress has not legislated. If Congress had said that the President shall appoint an additional Justice so as to have nine active Justices on the Court, this question would be solved.

Mr. AUSTIN. Mr. President, that is right. I agree with that.

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

Mr. AUSTIN. I yield.

Mr. PEPPER. Will the Senator from Idaho [Mr. BORAH] permit me to make an inquiry of him?

Mr. BORAH. Yes.

Mr. PEPPER. By legislation would it be made possible for us to provide a salary for the resigned Justice, which I understand is the suggestion of the Senator from Idaho, which would not be subject to control by subsequent Congresses, and not be subject to impairment or reduction?

Mr. BORAH. The proposition I have in mind would not affect that problem—if the Senator from Vermont will permit me?

Mr. AUSTIN. Yes.

Mr. BORAH. I would consider Justice Van Devanter as a retired Justice. Therefore his salary could never be reduced. I would provide that the President should appoint an additional Justice so as to have nine active Justices on the Supreme Court.

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

Mr. AUSTIN. I yield.

Mr. HATCH. Did I understand the Senator to say that the construction he gave to the statute is that it is a violent way to create an office?

Mr. AUSTIN. I think that is what I said. Anyhow I believe that.

Mr. HATCH. Can an office be created in that fashion?

Mr. AUSTIN. It seems to me that there is no law of construction that actually and realistically overcomes the law of necessity. That law of necessity is a powerful law affecting activities in life, and art, and science, and law, and I do not know how we can escape the construction if we undertake to give force to that power of the President to appoint a successor for the Supreme Court of the United States, save to say that thereby we created this additional office.

Mr. HATCH. Mr. President, will the Senator yield at that point?

Mr. AUSTIN. I yield.

Mr. HATCH. Would it not be simpler and would it not be easier to say that the statute might mean what it says, and that the Justice who retires shall be a retired Justice of the Supreme Court, and his place shall be filled by the President? Is not that the simple and easy construction to make of the statute, without doing violence to it, or calling into play the law of necessity?

Mr. AUSTIN. Mr. President, then where would we be? It strikes me we are up against just as powerful and imperative a prohibition as we would be in case we had created a new office, because then we encounter the proposition that we have added an emolument to the compensation of an Associate Justice of the Supreme Court.

Mr. HATCH. Mr. President, will the Senator again yield to me at that point?

Mr. AUSTIN. I yield.

Mr. HATCH. I may say that that is simply a question for us to decide. We have done no violence to the statutes by adopting this construction. Then all we would have to determine is whether relieving a Justice of the Supreme Court of the burden of the duties of office is an increase of the emoluments of the office. That is a very simple situation, I believe, if the Senator will just boil it down.

Mr. AUSTIN. I shall come to that point directly. I intended to discuss that. I think this case of McLean against the United States is ample authority. This is the United States Supreme Court speaking. It is ample authority for the claim that retirement pay is an emolument of office. Retirement pay contemplates a giving up of some of the service—it may be the giving up of all the service, and, notwithstanding that, receiving compensation. Of course, it is based on the theory of earned pay. This added emolument is on the theory that a man who retires has by virtue of his service become entitled to this as an adjunct to his office.

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

Mr. AUSTIN. I yield.

Mr. HUGHES. May it not also be said that he was entitled to that for the services which he might render as a circuit-court judge?

Mr. AUSTIN. Mr. President, I accept that. I hope it is so. Here is the problem: Before March 1, 1937, if the Senator from Alabama had been appointed an Associate Justice of the Supreme Court of the United States what would have been the pay and emoluments of his office? He would have had a salary, and if he resigned his salary would have continued the same as before, provided that the Congress did not cut it down. He had no assurance of $20,000 a year during the remainder of his life. No man can say that the assurance of $20,000 a year in old age is not a valuable thing. Who is there with any sense of appropriateness or any economic sense whatever who does not recognize that the assured income of $20,000 a year, which cannot be touched, is a thing of very great value?

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

Mr. AUSTIN. I yield.

Mr. HATCH. He is assured of that whether we have a retirement act or not, is he not?

Mr. AUSTIN. Mr. President, not so. Before March 1, 1937, he could have his pay cut in half, as the pay of the resigned Mr. Justice Holmes was cut in half, or——

Mr. HATCH. Mr. President, if the Senator will pardon me, he did not understand my question. An Associate Justice of the Supreme Court of the United States is assured of his salary of $20,000 a year.

Mr. AUSTIN. Certainly, but he was not so assured before the act of March 1, 1937.

Mr. HATCH. All he had to do to protect himself was to remain on the Bench, was it not?

Mr. AUSTIN. That is quite true. He would have to stay there until he died in his tracks. That just illustrates the point.

Mr. HATCH. Will the Senator yield for a moment further?

Mr. AUSTIN. Yes.

Mr. HATCH. What I mean is that whether he leaves the Bench is a matter of his own volition. The salary is his.

Mr. AUSTIN. Oh, yes, of course; but what would be the choice of any man contemplating the office or any man looking forward to it who is not now in it? On the one side is an office in which he may terminate his activity at his own will at the age of 70 and retire with an assured pay of $20,000 a year, and on the other side is an office in which he must stay and work until he dies in order to have an assured pay of $20,000 a year. Which one would he choose? There is no doubt whatever as to the answer. Therefore, a thing of value was created by the act of March 1, 1937; an emolument was added to the pay of an Associate Justice of the Supreme Court.

So, when a Senator of the present Congress who participated in creating that emolument is offered an appointment to this office he is confronted by that prohibition, and we are confronted by it, too. The prohibition is contained in the people's law. We are at that juncture in the affairs of our National Government when we must regard the people's law. The people have become vocal; they have demanded that we obey; they have demanded that we discipline ourselves; they have demanded that we keep within our powers; and when they prohibit us from making one of our own Members the beneficiary of increased emoluments we cannot do it with impunity; somebody, sometime, somewhere, will be injured by it. No one knows the outermost rim of the evil that may result from what we do here today if we violate that prohibition.

There is no question but that retired pay is an emolument. I wish to call attention to an opinion which one of our distinguished colleagues rendered while he was judge. I refer

to the case of *Schieffelin* v. *Barry* (vol. 217 of the Appellate Division Reports, p. 451; 216 N. Y. S. 367). The present Senator from New York [Mr. WAGNER] was the judge who delivered the opinion of the court.

I quote:

It is established that pensions and retirement allowances are part of the compensation of public officials. If they were not, of course, their payment would be unconstitutional.

And he cites *Matter of Wright* v. *Craig* (202 Appellate Division 684; affirmed 234 N. Y. 548).

With all of the other judges of the court concurring, it was held that an act which undertook to reduce those emoluments was unconstitutional. I read from the concluding paragraph of the opinion delivered by then Justice, now Senator, WAGNER:

In violation of this constitutional and statutory provision, the municipal assembly of the city of New York has, by the enactment of local laws nos. 10 and 18 of the New York local laws of 1925, attempted to change the compensation of county and State employees who are members of the Retirement System, for the interests and obligations of all the members are so inextricably linked together that separation is impossible.

We are, therefore, constrained to hold the laws under consideration unauthorized and invalid.

What those laws attempted to do was to reduce the retirement pay.

Retirement pay has been held—until it has become a sound principle of law—to be a part of the compensation of a public officer. He has earned it. When he is given pay without work it is on the theory of attributed work; it is on the theory of suppositive work; it is on the supposition that he has done enough work so that it carries forward to the end of his life. That was the theory that underlay the opinion of the Supreme Court of the United States in *McLean* v. *United States* (226 U. S. 381), from which I read as follows:

Whatever is directed to be settled—pay or an emolument—is for compensation, not for actual service but for attributed service. This, we repeat, is the scheme of the statute and the test of its application. It is difficult to deal with a distinction between pay and emoluments. Both are rewards or compensation.

Notice, Mr. President, that here we have again that declaration which I say is settled in our law that retirement pay is compensation.

The one no more than the other, for "service supposed." To say that one is certain and the other contingent has no meaning in the situation of Major McLean. He could not have performed the condition upon which either dependent, under the then existing law, and to distinguish between them notwithstanding is to enter a maze of irrelevant considerations. The enactment is, and we return to it as its own best interpreter, "that the proper accounting officers be, and they are hereby, directed to settle and adjust to Sarah K. McLean, widow of the late Lt. Col. Nathaniel H. McLean, all back pay and emoluments that would have been due and payable" to him "as major from July 23, 1864, to the date of his reinstatement March 3, 1875 * * *."

This is the principle involved.

It is manifest that the supposition of service by the officer is attributed to both pay and emoluments. Under that supposition, what essential difference is there between them? Pay and emoluments are but expressions of value used to give complete recompense to a deserving officer. Their association was deliberate; emoluments were additive to pay.

I should like to have notice of that taken in the RECORD, although I do not expect any Senator to note it, but I hope, Mr. President, that this RECORD before the people will be a justification for their belief, expressed soon after the report on the Court bill was made, that there had been a revival in the United States Senate of interest in the affairs of the people and of courage to defend their fundamental law. That is what we are doing here now, today, this instant, and if no other benefit arises out of it save to write down in the RECORD that we are claiming these rights for the people, that we are trying to defend them for the people, I know that it will meet with a response from the hearts of the people who will some day have flesh and blood in the Senate if they have not now.

Under that supposition what essential difference is there between them? Pay and emoluments are but expressions of value used to give complete recompense to a deserving officer. Their association was deliberate. Emoluments were additive to pay, and the direction as to them is as substantive as the direction as to it, and qualified by no other condition.

Mr. President, I suppose that unless that law has been changed there is no use further to discuss the matter of whether we are by this act of March 31, 1937, increasing the emoluments of the office. If that is the law of the land today we have increased the emoluments of the office of Associate Justice of the Supreme Court by a very valuable compensation, namely, the assurance that an old gentleman who has served 10 years continuously or otherwise on the highest Court of the land, and made his contribution to the welfare of the country, may retire from active service on the bench without suffering the claim that he has abandoned or resigned or voluntarily withdrawn from the bench, and that this is an emolument that he is assured for the remainder of his lifetime, the continuance of his pay—retirement pay, a thing which specifically can be bought, or can be granted as it has been granted by our Government, and which has been declared by the Supreme Court of the United States to be an emolument. It cannot be taken from him because of this act. It could have been taken from him before this act was passed.

Thus this Congress added something to the pay of an Associate Justice of the Supreme Court and any man who was a Member of Congress at the time that addition was made is disqualified because the people have said, "We do not want you gentlemen creating offices or increasing the emoluments thereof and then taking them unto yourselves."

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

Mr. AUSTIN. Certainly.

Mr. WHITE. The Senator seems to have narrowed to the case of the present retiring Justice his contention that this was an increased emolument. It would be equally an increase in the emolument of any Justice who might hereafter retire, would it not? It is general rather than specific.

Mr. AUSTIN. I thank the Senator. The Senator from Maine has helped me because I did not realize I was making that limitation. Of course, that is what I mean by what I have said. It is because it does apply to the Senator whose nomination is now under consideration that he is ineligible to be appointed and confirmed to the office. It would apply to every other Justice coming along hereafter. It is, therefore, an increase in the emoluments of the office and it does not make any difference whether this office has been created by us or whether it is an old office from which Mr. Justice Van Devanter has resigned or which he has abandoned, as some would have us think this means. In either event, the fact that this Congress has increased the emolument is the fact that makes ineligible any Senator who was a Member of the Senate at that time.

I invite attention to another authority because it presents a picture. We participated in the scheme of an attempt under the Economy Act. That was one of the "must" bills of our President for which I voted. I thought we were headed for economy. In that act, however, we did some great injustices, and one of those injustices was to abrogate the contract between the Government of the United States and a retired soldier, a contract for which he had paid money. The Supreme Court of the United States said to the Congress, "You cannot do that. That relationship entered into between the Government and its citizens is just as binding on the Government as it would be if it were between two citizens. It is a contract and the contract is binding." But in the case of *Retirement Board of Allegheny County* v. *McGovern* (174 Atlantic Reporter 400, p. 404), we find this holding:

Until an employee has earned his retirement pay, or until the time arrives when he may retire, his retirement pay is but an inchoate right; but when the conditions are satisfied, at that time retirement pay becomes a vested right of which the person entitled thereto cannot be deprived; it has ripened into a full contractual obligation. (See *Lynch* v. *United States* (54 S. Ct. 840, 78 L. Ed. 1434), decided June 4, 1934.) True, section 312 of the act of 1929 (16 PS sec. 312) calls this system a pension system and the fund a pension fund, but in every part of the statute the system and fund created are of the character above

described, and the nomenclature has been changed to retirement system and retirement fund by the act of May 22, 1933 (P. L. 840; 16 P. S. sec. 312).

It is, therefore, an emolument. It is an emolument for that one reason. A contract has been established upon the retirement of a Justice, a contract between the Government of the United States and that Justice which never before existed. It is a new thing. It is a thing of great value. It is a contract on the part of the Government with him that when he retires and if he retires, and if he performs the service mentioned in the act, he may receive during the remainder of his life an assured and certain compensation, and that is an emolument.

Mr. President, I do not wish to delay the Senate further. I have tried to present my views as briefly as possible on the subject. I would have preferred to have opportunity for more thorough study of the question because I regard it as an exceedingly important one. The study which it has been possible to make since the nomination was sent to the Senate has necessarily been limited.

CLAIMS OF ESTATES OF H. LEE SHELTON, MRS. H. LEE SHELTON, AND OTHERS—VETO MESSAGE (S. DOC. NO. 103)

As in legislative session,

The PRESIDING OFFICER (Mr. GEORGE in the chair) laid before the Senate a message from the President of the United States, which was read and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed as follows:

To the Senate:

I return herewith, without my approval, Senate bill 826, to authorize and direct the Secretary of the Treasury to pay to the estate of H. Lee Shelton the sum of $5,000, to the estate of Mrs. H. Lee Shelton the sum of $2,500, to Mrs. J. R. Scruggs the sum of $3,000, and to Mrs. Irwin Johnson the sum of $300, in full settlement of their claims against the United States for fatal and personal injuries sustained in an automobile collision.

It appears that on the night of November 9, 1935, a United States Government truck, operated by an employee of the Soil Conservation Service of the Department of Agriculture, in Pittsylvania County, Va., was proceeding on a State highway, followed by a car driven by Mr. Shelton, and in which Mrs. Shelton, Mrs. Scruggs, and Mrs. Johnson were passengers. An automobile driven by one C. O. Stuart coming from the opposite direction sideswiped the Government truck, skidded and traveled for a distance of about 160 feet, and crashed into Mr. Shelton's car, causing the death of Mr. and Mrs. Shelton and personal injuries to Mrs. Scruggs and Mrs. Johnson.

Thereafter suits were brought in the Virginia State courts against the driver of the Government truck by the claimants named in this bill, and judgments were recovered aggregating the sum of $15,300.

It appears that the principal basis for a finding of negligence on the part of the driver of the Government truck was that he failed to comply with the local regulations requiring side lights on trucks exceeding a certain specified width. In the light of the decisions of the Federal courts, there is grave doubt, to say the least, as to whether the Federal Government is required to equip its vehicles with the accessories required by State or local regulations.

In view of this circumstance, it does not seem desirable that a direct appropriation be made for the payment of this claim without prior adjudication by a court of the United States to which the Government has been a party and in which it has had an opportunity to be heard.

An entirely different situation would be presented if this bill were confined to a grant of jurisdiction over these claims, to the Court of Claims or a United States district court.

While the unfortunate accident is to be greatly deplored, I feel constrained, nevertheless, as a matter of proper protection to the Government, to withhold my approval from this measure.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 7, 1937.*

MESSAGE FROM THE PRESIDENT

A mesage in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

HUGO L. BLACK

The Senate resumed the consideration of the nomination of HUGO L. BLACK, to be an Associate Justice of the Supreme Court of the United States.

Mr. BRIDGES. Mr. President, we have before this body today for consideration the nomination of a man for Associate Justice of the Supreme Court of the United States. The name under consideration is that of HUGO L. BLACK, of Alabama. Mr. BLACK's name is before this body for consideration, not as a United States Senator, but as a nominee for a position on the highest court in the land. Therefore, I think it very inappropriate that any attempt should be made to railroad his nomination through this body without full public hearings and an extensive investigation.

What are the facts? The facts are that the distinguished chairman of the Judiciary Committee, the Senator from Arizona [Mr. ASHURST], probably because of efficiency, personal regard, and an honest conviction that Mr. BLACK would make a good Justice of the Supreme Court, urged immediate action without reference to a committee. Objections were raised. The nomination was referred to the committee, and a subcommittee was appointed and was in session for a short time. From all over the country, from the American people, came a demand to be heard, to have an opportunity to have something to say about the nomination to the Supreme Court. They recognize that the Supreme Court of the United States is the trustee of American liberties. For that reason they deserve an opportunity to have something to say, and this body should show them the consideration of giving them a reasonable opportunity to appear and be heard.

There is an honest difference of opinion relative to this nomination, and Mr. BLACK himself would be the last man who could consistently object to an extensive investigation.

On April 28, 1930, Mr. BLACK said, as reported in the official RECORD, with reference to the confirmation of Judge Parker:

May I state that so far as I am concerned with reference to this matter—I feel sure that I voice the sentiments of many others—it is immaterial with what ability Judge Parker handled the case; if it be true that as a prosecutor he had in his possession evidence which tended to show the innocence of a defendant, and at the same time prosecuted him, I feel sure that he would get no votes for confirmation. Therefore, I think it is exceedingly important that from some source, someone who knows, this statement be disproved if it can be disproved.

The then Senator from North Carolina, Mr. Overman, replied:

Does the Senator think that a man such as I have proved Judge Parker to be—of irreproachable character, an honest man, a courageous man, a Christian gentleman—would suppress any testimony of that sort?

Senator BLACK retorted:

It is difficult to believe that it would be done, but the charge has been publicly made; and, so far as I am concerned, while I do not know how I shall vote with this matter eliminated, if this charge is not satisfactorily disproven, I shall be compelled to vote against him.

The record will reveal an honest difference of opinion relative to Mr. BLACK's fitness to serve on the Supreme Bench. A person is entitled to his opinion. The American people are entitled to be heard.

The distinguished Senator from Texas [Mr. CONNALLY] in speaking said:

If Senator BLACK does not make a good judge, nobody is to blame but God Almighty.

That is quite a broad statement for the distinguished Senator from Texas to make. I want to say that if Senator BLACK does not make a good judge, the responsibility does not rest on God Almighty but upon the President of the United States and the Members of this body who vote to confirm

him, and it will rest doubly so if we do not give the American public an opportunity to be heard.

There is an honest difference among the public. There is an honest difference among the press. Right in the State of Alabama we have a real difference of opinion. Let me quote from editorials from two Alabama newspapers—a State where they naturally have pride in Senator BLACK's appointment. I quote from the Birmingham Age-Herald, a Democratic newspaper:

> No news that has come to Alabama in many a day has produced a greater conflict and confusion of emotion and judgment than President Roosevelt's nomination of Senator HUGO L. BLACK to become a Justice of the United States Supreme Court. Unbounded exultation contrasted with grim resentment. There was joy at the idea of HUGO BLACK on the Supreme Bench, but in the same hearts it clashed with regret at losing his services in the Senate.
>
> Contrariwise, there was nothing less than alarm at the thought of Senator BLACK on the high Court, but in such feeling there was intermingled relief at his prospective passing from the Senate.
>
> We fear he may not prove the great judge. We think Mr. Roosevelt, at this time of extreme feeling, did no service to the judicial ideals of this country in appointing a man around whom much of that feeling centers. But, even so, we hold to a faith in HUGO BLACK's fundamental sincerity and his broad mental caliber.

From the Birmingham News, a Democratic paper:

> Pride is the dominant feeling, but there are other emotions, including relief and misgivings. For Senator BLACK has been sharply identified with one side in a number of controversial issues and the reactions of Alabamans to this appointment will reflect their position on the issues. That pride cannot conceal wholly a little doubt as to Senator BLACK's fitness by experience and temperament for a judicial post.
>
> He has been the prosecutor, the partisan litigant, rather than the calm weigher of opposing arguments. His high mental qualities, his perspicacity, his acumen, his quickness of thought and readiness of speech, have found their best uses in controversy.

No one is questioning the fitness of Senator BLACK as a Member of this body, but a Member of this body may be an able Senator and a poor judge, or he may be an able Senator and an able judge. The public could properly have something to say, and should have an opportunity to be heard. We cannot afford to put on the Supreme Bench of this country a man under any cloud, and charges have been made on this very floor as well as elsewhere.

Mr. President, I believe this nomination should be recommitted to the Committee on the Judiciary with instructions to hold public hearings, and to conduct a full investigation. In other words, let us have the facts; let us deal the cards and lay them face up on the table. Let us not pass them under the table in the dark. If a person is above reproach, he has nothing to fear from public hearings and a thorough investigation.

During my remarks I have made no charges against Senator BLACK. I realize that from his past experience he would be a good prosecutor, and I should have no hesitation in picking him out for the position of a prosecuting attorney, a district attorney, or any sort of a prosecuting official. But a man may be a good prosecutor and not a good judge. In a judge we must have fairness, we must have integrity, we must have tolerance, and human understanding of the other fellow's opinion, and not a partisan approach.

Mr. President, I move that the nomination of HUGO L. BLACK be recommitted to the Committee on the Judiciary for public hearings and further investigation. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Byrnes	Guffey	Lundeen
Andrews	Capper	Hale	McAdoo
Ashurst	Caraway	Harrison	McGill
Austin	Chavez	Hatch	McKellar
Bankhead	Clark	Herring	Minton
Barkley	Connally	Hitchcock	Moore
Berry	Copeland	Holt	Murray
Bilbo	Davis	Hughes	Neely
Bone	Dieterich	Johnson, Calif.	Nye
Borah	Donahey	Johnson, Colo.	Overton
Bridges	Ellender	King	Pepper
Brown, Mich.	Frazier	La Follette	Pittman
Brown, N. H.	George	Lee	Pope
Bulkley	Gerry	Lewis	Radcliffe
Bulow	Gillette	Lodge	Reynolds
Burke	Glass	Logan	Schwartz
Byrd	Green	Lonergan	Schwellenbach
Sheppard	Steiwer	Truman	Wheeler
Shipstead	Thomas, Okla.	Tydings	White
Smathers	Thomas, Utah	Van Nuys	
Smith	Townsend	Wagner	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

The question is on the motion of the Senator from New Hampshire [Mr. BRIDGES] that the nomination be recommitted to the Committee on the Judiciary.

Mr. TYDINGS. Mr. President, I wish to make a brief statement on this motion, which I shall support.

I look upon the Supreme Court of the United States as the last tribunal between earth and the hereafter, where every citizen of the United States may have to go on trial for his property or his life. I feel, therefore, that in the selection of an Associate Justice of the Supreme Court the committee charged with the responsibility of reporting to the Senate on the nomination should investigate every rumor that has any reasonable ground of fact before it reports the nomination to this body.

I do not believe that course was followed in the case of Senator BLACK, and it is unfair to him to allow his nomination to come before this body under any cloud of suspicion of prejudice or fact which might affect his fitness as a judge.

If the rumors of which we have heard are not well founded, then the committee ought to ascertain the facts and publish them. If they are well founded, the Senate ought to know that fact. I shall support the motion to recommit because I believe the committee has not gone fully into many matters, a knowledge of which the Senate ought to have before it when it passes on anything so important as the nomination of one to be an Associate Justice of the Supreme Court of the United States.

Mr. COPELAND. Mr. President, I agree with the Senator from Maryland that this nomination should be recommitted to the committee. I spoke at some length this morning about the possible connection of Mr. BLACK with the Ku Klux Klan. I do not know of my own knowledge that he is or was a member of that organization. Within 2 or 3 days I have been told by persons, one of whom at least is known to me as a reputable man, that Mr. BLACK was or is a Klansman; and this one man said he sat with him in the lodge.

It may well be, of course, that the majority of the Senate feel that it makes no difference whether the nominee is or is not a Klansman. For my part, I feel it makes a vast difference. I do not believe that a man whose mind may be fossilized as regards the rights of certain classes of people should sit upon the Bench.

It would be a very simple matter for the committee, if it chose, to ask Mr. BLACK himself whether he was a member of that order. I feel very strongly that the committee has not taken the same care to investigate the merits or demerits of this nominee it has been accustomed to take. I think the nomination should go back to the committee. I shall be glad to turn over any material I have. But I believe that, too, is quite unnecessary, because the simple questioning of the nominee would satisfy the committee as to whether or not this particular impediment to his membership on the Supreme Court actually exists.

Mr. GLASS. Mr. President, while it is my irrevocable purpose to vote against the confirmation of this nomination, I am utterly opposed to wasting any more time on the subject. Therefore, I am going to vote against the motion to recommit.

Mr. BORAH. Mr. President, the Committee on the Judiciary had this matter before it, and I do not see any reason why it should be sent back to the committee. There has never been at any time one iota of evidence that Senator BLACK was a member of the Klan. No one has suggested any source from which such evidence could be gathered. The members of the committee have had hundreds of telegrams even running into the thousands, from people over the country, sent upon the theory that the Senator is a member of the Klan; but in no telegram that I have seen has there been a suggestion as to any evidence or any facts

sustaining that proposition, and, for myself, I am not willing to go about hunting for the possibility of something which may reflect upon a Member of the Senate.

We know that Senator BLACK has said in private conversation, not since this matter came up but at other times, that he was not a member of the Klan, and there is no evidence to the effect that he is. What is there to examine? Of course, the country seems to proceed upon the theory that there is something to examine, but there is not. There is no fact or facts even indicating it. It is rumor or hearsay. For myself, I am not desirous of entering upon any investigation regarding it, unless some responsible person is prepared to make the charge, not based upon hearsay, but upon knowledge of some facts tending to sustain the charge. If it goes back to the committee, upon whose charge or upon what facts shall we begin investigation?

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

Mr. BORAH. I yield.

Mr. COPELAND. Does the distinguished Senator from Idaho feel that if Mr. BLACK is or was a member of the Klan, that would be any embarrassment to him, and be a reason, possibly, for not placing him upon the Bench?

Mr. BORAH. Mr. President, for myself, if I knew that a man was a member of a secret association organized to spread racial antipathies and religious intolerance through this country, I should certainly vote against him for any position. There is one thing we ought be be very careful about in this country, and that is not to start the flames of intolerance; and I have no sympathy and no respect for any effort along that line. But that is a wholly different proposition from taking an associate here who has been with us for 11 years and, because of mere rumor, putting him under the humiliation of a trial as to whether or not he is a loyal American citizen. If anyone has any facts, let him present them here, and then we will talk about the nomination going back to the committee.

Mr. COPELAND. Mr. President, if the Senator from Idaho will bear with me, if there is the possibility—apparently the Senator dismisses that—but if there is the possibility—is it not wise at least to inquire from the candidate whether or not he is a member of the Klan? I do not recognize that there would be any objection to his membership in this body by reason of the fact that he is a Klansman. I think the State of Alabama had a right to send him here if he were a Klansman. But if there is any doubt on the part of the Senate as to whether or not he is a Klansman in connection with this particular appointment, it seems to me it is the duty of the committee to ascertain the fact.

Mr. BORAH. Mr. President, I cannot make up my mind adversely against a person whom I know and have known for years without some facts, and I have not heard any facts. Those who purport to have the facts have not revealed them to any one. The committee has had no facts before it. No one proposed to give it any facts. The committee has received no communications, no letters, no telegrams purporting to give it any facts. There is only one question here, as I see it, and that is a question of eligibility. That we can determine here, and here is really the only place we can properly and finally determine it.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire [Mr. BRIDGES] to recommit the nomination to the Committee on the Judiciary.

Mr. BRIDGES. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BURKE. Mr. President, with reference to the matter just raised by the Senator from Idaho, of course no facts were presented either to the subcommittee or to the full committee, because neither the subcommittee nor the full committee saw fit to ask for the presentation of any facts. I did not know of my own knowledge anything about the circumstances of our colleague's membership in the Klan; but I do know that there are two gentlemen in the city of Washington, with one of whom I talked, and that one told me that he and the other gentleman in this city were both members of the Klan in Birmingham, Ala., and both were present in person on the occasion of the initiation of Mr. HUGO BLACK into the order; and both gentlemen could be subpenaed to come before the committee if the committee desires to go into that question.

Mr. BORAH. Mr. President, may I ask the Senator when he ascertained the fact?

Mr. BURKE. Last Saturday. Even on Monday, at the committee hearing, I urged that the committee invite Senator BLACK to come before the committee in order that we might sit around the table and get his own statement on the matter. If he himself were to state that he was not and had never been a member of the Klan, that would be sufficient for me, regardless of what anyone else said.

Mr. BORAH. The Senator will concede that he did not state to the committee that he had any evidence whatever of this fact.

Mr. BURKE. There was no discussion of the Klan matter in the committee. I stated that there were facts that I thought made it imperative that we ask Senator BLACK to come before the committee, and the committee did not see fit to do so. I did not state anything with reference to that.

Mr. TYDINGS. Mr. President, the matters that have just been referred to here on the floor may or may not be so. It may be that these reports are not authentic, and I frankly doubt very much that Senator BLACK has been or is a member of the Klan.

The point I am making is that so long as there are people who make statements which have been repeated by the Senator from Nebraska to the effect that Mr. BLACK has been a member of the Klan or is a member of the Klan, I am not in a position to exercise my conscience on this matter.

Obviously, if Mr. BLACK had been a member of the Klan I should very seriously question his eligibility, even at this late date, to sit on the Court and render the kind of justice that one ought to expect at the hands of the Supreme Court of the United States. It is unfair to Senator BLACK to have him go on the Bench with the veil of suspicion thrown over him in this regard; and if for no other reason he ought to clear himself of such an imputation before he is put on the Supreme Court.

I do not want to vote on the final question of confirmation, as the matter now stands, either for or against Senator BLACK, because I do not consider that I can cast an intelligent vote on that question without this matter being pursued and investigated and the facts laid before the Senate.

As stated before, I shall vote for the motion to recommit, believing that before the vote is cast the Senate ought to have all possible information on matters bearing upon a man's fitness to sit on the highest tribunal in this land. If we do not have that kind of information, who knows but that after Senator BLACK is confirmed, and takes his place on the Bench, these affidavits or statements may be printed in the press, and we may never have a chance to find out about their falsity or their truth after the nomination is confirmed?

For that reason I think it is our duty to send this nomination back to the committee, so that the Senate may have all the information. I think Senator BLACK above everybody else would want the Senate to know the truth. What harm can there be if Senator BLACK is not properly subject to these imputations for the world and the Senate to know it? What injury could come if these imputations were correct and we should find it out after we had voted to confirm him?

Mr. ASHURST. Mr. President, whoever believes that this is not a comic world does not know the world in which he lives. Many, but not all, of these persons who now suspect that the nominee, Senator BLACK, was a member of the Klan were once complaining that Mr. Justice Butler was a communicant of the Roman Catholic Church, and some of these, but not all, who are now complaining that Senator

BLACK forsooth might have had some dealings with the Klan, complained overmuch against Mr. Justice Cardozo because he was a Jew.

Mr. TYDINGS. Mr. President, the Senator, of course, does not apply that to me?

Mr. ASHURST. Certainly not. I do not refer to any Member of the Senate. I refer to some of those outside of the Senate who complained against Mr. Justice Butler and Mr. Justice Cardozo, respectively.

Membership in the Senate of the United States probably affords a larger opportunity for public service than does any other forum in America. The Senate is an interesting body and not the least attractive of its features is its unfailing human nature. Here in the Senate we find, as is to be expected, virtues, faults, and failures mingling in the lives of all of us.

Many if not most of the Chief Executives have had sharp disagreements with the Senate. President Washington had his troubles with the Senate, and, whilst he was famous for controlling his emotions, he left the Senate after attending only one session, heatedly declaring that he would never participate in another session of the Senate; and he never did.

Presidents Jefferson, Jackson, and Tyler clashed with the Senate; and, if Booth's bullet had missed its fire, Lincoln would have shared the fate of President Johnson, who was narrowly spared from a foul impeachment conviction, as a change of one vote in the Senate would have convicted him. The quarrel between President Garfield and the Senate led to far-reaching consequences. Presidents Cleveland and Theodore Roosevelt had violent disagreements with the Senate. The disagreements between President Wilson and the Senate and President Hoover and the Senate are well remembered. Not in every instance that I have mentioned was the Senate wrong and not in every instance was the Chief Executive right. Never did human nature exhibit itself in the Senate more radiantly or more true to form than it is doing now in its present disagreement with the Chief Executive regarding the nomination of the Senator of Alabama [Mr. BLACK] to be Associate Justice of the Supreme Court of the United States.

No scenario writer this year will produce a more delightful film or one more opulent with gentle irony than the scene we have here. For example:

All during last June and July the Senate testily and sourly demanded that the Chief Executive make haste and send to us the name of his nominee for Associate Justice of the Supreme Court before the Senate adjourned, and now that the Chief Executive has taken us at our word and sent in a nominee, running true to that glamourous human nature which makes kinsmen of us all we now testily and sourly complain as to the choice he has made. Truly we are hard to please; if the President pipes we will not dance; if he weeps we mock his grief. The President, in sending this nomination to the Senate, has done nothing more than discharge a duty laid upon him by the Constitution, a duty which we have been urging him to make haste to perform. Some persons outside the Senate—I am not referring to any Member of the body—complain about the nominee, but they would complain at any nomination President Roosevelt might submit. They are grumbletonians and their lamentations are as professional as are the mournings of a mortician.

Although from President Washington down to this date, Presidents have clashed with the Senate, it is to the glory of our race that no President ever remembered for long his quarrel with the Senate. When President Garfield lay dying he said, referring to his quarrel with the Senate, "I am sorry for Conkling. I will give him anything he wants or any appointment he may desire." This very refusal by the Senate and by Presidents to practice revenge and reprisals has softened the asperities of politics and promoted the country's good.

The wise person, not to say the good, will always employ that superabundant energy, so necessary for success, in some nobler enterprise than the seeking of reprisals. There is not an authentic instance where any noble character who achieved a stupendous destiny that blessed the human race ever allowed his deep enthusiasms to be dissipated in seeking to "get even." Those persons who refuse to practice revenge enjoy one of the most sublime ecstasies of life. Those great characters, whether of the days of classical antiquity or of the modern world, of whatsoever race or nation, who journeyed outside of the small domain of the five senses always refused to allow their vitality to flow into a channel so useless as that of revenge.

Senators have spoken of toleration. The only sort of toleration in this world that is worth anything is that toleration which will tolerate another man's intolerance.

Mr. President, history has a strange way of repeating herself. She is a great plagiarist. History is constantly plagiarizing from herself. Let me read now what was said when a certain nomination was sent to the Senate about 20 years ago of a distinguished man to be Associate Justice of the Supreme Court of the United States.

Wall Street was stunned. The New York Press, an able newspaper of that day, regarded the appointment as an insult to the members of the Court. They said the nominee was "a man of furious partisanship, of violent antagonisms, and of irredeemable prejudices", which utterly disqualified him from acting in a judicial capacity "where nothing but calm, cold reason should dominate the mind."

If the President did not withdraw the nomination the Senate should throw it out. The New York Tribune, a great journal—I daily peruse it, and have done so for 30 years—said:

> It would be a misfortune if he—

The nominee—

> carried to the Supreme Bench the narrow, mistaken attitude toward the vital industry of transportation which he took when he was serving as adviser to a certain committee.

The New York Sun satirically suggested that the President was trying to test the vigilance of the Senate; that the appointment was entirely unfit.

The Boston Herald asserted that few of the nominee's friends would claim him to be judicially minded.

> It is as a controversialist rather than as a dispassionate weigher of facts and arguments that he has achieved distinction. This is not the type of mind which has proved most serviceable in the deliberations of the Supreme Court.

The Boston Transcript said it regretted that the exigencies of the approaching Presidential campaign should have caused the President "to attempt to force upon the Supreme Court one whom the Senate is reported to have been unwilling to confirm as a member of the Cabinet." The Detroit Free Press called the nominee least fit for the cold, dispassionate work of the Court. It was a political debt to be paid. And so on ad nauseam ad infinitum.

And then respecting this particular nominee, a petition was sent to the Senate signed by six men whom I regarded as being among the most distinguished in the land. The petition read as follows:

> The undersigned feel it their painful duty to say to you that, in their opinion, taking into view the reputation, character, and professional career of—

The nominee, naming him—

> he is not a fit person to be a member of the Supreme Court of the United States.

That petition was not signed by demagogues on the hustings, seeking by popular appeal to secure votes. It was signed by William Howard Taft, Simeon E. Baldwin, Francis Rawle, Joseph H. Choate, Elihu Root, and Moorfield Storey, and a separate letter was signed by Peter W. Meldrum. The significance of the letter or petition lies not alone in the

fact that it was signed by able men and trusted public servants, but that they were each and all presidents emeritus of the American Bar Association.

I do not use that as an epithet. I respect the American Bar Association. Next to my membership in the Senate, I would value membership in the American Bar Association, because they have courage. They have the courage of their retainers. [Laughter.]

Mr. President, I have read to the Senate these charges made against that nominee. You would think it was Senator BLACK of whom they were talking. They were talking of Louis D. Brandeis.

Mr. President, to attempt now to declare what will be the fame and the position in history of Louis D. Brandeis would be to trench upon the prerogative of posterity. Suffice it to say that Mr. Justice Brandeis is today regarded throughout the civilized world as one of the most distinguished jurists alive, if, indeed, he is not the most distinguished.

Mr. President, apparently those persons using the epithets that have been employed against the Senator from Alabama have cribbed and plagarized from the epithets used against Louis D. Brandeis.

When the muse of history shall fold this century away into the millenium into which this century belongs—I now trespass far enough upon the privilege of posterity to say that Brandeis will be regarded as a luminous mind, a great human being; and, venturing still further to trespass, I will say that within a few years Senators who now oppose the pending nomination will, out of the frankness that characterizes them, declare that Mr. Justice BLACK is a great Associate Justice.

Therefore, Mr. President, I support the view taken by the able Senator from Idaho [Mr. BORAH] with respect to this particular motion. I do not know exactly what view the Senator from Idaho will take as to the question of eligibility. As a lawyer, I sit here at his feet, even as Saul sat at the feet of Gamaliel [laughter]; but I declare that after an investigation lasting some days I am content with the view that Senator BLACK is eligible.

I thank the Senate for its attention.

Mr. SCHWELLENBACH. Mr. President, I had not intended to present any discussion concerning this nomination; and were it not for the fact that earlier in the day three of the Members of the body—the Senator from Nebraska [Mr. BURKE], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from Maine [Mr. WHITE]—indicated on the floor of the Senate that they desired a statement with reference to one particular transaction, I should not now take up the time of the Senate.

However, earlier in the day the junior Senator from Nebraska [Mr. BURKE], in discussing this nomination, indicated his belief that the transactions which went on in reference to the subpenaing of telegrams by the committee of this body known as the Committee of the Investigation of Lobbying Activities, constituted activities upon the part of Senator BLACK which indicated that he did not possess the judicial temperament necessary for the performance of the duties of a member of the Supreme Court. I desire very briefly to discuss the matter to which he referred.

The Senator from Nebraska presented his argument upon the basis of two things: One, a statement which he said had been made to him by an unnamed informant; the other, the reading of an opinion by the United States Court of Appeals for the District of Columbia.

For one who through the past few months has been so determined in his efforts to insist upon punctiliousness in the matter of following legal precedents and legal procedure, and acting as a Paul Revere for the defense of the Constitution, I am suprised that my very good friend from Nebraska should stray so far away as to present, upon this serious occasion, hearsay evidence to the Senate as a basis for a charge against a nominee of the President of the United States for a position on the Supreme Court of the United States. I say it was particularly surprising and disappointing to me because of the fact that the best evidence was so easily available to the Senator from Nebraska.

On the 17th of March of last year the Federal Communications Commission made a report to the Senate of the United States. The report was filed. It was printed as a public document. It has been available to the Members of this body since that time. I do not know whether or not the Senator from Nebraska has read it; but it completely and definitely answers all the charges that were made against the committee, all the rumors that were circulated throughout the country, all the statements that were made in the press of the country, in which it was charged that the committee, under the leadership of Senator BLACK, had unlawfully, and in defiance of precedent, and in defiance of the principles of justice, made use of the Federal Communications Commission in order to extend the power of the Senate.

Mind you, the question which the Senator from Nebraska presents is this: Did Senator BLACK, as chairman of the committee, do something which indicates that he does not have judicial temperament? Did he do something which may disqualify him as a member of the Court? The question which is now before us is not whether or not there should have been a lobby investigation. It is not whether or not we should have investigating committees in the Senate. The question is, did Senator BLACK so conduct himself as to disqualify himself by those activities?

That question is answered by this report, which is a Senate document.

The Communications Commission made this report, in which they set forth, first, what their duties were. They set forth the fact that the preliminary examination by the Senate committee revealed two things: First, the almost wholesale forging of telegrams which were sent to Members of Congress; second, the illegal destruction of telegrams by the telegraph companies. They say that the information they secured originally came as a result of preliminary examinations, not of telegrams, but of witnesses by the Senate committee here in the Senate Office Building.

Feeling that they had a duty to perform under the law, the Communications Commission then go on to say that they independently started to make their investigation. The statement was made—in view of the failure of the Senator from Nebraska [Mr. BURKE] to answer the question of the Senator from Indiana [Mr. MINTON], I think his informant was Mr. Elisha Hanson, the attorney for Mr. Hearst, who started this suit—that Senator BLACK, as chairman of the committee, went to the Federal Communications Commission and attempted to secure the assistance of the Federal Communications Commission. When we denied that, the Senator doubted that we knew what we were talking about. The report definitely shows that it was not Senator BLACK who went to the Communications Commission and asked for assistance, but that the Communications Commission came to the committee and asked whether or not information which had been sifted, after we had properly done so, might be made available to them so that they could perform their duty under the statute, and properly enforce the laws in reference to communications.

So far as these subpenas are concerned, I want to say that there was a very careful and a very thorough search made by the members of the committee prior to the issuance of the subpenas.

The Senator from Nebraska is always talking about precedents. If precedents justify anything, certainly we were justified in what we did, because the precedents which this committee had for the form of their subpenas and the use of their subpenas go back to 1876. Precisely the same form of subpena which Senator BLACK used was used by such men as Senator Smoot, Senator Thomas Walsh, and Senator James Reed. Since 1876 the investigating committees of this body have used precisely the same sort of subpena, precisely the same method we used.

It happened that at the time we were making the investigation, absolutely independent of the Senate committee investigation, absolutely upon its own responsibility, upon its own motion, without any attempt upon our part to influence them, without any request or suggestion upon our

part, the Federal Communications Commission decided to conduct an investigation of its own, and the two investigations proceeded parallel as to time; but the Senate committee did not at any time make use of any power which the Federal Communications Commission had to secure information for the committee or for the Senate.

I wish to read just briefly from the report of the Commission:

> Testimony before the Senate Committee to Investigate Lobbying Activities under Senate Resolution 165 and Senate Resolution 184 revealed the wholesale forgery of telegrams addressed to Congress. The revelation engaged the immediate attention of the Commission. The entire telegraph structure rests upon the faith which the recipient of a telegram can have that it was sent by the person whose name appears as the sender. There appeared to be no provision in the Communications Act prohibiting the forgery of telegrams. Forgery of telegrams on a large scale would seem to indicate the need for remedial legislation. Under section 4 (k) of the Communications Act the Commission has the duty of recommending to Congress such additional legislation relating to communications as it may deem necessary.
>
> Testimony before the Senate committee had also shown the destruction of records. The Commission has no jurisdiction over the general destruction of copies of telegrams by the senders and receivers thereof, such as was revealed in the testimony. The evidence did reveal, however, that the copies in the possession of the telegraph companies had been burned in at least one instance. Such destruction is a penal offense.

They said that the telegraph companies were aware of the need for measures to protect the telegram industry, the telegraph users, as indicated by the following rules issued by the Western Union and communicated to the Commission. They then go ahead and set forth the rules. The Commission then said:

> The insufficiency of the rule is apparent. It is only fair to point out, however, that in many instances the proper method of dealing with the sending of unauthorized telegrams may be through the liability of the sender, which is beyond the power of the telegraph company.
>
> A report was made to the Commission of an attempt to determine the authenticity of 652 messages originating in Warren, Pa.
>
> * * * * * * *
>
> The Commission had no information with respect to forged telegrams or the destruction of records, except that brought to light as a result of the revelations before the Senate committee. Its duty to pursue the matter seemed clear. On July 23, 1935, the telegraph division sought additional information.

They then outlined the proceedings before the Commission when they made up their minds to make the investigation; and set forth the resolution which the Senator from Maine (Mr. WHITE) read this morning, and which he said made it absolutely clear that it must have been done at the request of Senator BLACK and his committee. This report, which has been available here to Members of this body since the 17th of March last year, clearly states that the Commission itself reported to this body that all the transactions it carried out were carried out on its own volition, for its own purpose, and in order that it might perform its functions under the Communications Act.

Let me conclude by saying two things. There have been two charges made against Senator BLACK with reference to the lobby investigating committee. One was that he made use of the powers of the Communications Commission for the benefit of the committee. That is completely refuted and denied by the report of the Commission. As a member of the committee, I wish to say that I personally know that the report of the Commission is correct when it states that we did not ask them for assistance. They were pursuing their own independent investigation at the same time.

The second contention is that the use of subpenas by which we asked for all the telegrams going to and from certain points, going to and from certain individuals, was improper. Passing upon the question of the fitness of Senator BLACK, I ask Senators to take into consideration the fact that the precedents for those subpenas and the method of using those subpenas existed in this body steadily from 1876 down to the present date.

I know that some Members of the Senate do not believe in such investigations; there are those who think they are improper, there are those who think they are a waste of money. Those questions are not to be decided upon this inquiry. The question is, did Senator BLACK in those transactions do things which the Senator from Nebraska indicated this morning he thought made it impossible for him to serve properly as a member of the Supreme Court?

Mr. JOHNSON of California. Mr. President, because I shall occupy but a few minutes, I do not want to be interrupted.

I think that what has just been said by the Senator from Washington is the best reason that can be advanced for agreeing to the motion made by the Senator from New Hampshire. Why make an explanation of one thing, and respecting the greater thing, with which we are all concerned, have no explanation at all?

I wish to say a word about senatorial courtesy. I am for senatorial courtesy. I believe in courtesy to all my fellows. But beyond these walls I owe a courtesy to the people of the United States, and on an occasion such as this, where there is at issue an important nomination of a man to a position on the Supreme Court, I shall not pay any attention to senatorial courtesy at all; I will think of the courtesy I owe to others beyond these walls. So much, therefore, for senatorial courtesy.

I recall that when I first became a Member of this body, senatorial courtesy enabled a man at once to dispose of a nominee by saying he did not like him, or that he was offensive to him. We have changed the rule with time, and now a nominee cannot be disposed of by a mere suggestion of that sort, but one must show to the Members of this body the offense the nominee has given, and the reasons which will not permit him to be for the nominee, and the Senate itself will judge whether the reasons are good or not.

Senatorial courtesy in relation to the most important appointive office in the gift of the people of the United States? Senatorial courtesy in the consideration of what Senators on the other side, those to whom we owe much, have fought for the last 6 months? Senatorial courtesy when we deal with a subject like that of a nomination to the United States Supreme Court, and what may mean much more than dealing with the United States Supreme Court?

I want to pay my meed of praise to the Senator from Nebraska [Mr. BURKE], the Senator from Texas [Mr. CONNALLY], the Senator from Montana [Mr. WHEELER], the Senator from New York [Mr. COPELAND], the Senator from Indiana [Mr. VAN NUYS], the Senator from Missouri [Mr. CLARK], the Senator from Utah [Mr. KING], the Senator from Rhode Island [Mr. GERRY], and all the other Senators who made the glorious fight of the last 6 months, and to the new Senators who contributed so much to the great victory. They made it, not out of courtesy to anybody on earth, but they made it out of courtesy to the people to whom they owe allegiance and because their consciences dictated that they should deal with that subject as they saw fit. I thank every one of them. I cannot during the remainder of my life express the gratitude that I feel for what they have done for all of us. The American people owe to them a debt of gratitude that never can be repaid; and to those men I say, what a small thing is senatorial courtesy compared with that duty which they recently performed.

In regard to Senator BLACK, it is not pleasant for me to oppose the nomination of any man who is a Member of this body or whom I have met day in and day out for the past 10 years. But I oppose Senator BLACK's nomination, first, upon the ground of his ineligibility, because the Constitution forbids him to take this place, inasmuch as he voted for the particular retirement act; the Constitution therefore forbids him to take the position because of having voted to increase the emoluments of that office.

Secondly, the Constitution forbids him from taking the place because the Congress has created another sort of office by virtue of the retirement act, which leaves a place which is not filled and cannot be filled by appointment.

Easy enough it is to overcome it if Congress so desires. That may be done by the insertion of a sentence as an amendment to the law. On the question of the eligibility,

therefore, I say that Mr. BLACK is not qualified for the position on the Supreme Court.

Next I say that judging him by temperament and judging him by disposition he ought not to be made a Justice of the Supreme Court, and if he ought not to be made a Justice of the Supreme Court by virtue of that fact, then Senators ought not to confirm him, no matter whether he is a senatorial brother of theirs, no matter whether he has been a Member of this body with them for years.

So, Mr. President, at the conclusion of this day I say that Mr. BLACK is ineligible under the Constitution for two reasons. I say that he should not be made a Justice of the Supreme Court because by disposition and temperament he is unfitted to fill a judicial position.

Mr. President, let us hear no more about senatorial courtesy. Vote us down if you will. Vote us down; that is all right. I do not care whether there is one vote or two votes or three votes in this body such as I desire. Vote us down if you desire, but let us not proceed on any false premise whatsoever. Let us proceed and vote not because a man has been a Member of this body but upon his qualifications and merits.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire [Mr. BRIDGES] to recommit the nomination to the Committee on the Judiciary.

Mr. McGILL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Clark	Johnson, Calif.	Pope
Andrews	Connally	Johnson, Colo.	Radcliffe
Ashurst	Copeland	King	Reynolds
Austin	Davis	La Follette	Schwartz
Bankhead	Dieterich	Lee	Schwellenbach
Barkley	Donahey	Lewis	Sheppard
Berry	Ellender	Lodge	Shipstead
Bilbo	Frazier	Logan	Smathers
Bone	George	Lonergan	Smith
Borah	Gerry	Lundeen	Steiwer
Bridges	Gillette	McAdoo	Thomas, Okla.
Brown, Mich.	Glass	McGill	Thomas, Utah
Brown, N. H.	Green	McKellar	Townsend
Bulkley	Guffey	Minton	Truman
Bulow	Hale	Moore	Tydings
Burke	Harrison	Murray	Van Nuys
Byrd	Hatch	Neely	Wagner
Byrnes	Herring	Nye	White
Capper	Hitchcock	Overton	
Caraway	Holt	Pepper	
Chavez	Hughes	Pittman	

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

The question is on agreeing to the motion of the Senator from New Hampshire [Mr. BRIDGES] to recommit the nomination to the Committee on the Judiciary. On that question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. McNARY]. I transfer that pair to the Senator from Wyoming [Mr. O'MAHONEY], and will vote. I vote "nay."

Mr. ASHURST (when Mr. HAYDEN's name was called). My colleague [Mr. HAYDEN] is unavoidably absent. If present, he would vote "nay."

Mr. LA FOLLETTE (when Mr. NORRIS' name was called). The senior Senator from Nebraska [Mr. NORRIS] is unavoidably absent from the Senate. If present, he would note "nay."

Mr. SCHWARTZ (when Mr. O'MAHONEY's name was called). I am authorized to state that if the senior Senator from Wyoming [Mr. O'MAHONEY] was present he would vote "nay."

The roll call was concluded.

Mr. MINTON. The Senator from Georgia [Mr. RUSSELL] and the Senator from Wisconsin [Mr. DUFFY] are attending the battle monuments dedication ceremonies in France.

Mr. BARKLEY. I wish to announce the unavoidable absence of the senior Senator from North Carolina [Mr. BAILEY]. Not knowing how he would vote on this motion, I make no announcement.

Mr. AUSTIN. I wish to announce that the Senator from Vermont [Mr. GIBSON] has a general pair with the Senator from Wisconsin [Mr. DUFFY], and that the Senator from Michigan [Mr. VANDENBERG] has a general pair with the Senator from Georgia [Mr. RUSSELL].

Mr. LEWIS. I announce the absence of the Senator from Connecticut [Mr. MALONEY] because of illness.

The Senator from Wyoming [Mr. O'MAHONEY], the Senator from Nevada [Mr. McCARRAN] and the Senator from Massachusetts [Mr. WALSH] and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

The result was announced—yeas 15, nays 66, as follows:

YEAS—15

Austin	Copeland	Johnson, Calif.	Townsend
Bridges	Davis	Lodge	Tydings
Burke	Gerry	Lonergan	White
Byrd	Hale	Steiwer	

NAYS—66

Adams	Clark	Johnson, Colo.	Pittman
Andrews	Connally	King	Pope
Ashurst	Dieterich	La Follette	Radcliffe
Bankhead	Donahey	Lee	Reynolds
Barkley	Ellender	Lewis	Schwartz
Berry	Frazier	Logan	Schwellenbach
Bilbo	George	Lundeen	Sheppard
Bone	Gillette	McAdoo	Shipstead
Borah	Glass	McGill	Smathers
Brown, Mich.	Green	McKellar	Smith
Brown, N. H.	Guffey	Minton	Thomas, Okla.
Bulkley	Harrison	Moore	Thomas, Utah
Bulow	Hatch	Murray	Truman
Byrnes	Herring	Neely	Van Nuys
Capper	Hitchcock	Nye	Wagner
Caraway	Holt	Overton	
Chavez	Hughes	Pepper	

NOT VOTING—14

Bailey	Hayden	Norris	Walsh
Black	McCarran	O'Mahoney	Wheeler
Duffy	McNary	Russell	
Gibson	Maloney	Vandenberg	

So Mr. BRIDGES' motion to recommit was rejected.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to this nomination?

Mr. AUSTIN. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. REYNOLDS (when Mr. BAILEY's name was called). I announce that my colleague the senior Senator from North Carolina [Mr. BAILEY] is absent because of illness.

Mr. SCHWARTZ (when Mr. O'MAHONEY's name was called). I am authorized to state that the senior Senator from Wyoming [Mr. O'MAHONEY], if present, would vote "yea."

Mr. TYDINGS (when his name was called). On this vote I have a pair with the Senator from Nebraska [Mr. NORRIS]. If the Senator from Nebraska [Mr. NORRIS] were present, he would vote "yea." If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. AUSTIN. I desire to announce that the Senator from Vermont [Mr. GIBSON] has a general pair with the Senator from Wisconsin [Mr. DUFFY].

I also announce that the Senator from Michigan [Mr. VANDENBERG] has a general pair with the Senator from Georgia [Mr. RUSSELL]. If the Senator from Michigan [Mr. VANDENBERG] were present, he would vote "nay." If the Senator from Georgia [Mr. RUSSELL] were present, he would vote "yea."

Mr. HARRISON (after having voted in the affirmative). I have a general pair with the senior Senator from Oregon [Mr. McNARY], which I transfer to the senior Senator from Wyoming [Mr. O'MAHONEY], and let my vote stand.

Mr. ASHURST. My colleague the junior Senator from Arizona [Mr. HAYDEN] is unavoidably absent. If present, he would vote "yea."

Mr. LEWIS. I announce that the Senator from Wisconsin [Mr. DUFFY] and the Senator from Georgia [Mr. RUSSELL] are absent on official duty as members of the committee appointed to attend the dedication of the battle monuments in France.

I further announce that the Senator from Connecticut [Mr. MALONEY] is absent because of illness.

The Senator from Montana [Mr. WHEELER], the Senator from Nevada [Mr. MCCARRAN], the Senator from South Carolina [Mr. SMITH], and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained.

The result was announced—yeas 63, nays 16, as follows:

YEAS—63

Adams	Clark	Johnson, Colo.	Pepper
Andrews	Connally	La Follette	Pittman
Ashurst	Dieterich	Lee	Pope
Bankhead	Donahey	Lewis	Radcliffe
Barkley	Ellender	Logan	Reynolds
Berry	Frazier	Lonergan	Schwartz
Bilbo	George	Lundeen	Schwellenbach
Bone	Gillette	McAdoo	Sheppard
Brown, Mich.	Green	McGill	Shipstead
Brown, N. H.	Guffey	McKellar	Smathers
Bulkley	Harrison	Minton	Thomas, Okla.
Bulow	Hatch	Moore	Thomas, Utah
Byrnes	Herring	Murray	Truman
Capper	Hitchcock	Neely	Van Nuys
Caraway	Holt	Nye	Wagner
Chavez	Hughes	Overton	

NAYS—16

Austin	Byrd	Glass	Lodge
Borah	Copeland	Hale	Steiwer
Bridges	Davis	Johnson, Calif.	Townsend
Burke	Gerry	King	White

NOT VOTING—16

Bailey	Hayden	Norris	Tydings
Black	McCarran	O'Mahoney	Vandenberg
Duffy	McNary	Russell	Walsh
Gibson	Maloney	Smith	Wheeler

So the nomination of Senator HUGO L. BLACK, of Alabama, to be Associate Justice of the Supreme Court of the United States, was confirmed.

Mr. NEELY. Mr. President, for friendly reasons which all will understand, I move that the Senate reconsider the vote by which it has just advised and consented to the confirmation of the nomination of Senator BLACK.

Mr. BARKLEY. Mr. President, I move to lay that motion on the table.

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

The motion to lay on the table was agreed to.

Mr. BARKLEY. Mr. President, I now move that the President be notified of the action of the Senate in advising and consenting to this nomination.

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

The motion was agreed to.

THE JUDICIARY

Mr. BARKLEY. I suggest that the remaining nominations on the Executive Calendar be considered.

The VICE PRESIDENT. The clerk will state in order the remaining nominations on the Executive Calendar.

The legislative clerk read the nomination of George F. Sullivan to be United States district judge for Minnesota.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Claude McColloch to be United States district judge for the district of Oregon.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

INTERSTATE COMMERCE COMMISSION

The legislative clerk read the nomination of John L. Rogers, of Tennessee, to be an Interstate Commerce Commissioner for a term expiring December 31, 1943.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk read the nomination of Charles H. Mease to be postmaster at West Leesport, Pa., which had been reported adversely by the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the nomination?

The nomination was rejected.

Mr. BARKLEY. I ask unanimous consent that the remaining nominations of postmasters on the calendar be confirmed en bloc.

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

That concludes the Executive Calendar.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CLARK in the chair) 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.)

LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed legislative session.

VIRGINIA DARE CELEBRATION, ROANOKE ISLAND, N. C.

Mr. REYNOLDS. Mr. President, tomorrow—August 18—the eyes of the country will be on my beloved State of North Carolina. Therefore, I am confident that I will be permitted to intrude briefly on the time of the Senate to remind my colleagues again of the reason.

North Carolina is truly a State of firsts. Our people drafted the first Declaration of American Independence. They saw the first victory of the Revolutionary War. They witnessed, at Kitty Hawk, the first flight of an airplane carrying a man. They named the first town for George Washington. They established the first school of forestry, found the first gold nugget in the New World, worked the first silver mine, and built the first revolving gun.

But none of these events can overshadow in importance the fact that in North Carolina was born the first child of English parentage in the New World, on the spot where was first attempted an English settlement in America. It marked the very beginning of Anglo-American civilization. The child was Virginia Dare, perhaps the most famous child of history. She was lost to written history 10 days after her birth, but she provided a romantic theme that has lived for three centuries.

Tomorrow, in a setting of simplicity befitting the occasion, the three hundred and fiftieth anniversary of the birth of Virginia Dare will be celebrated at Roanoke Island. It will probably be the first time in history that any President of the United States has acted for our people in making a pilgrimage to the birthplace of a child who lives in history only as a child. Accompanying the President will be a commission representing Congress. The ceremony promises to be one of the most significant in the whole history of the New World.

For nearly 6 years North Carolina has planned for this great celebration in an area of peculiar charm. Originally scheduled for 1934, it was postponed because of the depression. It now comes in one of the most eventful periods of recent years, at a time when we all need an encouraging glimpse of the glorious yesterdays of history as we plan for the promising future of tomorrows. It will be offered in full measure to all who come to the hallowed area of Roankoe Island for the day commemorating the birth of America's first English child.

In mentioning the Roanoke Island celebration, I should be remiss in my duty to North Carolina if I did not speak for her people in extending to the Congress and to other agencies of our Federal Government deep appreciation for the splendid cooperation in making this event possible. One of the things that the Federal Government can always do to preserve the unity of the several States is to continue to evidence interest in preserving historic shrines. So long as our people cling to the proud heritage that is theirs, we need have no fear for the shattering of our ideals nor for the future of our institutions; and those of you who are fortunate enough to come to North Carolina

and Roanoke Island tomorrow will gain new vision and new hope as you stand at the cradle of Anglo-American history.

The business of the Senate at a time when adjournment is near prevents me from telling more of the history of the lost colony at Roanoke Island. I urge that you read it if you have not already done so. You will find in it the romance of America, and you will understand better the pride we North Carolinians have in our native State.

To leave one more thought: It seems peculiarly appropriate to me that at the very doors of Roanoke Island is located a shrine to the Wright brothers commemorating the flight of the first plane to carry a man. No more fitting place could be found for a memorial to the pioneers in conquering the air.

However, on this occasion I should like to remind the Senate again that for 10 years or more this first plane to fly at Kitty Hawk has rested in the South Kensington Museum in London, England. It should be here, in the country where it created transportation history. I realize, of course, that the Wright plane was sent to London as a climax to a controversy over credit given to the Langley plane at the National Museum. I do not attempt to place any blame for the failure to keep the Wright plane in this country. Nevertheless, the fact remains that the first plane to fly carrying a man, which added lustre to the transportation achievements of the United States, now rests in a London museum.

I hope the time will come when the Congress, through appropriate action, will cause the Wright plane to be returned to the United States. It belongs here; and no better place could be found for it to be permanently housed than in a museum at Kitty Hawk, where it first ascended from historic sands to conquer the air.

It is my hope eventually to see the time when Kitty Hawk will be a real memorial to the Wright brothers as the home of the first plane to fly, and along with it a real appreciation of the American people for the historic soil on which Virginia Dare was born.

INTER-AMERICAN RADIO CONFERENCE

Mr. PITTMAN. Mr. President, at the time of the last call of the calendar there were called two joint resolutions to which the Senator from Tennessee [Mr. McKELLAR] objected. Since that time he has examined the reports and, I am informed, makes no objection at the present time. Therefore I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 197, relating to the Inter-American Radio Conference.

The PRESIDING OFFICER. Is there objection?

There being no objection, the joint resolution (S. J. Res. 197) authorizing an appropriation for the expenses of participation by the United States in the Inter-American Radio Conference to be held in 1937 at Habana, Cuba, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000, or so much thereof as may be necessary, for the expenses of participation by the United States in the Inter-American Radio Conference to be held in 1937 at Habana, Cuba, including personal services in the District of Columbia and elsewhere without reference to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers, and periodicals; stationery; official cards; printing and binding; entertainment; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified.

EIGHTH INTERNATIONAL ROAD CONGRESS

Mr. PITTMAN. Mr. President, the other joint resolution to which I have referred is Calendar No. 1232, Senate Joint Resolution 199, relating to the Eighth International Road Congress. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution (S. J. Res. 199) to authorize an appropriation for the expenses of participation by the United States in the Eighth International Road Congress in 1938 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, for the expenses of participation by the United States in the Eighth International Road Congress, to be held in the Netherlands in 1938, including personal services in the District of Columbia and elsewhere, without reference to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers, and periodicals; official cards; printing and binding; preparation, installation, transportation, and operation of an appropriate exhibit; entertainment; local transportation; the payment of expenses incident to travel by steamer, rail, or motorbus on the official congress inspection trip; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payment may have been made for any of the purposes herein specified.

REGULATION OF AIR TRANSPORTATION

The PRESIDING OFFICER. The question now before the Senate is the motion of the Senator from Nevada [Mr. McCARRAN] that the Senate proceed to the consideration of Senate bill 2, having to do with the regulation of air transportation.

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

Mr. BARKLEY. Mr. President, is this the motion that has been pending for 2 or 3 days?

The PRESIDING OFFICER. It is the motion made by the Senator from Nevada.

Mr. BARKLEY. It is too late to attempt to get a quorum at this time. The motion will be the pending business when the Senate reconvenes tomorrow.

The PRESIDING OFFICER. The Senator is correct.

Mr. McKELLAR. Mr. President, I think we had better have a quorum. I am getting tired of that bill, as the Senate knows.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee withhold his suggestion as to the absence of a quorum?

Mr. McKELLAR. Certainly.

TERMS OF DISTRICT COURT AT TALLAHASSEE, FLA.

Mr. PEPPER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 3493, providing for the terms of the Federal district court at Tallahassee, Fla., which is my home town.

The PRESIDING OFFICER. Is there objection?

Mr. AUSTIN. Mr. President, I wish to inquire of the Senator from Florida whether he is about to suggest a change in the bill which he and I discussed?

Mr. PEPPER. I am.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 3493), to amend section 76 of the Judicial Code as amended with respect to the terms of the Federal district court, held at Tallahassee, Fla., which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and to insert the following:

That section 76 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 149), is amended to read as follows:

"SEC. 76. (a) The State of Florida is divided into two districts, to be known as the northern and southern districts of Florida.

"(b) The southern district shall include the territory embraced on the 1st day of July 1937 in the counties of Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, Suwannee, Union, and Volusia.

"(c) Terms of the district court for the southern district shall be held at Ocala on the third Monday in January; at Tampa on the second Monday in February; at Key West on the first Mondays in May and November; at Jacksonville on the first Monday in December; at Fernandina on the first Monday in April;

at Miami on the fourth Monday in April; at Orlando on the first Monday in October; and at Fort Pierce on the first Monday in February: *Provided*, That suitable rooms and accommodations for holding court at Fort Pierce are furnished without expense to the United States: *Provided further*, That suitable rooms and accommodations for holding court at Orlando are furnished without expense to the United States until a Federal building containing quarters for the court is erected at such place. No deputy clerk or deputy marshal of the court shall be appointed for Fort Pierce. The district court for the southern district shall be open at all times for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction.

"(d) The northern district shall include the territory embraced on the 1st day of July 1937 in the counties of Alachua, Bay, Calhoun, Dixie, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington.

"(e) Terms of the district court for the northern district shall be held at Tallahassee on the second Monday in February and on the Tuesday next after the first Monday in September; at Pensacola on the first Mondays in May and November; at Marianna on the first Monday in April; at Gainesville on the second Mondays in June and December; and at Panama City on the first Monday in October: *Provided*, That suitable rooms and accommodations for holding court at Panama City are furnished without expense to the United States."

SEC. 2. The act entitled "An act providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Orlando, Fla.", approved June 15, 1933, as amended; the act entitled "An act providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Fort Pierce, Fla.", approved August 22, 1935; and the act entitled "An act providing for the establishment of a term of the District Court of the United States for the Northern District of Florida at Panama City, Fla.", approved May 6, 1936, are hereby repealed.

Mr. PEPPER. Mr. President, I move to amend the amendment of the committee by striking out, on page 3, line 3, the words "as amended", and on page 4, line 6, by striking out the words "until a Federal building containing quarters for the court is erected at such place" and to insert in lieu thereof the words "*Provided*, That nothing in this act shall be construed to prevent the provision of quarters for the officers of said court and appropriate court rooms for the holding of the sessions of said court in any new Federal building which may be constructed in Orlando, Fla."

The amendments to the amendment were agreed to.

The amendment as amended 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 to amend section 76 of the Judicial Code with respect to the terms of the United States district court at Tallahassee, Fla."

PREVENTION OF TAX EVASION—REPORT OF COMMITTEE ON FINANCE

Mr. HARRISON, from the Committee on Finance, to which was referred the bill (H. R. 8234) to provide revenue, equalize taxation, prevent tax evasion and avoidance, and for other purposes, reported it with amendments and submitted a report (No. 1242) thereon.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until tomorrow, Wednesday, August 18, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 17 (legislative day of Aug. 16), 1937

CIVIL SERVICE COMMISSION

Samuel H. Ordway, Jr., of New York, to be a Civil Service Commissioner, vice Leonard D. White, resigned.

FEDERAL COMMUNICATIONS COMMISSION

T. A. M. Craven, of the District of Columbia, to be a member of the Federal Communications Commission for a term of seven years from July 1, 1937.

Frank R. McNinch, of North Carolina, to be a member of the Federal Communications Commission for the unexpired portion of the term of seven years from July 1, 1935, vice Anning S. Prall, deceased.

SOCIAL SECURITY BOARD

Mary W. Dewson, of New York, to be a member of the Social Security Board for the term expiring August 13, 1943.

Meyer L. Casman, of Pennsylvania, to be regional attorney, region III, Philadelphia, Pa., in the Social Security Board.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO ADJUTANT GENERAL'S DEPARTMENT

Maj. Thomas Bennett Woodburn, Infantry, with rank from August 1, 1935.

TO QUARTERMASTER CORPS

First Lt. Henry Ray McKenzie, Coast Artillery Corps, with rank from October 5, 1934.

First Lt. Morton Elmer Townes, Infantry, with rank from August 1, 1935.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

Brig. Gen. Albert Lyman Cox, Reserve, to be brigadier general, Reserve, from November 10, 1937.

PROMOTIONS IN THE NAVY

Commander Lee P. Johnson to be a captain in the Navy from the 30th day of June 1937.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:

James K. Davis, June 3, 1937.
Randall E. Dees, June 3, 1937.
Edward A. Mitchell, June 3, 1937.
George T. Howard, June 3, 1937.
Francis C. Denebrink, June 30, 1937.
Davenport Browne, June 30, 1937.
George E. Maynard, July 1, 1937.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

George D. Lyon, January 1, 1937.
Jesse B. Goode, June 3, 1937.
Vincent W. Grady, June 3, 1937.
John S. Crenshaw, June 30, 1937.
Ralph C. Kephart, June 30, 1937.
Adolph E. Becker, Jr., June 30, 1937.
Robert E. Blick, Jr., June 30, 1937.
George P. Hunter, July 1, 1937.
Harold F. Pullen, July 1, 1937.
Archibald E. Uehlinger, July 1, 1937.
Donald S. Evans, July 1, 1937.
Charles J. Cater, July 1, 1937.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Abraham L. Baird, June 3, 1937.
Charles E. Trescott, June 3, 1937.
Walter S. Denham, June 3, 1937.
Joseph B. Berkley, June 3, 1937.
Robert C. Brownlee, 2d, June 3, 1937.
Williston L. Dye, June 3, 1937.
Laurence C. Baldauf, June 3, 1937.
Joseph B. Duval, Jr., June 3, 1937.
Howard C. Bernet, June 3, 1937.
George F. Beardsley, June 21, 1937.
John Andrews, Jr., June 30, 1937.
George K. Carmichael, June 30, 1937.
Erle V. Dennett, June 30, 1937.
Charles E. Brunton, June 30, 1937.
Griswold T. Atkins, June 30, 1937.
Richard R. Briner, June 30, 1937.
Leonidas D. Coates, Jr., June 30, 1937.
Volckert P. Douw, June 30, 1937.
Charles B. Brook, June 30, 1937.

Martin C. Burns, June 30, 1937.
John W. Ailes, 3d, June 30, 1937.
Jack S. Dorsey, August 1, 1937.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 29th day of May, 1937:

Lewis L. Snider	Matthew DeMaria
Raymond D. Fusselman	Lawrence R. Neville
John D. Bulkeley	Dillon R. McMullen
Nathaniel B. Davis, Jr.	Blish C. Hills

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 31st day of May 1937:

Jacob T. Bullen, Jr.	Duncan P. Dixon, Jr.
Paul T. Metcalf	Robert M. Brinker
Royal R. Ingersoll, 2d	George S. Bullen
Arthur C. Smith	Robert C. Houston
William F. Cassidy	William C. Hembury
Charles M. Henderson	Thomas C. Edrington, 3d
John R. Bromley	Frederic G. Pegelow
Edgar S. Powell, Jr.	Francis D. Boyle
Robert J. Ovrom	Albert Raborn
Charles R. Stephan	Forrest M. Price
Joseph J. Staley, Jr.	Joe M. Alexander
Richard C. Latham	Robert F. Sellars
Earl K. Solenberger	Thomas R. Hine
Donald G. Irvine	Charles C. Coley
John M. Hyde	Dewey G. Johnston
Wayne R. Merrill	Edwin K. Jones

Surgeon James D. Rives to be a medical inspector in the Navy with the rank of commander, to rank from the 30th day of June 1936.

The following-named lieutenants (junior grade) to be assistant paymasters in the Navy, with the rank of lieutenant (junior grade), to rank from the date stated opposite their names:

Oakleigh W. Robinson, June 5, 1933.
Paul W. Clarke, June 4, 1934.

The following-named citizens of the United States to be assistant paymasters in the Navy with the rank of ensign, to rank from the 16th day of August 1937:

Daniel E. Waite.	James T. Mathews, Jr.
Milton H. Jensen.	Boyd Shafsky
Max Schliewe.	Duncan J. McNab
Lawrence V. Hallberg.	Robert A. Williams
Albert E. Pallon.	Oswald B. Porter, Jr.
Bert S. Beasley.	Phillip D. Chubb
Jerry H. Taylor, Jr.	Ernest S. Tharpe
David D. Long, Jr.	Lathrop B. Clapham, Jr.
Marion D. Sims, Jr.	George L. Bennett
Portus D. Boyce	James J. Bunner
John B. Kackley	Albert B. Howden

Electrician Charlie Deaton to be a chief electrician in the Navy, to rank with but after ensign, from the the 16th day of October 1936.

Radio Electrician August B. Cook to be a chief radio electrician in the Navy, to rank with but after ensign, from the 5th day of March 1937.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the 30th day of June 1937:

Gale A. Poindexter
Leonard P. Wessell

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Charles W. Gray, March 1, 1937.
Wilber G. Jones, July 1, 1937.
Marion E. Murphy, July 1, 1937.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Paul Foley, Jr., June 3, 1937.
Edward C. Folger, Jr., June 3, 1937.
David T. Ferrier, June 3, 1937.
Harvey D. Akin, June 3, 1937.
Donald T. Eller, June 30, 1937.
Edward J. Burke, June 30, 1937.
Lot Ensey, June 30, 1937.
Peter R. Lackner, June 30, 1937.
William S. Estabrook, Jr., July 1, 1937.
Bernhart A. Fuetsch, July 26, 1937.
Christian L. Engleman, August 1, 1937.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the date stated opposite their names:

Philip W. Winston, May 29, 1937.
Paul Van Leunen, Jr., May 31, 1937.
Keith E. Taylor, May 31, 1937.
Sidney L. Erwin, May 31, 1937.
Clyde G. Caldwell, May 31, 1937.
Lawrence H. Birthisel, Jr., May 31, 1937.

POSTMASTERS

ALABAMA

Mae F. Seymour to be postmaster at Goshen, Ala. Office became Presidential July 1, 1937.

Martha Dale True to be postmaster at Newbern, Ala. Office became Presidential July 1, 1937.

George B. Butler to be postmaster at New Hope, Ala. Office became Presidential July 1, 1937.

Moses B. Rushton to be postmaster at Ramer, Ala. Office became Presidential July 1, 1937.

ARIZONA

Barbara H. Goodman to be postmaster at Ganado, Ariz. Office became Presidential July 1, 1937.

Lucye L. Horan to be postmaster at Inspiration, Ariz. Office became Presidential July 1, 1937.

James E. Harris to be postmaster at Mayer, Ariz. Office became Presidential July 1, 1937.

Anna M. Hall to be postmaster at San Simon, Ariz. Office became Presidential July 1, 1937.

ARKANSAS

Hal P. Johnson to be postmaster at Hatfield, Ark. Office became Presidential July 1, 1937.

Mary N. Old to be postmaster at Huntington, Ark. Office became Presidential July 1, 1937.

Ella K. Calhoun to be postmaster at Mineral Springs, Ark. Office became Presidential July 1, 1937.

James L. Wilson to be postmaster at Moro, Ark. Office became Presidential July 1, 1937.

Rucker C. Carmical to be postmaster at Rison, Ark., in place of E. R. Maddox, deceased.

Stephan M. Heim to be postmaster at Scranton, Ark. Office became Presidential July 1, 1937.

Robert H. Willis to be postmaster at Watson, Ark. Office became Presidential July 1, 1937.

CALIFORNIA

Emilio C. Ortega to be postmaster at Ventura, Calif., in place of J. E. Rains, deceased.

FLORIDA

Luther L. Callaway to be postmaster at Chiefland, Fla. Office became Presidential July 1, 1937.

Harry F. Aicher to be postmaster at Jupiter, Fla. Office became Presidential July 1, 1937.

Minnie Blanch Payne to be postmaster at Longwood, Fla. Office became Presidential July 1, 1937.

Thomas J. West to be postmaster at Riviera, Fla. Office became Presidential July 1, 1937.

Orrell W. Prevatt to be postmaster at Seville, Fla. Office became Presidential July 1, 1937.

HAWAII

Kaku Sakai to be postmaster at Hawi, Hawaii, in place of Antone Silva. Incumbent's commission expired June 1, 1936.

IDAHO

John H. Clay to be postmaster at Riggins, Idaho. Office became Presidential July 1, 1937.

ILLINOIS

Lesbia G. Moore to be postmaster at Belle Rive, Ill. Office became Presidential July 1, 1936.

KANSAS

Elbert V. Benton to be postmaster at Robinson, Kans., in place of O. E. Edwards, resigned.

KENTUCKY

Charles W. Burnley to be postmaster at Kuttawa, Ky., in place of H. P. Yates, deceased.

LOUISIANA

Charles T. Matlock to be postmaster at Bastrop, La., in place of I. C. Fife, removed.

Howard K. Wells to be postmaster at Colfax, La., in place of V. N. McNeely. Incumbent's commission expired February 6, 1935.

Wesley K. Ferguson to be postmaster at Leesville, La., in place of B. F. Cowley, removed.

Charles Jefferson Calhoun to be postmaster at Montgomery, La., in place of L. L. Thompson. Incumbent's commission expired May 20, 1934.

MARYLAND

Agnes C. Rafferty to be postmaster at Cockeysville, Md., in place of J. F. Rafferty, deceased.

MINNESOTA

Vernon H. Ploen to be postmaster at Carver, Minn., in place of G. K. Dols, removed.

John M. Lambert to be postmaster at Two Harbors, Minn., in place of Dennis Dwan, deceased.

Alf Cornelius Knudson to be postmaster at Detroit Lakes, Minn., in place of C. E. McCarthy, resigned.

MISSISSIPPI

Mary S. Farish to be postmaster at Whitfield, Miss. Office became Presidential July 1, 1937.

William C. Bourland to be postmaster at Fulton, Miss., in place of Q. E. Mattox, removed.

MISSOURI

William T. Scott to be postmaster at Centerville, Mo. Office became Presidential July 1, 1937.

NEW JERSEY

Joseph R. Johnson to be postmaster at Mount Arlington, N. J., in place of A. H. Gordon, deceased.

NORTH CAROLINA

Galusha Pullium to be postmaster at Andrews, N. C., in place of M. T. Whatley, resigned.

Mary P. Williams to be postmaster at Whittier, N. C. Office became Presidential July 1, 1937.

Nelson Ritter Hunsucker to be postmaster at Winterville, N. C., in place of M. T. Speir, resigned.

NORTH DAKOTA

Margaret F. Scouton to be postmaster at Inkster, N. Dak. Office became Presidential July 1, 1937.

Albert James Gilman to be postmaster at Beach, N. Dak., in place of George Christensen, resigned.

OHIO

Ruth M. McLaughlin to be postmaster at North Ridgeville, Ohio, in place of Nellie Maddock, resigned.

OKLAHOMA

Benjamin F. Cooksey to be postmaster at Fairland, Okla., in place of C. G. Walker, removed.

OREGON

Odden L. Dickens to be postmaster at John Day, Oreg., in place of O. L. Dickens. Incumbent's commission expired May 10, 1936.

PENNSYLVANIA

John P. Connolly to be postmaster at Linwood, Pa., in place of E. H. Higgins, removed.

SOUTH CAROLINA

Bertie Lee B. Wilson to be postmaster at Neeses, S. C. Office became Presidential July 1, 1937.

Lee B. Hudson to be postmaster at Ruffin, S. C. Office became Presidential July 1, 1937.

Lottie M. Vernon to be postmaster at Wellford, S. C. Office became Presidential July 1, 1937.

TENNESSEE

Frances P. Hudson to be postmaster at Germantown, Tenn. Office became Presidential July 1, 1937.

Amy G. Sylar to be postmaster at Ooltewah, Tenn. Office became Presidential July 1, 1937.

TEXAS

Thomas L. Satterwhite to be postmaster at Coolidge, Tex., in place of W. T. Grogan, deceased.

George V. Norman to be postmaster at Hempstead, Tex., in place of H. H. Cooke, deceased.

VIRGINIA

Edgar L. Boone to be postmaster at Troutville, Va., in place of H. C. Snyder, removed.

WASHINGTON

Frank Williams to be postmaster at Richmond Beach, Wash., in place of L. R. H. Bratt. Incumbent's commission expired April 14, 1936.

WEST VIRGINIA

Lance Hatfield to be postmaster at Red Jacket, W. Va. Office became Presidential July 1, 1936.

Herbert A. Frazier to be postmaster at Winfield, W. Va. Office became Presidential July 1, 1935.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 17 (legislative day of Aug. 16), 1937

THE SUPREME COURT OF THE UNITED STATES

HUGO L. BLACK to be an Associate Justice of the Supreme Court of the United States.

UNITED STATES DISTRICT COURT JUDGES

George F. Sullivan to be United States district judge for the district of Minnesota.

Claude McColloch to be United States district judge for the district of Oregon.

INTERSTATE COMMERCE COMMISSION

John L. Rogers to be an Interstate Commerce Commissioner.

POSTMASTERS

NEBRASKA

Blanche E. Kammerer, Ashland.

NEW JERSEY

William Joseph Morris, Wyckoff.

WASHINGTON

Lonnie M. Crim, Woodinville.

WEST VIRGINIA

John G. Hammond, Bartley.
Elmer G. Rose, Caretta.
Nona G. Marcum, Ceredo.
Peter J. Groseclose, Hemphill.
Earl Wesley Alley, Jenkinjones.
Earl E. Bennett, New Cumberland.
Edward R. Christian, Quinwood.

REJECTION

Executive nomination rejected by the Senate August 17 (legislative day of Aug. 16), 1937

POSTMASTER

PENNSYLVANIA

Charles H. Mease to be postmaster at West Leesport in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 17, 1937

The House met at 11 o'clock a. m.

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

Infinite God, we praise Thee for the manifold revelations which Thou hast made of Thyself and for the promises and hopes they inspire. But Thou art our Father and we are Thy children, and Thou wilt surely hear us when we call and answer us when we pray. We thank Thee that the last word has not been spoken and the last revelation has not been made. We pray Thee that we may hear Thy voice and feel Thy holy presence. We ask Thee, blessed Lord, not for the perishing things of time but for the continued power and disposition to enjoy Thee and for a faith that never wavers and for a hope that never grows dim. Imbue us plenteously with fortitude, patience, forbearance, and brotherly love, that we may meet the obligations of the day and quit ourselves like men, to the honor of our country. Through Jesus Christ our Lord. Amen.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 2711. An act to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 413. An act to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 363) entitled "An act to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2765. An act to grant recognition to distinguished military service.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 7667) entitled "An act to regulate commerce among the several States, with the Territories and possessions of the United States, and with foreign countries; to protect the welfare of consumers of sugars and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; to raise revenue; 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. HARRISON, Mr. KING, Mr. GEORGE, Mr. BROWN of Michigan, Mr. LA FOLLETTE, and Mr. CAPPER to be the conferees on the part of the Senate.

CLERICAL SERVICES IN THE ENROLLING ROOM

Mr. WARREN. Mr. Speaker, I submit a resolution (H. Res. 316) and ask unanimous consent for its present consideration.

The Clerk read as follows:

House Resolution 316

Resolved, That there shall be paid out of the contingent fund of the House of Representatives during the remainder of the present session not exceeding $200 for additional clerical services in the enrolling room.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. CURLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein two excerpts from a decision of the Supreme Court on the definition of the commerce clause of the Constitution.

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

There was no objection.

GOLD-STAR MOTHERS BILL

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute to make an announcement.

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

There was no objection.

Mr. RANKIN. Mr. Speaker, I desire to announce to the House that the President has signed the Gold Star Mothers bill (H. R. 6384), and on last Wednesday, August 11, I inserted in the Appendix of the CONGRESSIONAL RECORD, at page 2060, an analysis of that measure made by Capt. Thomas Kirby, of the Disabled American Veterans of the World War.

I make this announcement in order that Members of the House may know where to find this analysis, because you are going to have a great many calls or inquiries concerning this measure, and this analysis to which I have referred tells you just what the bill does.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include therein a letter signed by Mrs. Joe Rottier, secretary of the Farmers Union, Local No. 125, Newaygo, Mich.

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

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a letter written by me to the Secretary of the Treasury.

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

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, on yesterday I had 30 minutes to address the House, but the hour was too late. I ask unanimous consent that I may address the House for 20 minutes on Thursday next after the disposition of the business on the Speaker's table and the legislative program for the day.

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

There was no objection.

Mr. DIXON. Mr. Speaker, I suggest the absence of a quorum, and make the point of order there is not a quorum present.

The SPEAKER. Will the gentleman withhold that for a moment so that the Chair may hear some unanimous consent requests?

Mr. DIXON. I withhold it, Mr. Speaker.

EXTENSION OF REMARKS

Mr. PACE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a letter from the Assistant Secretary of Agriculture on the question of cotton and American export trade.

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

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that on Thursday, after the special order heretofore granted, which is the address of the gentleman from New York [Mr. DICKSTEIN], I may address the House for 12 minutes.

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

There was no objection.

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a number of the agents or propagandists in the State of Missouri.

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

There was no objection.

THE REINDEER INDUSTRY

Mr. O'CONNOR of New York, from the Committee on Rules, submitted the following resolution (H. Res. 317), which was referred to the House Calendar and ordered printed:

House Resolution 317

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1722, an act to provide subsistence for the Eskimos and other natives of Alaska by establishing for them a permanent and self-sustaining economy; to encourage and develop native activity in all branches of the reindeer industry; and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Territories, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

JOINT COMMITTEE ON HAWAII

Mr. O'CONNOR of New York, from the Committee on Rules, submitted the following report (No. 1576), to accompany House Concurrent Resolution 20, for printing under the rule, which was referred to the House Calendar and ordered printed:

TO PROVIDE FOR THE CREATION OF A JOINT COMMITTEE ON HAWAII

Mr. O'CONNOR, from the Committee on Rules, submitted the following report (to accompany H. Con. Res. 20):

The Committee on Rules, having had under consideration House Concurrent Resolution 20, reports the same to the House with the recommendation that the concurrent resolution do pass.

[H. Con. Res. 20, 75th Cong., 1st sess.]

Resolved by the House of Representatives (the Senate concurring), That there is hereby created a joint congressional committee to be known as the Joint Committee on Hawaii, which shall be composed of not to exceed 12 Members of the Senate, to be appointed by the President of the Senate, and not to exceed 12 Members of the House of Representatives and the Delegate from Hawaii, to be appointed by the Speaker of the House of Representatives. The committee shall select a chairman from among its members. The committee shall cease to exist upon making its report to Congress pursuant to this resolution.

SEC. 2. The committee is authorized and directed to conduct a comprehensive investigation and study of the subject of Statehood and of other subjects relating to the welfare of the Territory of Hawaii. The committee shall report to the Senate and to the House of Representatives not later than January 15, 1938, the results of its investigation and study, together with its recommendations for such legislation as it deems necessary or desirable.

SEC. 3. For the purposes of this resolution, the committee is authorized to sit and act, as a whole or by subcommittee, at such times and places as it deems advisable, to hold such hearings, to administer such oaths and affirmations, to take such testimony, and to have such printing and binding done as it deems necessary.

CONSERVATION OF WILDLIFE RESOURCES

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Does the gentleman from Ohio withhold his point of order for 1 minute?

Mr. DIXON. Yes.

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

There was no objection.

Mr. ROBERTSON. Mr. Speaker, many of us have received communications from constituents insisting on the passage at this session of the pending conservation measure. I am pleased to announce to the House that the House Committee on Agriculture favorably reported yesterday the Pittman bill, S. 2670, with one amendment. That is a companion bill to the one I introduced, H. R. 7681. It is our purpose to ask recognition before adjournment that this measure may be taken up by unanimous consent and passed. I believe all of us are interested in the passage of this conservation measure, and I think members would be justified in advising those who write them on the subject that we expect before adjournment to write the bill into law.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. ROBERTSON. Yes.

Mr. NICHOLS. Is this a crop-control measure in any way?

Mr. ROBERTSON. No; this is for grants-in-aid to the States for the conservation of wildlife resources.

The SPEAKER. The gentleman from Ohio [Mr. DIXON] has made the point of order that there is no quorum present.

Mr. DIXON. Mr. Speaker, I withdraw the point of no quorum.

Mr. SHANNON. Mr. Speaker, I renew the point of order that there is no quorum present.

The SPEAKER. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count.

Mr. SHANNON (interrupting the count). Mr. Speaker, I withdraw the point of order.

ORDER OF BUSINESS—SUSPENSIONS

Mr. O'CONNOR of New York. Mr. Speaker, I call up House Resolution 308, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 308

Resolved, That during the remainder of the first session of the Seventy-fifth Congress it shall be in order for the Speaker at any time to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, rule XXVII; it shall also be in order at any time during the first session of the Seventy-fifth Congress for the majority leader, or the chairman of the Committee on Rules, to move that the House take a recess, and said motion is hereby made of the highest privilege; and it shall also be in order at any time during the first session of the Seventy-fifth Congress to consider reports from the Committee on Rules, as provided in clause 45, rule XI, except that the provision requiring a two-thirds vote to consider said reports is hereby suspended during the remainder of this session of Congress.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. Speaker, this form of resolution is usually adopted at this point in the session, toward its close. Especially has it been done since the adoption of the so-called "lame duck" amendment to the Constitution, changing the date of the meeting of Congress. It provides three methods for expediting the closing of the session.

First, the resolution permits the Speaker to recognize Members to offer motions to suspend the rules and pass bills on any day; without this he is limited to the first and third Mondays of each month. Such suspensions are, under the rules, permissible during the last 6 days of the session, if the last 6 days could be fixed. Before the adoption of the "lame duck" amendment, in at least every other session, by constitutional limitation, we knew what the last 6 days were, just before March 4, but in recent years, since the Seventy-third Congress, it has been customary not to bring in the adjournment resolution until a few hours before the close. Thus the necessity for this power to suspend——

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. RANKIN. I notice this resolution covers "the remainder" of the session. Does not the gentleman think it ought to state a specified date, or a limitation, for this reason: If we should happen to recess for a month—I see there is probability that we might be called back in November—and if we were to come back here, then this resolution would

be in effect during the remainder of the entire Congress, would it not?

Mr. O'CONNOR of New York. Of course, theoretically it could; but practically that is not very likely to happen. In the first place the Speaker has control over whether or not he will recognize for suspensions. The gentleman well knows that he accepts that responsibility somewhat reluctantly. If we continued on here, I think the gentleman can rely upon the fact that every day will not be suspension day.

The second part of the resolution provides for recessing instead of adjourning. The only practical purpose that serves is to avoid the reading in the morning possibly of a very long Journal, sometimes required for the purpose of filibustering. Incidentally and unfortunately, it also dispenses with the morning prayer.

The third provision of the resolution enables the Committee on Rules to call up a rule on the same day it is reported without the necessity of its having to lie over one day or require two-thirds vote to call it up immediately.

Those are the three provisions of the resolution.

Mr. HARLAN. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. HARLAN. Would that resolution afford an opportunity to bring before this body the wage and hour bill, for example?

Mr. O'CONNOR of New York. The only way that bill could be brought before this body under any provision of this resolution would be by suspension of the rules, if the Speaker thought fit to take up a matter of that great moment by that method. As the gentleman well knows, under that method, debate would be limited to a total of 40 minutes and no amendment could be offered to the bill.

Of course, before you could bring up the bill under a rule on the same day, instead of the following day, you first would have to have a rule, and the distinguished gentleman from Ohio as one of the most valuable members of the Rules Committee knows the present difficulty of obtaining a rule for the consideration of that important measure. While the gentleman has mentioned it, I should like to make a few comments with reference to what we read in the newspapers and in circulars with reference to the Committee on Rules.

I am very proud of the Committee on Rules. I have been a member of that committee for 14 years, since the first day I came to Congress. I do not believe many members at any time have served on that committee for a longer period, except the distinguished minority leader from New York [Mr. SNELL] and our late beloved Member from North Carolina, Mr. Pou.

I am affectionately fond of every member of that committee, and I count them all as my good friends.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. BOILEAU. The gentleman is talking about the Rules Committee. I think the country should know there are 10 members of the Democratic Party on that committee and 4 members of the Republican Party. There is no bill in which the country is more interested than this wage and hour bill. I think perhaps the gentleman should make some statement as to what has happened to the Rules Committee, that the Democratic Rules Committee did not report out a rule on this wage and hour bill.

Mr. O'CONNOR of New York. Of course, the distinguished gentleman, the leader of the progressive bloc in the House, will appreciate the high respect in which I hold all members of that committee and that I would never say anything to offend any of them. The last thing I will ever do, consciously, is to criticize my individual colleagues on committees or in the House. I do not propose to do that, at any cost, but as I interpret the function of the Rules Committee it is to serve the organization of this House. Sometimes it has been stated that it is an arm of the administration of the Government, of the executive branch. That is not correct, as I interpret the functions of that committee, except it be used in a political sense. That committee serves about 45 standing committees of the House and the organization of this House. It was created for that purpose on March 19, 1910. It was created as a weapon to detract from one individual, the late Speaker Cannon, the extreme power which he had prior to that date when he was a member of the committee and appointed the other members—a situation which had existed from 1858.

Take two outstanding instances in recent years—one the Wagner labor relations bill and the other the Guffey coal bill. When the Wagner bill was before the Rules Committee there were not over four members of that committee in favor of the bill, but we felt there was an overwhelming demand in the House to consider the bill, and with the aid of members of the committee who were opposed to the bill, and who afterward took the floor in opposition to the bill, we were able to report that bill out for the consideration of the House.

Twice the Guffey coal bill was before the Rules Committee. I think I am correct in saying that not over four members of that committee believed in and supported the Guffey coal bill, but, again, because a majority of the House had evidenced an interest in that bill, the committee reported it out to this body.

A similar situation exists today, but in some way there has been aroused a very tense feeling with reference to this particular wage and hour bill. Where I could borrow votes before to get out the Wagner bill and the Guffey coal bill, nobody is lending anything these days. [Laughter.]

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. MARTIN of Colorado. There has been a great deal of ridicule heaped on the House of Representatives in the last 4 or 5 years on the ground that it was a Presidential rubber stamp, but it is not being ridiculed from the same sources when the House is being made a Rules Committee doormat, because there is a labor bill under the mat. The bill is being smothered in committee, not because of the lack of demand for its production here in the House, because it is known that if the House has a chance to vote on that bill it will be passed by an overwhelming majority. Now, the Republicans on that committee or in the House are not going to be held responsible for what has happened to the wage and hour bill. The Democratic Party will be held responsible for it. [Applause.]

Mr. O'CONNOR of New York. The gentleman is trying to make my speech and the speech of several other people here. We shall get to that point in a minute. [Laughter.] I do not subscribe to what the gentleman said about the Rules Committee, except that I do say it is not an arm of the administration as that is generally referred to. It is an agent of this House.

Now, I have been reading the criticism of the Democrats on that committee. To state the problem which confronts us is very simple. It is a simple mathematical problem. If you could make 4 equal 8 without multiplying by 2, there would be no difficulty. [Laughter.] We would have the rule out, and we could take it up tomorrow, but I do not propose to join my Democratic colleague from Colorado [Mr. MARTIN] and lambast my own party and put the responsibility on them. [Applause.] It does not solely lie there.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I do not yield to the gentleman.

Mr. MARTIN of Colorado. Well, the gentleman mentioned me, and I think I am entitled to a very brief rejoinder.

Mr. O'CONNOR of New York. The gentleman made his speech.

Mr. MARTIN of Colorado. I am entitled to say that it does not matter what the gentleman says or what I say, that is where the responsibility lies. The country will know nothing and care nothing about any committee. I do not cast any

reflection whatever on the gentleman from New York; none whatever. I know he is not responsible for what has happened in the Rules Committee, and wants the bill brought out.

Mr. O'CONNOR of New York. I have tried all my life to be a Democrat and a party Democrat. The last thing I ever want to become is an individual statesman. [Laughter and applause.]

Mr. BRADLEY. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. In just a moment; not just now.

Now, this measure is not partisan. It is not political. Working men, women, and children in this country do not belong to any one party. I believe there may be a few left in the Republican Party. [Laughter.] Surely there are some in other parties besides the Democratic Party, and they do not care anything about parties when it comes to their own welfare and their own working conditions, and I do not blame them.

This being so, the issue is simple. If the Republicans will join the five of us, we will bring that rule out. In fact, all they have to do is to give us 3 votes and the bill will be right out here on this floor. [Applause.]

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. BOILEAU. Is it not possible, in view of the fact that the gentleman stated that the Rules Committee is a servant of the House, that if a majority of the Members of the House want this legislation we could increase the number of the members on the committee by four or five and so constitute the committee that it will bring out the rule? Then the wishes of the House will be obeyed. The other alternative would be to remove some of the members of the majority who are obstructing the will of the House.

Mr. O'CONNOR of New York. I recall that a short while ago that drastic remedy was referred to as "packing."

Mr. KNUTSON. Yes, pack the committee.

Mr. MARTIN of Colorado. Put some new blood on it.

Mr. O'CONNOR of New York. The Rules Committee is plenty big enough as it is, and there is plenty of good blood on it. I objected—although I did not have much chance to object—to its membership being increased from 12 to 14, because the committee has to meet often on a moment's notice, and to get a quorum would be harder, and it would be unwieldy if it were larger. So much for "packing" the committee, and which I would strenuously resist. Furthermore, it is no remedy at all. If we all keep our heads we shall solve the problem, and without an Einstein.

Mr. BOILEAU. Make the increase for this session only.

Mr. O'CONNOR of New York. The only reason I am making these remarks is in an attempt to clear the atmosphere. There should be no politics, there should be no geographical lines, there should be no lines drawn anywhere in reference to this bill if people believe in it. After I reached the conclusion that an overwhelming majority of the Members of this House were in favor of the wage and hour bill, I did everything possible to attempt to get that bill out of the committee, and I think I could say that our distinguished Speaker and our majority leader have likewise done everything possible to get that bill out. [Applause.] We are still attempting to do all in our power to accomplish our objective. Loose talk and harsh charges will not help at all.

In my opinion the Members of this House will not cast over 75 votes against the bill; and let me say to the Republicans, whom I now call upon to cooperate, that I do not believe one-third of their number will ever vote against the bill.

This is the situation which confronts us. I think that before we close we ought at least to let the Members vote on the bill and do our duty. Some of us who have been on the Rules Committee for years are willing to bring the matter out. We ask you all for your cooperation in any way you can give it to us.

Mr. SACKS. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield

Mr. SACKS. If the gentleman is correct, the function of the Rules Committee being merely one of passing upon the form in which a bill comes to the House, why cannot the House discharge the Rules Committee or pass the bill under a suspension of the rules?

Mr. O'CONNOR of New York. Certainly the House can discharge the Rules Committee under the discharge rule; that is possible, but the time element enters into that.

Mr. MAVERICK. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. MAVERICK. The gentleman stated that the committee brought out the Guffey coal bill although a majority of the committee were against it. Does not the gentleman believe, by the same token, that the Rules Committee should report out the wage and hour bill, which is overwhelmingly more popular than the Guffey coal bill?

Mr. O'CONNOR of New York. By far.

Mr. MAVERICK. Of course. Then, does not the gentleman think that by the same logic they should report out the wage and hour bill?

Mr. O'CONNOR of New York. I have said all of that. I thought the gentleman was going to offer a mathematical contribution.

Mr. MAVERICK. No, indeed. Let me ask one more question: I read in the paper—I do not know whether it is true—that one member of the Committee on Rules said that the wage and hour bill was communistic and unconstitutional. Does not the gentleman believe that this House ought to be allowed to pass on the question of whether it is communistic and unconstitutional?

Mr. O'CONNOR of New York. Oh, well, that is something else again. Hearing the word "communism" does not cause me to lay awake nights, and as for the constitutional part, I shall leave that to the curbstone lawyers, so profuse with that alibi.

Mr. BOILEAU. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. BOILEAU. The gentleman stated that he did not believe 75 Members would vote against the bill. I think the gentleman is absolutely right in that judgment; I think he has made a very good estimate. In view of that fact, it seems to me that before we adjourn we ought to report out a rule or at least make an effort to pass the bill under a suspension of the rules. I think that before this session ends the Speaker should recognize someone on that side, the chairman of the Committee on Labor, or the majority leader, or someone to move to suspend the rules, because I believe that we can pass the bill under a suspension of the rules. The Members certainly should have an opportunity to express themselves on this legislation.

Mr. BRADLEY. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. BRADLEY. The distinguished chairman of the Committee on Rules has said that the Rules Committee is simply the servant of the House. If this be true, does he not think that the Rules Committee, the servant of the House, ought to bring that bill up here when an overwhelming majority of the Members want it?

Mr. O'CONNOR of New York. Well, of course, that is a conclusion which I have heretofore stated.

Mr. LEWIS of Maryland. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. LEWIS of Maryland. Would it be proper for the chairman of the Committee on Rules to tell us who the members voting against reporting this bill are, by name, and who are not?

Mr. O'CONNOR of New York. There have, of course, been no votes taken in the Rules Committee, so the chairman is unable to answer that question, and he would not do so if he could. [Applause.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, as far as the resolution that the gentleman from New York has presented to the House

this morning is concerned, there is no special objection. That is practically the same resolution that has been introduced for several years at this time in the session. I have never opposed any action on the part of the Rules Committee that was in accord with precedent and the rules of the House. I have always been very proud of the Rules Committee and have always protected it, but I cannot quite understand why my friend from New York brings in this resolution this morning if he actually believes in the philosophy and the statement that he made to the House on last Friday. We had the unusual spectacle of the chairman of the Rules Committee stating on the floor of the House at that time that the rules were not compelling, because there was no penalty written in the rules. Who ever heard of any such proposition or argument? Also he argued in effect that the majority of the House could change the rules at any time, regardless of the provisions in the rules providing for changes, and the peculiar part of it was that this philosophy seemed to be approved by the Speaker and, above all, by the highest authority there is on the rules, the House itself, by an overwhelming majority. If that philosophy was good on last Friday, and this is only the second legislative day thereafter, why is it not good today? Of course I do not expect much consistency on the part of the present majority, but it should keep the same position for 2 days. If you actually meant what you said and this overwhelming majority believes what you said and what they voted for, why do you bring in such a resolution as has been brought in this morning, because it certainly is not needed under the philosophy that this House adopted with regard to its rules on last Friday?

As a matter of fact, if what the gentleman from New York [Mr. O'CONNOR] himself said is true, the prestige and the power of the great Rules Committee that he is so proud of, and I have always been proud of it, does not amount to anything as far as the House is concerned.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. I have been trying to follow the gentleman.

Mr. SNELL. I presume that is correct.

Mr. O'CONNOR of New York. But with great difficulty.

Mr. SNELL. The gentleman has a little trouble following me? He was opposed to me last Friday and is with me today.

Mr. O'CONNOR of New York. That is not correct. The situation last Friday rose in connection with a rule concerning the House itself.

Mr. SNELL. It was a definite and positive rule.

Mr. O'CONNOR of New York. So the gentleman contended. It was a definite rule concerning the House. Whether it was or was not a binding rule, the House at that time, when it had the matter before it, determined not to follow the rule, at least in the gentleman's opinion.

Mr. SNELL. I certainly agree with that. That was done by an overwhelming majority.

Mr. O'CONNOR of New York. The Speaker in that chair can make a ruling, supported by the rules of the House and supported by countless precedents of this House, and the House may override the ruling by appealing from the decision of the Chair. The majority can always do that. Whenever there is any ruling in this House, or if there is a rule called up and the majority does not want to abide by it at that minute or in the future, the majority can override it.

Mr. SNELL. That is the same position the gentleman took last Friday. But, if that position is true, there is certainly no reason in God's heaven why you should present a rule here today that practically suspends the rules for the balance of this session. You just said when the majority did not want to abide by the rules it was not necessary. To me that is entirely a false policy to advocate in the House.

Mr. O'CONNOR of New York. I do not follow that at all. This rule that is presented today just takes care of three features, solely to expedite the business of the House, as the gentleman well knows.

Mr. SNELL. I agree with the gentleman. I think the rule he presents today is all right.

Mr. O'CONNOR of New York. The gentleman himself used to present it.

Mr. SNELL. I say I agree with it. I never oppose anything when the gentleman follows me.

Mr. O'CONNOR of New York. I sat at the gentleman's feet for 8 years and most of all I know about the rules I learned from the distinguished gentleman.

Mr. SNELL. The point I am trying to raise is that if the philosophy that you advocated, and your side supported you overwhelmingly and unanimously, was good last Friday, why is it not good today?

Mr. O'CONNOR of New York. I do not think we are the least bit inconsistent in what we are doing today.

Mr. SNELL. You are just as inconsistent as the North Pole is from the South Pole, and every Member who knows anything about the rules knows that. I just want to call that to your attention at this time.

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. HARLAN].

Mr. HARLAN. Mr. Speaker, this rule was undesirable to me personally as a member of the Rules Committee, for the reason I think a number of bills can be brought up and passed that way that I do not care to have passed. But I voted for it in the Rules Committee because it was an administration measure.

It is my conception of the Rules Committee that it has two functions in this body. One is to assist in getting administration bills through the House. The other is to keep nonadministration bills and time-consuming bills off the calendar of the House. That is the way we have functioned all the time. Of course, the Rules Committee is composed of a lot of lawyers. We are by profession conservative. We like lots of talk and deliberation; yet when the gag rules came up at the beginning of the Roosevelt administration, when the essence of the situation was to save time and act quickly to overcome lobbies and blocs, we passed the gag rules against all of our inherent prejudices. We set our teeth and voted the bill out of committee. The same thing happened with the holding-company "death sentence" bill. I know of but three men on that committee who favored the "death sentence", but we voted it out of committee because it was an administration measure, and then voted against it on the floor. The Guffey coal bill and the Wagner Labor Relations Act were the same.

It is essential that this function be performed in a democracy. There must be some instrumentality to assist administration bills getting through the House. My beloved chairman, the gentleman from New York [Mr. O'CONNOR], a most capable man, said that the Rules Committee was not a part of the national administration. In a sense that is true; but, since it is a part of the administration of the House of Representatives, in a democracy indirectly it is a part of the national administration, because it is necessary in a democracy to have a strong administration and a strong opposition, so that when the people go to the polls they will have a clear-cut issue as to whether or not they want that administration continued in power.

The administration can submit no alibis. The administration cannot say, "We promised you this. We wanted to do this, but the House was so cluttered up that we could not do it", or "The Rules Committee would not give us a rule." The people in a democracy have to know the laws they are voting on in order to approve or disapprove them. For this reason the Rules Committee does not take testimony. We are not a law-making committee. There is no need for it. We have many law-preparing committees, which prepare laws and then submit them to the Committee of the Whole House for approval or rejection. We do not need a committee of censorship in this House except for the purpose of keeping off the calendar anti-administration bills and bills which would take up our time needlessly.

This is all we need, but certainly, Mr. Speaker, we have developed in this House a new idea, a committee of censorship, which has taken to itself the power of passing upon the wisdom or the desirability of an administration measure. When our administration goes before the people it will be the entirety of the people of the United States that will pass on those questions, but when the small groups of men who are sitting in judgment upon the wisdom of this administration go before the people it will be before the people of their district. You can see how unthinkable it is that we should have a double system of lawmaking committees, and how unworkable it is in a democracy that we should have a House committee of censorship.

I hope no one will think there are any personalities intended in my speech here. Every man on this committee has my very highest regard. We work together. No personalities are involved. This question is too deep and too vital in a democracy for any personalities to creep in. It is simply a question of whether the tools of this House shall be keen and work or whether they shall remain dull that is all it is.

Also, I sincerely hope that I shall not be accused of assuming a didactic attitude toward my colleagues on this committee. I assure you, Mr. Speaker, I approach this question with too deep a sense of humility for that. On any question of real discretion I would not for a moment presume to suggest any decision to any of my highly esteemed committee members. It is only because I feel that when we accepted the honor of membership on the Rules Committee, we accepted its primary responsibility to expedite the business of the House. This is more nearly a ministerial duty than a discretionary one.

The Rules Committee originally was not a committee at all; it was simply a special assignment, the Members being appointed by the Speaker to carry out the purposes of the House. It is different from any other committee in this body.

When a member of the Rules Committee votes out a bill he is not voting on the merits of the bill at all. He has not listened to witnesses. The essence of the arguments presented to him bear upon the strength of the support in the drafting committee, the extent of the administration interest, and the length of time needed for floor debate. A rules committee member has an entirely different responsibility when casting his committee vote than when, as a Member of Congress, he votes on the merits of the bill on the floor of this House.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. HARLAN. I am sorry; I wish I could yield.

What are we going to do about it? The main, the obvious thing to do, the easiest thing to do, and the first thing to do, is to wait here until September 13, when a motion to discharge the Rules Committee comes up. As far as I am concerned, Mr. Speaker, I will stay in this House until September 13, 1938, if it is necessary, and I will vote against every motion to adjourn until we get this bill out. [Applause]. I hope the Republican Members who are for this bill will stay with us on this proposition, and if we do, we will have the bill out on the floor on September 13, provided the Rules Committee does not change its attitude.

The next thing is to hope for some help in the Rules Committee from our Republican brothers, but I am afraid this is hoping against hope.

The third thing we may do is to have a caucus. If this were a lawmaking committee with broad discretion in its deliberations, and a caucus should attempt to instruct such a committee on what it should do, I should say the caucus would be going somewhat beyond its jurisdiction. However, the committee involved here is an administrative committee, created and appointed by the caucus to carry out the purpose of the Democratic caucus. I submit that the caucus is entirely within its rights in instructing this committee or at least requesting its members to do what the caucus wishes its agents to do. If this does not work, well, we shall not talk about anything else, but if the caucus wants my resignation in any reorganization program, it can have it right away. I am ready to do anything that is necessary to expedite the business of this House.

Mr. MAVERICK. Mr. Speaker, will the gentleman yield?

Mr. HARLAN. I wish I could. I am sorry. I would rather yield to the gentleman than anybody I can think of right now.

The other possibility is that while we are doing all this arguing in the caucus September 13 will be around, and we will be ready to pass upon a motion to discharge. This is about the way it will end up, I think.

Mr. Speaker, we are told we must not bring out this bill, because it is going to divide the party. In 1860 the Democratic Party was told that it should not take a positive stand on the economic questions before the country at that time. The issue at that time, Mr. Speaker, was really economic. There were a lot of moral issues, and so forth, involved, but the real issue was that the wage and living level differential between the slave labor of the South and the paid labor of the North were such that the North was being forced into child labor and to work its factory workers 12 to 14 hours a day.

Mr. FULLER. Mr. Speaker——

Mr. HARLAN. The Democratic Party evaded, equivocated, straddled, and side-stepped on that issue, and a virile Republican Party took up the torch and carried it on. This is what will happen today if we equivocate on this same question.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Arkansas?

Mr. FULLER. I do not ask the gentleman to yield.

Mr. Speaker, I make the point of order that the gentleman is not confining himself to the bill. All he is doing is discussing political practices and assaulting Members of his own committee. The gentleman is not discussing this rule at all. I insist that the gentleman confine his remarks to this rule.

The SPEAKER. The gentleman from Arkansas makes the point of order that the gentleman from Ohio is not discussing the resolution now before the House. The gentleman will confine himself to a discussion of the resolution.

Mr. HARLAN. Mr. Speaker, I am trying to present to this House the question of what to do, first, to support rules, if possible, and second, what to do if we cannot support rules. The question of rules is before us. Mr. Speaker, this issue will not divide the party. The heart of the Democratic Party is too big for a division on that. It may divide the politicians, but it will not divide the party. [Applause.]

If we do not pass some bill pertaining to wages and hours in view of our preelection promises, there probably will not be enough left of the Democratic Party to divide.

This bill is not my idea of the best possible wage and hour bill. I have a bill in the hopper of this House, which will merely permit State regulation and afford Federal protection against damaging interstate shipments. This legislation would certainly be simpler to draft, but it might be difficult to administer. At any rate those who have given the subject more study than I, approve the present bill. It is an administration measure. As a member of the Rules Committee, I cannot evade my responsibility to vote it out. But if it does divide the party, I would rather be a member of that fraction of a Democratic Party that is left and have a purpose in being, something that is worth working and fighting for, than to be a member of the biggest Democratic Party that ever wiggled and wobbled, evaded and equivocated issues just for the sake of keeping ourselves in office and holding down jobs. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THIRD DEFICIENCY APPROPRIATION BILL, FISCAL YEAR 1937

Mr. WOODRUM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R.

8245) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1937, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1938, and for other purposes; and, pending that motion, I ask unanimous consent that general debate shall continue for 3 hours, to be confined to the bill and the time to be equally divided between the gentleman from New York [Mr. TABER] and myself.

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8245), and pending that motion asks unanimous consent that general debate be limited to 3 hours, to be confined to the bill and to be equally divided between himself and the gentleman from New York. Is there objection to the request of the gentleman from Virginia?

Mr. TABER. Mr. Speaker, reserving the right to object, I understand that the gentleman proposes to be reasonably liberal under the 5-minute rule on the items that are particularly controversial?

Mr. WOODRUM. As liberal as we can, having in mind that we have been notified by the leadership we must finish the bill today.

Mr. BOILEAU. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether or not it is going to be necessary during the consideration of this bill under the 5-minute rule to have pro-forma amendments in writing?

Mr. WOODRUM. I will say to the gentleman that the gentleman from Virginia will not be presiding in Committee.

Mr. BOILEAU. Is the gentleman going to make points of order in the event Members desire to offer pro-forma amendments without having them in writing?

Mr. WOODRUM. I may say to the gentleman from Wisconsin that it will be the purpose of the gentleman from Virginia to be as courteous and considerate to the members of the Committee as possible, and if time drags on apace and it becomes necessary to be a little hard, the gentleman from Virginia will do so very reluctantly. [Laughter and applause.]

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

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8245, the third deficiency appropriation bill, fiscal year 1937, with Mr. PARSONS in the chair.

The Clerk read the title of the bill.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Chairman, I yield myself 30 minutes, and would like to be notified when I have consumed 20 minutes.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Chairman, in order to expedite consideration of the bill and to take as little time as possible, in order that we may accommodate other Members who want to speak, I am going to ask the members of the Committee to be kind enough to permit me to proceed for 15 or 20 minutes without interruption. At the end of that time I shall undertake to answer any questions gentlemen may wish to ask me. I do this because there are several matters in the bill which have attracted the interest of the membership, and I would like to make some comment on those matters before getting into any detailed colloquy about other things.

Mr. Chairman, if this bill is passed ultimately in the amount in which the committee brings it to the House, it will mean that the work of the legislative branch of the Government at this very interesting and high-pressure session has resulted in reducing the appropriation something over $125,000,000 below the estimates of the Budget approved by the President. This means a net reduction; this means an over-all reduction and not bills as passed here and loaded up in the Senate, but as they finally become law.

The present bill coming to the deficiency subcommittee in round figures was $121,500,000, the committee brings it to you at $78,500,000, or a reduction of $43,000,000, approximately, or 35 percent below budgetary estimates, and we do not believe that any worthy undertaking has been interfered with or destroyed or postponed where the rights of the people will be affected.

I wish, Mr. Chairman, at this point to pay my respect, as acting chairman of the deficiency subcommittee, to the distinguished gentleman from Missouri [Mr. CANNON], who has been the acting chairman of the whole committee in the absence of the gentleman from Colorado [Mr. TAYLOR]. Mr. CANNON has given, as he usually does, his fine, splendid ability and his careful thought and attention to the affairs of the committee. I also wish to express my appreciation of the fine and splendid cooperation of the minority members of the committee, and especially the members of the deficiency subcommittee.

We bring you a bill today—and may I pause to lay emphasis on the statement that I make now—we bring you a bill today, in its essential features the unanimous report of the subcommittee which framed it.

There are two or three items in the bill to which I desire to direct special attention, because the membership of the House appear to be interested in them.

The bill contains an appropriation of $500,000 for the Thomas Jefferson memorial. Quite a while ago there was enacted a law, setting up the Thomas Jefferson Memorial Commission, giving them, if you please, the right to enter into contracts and to obligate the Government to the extent of $3,000,000 in the building of a Thomas Jefferson memorial. Differences and difficulties have arisen. The Commission has never availed itself of that authority which it has under the law to award a construction contract and bind the Federal Government up to $3,000,000 without any further action of the Committee on Appropriations. The matter has been pending. Our distinguished colleague from New York [Mr. BOYLAN], chairman of the Commission, has been most industrious and most interested in it.

The Committee on Appropriations felt that that matter should be brought to the House of Representatives for their consideration and for such action as in their judgment they might wish to take, and in that connection permit me to say that the committee was assured by the distinguished gentleman from New York [Mr. BOYLAN] that under the revised plans of the Commission, certainly in the estimation of our colleague from New York [Mr. BOYLAN], many, if not all, of the objections which had been raised to the site selected by the Thomas Jefferson Memorial Commission could be explained or met to the satisfaction of the House. At any rate the matter is here for your consideration, with the recommendation of the committee that the appropriation be allowed.

The next item to which I bring your attention is the public-buildings program. For the past 3 years we have provided a buildings program of approximately $60,000,000 a year for projects outside of the District of Columbia in a program to be handled by the Secretary of the Treasury and the Postmaster General. The estimate sent to the committee this year was for $23,000,000 for 1 year's program.

Owing to the fact that $8,000,000 of that $23,000,000 will be required to take care of the increased limit of costs on projects already begun, because of the increased cost of construction, and the further fact that there were a number of important projects which had to be taken care of, very

little would have been left under that sort of a program for the necessary buildings which are needed in the country at large, so the committee, after consultation with the Budget Bureau and the President, has brought you a plan for a 3-year program, with a total authorization of $70,000,000, which takes care of the increased limits of cost, which takes care of the major items in the larger places where because of crowded conditions or because of excess rents we are paying, those conditions should be alleviated, and in addition to that will provide for one project for each congressional district where the congressional district has an eligible project on the list of buildings.

We hope that the Committee of the Whole will sustain the Committee on Appropriations in that program. We believe we have provided a reasonable and logical program which can be defended.

The next item to which I desire to advert is the National Labor Relations Board. Let me say that the fact that appropriations for the National Labor Relations Board were curtailed very drastically by the Appropriations Committee is no indication, and certainly should not be accepted by anyone as an indication of a desire, on the part of that committee to curtail or circumscribe the duties or powers of the National Labor Relations Board. We provided in the regular appropriation act of 1938, $785,000 for that Board. The committee recommends to you here $917,500 additional, making a total of $1,702,500. In other words, supplemental appropriations are given which are more than again as much for 1938 as the committee gave them in the regular bill which just became operative on July 1, last.

It is true that the Budget estimate was for $1,800,000 in addition to the $785,000 already provided for. It has been the experience of our committee, as it has been of this House, that agencies of the Government and bureaus and departments, no matter how commendable, grow only so fast in a healthy, logical condition, and the committee did not believe it would be possible for the Board to spend that amount of money in 1938 in a logical and reasonable manner, and we believe that the amount that we have provided will enable them to go forward to meet this tremendous increase in duties which have fallen upon them, and if in the fullness of time that is not enough, Congress is always here, and it has been my experience that the bureaus and departments know the way to the Hill when they need some more money.

I pass on to another item which I shall discuss in a little more detail, because it was with considerable reluctance that the subcommittee unanimously kept out of the bill the appropriation for the farm-tenancy program. Let me suggest that the purpose of the deficiency subcommittee is to take care of deficiencies and emergencies. If gentlemen have any doubt about this I ask them to read the hearings before the deficiency subcommittee. They will find that the Department of Agriculture which was to handle this program, doing the best they could do, no doubt, were absolutely unable to give the committee anything like any tangible or cohesive or logical program which they expected to use in setting up this colossal farm-tenant program of which this is an infinitesimal beginning.

There are about 2,800,000 farm tenants in America, divided into some 2,500 agricultural counties. This bill provides for $10,000,000 for the purpose of loaning money to buy farms for farm tenants, and making them farm owners instead of farm tenants. If we pass over the fundamental philosophy involved in the thing as to whether or not it is logical or appropriate that everybody on a farm has to be a farm owner, if you gentlemen from the metropolitan areas, from the New England States, where the textile workers work, from the great cities where the coat and suit factories are, can go back to your constituents and explain to them why it is not logical that if every man working a farm has to be a farm owner, it is not equally as logical that every man working on a railroad has to be a member of the board of directors, every man working in a shirt factory has to be part owner in a shirt factory, if you can get away from that and get down to the proposition involved immediately before us that here are 2,800,000 farm tenants and funds proposed for 2,500 farms. Farm tenancy is on the increase and very naturally so.

Farming is a languishing and a sick industry. It is very natural that men would hesitate to go into it or remain in it if they are in it, but tenancy is on the increase and it is a problem. This $10,000,000 will enable the Department of Agriculture to operate, so they say, in 500 counties of these 2,500 counties. That would be one county in your district. It would enable them to loan money to buy farms for four farmers in that one county and set them up in business.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Not right there. In just a few minutes I will yield.

Now, the mere statement of that will start revolving in your mind the tremendous, overwhelming difficulties and obstacles. Of course, the gentlemen appearing before our committee said very frankly that the $10,000,000 was hardly enough to be an experiment. It hardly scratched the surface. If we accept the philosophy of it as right, that every farm tenant should be permitted to be a farm owner, and follow it down to its logical conclusion, make these 2,800,000 tenants owners of farms, then it will take a billion dollars a year to finance the program, and it may not be amiss to inquire from you, after you have taken these 2,800,000 farm tenants and made them owners of farms and set them up in business, with the Government paying their losses, what in the name of high heaven are you going to do with the other farmers in your district who have to scratch for themselves on their own resources?

Gentlemen, it is so overwhelming and colossal that it seemed to our committee that it would not be unreasonable to ask the Congres to permit this program to go to the regular agricultural subcommittee of the Appropriation Committee when it meets at the next session of Congress, in order that they may go into the matter carefully and thoroughly and see that a proper, logical, and cohesive program is brought out, whereby this great work could be carried on.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Not just at this moment.

Now, it seems to me we have the cart before the horse in this matter. For 16 years I have voted for various and sundry different kinds of panaceas for our farmers, under all of the administrations under which I have served, but it seems to me that the first problem that challenges the statesmanship and intelligence and leadership of this Nation is to set up agriculture on a stable basis, on a parity with other industry, so that when a man goes into the business he may do it with a reasonable prospect of making a living. When you do that I venture to say you have solved the problem of farm tenancy. Why? Because you know that if any young man in your district who is a farmer of intelligence, industry, and dependability, could go into the farming business and make enough to pay interest on his land or make anything out of it, he could buy a farm and he would not have to have Uncle Sam buy it for him and set him up in business.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. SOUTH. The gentleman would not be in favor of postponing the farm-tenancy legislation until that condition had been removed, would he? It would take a great many years to do that.

Mr. WOODRUM. I know it would take many years to do that, but we are adjourning Congress and leaving the farming industry, so we are told, facing a terrific crisis.

Now, I want to finish my statement and then I will yield. To my mind we face a great crisis in this country. I have said it before upon this floor and I want to say it now in the dying hours of this Congress. That crisis is the condition that faces the public finances of this country.

During the dark days, through which we hope we have passed, this Government came to the relief of her distressed and suffering citizens with loans and with the pledge of its credit, with a lavish hand. I voted for those items. I followed the leadership of our great President. I am

proud today that I did. I would travel over the same road again if I had the opportunity to do so. I think he performed a great work and a great measure of success has followed his efforts in that respect. But times are better. Every barometer, every business indication shows us that conditions are vastly improving every day. There is one black cloud upon the horizon and that is the state of our finances in the Federal Government.

Gentlemen, we cannot go ahead from year to year, and from day to day, borrowing money and appropriating it; and that is what we are doing. Worthy as many of these things may be, commendable as they may be, with the terrific pull they have upon our emotions and desires to help our fellow men, we cannot do them if we have not the money. It is simply criminal, Mr. Chairman, for this Congress to continue to pledge this Government to terrific commitments for experiments, for sociological experiments, and for the carrying out of pet schemes when we have not the money with which to do it. No man in his private affairs would operate on such a basis as that. I beseech you, therefore, my colleagues of the House of Representatives, let us set about seriously to try to balance the Federal Budget as soon as we can. [Applause.] And let us be willing to postpone, if necessary, some of our pet schemes and some of our experiments until the finances of the Government are in condition where we can go forward with the splendid things with the expectation that the Government will be able to meet the bill when it is presented.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. TARVER. Do I understand, then, that it is the gentleman's position that this appropriation for the relief of the farm-tenancy problem should not be made now or later?

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield myself 10 additional minutes.

Mr. Chairman, I say to my friend from Georgia that personally, merely as an individual, I have very grave doubts whether the farm-tenancy program will do what it has been held out to do for the people.

Mr. TARVER. That is not the question I asked.

Mr. WOODRUM. But I am going to answer the gentleman in my own way, it is my own time. The gentleman will excuse me for doing that. My present view is that we have held out a great glowing hope to 2,800,000 people that cannot materialize. It will be no answer to the farm tenants of the gentleman's district when this thing is put into operation and they find that what was promised them in this great program materializes into four tenant farmers in the gentleman's district being aided in some degree. Aside from my personal views, however, it was the view of the committee that no tangible program had been worked out or laid before the committee showing what the Department expected to do when it entered upon its work, and that, therefore, the matter should be held for the regular committee, which will meet in just a few months, and that delay of just a few months in this experiment certainly could not hurt anybody very much.

Mr. TARVER. Mr. Chairman, will the gentleman yield further?

Mr. WOODRUM. I yield.

Mr. TARVER. The regular bill this year, the Department of Agriculture appropriation bill, was approved June 29, this year, 1 day before the expiration of the fiscal year 1937. This $10,000,000 is authorized for the fiscal year 1938. It seems to me very apparent that if this money is not appropriated until the regular Department of Agriculture appropriation bill for 1939 is passed, that it cannot be available to help any tenant engage in farming operations during the calendar year 1938. Necessarily, if they are to be helped at all they must be helped during the fall of the present year so as to be able to start their operations in the early part of the calendar year 1938. What the gentleman suggests, therefore, simply means abrogating the action taken by the Congress.

Mr. WOODRUM. It would delay the program somewhat.

Mr. TARVER. It would eliminate it so far as the present fiscal year is concerned.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. MARTIN of Colorado. I wish to interpolate an observation with reference to the elimination of the appropriation of $10,000,000 for the purchase of submarginal land. I think the gentleman has made a pretty fair case for further consideration with reference to farm tenancy, but he has made none with reference to the submarginal lands. This activity was established by the Government 3 years ago and has been going on continuously. It is abandoning a settled program for handling submarginal land already in operation. The demand throughout that area for a continuation of the program is practically unanimous at this time and 50,000,000 acres of that land ought to be taken over by the Government as speedily as it can be done. Another season of rains out there will revive the desire of many of the people to stay on that land, and the Government will have the same problem on its hands again when the next period of drought comes along.

Mr. WOODRUM. Answering the gentleman, I would remind him that the Government now has acquired 9,000,000 acres.

Mr. MARTIN of Colorado. It ought to buy up 50,000,000 acres.

Mr. WOODRUM. The appropriation asked for would retire about 2,000,000 acres. There are some 75,000,000 acres of submarginal land, so the amount that would be taken care of by this appropriation would be merely a drop in the bucket. The officials of the Department of Agriculture could not tell us when they were going to buy the land, where they were going to buy the land, or what they were going to pay for it. It did not appear to the Committee that the Department of Agriculture had any satisfactory plan or program with reference to submarginal land whatever. Certainly it is not unreasonable to expect the department, when it wants a large sum of money, to be prepared with a program showing when, where, and how the money is to be expended.

Certainly no harm can be done if the Department of Agriculture is required to go before the regular subcommittee, the chairman of which is the distinguished gentleman from Missouri [Mr. CANNON]. Let them lay before that committee their definite program as to what, where, how, and when.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. FISH. Is it not true that the authorized appropriation of $10,000,000 would be a fraud upon the tenant farmers, because that money alone would not enable us to take care of more than 4,000 tenant farmers, and there are are 40,000 new ones each year?

Would it not be better to take that money and make up the difference by reducing the rate of interest on home owner's loans to 3 percent and save the homes of those fellows who are now in their homes, thereby keeping them as home owners, good American citizens, and property owners?

Mr. WOODRUM. That is one viewpoint of the situation.

Mr. HOPE. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Kansas.

Mr. HOPE. I got the impression from reading the hearings, that when the Department officials appeared before the committee with reference to the purchase of submarginal lands, they indicated it was their purpose to spend a large part of the appropriation that might be made this year in purchases in the so-called dust area?

Mr. WOODRUM. That is correct.

Mr. HOPE. Does not the gentleman think with that situation growing more serious every week and every month, it would be a sound and economical policy to have that project gone ahead with now instead of waiting another year?

Mr. WOODRUM. I know that is the gentleman's position. I may reiterate, the committee felt there has not been

a sufficient program developed by the Department to justify such an appropriation. It is all tied in with the appropriation for the farm-tenancy program.

Mr. NICHOLS. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Is it not the gentleman's opinion and is it not the opinion of the committee in considering an appropriation for the farm-tenancy program that this $10,000,000 appropriation was simply a gesture to take care of four farmers in each Congressional district? If there had been a program presented to the Committee that would have even in a small degree solved some of the ills and problems of the farm-tenancy proposition, the gentleman and his committee would be here in support of an appropriation to take care of such a program, if the Members thought this program would even start to do that.

Mr. WOODRUM. Of course, if it is the right thing to do, it is ridiculous to appropriate $10,000,000. We ought to appropriate $500,000,000 to start with, with the understanding it will be a billion dollars in the near future. If you give four tenant farmers in a district that right, what are you going to do with the other 1,500 farmers? No Congressman coming from an agricultural district would be able to stand up under the pressure that would be brought to bear upon him for overwhelming and colossal funds if this kind of a program is enacted. You might as well understand what you are doing when you do it, and the committee thinks this is a good time to stop and think about it before we start something we cannot finish.

Mr. TERRY. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Arkansas.

Mr. TERRY. The distinguished gentleman knows that the Congress has overwhelmingly voted for this farm-tenancy measure this year and that it is one of the cardinal principles of the administration to solve the farm-tenancy problem which is increasing in the country year by year. We all know that the appropriation of $10,000,000 is only intended as a beginning to start the program. It seems to me that the committee should approve this appropriation which we all know is merely a start. It seems to me further that we should make this appropriation now.

Mr. WOODRUM. I thank the gentleman.

Mr. MICHENER. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Michigan.

Mr. MICHENER. I want to commend the gentleman for his splendid speech in reference to the farm-tenancy matter. I only regret he did not make that speech when the matter was considered by the House some days ago. If I am not in error, I was the only one out of 435 Members who made a speech opposing the farm-tenancy bill and who voted against the bill. If the gentleman will revert to the RECORD and to my speech therein he will find practically everything he has said in the speech I made at that time. It was one of those days when the House wanted to do something that the platform had promised for the farmers, and the bill was not properly digested. If the gentleman from Virginia [Mr. WOODRUM], with his logic, his persuasiveness, and eloquence had addressed the House the result might have been different.

Mr. WOODRUM. The gentleman from Virginia was not present.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield myself 5 additional minutes.

Mr. CREAL. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Kentucky.

Mr. CREAL. I remember quite well that our beloved Speaker said that the Federal road program began as an experiment with a $75,000 appropriation. The rural electrification program and every program that the Government started has been started the same way that it is proposed to begin the farm-tenancy program.

May I refer the gentleman to pages 8 and 9 of this bill. I wonder how it will sound to these 2,800,000 farm tenants to appropriate a half million dollars for a Thomas Jefferson Memorial, one and a half million dollars to be spent at San Francisco for a big carnival, and three and a half million dollars in New York for another one, the entire effect of which will be over when the crowd files out on the last night? May I say, incidentally, I am opposed to Federal appropriations for all world-fair programs, which benefit the particular city commercially. I have most serious doubts as to the results which come to the people as a whole from that Federal investment.

Now, we have $5,000,000 in those three items alone, which is one-half of the entire farm-tenancy program. Which will sound the better to the public when we put $5,000,000 in there for these three items and eliminate $10,000,000 for beginning a farm-tenancy program?

Mr. WOODRUM. If the public did not think the thing over any better than my friend, it would not sound so good. But out of the three and a half or five million dollars we invest in these world fairs, there comes back into the Federal Treasury between $75,000,000 and $100,000,000 in Federal taxes on admissions, which may be used to help the farmers in my friend's district when we find a real program that will really help them, and not hold up some will-o'-the-wisp in front of them, leading them to believe something that will not happen. When we do help them that way my friend will not be in the embarrassing position of going into his district and explaining to Sam Jones why it is that the Federal Government is paying the cost of buying the farm of Farmer Smith, who lives next door to him, when Sam Jones is losing everything he has on the auctioneer's block because he cannot make a living on the farm.

Mr. O'CONNOR of Montana. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Montana.

Mr. O'CONNOR of Montana. May I say I am deeply impressed with the argument the gentleman is making, which is a mighty powerful one. However, may I say this: The gentleman has stated that he has been working for a solution of the farm problem since he has been in Congress, and I know the gentleman means what he has stated, and I know he has done so. I believe we will never have a solution of the farm problem until we put the farmer on the same basis as the people who sell to the farmer at a fixed price. In other words, we must come to a point of fixing the farmer so he will get the cost of production for his products when he sells them. Otherwise, you are always going to have the farmer languishing just as he has been, as the gentleman has already explained. However, that is not the point to which I wanted to call the gentleman's attention, and I just wanted to interpolate that in the RECORD.

The gentleman has provided $70,000,000 for an expenditure over a period of 3 years for Federal public buildings throughout the United States, an appropriation of $22,500,000 for this year, as I understand. In my own district in Montana there are 18 cities eligible for post offices at the present time. If we are going to construct one Federal building in each Congressional district every 3 years from now on it will be 54 years before my people in Montana will get the necessary Federal buildings. I think the gentleman should increase this appropriation.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I am inclined to agree with the gentleman about the utility of the $10,000,000 for title I, the tenant part, but I am very much interested in the $10,000,000 for the land-buying program. I wonder if it was brought before the committee that options have been taken on a great deal of this land already, and the farmers

who are given these options are uncertain what to do, whether to pay their taxes, whether to put in a crop, or what to do with their land. This program is not an experiment, it is under way.

Mr. WOODRUM. The committee felt that until they worked out a program they could not complete it. They did not present the program at the hearings, as the gentleman will see if he reads the hearings.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from New York.

Mr. MEAD. I want to compliment the chairman of the subcommittee for the unusually good argument in favor of the bill he has presented to the committee. I know the committee has the right to lower or raise Budget estimates, but I cannot quite understand one appropriation, and I should like to find out from the chairman of the subcommittee if there was any evidence presented to his committee by the National Labor Relations Board which would warrant a reduction of $867,000 under the Budget estimate for this agency, as this leaves the agency only $867,000. In other words, did the gentleman's committee have from members of the Labor Board any information which would warrant the tremendous reduction under the amount recommended by the Budget itself?

Mr. WOODRUM. I may say to the gentleman that he might hear Gabriel blow his horn some day, but he will never hear the officials of a bureau tell him if they are in their right mind, any reason why their appropriation ought to be reduced.

Mr. MEAD. Does the gentleman have any evidence from any other quarter?

Mr. WOODRUM. The committee takes it in reverse action. We require the bureau to show us why the appropriation should be made. There was no evidence showing us why the amount of money we allowed the Labor Relations Board would not permit them to have a healthy and logical expansion. They deserve to expand, and we are raising their appropriation from $800,000 to $1,700,000 and some odd. We are giving them nearly a million dollars more for 1938 than was carried in the regular appropriation bill.

Mr. MEAD. However, this is the greatest reduction under the Budget estimate of any item in the bill.

Mr. WOODRUM. It was the greatest increase in the Budget estimate of any estimate the Budget sent out. The committee cannot be responsible for the Budget.

Mr. MEAD. It was only a skeleton organization last year.

Mr. WOODRUM. They cannot grow any faster than that, I may say to the gentleman.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

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

Mr. EBERHARTER. Is it not true that the representatives of the Labor Relations Board showed the committee that they have 10 times as many cases before them as they had last year?

Mr. WOODRUM. Many of these cases are merely casual complaints. The minute some inspector talks to the complainant about it, the case goes out the window. As soon as the Supreme Court passed on this act, many people flocked to the Labor Relations Board, and there was absolutely nothing to many of their complaints. As soon as they talked with the complainants, out the complaints went. The committee wants the Labor Relations Board to function and to discharge the duties which Congress has placed upon it, but the committee wants the Board to grow in a healthy, logical, and orderly manner. We do not want to get emotional about it because we are particularly interested in this, that, or the other. We have given them enough money. If it is not enough money, we will be back here, I am sorry to say, in a few months, as the gentleman knows, and these gentlemen know the way back up here. Therefore, we ask you to back up the commiteee in trying to cut the appropriations made in the House.

Mr. TABER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman, some 3 or 4 months ago the House passed a resolution authorizing the Federal Government to accept an invitation to an International Dairy Conference to be held in Berlin next week, I believe. I was interested in this resolution because I am from a dairy district. I made some remarks in regard to it and asked some questions. I was assured by the men in charge of this legislation that this was no junket for the departments in Washington, but that real representatives of dairy interests would be sent on this commission. I may say that the chairman of the Committee on Foreign Affairs did his part to see that real representatives of the dairy interests were appointed on this commission. I have nothing but praise for everything that was done by the gentleman from Tennessee [Mr. McREYNOLDS], who did all he could.

Only yesterday I was able to get the complete list of the men whom they have appointed to attend this conference.

Mr. MICHENER. Who appointed them?

Mr. SNELL. They were appointed by the Secretary of State, I presume, and he sent me the list, but they were recommended by the Department of Agriculture.

We have sent 24 people over to this conference; 16 of them are members of the Department of Agriculture or professors in various colleges; 1 is a manufacturer of dairy machinery; 3 are officers of cooperative creameries; 1 is a professional secretary; and I suspect they would have to have one. There are two others, one from Illinois and one from California. I cannot tell who they are or what they represent, but one of them comes from Peoria, Ill., and I know quite well there is not a dairy farm within 100 miles of that community. [Laughter.] The other man comes from California, but I do not know what part of that State he comes from. There are certain parts of California that have large dairy interests; but what I want to call to the attention of the House is the fact that the large dairy interests in the three most important dairy sections of the United States—New York, Wisconsin, and Minnesota—do not have a single representative on this commission.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman from New York 2 more minutes.

Mr. SNELL. This is exactly what has been done heretofore when we have established various commissions to study these problems. Membership on such commissions has been monopolized and has come almost entirely from various departments of the Government.

On a dairy commission, which is to study dairy problems, I feel it is only right and fair that we should have some representative dairymen, but from what I can learn about the list that has been furnished me there is not a representative dairyman on the list.

This simply carries out the statement I have made several times on the floor of the House, as well as in other places—that the agricultural end of this administration has never shown any interest in the dairy farmer, and the dairy farmer has had the short end of all legislation that has been passed.

With your permission, I would like to extend my remarks and to print the personnel of this commission to show that the dairy interests practically are not represented at this International Dairy Conference.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The matter referred to follows:

ELEVENTH INTERNATIONAL DAIRY CONGRESS

(Berlin, Germany, Aug. 21 to Aug. 29, 1937)

This Government has accepted the invitation of the German Government to participate in the Eleventh International Dairy Congress, to be held at Berlin, Germany, August 21 to August 29, 1937, and the following have been appointed official delegates on the part of the United States:

O. E. Reed, Chief, Bureau of Dairy Industry, Department of Agriculture, chairman of the delegation.
H. A. Bendixen, Department of Dairy Husbandry, State College of Agriculture, Pullman, Wash.
Loomis Burrell, chairman of the board, Cherry-Burrell Corporation, Little Falls, N. Y.
Dr. Arthur C. Dahlberg, chief in research (dairying), New York State Agricultural Experiment Station, Geneva, N. Y.
Herbert P. Davis, chairman, Department of Dairy Husbandry, College of Agriculture, Lincoln, Nebr.
Fordyce Ely, dairy husbandry department, College of Agriculture, Lexington, Ky.
Dr. E. W. Gaumnitz, Chief, Dairy Section, Agriculture Adjustment Administration, Department of Agriculture.
Sumner A. Hall, Bureau of Dairy Industry, Department of Agriculture.
Dr. George E. Holm, Bureau of Dairy Industry, Department of Agriculture.
Dr. O. F. Hunziker, Blue Valley Creamery Co., Chicago, Ill.
C. W. Kitchen, Assistant Chief, Bureau of Agricultural Economics, Department of Agriculture.
Dr. A. H. Kuhlman, professor of dairy husbandry, Oklahoma Agricultural and Mechanical College, Stillwater, Okla.
C. Larsen, dean of agriculture, South Dakota State College, Brookings, S. Dak.
Dr. Fred F. McKenzie, University of Missouri, Columbia, Mo.
Alex W. Meyerton, secretary, Nemaha Cooperative Creamery Association, Sabetha, Kans.
N. John Nelson, Peoria, Ill.
H. P. Olsen, Olsen Publishing Co., Milwaukee, Wis.
John Phillips, Banning, Calif.
Paul Reinhold, president, Foremost Dairies, Jacksonville, Fla.
Dr. Chester L. Roadhouse, head, division of dairy industry, College of Agriculture, Davis, Calif.
Arthur W. Rudnick, extension professor, dairy industry, Iowa State College of Agriculture, Ames, Iowa.
Charles N. Shepardson, head professor, dairy husbandry, Agricultural and Mechanical College of Texas, College Station, Tex.
Thomas G. Stitts, Farm Credit Administration, Washington, D. C.
Harry E. Reed, commissioner in agricultural attachés office, Berlin, Germany, secretary of the delegation.

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. STEFAN].

Mr. STEFAN. Mr. Chairman, I want to take this opportunity of congratulating the members of the Appropriations Committee, especially the chairman, whom I admire very highly.

I want to talk briefly on the subject of the Thomas Jefferson Memorial Commission to which our distinguished chairman referred a little while ago in explaining this very, very important bill. I am not a member of the Appropriations Committee or a member of the District of Columbia Committee, but I am a member of the House Committee on Public Buildings and Grounds and therefore I take a great deal of interest in buildings and in our national parks and our large public grounds.

I am not opposed to the building of a Thomas Jefferson memorial in Washington. I know there is going to be one here. I hope it is going to be a beautiful building and a beautiful monument to the memory of that great statesman, but if I were a citizen of Washington I would oppose anything that is going to be done here, as I am informed will be done, that would in any way destroy the beauty of the Tidal Basin around which are planted the famous Japanese cherry trees which attract to this city millions of people every year.

It is too bad that the people of Washington who pay taxes here have nothing to say about what is going to be done in their city or with respect to their government. We act as a sort of city council. Naturally, we cannot take as much interest in what is happening here in Washington as the people should, and the people here should have an opportunity of saying what is going to happen in their own city; but the condition is here and we will have to act for them. Let us be fair and just.

I wish I could have your attention just a moment with respect to this Tidal Basin around which are planted these beautiful trees. An attempt, I personally believe, is being made here to build the Thomas Jefferson memorial in the center of the Tidal Basin. I have attended the hearings of the Library Committee of the gentleman from Illinois [Mr. KELLER]. They have held exhaustive hearings, and that committee is opposed to the building of this memorial in the Tidal Basin and the destruction of these beautiful trees. The committee's report shows we can save $3,000,000 for our taxpayers if we stop this now.

Mr. BOYLAN of New York. Mr. Chairman, will the gentleman yield?

Mr. STEFAN. Not now. Mr. Chairman, this is one of the first attempts on the part of modern vandals to destroy something of a historic nature, something of a beauty spot. It is simlar to the attempt which is now being made successfully on the other side of this Capitol Building to alter the front of our Capitol Building. Our House committee has halted that attempt temporarily.

Mr. BOYLAN of New York. Mr. Chairman, will the gentleman yield?

Mr. STEFAN. Not now.

Mr. BOYLAN of New York. The gentleman is in error.

Mr. STEFAN. I shall yield later.

Mr. BOYLAN of New York. Let me say to the gentleman——

Mr. STEFAN. The gentleman will excuse me, but I will not yield now.

Mr. BOYLAN of New York. The gentleman wants to persist in his error?

Mr. STEFAN. Mr. Chairman, I decline to yield. I shall yield to the gentleman later if I have the time.

Mr. BOYLAN of New York. I only wanted to correct the gentleman.

Mr. STEFAN. Mr. Chairman, I hope that this will not be taken out of my time. If I were a citizen of Washington and had raised my family here and intended to live here for the rest of my life, I would fight with every bit of my energy this attempt to destroy a beauty spot which brings to my town more people than any other attraction in the city of Washington, and the people here cannot say anything about it, they have no voice. I predict that if you destroy these cherry trees around the Tidal Basin, you will destroy a business which will cost the city of Washington from fifty to one hundred million dollars in 10 years. I know that the businessmen of Washington have exploited these cherry trees and I cannot blame them. If these cherry trees were in my home town or in your home town and attracted 100,000 people and more every day during cherry blossom time, I know that the people in my town would drive you out of the city limits if you made an attempt to destroy that business, but besides that, you are going to destroy a beauty spot, something which the people of Washington would regret for the rest of their lives. If we can save $3,000,000 today, let us do it. I know that the steamship companies and the railway people, the hotels, and the bus and the tourist people advertise the cherry blossom time in Washington, and why should they not? I have talked with people from Germany, from France, from England, from Canada, who came to Washington during cherry blossom time. That is when the people come to Washington to see the beautiful cherry trees, and I pray that you will hesitate, members of the committee, to give any encouragement to any movement here in Washington which will destroy something which is beautiful, something which makes our Nation's Capital the most beautiful city in the world. I hope that you will not eliminate this great attraction, which the people from 48 States and from all over the world come to Washington to see. I attended the meetings of the committee. They tell me, and from what information I have received they do not know how much it is going to cost to build the foundation for that memorial. They do not know the bottom of that pool, they might have to float that building. The committee report indicates by building elsewhere we could save three or more million dollars. With pleas for economy, does it not appear to you we should save that money now?

Mr. BOYLAN of New York. Mr. Chairman, will the gentleman yield?

Mr. STEFAN. Mr. Chairman, I refuse to yield for a few minutes.

Mr. BOYLAN of New York. I thank the gentleman for his courtesy.

Mr. STEFAN. I shall yield in just a moment or two.

Mr. Chairman, the Members of this House are responsible for what is going to happen here in the city of Washington to 602,000 people. I know that Members of this House are jealous of our ancient American architecture and the work and the wonderful progress of our planning commission to make this city the most beautiful city in the world. I hope they will hesitate to do anything which would destroy that which the people before you have built here, and I take this opportunity of warning you that this is only one of the first steps for changing the beauty spots in Washington, and changing the valuable ancient American architecture. A bill was passed on the other side of this Capitol this year to change the front of this Nation's Capitol, to throw out some of Dr. Thornton's valuable American architecture and move the front forward to conform with the House and Senate wings, tearing out the beautiful scroll work and columns and even destroying the old Jefferson cornstalk pillars, and it is only one step forward by these modern vandals who want to destroy and build something. I hope gentlemen will given serious consideration to that section of this bill entitled Thomas Jefferson Memorial.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and yield back the remainder of my time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOODRUM. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, I do not question either the plausibility or the sincerity of the arguments advanced by the chairman of the subcommittee, the gentleman from Virginia [Mr. WOODRUM], with respect to the reasons which he thought justified leaving out of this bill the appropriations recently authorized for beginning a solution of the farm-tenancy problem.

But I wish to make this observation, that the arguments advanced by the gentleman from Virginia are simply the arguments advanced upon the passage of the farm-tenancy bill through the House of Representatives, in opposition to its passage, not by the gentleman from Virginia, but by others who took the position that the legislation must not be enacted, and which arguments were so persuasive to the gentleman from Virginia [Mr. WOODRUM] that he opposed and voted against the passage of the bill in question.

Boiled down, the matter simply comes to this point, whether or not the House of Representatives, after having authorized by law a somewhat modest approach to the question of solving this great problem affecting 2,800,000 farmers in America, will now back off from that small attempted relief, and allow those who were opposed to the passage of the bill to act as a sort of a court of appeals, reviewing the action of the Congress in the Appropriations Committee and determining in the Appropriations Committee that notwithstanding the Congress by an overwhelming majority passed this act, the Appropriations Committee, forsooth, because it believes the legislation is unwise, is not going to bring in an appropriation to carry out its purposes. That is the issue here. It is not a question of economy. There is no economy in this bill. So far as economy is concerned, I am willing to compare my record with that of the gentleman from Virginia. This bill carries an authorization of $150,000,000, contract authorization, for subsidies to the shipowners of America, and yet we are to tell the 2,800,000 tenant farmers, in the language of the gentleman from Virginia, that there is no hope for the Federal Congress enacting any legislation which will tend to solve their problem.

I am glad I do not share in the pessimism of the gentleman from Virginia. I do not believe that this $10,000,000 will more than make a dent in the general problem of trying to bring some relief to these 2,800,000 tenant farmers, but I do believe it is a beginning, and it was upon that theory that the House passed the legislation.

You will remember the speech made by our great Speaker, in which he appealed for some small beginning, in an attempt to reach the major question which is here involved; how he pointed out to you that the great institution known as the Rural Free Delivery Service began with an appropriation of only $10,000. We listened to his argument and that of other men who spoke in favor of the bill, and we passed it, as I have said, by an overwhelming majority. This proposal to defer the appropriation until January does not mean anything, except that the amount of the authorization this year will be eliminated entirely. Do not be misled by the subtle argument that the subcommittee, considering the appropriations for agriculture, of which I am a member, may consider this matter in January and may bring in an appropriation for this $10,000,000. Our bill for the present fiscal year was not approved until June 29 of this year, one day before the 1937 fiscal year expired and our bill for next year will not be approved in time to aid any tenants in farm operations for the calendar year 1938.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. TARVER] has expired.

Mr. WOODRUM. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. TARVER. Our bill for the fiscal year 1939, in which the gentleman suggests this appropriation of $10,000,000 may be included, certainly will not be approved until several months after the beginning of the year 1938. It is manifestly impossible that you could take this $10,000,000 in even April or May of 1938 and use it to aid any tenant farmer anywhere in the country in beginning farm operations for the year 1938. Therefore if you do not make the appropriation now you will have simply countermanded the action which you took when you passed this bill through the House of Representatives, and will have said to these tenant farmers that notwithstanding the law we passed we are not going to begin to accord you any sort of relief or appropriate any money in an attempt to solve your problem. In other words, we were merely making a gesture, let us say, to those tenant farmers of America. We did not mean it. We are asked to say to them, "We made a few speeches on the floor which sounded well and we hope will read well. We said we were going to appropriate the small amount of $10,000,000 in an effort to begin a solution of your problem, but upon reconsideration we recognize the fact that you cannot get anywhere on that, so, aside from the speeches we have made and the authorization that we have passed, without any money to back it up, there is not anything we are going to do or undertake to do for you."

I say that is bad faith. I say that is not making an honest, conscientious effort to meet the responsibilities which rest upon us as Members of this House.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield.

Mr. SOUTH. The distinguished chairman of this committee who has this bill in charge, and I have no quarrel with him, stated that because this amount was so small and therefore could accomplish nothing worth while, that it had been eliminated. I wonder if that committee would have approved an amount greater than this, and which, in the judgment of the committee, would have been sufficient to have accomplished something.

Mr. TARVER. I think the attitude of the gentleman from Virginia is perfectly clear and that it is perfectly evident from his answer to the question I asked him when he had the floor that the gentleman from Virginia does not feel that any amount whatever ought to be appropriated for this purpose, but the committee could not have brought in an appropriation for more than $10,000,000 because that is the limit of the amount authorized in the law for the present fiscal year.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield briefly?

Mr. TARVER. I yield.

Mr. WOODRUM. I may state to the gentleman, in order that my position may be made clear, that the gentleman from Virginia was not present on the afternoon the farm-tenancy bill was adopted, but that he was erroneously recorded as having voted for it. The gentleman from Virginia subsequently corrected the RECORD and announced that had he been present he would have voted against the bill. I will say to the gentleman from Georgia that the subcommittee was unanimous in the action they took on this matter, even those members of it who voted for the farm-tenancy bill.

Mr. TARVER. I only know as to the gentleman's own vote by his response to my question when I asked him about it in the committee and he said he was against the bill.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield.

Mr. LUDLOW. I am a Member who voted for the farm-tenancy bill, but in the Subcommittee on Deficiencies I voted against this proposition because of the utter inadequacy of the approach to it on the part of the enforcing officials. They have no program. They are not ready to go ahead. We have simply put this proposition over without prejudice until they can prepare their program.

Mr. TARVER. Then may I ask the gentleman why he voted for the bill? I do not yield to the gentleman to make a speech, but if he will answer my question I shall be glad to have him do so.

Mr. LUDLOW. I may say to the gentleman from Georgia that I did not understand the bill then as I understand it now. I do not say that I would vote against it now, though the hearings have divulged many impractical features of the legislation.

Mr. TARVER. Mr. Chairman, I do not yield further; I have only another moment.

Mr. LUDLOW. Will the gentleman yield?

Mr. TARVER. No; I decline to yield further. I am sorry that the gentleman did not understand the bill when he voted for its passage. I am laboring under the impression that the gentleman may not even now be in possession of all the facts.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein a letter of this date addressed by M. L. Wilson, Under Secretary of Agriculture, to Hon. EDWARD T. TAYLOR, chairman of the Committee on Appropriations, outlining the program which has already been formulated for carrying into effect this farm-tenancy measure.

Mr. STARNES. With the appendixes thereto.

Mr. TARVER. And with the appendixes thereto.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

AUGUST 17, 1937.

Hon. EDWARD T. TAYLOR,
Chairman, Committee on Appropriations,
House of Representatives.

DEAR MR. TAYLOR: Secretary Wallace regretted that he was absent from Washington when hearings were held on the third deficiency bill for 1937, because agriculture is intensely interested in several of the items which were submitted by the Bureau of the Budget. Therefore, when he was here several days ago, he asked me to write you this letter, with copies to members of your committee. I shall discuss only the necessity of funds to carry into effect the provisions of titles I and III of the Bankhead-Jones Farm Tenant Act.

Both title I and title III authorize appropriations for the current fiscal year. Failure to provide funds for these titles at the current session of Congress would, therefore, make it impossible for the initial steps in each of these programs to be taken during the fiscal year 1938, as directed by Congress. Title I authorizes an appropriation of $10,000,000 for the fiscal year ending June 30, 1938, $25,000,000 for the fiscal year ending June 30, 1939, and $50,000,000 for each fiscal year thereafter. Title III authorizes an appropriation of $10,000,000 for the fiscal year ending June 30, 1938, and $20,000,000 for each of the two fiscal years thereafter.

Title I of the bill deals with farm tenancy. Title III deals with the development of a land utilization program, including the retirement of submarginal land. While these titles are, of course, related, it will be noted that they deal with distinct agricultural problems.

I know that I need not in this letter rehearse the facts which establish the great need for these programs. As you know, a special committee named by the President studied these problems in detail and the President submitted the committee's report to the Congress. Thereafter the Congress held extended hearings. Legislation providing for these programs has now been adopted by the Congress, by an overwhelming majority vote in each House, and the President approved the bill on July 22, 1937.

I have noted that the report of your committee indicates that the reason for the failure to include appropriations for these programs in the third deficiency bill was twofold: First, that the committee felt that this Department's plans for administering these titles are not yet sufficiently mature to indicate just how the money will be spent; and second, the committee believed that there is no urgency in providing funds at this time.

The Department has formulated definite plans for the administration of both titles I and III.

As requested at the hearings, representatives of the Department submitted to your committee a table indicating the proposed expenditure in each State under Title I for the current fiscal year. This distribution of funds was made in accordance with the directions of the Congress in section 4 of title I. It was stated at the hearings that this break-down by States was subject to revision upon reconsideration by the Secretary, but that the break-down would probably not vary by more than 5 percent of any figure. I can now state definitely for the Secretary that the break-down as submitted to your committee has been adopted for administrative action. The table giving this information appears on page 673 of the printed hearings. For your convenience I am attaching to this letter a copy of that table, marked Table I.

The Congress has itself recognized, in providing for a smaller appropriation for the current fiscal year, and for larger appropriations in succeeding years, that we are entering upon new territory and hence must seek by actual experience the soundest administrative methods of dealing with this problem within the congressional mandate. On the basis of this experience the Department can submit, with estimates for future years, still more detailed information on administrative procedures than was given in the hearings this year.

With respect to title III, your committee was advised at the hearings that the $10,000,000 authorized for the fiscal year ending June 30, 1938, would be used as follows:

Land acquisition	$8,000,000
Land development and maintenance	1,326,783
Development of program of land utilization	432,797
General administrative expense	240,420
Total	10,000,000

For the current fiscal year the Department plans to distribute the $8,000,000 for land acquisition by States as shown in table II attached hereto. You will note that for the first year it is proposed to emphasize particularly the acquisition of land in the Great Plains. This appears imperative by reason of the economic disorganization and human distress that have resulted in those States from long years of drought and the consequent wastage of land resources that has been caused by overcropping and overgrazing. The relatively small sums scheduled for areas outside the Great Plains will be employed mainly in the necessary blocking up of submarginal land projects previously developed.

For the entire 3 years, however, the Department will distribute the funds authorized much more widely as it makes progress with the formulation of the program of land utilization authorized in the act. It should be kept in mind that title III, besides directing the Secretary of Agriculture to acquire and develop land, directs him "to cooperate with Federal, State, Territorial, and other public agencies in developing plans for a program of land conservation and land utilization * * *" (sec. 32, subsec. (e)).

Fulfillment of the objectives of title III would not be achieved by indiscriminately buying submarginal land. Therefore the acquisition projects need to be properly located and their use and development carefully planned so that they fit into a sound and economical land-use program for the State and for the Nation as a whole.

Now, as to the urgency of providing funds at the current session of Congress rather than waiting for a later appropriation:

The need for halting the enormous increase in tenancy has been before the Congress for a number of years. After careful deliberation Congress directed that a program, even though small, be undertaken during the fiscal year ending June 30, 1938. This direction was made even though the fiscal year was already under way. This recognized how imperative it is to make at least a small beginning immediately, because the experience gained in this way will help set the administrative pattern as we go forward more intensively on a wider front.

The growing unrest among farm tenants fortunately has been partly allayed by the Congress in passing the tenant bill. Failure to inaugurate this program immediately would open the way to misinterpretation and a possible renewal of unrest.

The need for an appropriation for title III is equally urgent. I know I need not describe the alarming condition in the Dust Bowl of the southern Great Plains. Even now a new Dust Bowl

is rapidly developing in the northern Great Plains. We can no longer temporize with this situation. If we are permanently to solve the problem, considerable land must be purchased by the Federal Government and the lands restored to grass. Properly handled, such purchases can have an immediate and significant effect upon the use of land in an area much greater than that actually purchased. I cannot overemphasize that land purchase is an essential key to a permanent rehabilitation of the area. Here I am sure the Congress recognizes that delay will cause increased distress and additional public expenditures in the end—not only greater expenditures for relief but for land purchases, because the longer we wait the more land we shall have to buy.

Aimless and misdirected migration of families from the Great Plains is increasing. These migrants are creating acute economic and social problems in the areas to which they are going. Among other things they are competing for jobs with local labor in areas where there is already unemployment. They are settling in shanty towns, causing health hazards, overcrowding of schools, and increasing the demands for public relief. These uprooted families are the nucleus of a new form of discontent.

A large part of this migration can be stopped by stabilizing the agriculture of the area. This was convincingly set forth in the Great Plains report. Every program administered by this Department must do its part, but certainly the tenancy and land-use programs are indispensable parts of a coordinated attack.

Sincerely yours,

M. L. WILSON, *Under Secretary.*

TABLE 1.—*Distribution of the $9,500,000 available under the Bankhead-Jones Farm Tenant Act according to the total farm population and the percentage of farms operated by tenants of the 48 States and 3 Territories* [1]

State and Territory:	*Amount allocated*
Maine	$8,809
New Hampshire	3,836
Vermont	9,241
Massachusetts	6,995
Rhode Island	2,075
Connecticut	7,224
New York	77,003
New Jersey	17,764
Pennsylvania	119,303
Ohio	225,223
Indiana	186,324
Illinois	313,036
Michigan	110,391
Wisconsin	133,147
Minnesota	216,292
Iowa	331,882
Missouri	317,421
North Dakota	104,223
South Dakota	120,338
Nebraska	197,893
Kansas	214,044
Delaware	45,425
Maryland	11,681
District of Columbia	87
Virginia	214,822
West Virginia	100,214
North Carolina	529,694
South Carolina	407,787
Georgia	637,540
Florida	61,870
Kentucky	335,395
Tennessee	417,854
Alabama	617,990
Mississippi	643,153
Arkansas	489,504
Louisiana	378,395
Oklahoma	429,629
Texas	920,723
Montana	37,388
Idaho	39,201
Wyoming	12,000
Colorado	74,459
New Mexico	24,870
Arizona	12,315
Utah	14,238
Nevada	1,531
Washington	46,430
Oregon	37,315
California	91,327
Alaska	463
Hawaii	76,364
Puerto Rico	67,872
Totals:	
48 States	9,335,301
3 Territories	144,699
United States and Territories	9,500,000

[1] Data for the 48 States were obtained from the Agricultural Census, 1935; and for the 3 Territories from the Agricultural Census, 1930, there being no census in 1935.

TABLE 2.—*Estimated distribution, by States, of acquisition funds under title III, year ending June 30, 1938* [1]

State	Estimated acreage to be bought (acres)	Estimated expenditure
Alabama	7,640	$47,200
Arkansas	19,550	87,800
Colorado	297,000	1,256,300
Connecticut	1,500	16,200
Delaware	460	9,000
Florida	21,330	95,300
Georgia	19,760	145,000
Idaho	6,450	24,700
Illinois	850	17,600
Indiana	2,610	28,900
Kansas	50,000	235,100
Kentucky	5,400	50,700
Louisiana	2,400	24,100
Maine	1,100	11,900
Maryland	4,300	38,500
Michigan	4,510	48,000
Minnesota	5,530	71,600
Mississippi	7,800	50,700
Missouri	5,620	59,200
Montana	537,000	1,317,200
Nebraska	30,000	178,300
New Mexico	70,000	208,600
New York	6,790	76,700
North Carolina	9,000	56,800
North Dakota	306,000	1,020,400
Ohio	3,080	43,200
Oklahoma	42,850	156,800
Oregon	9,600	47,100
Pennsylvania	10,350	100,300
Rhode Island	180	3,300
South Carolina	14,140	126,600
South Dakota	306,000	1,005,000
Tennessee	7,800	81,200
Texas	121,000	639,800
Utah	6,620	19,900
Virginia	3,910	41,600
Washington	4,510	19,600
West Virginia	600	6,000
Wisconsin	6,760	47,800
Wyoming	185,000	486,000
Total, United States	2,145,000	8,000,000

[1] Outside of the Great Plain States, the figures shown are mainly for further blocking up of existing submarginal land projects. As stated in the accompanying letter, however, it is intended that new projects for the two following years will be much more widely distributed in States outside of the Great Plains though with continuing emphasis also on the Great Plains.

Mr. WOODRUM. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN of New York. Mr. Chairman, I want to say first on this, practically the last bill on which the Appropriations Committee will work, that our relations have been very pleasant, that the acting chairman of the committee, the gentleman from Missouri [Mr. CANNON], the acting chairman of the subcommittee, the gentleman from Virginia [Mr. WOODRUM], and every member of the committee on both sides, particularly the gentleman from New York [Mr. TABER], on the minority side, brought so much to the work of the committee that really a large part of it is the result of their efforts. I did not intend to speak to you so early in the day, but the gentleman from Nebraska [Mr. STEFAN], who addressed you, a gentleman in whom I am very much interested and for whom I have a high regard, refused to yield that I might ask him a question. I merely want to state to the gentleman from Nebraska and the Members of the House, in order that you may not be misinformed, that under the revised plans adopted for the Jefferson Memorial the contour of the Tidal Basin will not be changed; that these far-famed cherry trees will remain as they are; and that no effort will be made to disturb their peaceful lives.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN of New York. I yield.

Mr. BEITER. Would the gentleman object, then, to a proviso being inserted in the bill to the effect that the cherry trees are not to be affected?

Mr. BOYLAN of New York. The Commission has so stated to the President of the United States, and the President of the United States was perfectly willing to accept the statement of the Commission; and here openly and on the record I say to my colleague from New York that not a single cherry tree will be disturbed and not an inch of the contour of the Tidal Basin will be changed.

I wanted to correct my dear friend from Nebraska, because just as he loves the cherry trees and all trees, so do I. I am not going to be the assassin of a single cherry tree.

Mr. BEITER. Mr. Chairman, will the gentleman yield further?

Mr. BOYLAN of New York. I yield.

Mr. BEITER. Where will the memorial be located, then?

Mr. BOYLAN of New York. It will be moved farther south from the position originally intended in the Basin itself, farther south toward the railroad tracks.

Mr. BEITER. Then the gentleman should not object to having that proviso in the bill.

Mr. BOYLAN of New York. I have made an open statement to the gentleman, and if that is not good enough I am sorry.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN of New York. I yield.

Mr. SCOTT. Has the last report of the Commission setting forth the modified plans been published anywhere or made public so that Members may see it?

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BOYLAN of New York. Mr. Chairman, the resolution was adopted on July 13. It was published in all the papers and reads as follows:

Whereas there appears to be a difference of opinion as to the adoption of formal treatment for the Tidal Basin area along the general lines of the Park Commission of 1901, as hitherto proposed.

The Thomas Jefferson Memorial Commission is ready to modify its proposal for the setting of the memorial, to permit the retention of an informal treatment of the Tidal Basin on its present lines, thereby retaining the existing contour of the Basin and the cherry trees planted thereon; reducing the cost, which borings to bed rock show to be reasonable, and leaving traffic undisturbed.

The Commission hereby instructs its architect to enter on the preparation of revised studies for the setting of the memorial, accordingly.

Mr. SCOTT. May I ask the gentleman one further question? Does the change in location have any effect on the type or style of the memorial?

Mr. BOYLAN of New York. The type and style will be practically the same, only it will be reduced in area.

Mr. MAVERICK. Will the gentleman yield?

Mr. BOYLAN of New York. I yield to the gentleman from Texas.

Mr. MAVERICK. Has the gentleman a copy of extensive hearings that are available for the Members of the House of Representatives?

Mr. BOYLAN of New York. I read the resolution and it has been printed.

Mr. MAVERICK. I mean, the gentleman has not printed hearings like we have in connection with the Appropriations Committee?

Mr. BOYLAN of New York. If it does not appear in book form, we have not any.

Mr. TREADWAY. Will the gentleman yield?

Mr. BOYLAN of New York. I yield to the gentleman from Massachusetts.

Mr. TREADWAY. Will the gentleman kindly explain where this modified plan calls for the erection of a memorial?

Mr. BOYLAN of New York. Yes. It will be immediately south of the original proposal for the memorial.

Mr. TREADWAY. If I understand the geography correctly, south of the Tidal Basin, and not touching the detour of the location, would put it in the Potomac River, would it not?

Mr. BOYLAN of New York. The gentleman's geography is in error. If he will look at the map he will find it is approximately 1,000 or 1,100 feet from the Tidal Basin to the railroad tracks and you cannot reach the Potomac River without crossing the railroad tracks.

Mr. TREADWAY. Yes, you can. I will not interrupt the gentleman further.

Mr. BOYLAN of New York. I will be glad to have the gentleman interrupt me, because I know he has had a wrong idea of this whole thing.

Mr. TREADWAY. May I ask this further question; has there been a plan brought forward for the public to see as to where this modified spot is located?

Mr. BOYLAN of New York. The public will see it.

Mr. TREADWAY. When built?

Mr. BOYLAN of New York. No; as soon as the plans are completed. They are working on it now. The Park and Planning Commission, the architect, and the Fine Arts Commission are working on it.

Mr. TREADWAY. The new location?

Mr. BOYLAN of New York. Let me complete my answer. The ordinary agencies provided for by Congress to pass on such things.

Mr. TREADWAY. I still have not the geographical location of the new modified plan.

Mr. BOYLAN of New York. I would suggest the gentleman refresh his recollection of the geographical location by taking a taxicab, riding down there, and looking it over.

Mr. TREADWAY. I have been there within the last 24 hours.

Mr. BOYLAN of New York. You could see it again within a half hour.

Mr. TREADWAY. Yes, I suppose I could.

Mr. TABER. Where is it with reference to the rose beds and those tennis courts down there?

Mr. BOYLAN of New York. It has nothing to do with that. It will be placed on vacant land entirely south of the present location.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. SCOTT. Where would the set-up be with relation to the axis that runs along there now?

Mr. BOYLAN of New York. On the same axis only farther south.

Mr. SCOTT. On the other side of the Tidal Basin?

Mr. BOYLAN of New York. Oh, yes.

Mr. LUCKEY of Nebraska. Will the gentleman yield?

Mr. BOYLAN of New York. I yield to the gentleman from Nebraska.

Mr. LUCKEY of Nebraska. With regard to the proposed new location, would any engineering difficulties be encountered in placing the foundation?

Mr. BOYLAN of New York. The engineers say "no" and the Park and Planning Commission say "no." As a matter of fact, there will be a better foundation.

Mr. LUCKEY of Nebraska. Is it not a fact that the subsoil around there is a mucky, muddy subsoil, and you have to go down 70 or 80 feet before you strike bedrock?

Mr. BOYLAN of New York. Those borings have been made by the Army engineers. It runs from 70 to 80 feet; yes.

Mr. LUCKEY of Nebraska. If located there, would the building be convenient and accessible to the general public?

Mr. BOYLAN of New York. Very accessible.

Mr. LUCKEY of Nebraska. Without additional driving and walking?

Mr. BOYLAN of New York. Yes.

The Park and Planning Commission has stated that the location proposed will require less change than any plan heretofore proposed.

Mr. KNUTSON. Will the gentleman yield?

Mr. BOYLAN of New York. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Is this site above the high-water mark? If so, how high is it above high water?

Mr. BOYLAN of New York. The exact number of feet I do not know; but the gentleman himself knows from his long, valuable, and varied experience here that all that land has been filled in. At the time of the planning of the Lincoln Memorial there was quite a hub-bub in the city and even "Uncle Joe" Cannon was opposed to it because he said

the land was swampy and marshy. "Uncle Joe" said that the statue would shake itself to death from malaria in 2 or 3 years.

Mr. KNUTSON. Of course, they have killed off the mosquitoes since then, and "Uncle Joe" Cannon could not have foreseen that campaign.

Mr. BOYLAN of New York. I will answer any other questions. There has been a lot of hullabaloo, misrepresentation, and misstatement about the work of the Commission. You would think we were going to do something surreptitiously. They said, "Let us have your minutes." I said, "Come and see the minutes. You can read them." Thereafter, by some hook or crook, I do not know how it happened, the minutes were published in the Washington papers, and they did not find a thing which reflected in any way on the Commission.

Mr. MILLARD. Mr. Chairman, will the gentleman yield for a question?

Mr. BOYLAN of New York. I yield to the gentleman from New York.

Mr. MILLARD. Did the gentleman's Commission consider the site where the Naval Hospital is now?

Mr. BOYLAN. No; it was never suggested.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN of New York. I yield to the gentleman from New York.

Mr. BEITER. The gentleman has stated the resolution was published July 13. I have here the RECORD of that date and fail to find it. Was the resolution published in the RECORD?

Mr. BOYLAN of New York. I do not know that it was published in the RECORD. It was published in the daily papers. I can give the gentleman a copy of the resolution.

Mr. BEITER. I should like to have a copy of the resolution so I may put it in the RECORD.

Mr. Chairman, I ask unanimous consent that the gentleman may insert in the RECORD a copy of the resolution.

Mr. BOYLAN of New York. The resolution will be in the RECORD, because I have just read it.

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield such time as he may desire to the gentleman from North Dakota [Mr. BURDICK].

THE FEDERAL GOVERNMENT PUNISHES NORTH DAKOTA AND WITHHOLDS, WITHOUT ANY JUSTIFIABLE WARRANT, $2,000,000 OF ROAD FUNDS

Mr. BURDICK. Mr. Chairman, I desire to call to the attention of this House and the country at large just how strong the Federal Government has become in directing the affairs of a State. If this procedure is allowed to continue and develop, there will be no occasion to have a State administration except to act under the Federal Government in policing the State. All State courts can be wiped out and the legislature abolished.

I present here some of the activities of the Federal Government in the affairs of the State:

In North Dakota the legislature decided that it would be to the best interest of all and contribute to the general welfare, to make all mortgages on growing crops illegal. This was done, but before the law was enacted and signed, the Federal Government threatened to withhold all Federal loans for emergency feed and seed, all production loans, and all land commissioners' loans. North Dakota was too helpless financially to resist this demand, and the law was written with an exception made in case of Federal loans.

Again, the same legislature, years before, had provided for State hail insurance, that has since the beginning of its operation saved the farmers of North Dakota millions of dollars. Another legislature decided to outlaw deficiency judgments. Deficiency judgments permitted the creditor to take all a man had under his mortgage, sell it at a sheriff's sale, usually to himself, and then file a judgment for the balance due and follow the distressed debtor through the remainder of his life, hoping he might accumulate something else that the creditor could pounce upon. This legislature said, "no"; that can no longer be done within the borders of North Dakota. The Federal Government made it plain that if such a law were passed the Federal land bank and the land bank commissioner would discontinue loaning in North Dakota. The supreme court of North Dakota decided that the legislature constitutionally provided that the premium for hail taxes became a first lien upon the land. That was a just decision. If the owner was hailed out, he would have money to pay his debts, and surely the debtors would not want to take the hail money without paying the State the premium.

The outlawing of the deficiency judgments was just. Surely our Federal Government would not want to follow a half-starved farmer around the remainder of his life in the hope that he might some time accumulate property enough to be taken on execution sale.

But that is exactly what the Federal Government demanded. They demanded a repeal of the hail tax as to its being a first lien on the land; they demanded a repeal of the deficiency judgment law, or the Federal Government, through the Farm Credit Administration, would make no more land and commission loans in North Dakota. North Dakota stood pat and would not recede. The result is that today no Federal land bank and no commissioner's loans are being made in North Dakota. Personally, I am proud of the North Dakota Legislature in standing by its guns and telling the Federal Government to go "jump in the ocean."

The Federal Government, no doubt, resented this independence of 680,000 people. Today we have another problem where it is obviously evident that the Federal Government is again attempting to run the business of North Dakota as it thinks it should be run.

Two million dollars has been made available for the purpose of building public roads within the boundaries of North Dakota. This money does not need to be matched by State funds. The money should be sent to North Dakota and made available for the purposes for which it was appropriated. But the Bureau of Public Roads will not send the money until North Dakota arranges the highway department to suit the Federal Government. Asked repeatedly what is wrong with North Dakota, they say to me that several things are wrong and that these deficiencies must be cured before they will send a dollar to North Dakota. They say:

First. That one-third of the mileage of Federal-aid highways in North Dakota is not properly maintained.

Second. Maintenance funds for previous years are wholly inadequate, and this condition is only aggravated by decrease in estimated amounts available for the present.

Third. The people of North Dakota during the last few years have not provided enough money for maintenance budget.

Fourth. The present maintenance organization is not adequate to insure satisfactory operation.

Fifth. Equipment needed for maintenance work is not satisfactory.

The Bureau of Public Roads has been asked several times to specify the particular charges so that it might be possible to satisfy them, but, upon repeated request, nothing further has been specified.

No wonder maintenance funds for previous years have been inadequate. For 8 long years the most of North Dakota has been in the dust bowl and the people were lucky to live. The Federal Government ought to consider this fact now and not withhold our allowance for roads because we have been unable to raise money enough to sustain the roads as the Bureau thinks they should be maintained.

They charge that the present maintenance organization is not adequate to insure satisfactory operation. On this charge the Bureau should specify definitely and exactly what is wrong and what could be done to meet the conditions imposed. But they refuse to specify. If there are funds to maintain a larger organization or a better organization, it could be done, but if the Bureau will not say how the situation can be improved, it surely is acting in a most high-handed and autocratic manner with respect to North Dakota.

The Bureau says the equipment is not sufficient to properly maintain roads. Will the Bureau specify in what way the equipment is deficient, and will the Bureau say that with the

funds available proper equipment could be secured? If the equipment is deficient now, was it not deficient during the two preceding administrations of Gov. Walter Welford and Gov. Ole Olson? It surely cannot be charged to the present administration. If the money to operate has been deficient, was it not deficient under these previous administrations? If the people of North Dakota for the last few years have not provided money enough to maintain roads, did not the Bureau know that during the two previous administrations?

Everything that the Bureau charges now it must have known during these previous administrations. If these are the reasons for withholding the money, why did not the Bureau withhold the money then?

If the roads have not been properly maintained, did not the Bureau know that before this present administration came into power? It is clear that the present administration is not to be held responsible for the failures of other administrations. Why punish the people of North Dakota for conditions that should have been corrected in past administrations? Governor Langer has not been in office over 90 days in which road construction could be carried on, and hence, he has never been given an opportunity to demonstrate whether under his administration roads can be properly constructed. He has had little opportunity to demonstrate what he can do with maintenance, except to clear the roads in winter. What evidence is there at this moment that the maintenance system in North Dakota is not operating better and more economically than it was during the two preceding administrations which had the cooperation and support of the Federal Government?

Personally, I do not believe that the reasons set forth by the Bureau for withholding this money are the actual reasons. They cannot be if the statements so far made by the Commissioner of the Bureau are to be accepted. The real reason, in my judgment, is deeper than this. The real reason appears from every angle to be political. The only information before me convinces me of this and from this information I must charge that the reasons why this money is not sent to North Dakota is entirely political. The administration of Governor Langer is to be discredited. The Federal Government did that in the unwarranted and high-handed prosecution of William Langer when he was Governor before. It appears that someone close to the Government here, who is politically opposed to William Langer, has filled the Bureau with information that the Langer administration is not to be trusted with Government funds.

Under all the facts appearing in this case, I am sure the people of North Dakota will stand with the Governor in this matter. Surely they will not again condemn him on the record before us. As a citizen of North Dakota, I will continue to support the Governor on this issue against all comers. If the Federal Government wants to come into North Dakota and dictate the entire legislative and administrative policy, and expect the State to meekly submit to Federal control, they will be definitely mistaken. If North Dakota cannot get $2,000,000 of road money that this Congress has voted it, without abjectly surrendering the sovereign power to the State, I, for one, say North Dakota is not for sale. We can get along with the roads we have—if we have to; we can get along without borrowing any money from the Federal land bank—if we have to; we can get along without borrowing any money from the Land Bank Commissioner—if we have to; but as long as we have the ability to think straight we will not submit to the complete federalization of the State government of North Dakota.

I hope we shall still refuse to repeal our State hail law; I hope we shall still refuse to repeal the deficiency judgment law; and I hope we shall still refuse to turn our highway system over to the Federal Government. [Applause.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield 20 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and include in the Appendix an article by Irene Juno, appearing in the May and June issues of the National Young Democrat.

The CHAIRMAN. Such a request should be made in the House.

Mr. HOFFMAN. Mr. Chairman, this bill carries $1,207,500 for the activities of the National Labor Relations Board. The N. L. R. B. is partisan in its activities. The committee has very drastically cut the estimate, yet it seems the amount is still altogether too large when we come to consider the activities of this Board.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. WOODRUFF. Does the gentleman refer to the partisan activities of the Board?

Mr. HOFFMAN. Well, each Member of the House can construe those activities for himself.

Oppression, excessive taxation, denial of justice, forced the Colonists, despite their poverty, their wretched state, to offer battle to a rich and powerful nation, the mistress of the seas.

Success meant the privilege of waging a desperate struggle for existence; failure, an ignoble death at the musket's muzzle or the end of the hangman's noose.

Dire necessity and a realization of their fate, if they fought not for their liberty and independence, forced the issue.

Intense suffering, supreme sacrifice, unconquerable courage, and a spirit which considered no hardship too great, after 8 long years of battle, brought us an acknowledgment of independence.

CONSTITUTION BEST EVER, SAYS ROOSEVELT

The war over, our forefathers brought forth a Constitution, of which Franklin D. Roosevelt, on March 2, 1930, said:

> The United States Constitution has proven itself the most marvelously elastic compilation of rules of government ever written.

And, as late as June 10, 1936, he observed:

> The Constitution provided the best instrument ever devised for the continuation of these fundamental principles of Federal Government.

RUGGED INDIVIDUALISM

The rockbound coast, the rugged mountains, the impenetrable forests, the broad sweep of the prairies, was the anvil upon which now much-despised individualism hammered out, gave shape to and forged a melting pot into which was poured not only the fine gold and silver of the Angelicans, Antinomians, Calvinists, Catholics, Congregationalists, Dunkards, Dutch Reformists, French Huguenots, German Reformists, Lutherans, Mennonites, Moravians, New England Puritans, Protestants, Quakers, and Scotch and Irish Presbyterian ancestors, but the dross from the prison pens and ships of the old world, all refined by contact and joint effort, out of which has come in the end a civilization which has been the salvation of the oppressed of all the world.

Material prosperity unequalled, educational advantages unparalleled, and a religious freedom undreamed of, are expected and accepted as matter of course by our people.

This material prosperity, these educational advantages, this religious freedom, our Government itself—all would be destroyed by those who come with words which promise "the more abundant life", but which bring oppression, loss of liberty, and the enslavement of the worker.

THREE DANGEROUS INSTRUMENTALITIES

There are three instrumentalities in this Government of ours, all of recent origin, all working harmoniously together, all producing the same result—the destruction of material prosperity, abolition of free speech and a free press, and the enslavement of the worker. They are the Senate Civil Liberties Committee, the Wagner Act, and the National Labor Relations Board.

If you call for proof, the answer is: Read the record. Consider the undisputed facts. Note the results produced by the application of the Wagner Act and the actions of the Committee and the Board.

In the 4 years of 1928, 1929, 1930, and 1931, because of strikes, the workers of this country lost employment totalling 5,665,000 days.

With the aid of the C. I. O. and the National Labor Relations Board, workers lost 10,851,706 days during the first 4 months of this year, and, in June alone, 4,500,000 days' work.

And, in the wake of the C. I. O. and the N. L. R. B., has followed the closing of factories, a loss of employment and, over a period of time, a loss of wages.

The bill before us carries an appropriation for the N. L. R. B. but its activities are so interwoven with those of the C. I. O. and the Senate Civil Liberties Committee that a brief review of each is necessary, if we would intelligently decide whether we are to appropriate the taxpayer's money to continue this unholy assault on the independent worker, as well as upon those who give employment.

The March 1937 issue of the radical publication, The Fight, states that at a meeting of the Cosmos Club in Washington, in February 1936, when among those present were John L. Lewis; Gardner Jackson, of the American Civil Liberties Union: Dorothy Detzer, of the Women's International League for Peace and Freedom; and Senator ROBERT LA FOLLETTE, the idea of a Senate Civil Liberties Committee was conceived.

Thereafter, such a committee was given authority by the Senate, and, from that day to this, it has utterly failed to carry out the purpose of protecting the civil liberties of the people of this land.

It has investigated and brought to light many instances showing the oppression of workers by employers. It has, and the circumstances indicate, purposely, failed to investigate coercion, intimidation, violence, and bloodshed imposed upon workers by members of the C. I. O. and by gangsters employed by it.

This statement is made deliberately. It is a matter of common knowledge, and to it there is no defense and for it there is no reason, except the desire of LA FOLLETTE to further the interests of the C. I. O. to oppress industry, to create a prejudice against the man who furnishes the jobs, to advance the interest of the wrecker and the destroyer.

THE CHICAGO RIOT

One of the most reprehensible acts of this committee was the manner in which it handled the Chicago riot. Almost everyone knows that the C. I. O. determined to drive out some 1,400 men who were working in the Republic Steel Co. plant.

Prior to Memorial Day, it had made three massed assaults upon this plant, but, in each instance, it had been repulsed. The Memorial Day was the fourth attempt. It prepared for that assault by bringing in outside men, men who had never worked in Republic.

It established a first-aid station, and, 2,500 strong, it marched down upon a police line which had been thrown out to protect the workers within the plant, who had every reason to fear a repetition of the Herrin, Ill., killing.

The La Follette committee pretended to give an accurate account, through pictures and sworn testimony, of what occurred. That it did not do.

I have here a verified transcript of a part of the testimony, given before the coroner at Chicago, of Orlando Lippert, the newsreel cameraman for Paramount News, which furnished pictures to LA FOLLETTE, and he testified that, as he finished one scene:

> I glanced up quickly and saw stones coming—stones and missiles coming from the rear of these strikers into the police lines, practically at our feet. At the same time, and simultaneously with the missile throwing, a group of strikers in the rear of the line directly in front of the camera pushed the strikers in the front row into the police officers.
>
> This is the part that is missing from my film, and, to my very best judgment and knowledge, that is about 7 seconds.

He then testified that there were about 2,500 strikers and their friends at the scene. He was asked:

> Question. Did you at any time prior to the throwing of the missiles or bricks, as you say, see any police officer commit any act of violence against any one of the strikers in the ranks?
>
> Answer. Absolutely none.
>
> Question. Was there any action on the part of the police, individually or collectively, before the barrage was thrown?
>
> Answer. None that I saw.

The sound operator, Harold A. Witt, likewise testified:

> Question. Did you notice any rocks or missiles thrown by either side?
>
> Answer. Yes; I did.
>
> Question. Just explain that to the jury.
>
> Answer. They were doing considerable arguing there at the front line there, off to the right; that is, off to my right, and I was watching the argument there, and suddenly there was a bunch of rocks and various pieces of pipe and sticks or something came over and went into the police lines, and a few of them went over our truck, and one went by our truck, very close to the windshield of the car, and then the strikers seemed to surge forward, I would say a distance of anywhere from 5 to possibly 10 feet, while the policemen were in the act of warding off these falling stones and stuff.
>
> Then the police surged forward, striking at the crowd.
>
> Question. Did the rocks all seem to come over at one time, as if from a signal to throw, and everybody threw, or were they coming over over a period of half a minute or so?
>
> Answer. They seemed to be fairly well together.

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Texas.

Mr. MAVERICK. I do not say there was not some measure of violence on the part of the strikers. The La Follette committee report admits it. However, the policemen killed 10 people, and these workers did not fire any shots, as far as I know, or anyone knows.

Mr. HOFFMAN. This testimony shows that one shot, the first shot, came from those who were marching down on the police.

Mr. MAVERICK. I mean, there was no evidence of any guns found, or anything like that. In other words, the point I am making is that the police used greater force than was necessary. To say the least, it was poor judgment to kill 10 of the strikers. I do not say force was not used by the strikers, too, and I do not approve of that in any way. The killing was brutal and the police certainly used too much force.

Mr. HOFFMAN. Perhaps greater force than was absolutely necessary, but the amount of force which is necessary must of necessity again be determined by those who are assaulted as the facts and circumstances appear to them at the time.

Mr. MAVERICK. Yes; of course; but, I repeat, their judgment was, indeed, bad.

Mr. HOFFMAN. It is easy enough after the trouble is over and the transaction has faded into the distance and there is no longer any danger, to sit here and say that too much force was used, but this operator states there were 2,500 in this group who came down in a threatening way with the arms they had, which were not guns but a meathook on a stick, and things like that. It is easy enough to see how an error of judgment may be made.

Mr. MAVERICK. I want to ask the gentleman a reasonable question, and not for the purpose of stirring up any anger. Does not the gentleman think it is possible for a reasonable person to believe that the police used more force than was necessary?

Mr. HOFFMAN. Perhaps, in the light of what occurred, it might have been better for the policemen to have taken a beating. Perhaps they might have let these people through and might have let them assault the fourteen hundred people who were in the plant, but who knows whether 10, or 20, or 100 would have been killed instead of the 10 who were killed?

Mr. MAVERICK. When they killed one man——

Mr. HOFFMAN. I have yielded as much as I care to yield now——

Mr. MAVERICK. When they killed one man it certainly was enough. I am not trying to be unreasonable.

Mr. HOFFMAN. I know that; but here is the situation: Standing here we cannot judge whether they used too much force; and if we were to say to police officers that they must not use any excessive force or they must not protect the men in their homes or the men when peacefully working at their jobs, where would we get?

Mr. MAVERICK. Oh, no.

Mr. HOFFMAN. You would give a license to those who want to assault and drive out the men in order to march on.

Mr. MAVERICK. Oh, no. I simply say they used more force than was necessary. I do not approve of violence of any kind and neither does the gentleman.

Mr. HOFFMAN. Yet the La Follette committee would lead us to believe that the officers charged with the protection of the property and the lives of the citizens of Chicago deliberately made an assault, with guns and clubs, upon unarmed, unresisting, peaceful citizens, engaged in no unlawful enterprise. Why should a committee which takes so prejudiced a view spend the people's money?

GOVERNMENT USES SPIES

This committee has brought to light and exposed the spy system used by employers. It has ignored the fact that the Senate Civil Liberties Committee itself has its spies and its undercover men, as have other departments of the Government; as has the National Labor Relations Board; as have the rival unions, the A. F. of L. and the C. I. O. It condemns as un-American the spy system, which the committee itself uses.

As a manufacturer of examples of hypocrisy, it is efficient; as a protector of the man who desires to work, it is a failure.

This committee, like the National Labor Relations Board, habitually uses browbeating, insulting, and unfair methods in the examination of witnesses. True, it does not in its open sessions employ the rack or the thumbscrew to physically torture those summoned before it, but it does use unsparingly practically every method of mental torture, and no witness, after listening to the examination of those who have preceded him, can take the witness chair without a feeling of indignation and fear of being held up to public ridicule, his honesty questioned, his motives attacked.

The only way to get an unbiased opinion of the proceedings of this committee is to attend a hearing, for the record is usually "revised" and "corrected."

Now, why should we give them money to continue a one-sided investigation? If they will investigate both sides and put it all on the record, for instance, the things which happened in Michigan on August 4, and other instances which I have put in and will put in again—if they will investigate all these things and if they will stop the C. I. O. from intimidating workers, that is all right, but when they just go one way or give one side, then are they spending public money to advance the cause of workers? No; they are not. They are spending this money to create a new political party, and do not make any mistake about it. The gentleman from Texas may be the leader of that party, and if they have to have a leader, I know of no one better qualified to lead that branch, because I recall how he went into Michigan and he told those workers at Detroit on the 5th day of June, which was published on the 17th in this RECORD, that he was up there to assist in freeing the slaves of Ford, those men who get an average of $7.26 per day, a wage which I do not believe you pay in the South. If you will take the C. I. O. into the South and leave it there and keep it there, I hope all your people will be happy.

Mr. MAVERICK. You do not think I have ever defended the wages in the South? They are much lower in the South. I said I wanted as good wages in the South as in the North.

Mr. HOFFMAN. I do not know anything about that. I only know that I have thought, and if I am wrong you will correct me, when you were speaking at Detroit you were asking that the C. I. O., with its principles, go South and organize.

Mr. MAVERICK. No; I did not say just that.

Mr. HOFFMAN. Then you wanted them to leave their principles behind, because they have none, really. [Laughter.]

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. ALLEN of Pennsylvania. The gentleman made the claim that a worker had been dynamited by C. I. O. organizers or sympathizers.

Mr. HOFFMAN. Yes.

Mr. ALLEN of Pennsylvania. Will the gentleman please explain how he knows that to be true? How does the gentleman know it was the C. I. O.?

Mr. HOFFMAN. All right; I will answer your question if you will sit down and let me answer it, please.

Not because I was there, because I was not. Not because I talked with anyone who was there, because I did not, but because that act of dynamiting had no purpose except the intimidation of the men who wanted to work, and because it is in line with the activities of that organization in almost every place where they have started organizing, and six members of the C. I. O. or of their group have entered pleas of guilty to having dynamite in their possession, and because it is in direct line with the way in which they solicit and persuade their members.

Why should we appropriate the taxpayers' money to assist the Senate Civil Liberties Committee, the N. L. R. B., to assist the C. I. O. in its drive to destroy the American Federation of Labor?

BE LOYAL TO THE AMERICAN FEDERATION OF LABOR

For many, many years the American Federation of Labor has been the representative of responsible American labor. It successfully resisted the efforts of the Communists in 1924, when, as Lewis says, they staged their fight to destroy the American Federation of Labor. It successfully resisted the efforts of John L. Lewis himself and his Communist allies to take over its organization. It is today the one great labor organization which is resisting the efforts of the Communists to secure control and that is why they would wreck it.

When Lewis basked in the sunshine of Mme. Perkins' smile and while he was making every effort possible to destroy the American Federatio nof Labor, for weeks not an American Federation of Labor man, many of whom have been favored with the support of the A. F. of L., arose in this House to condemn his lawless acts, to defend the American Federation of Labor.

True, I am not a representative of any union, but never will I stand idly by and see an organized drive, which is directed not only at the destruction of the American Federation of Labor but at the independence of the American worker be made unchallenged.

WILLIAM GREEN RETURNS TO FAVOR

Now that William Green is again welcomed at the White House, he is once more in favor with certain other gentlemen who at last are coming to realize that the American people believe in and will see fair play.

This committee has deliberately permitted the creation of the impression that it is behind the drive of the C. I. O., that the President of the United States favors membership in the C. I. O.

Workers who had committed no offense whatever; who but desired to continue at their tasks, have been beaten because they refused to join the C. I. O. One, Harry A. Longacre, at Pontiac, Mich., an employee at the Fisher Body plant of General Motors, which had a contract with C. I. O., was thrown, on June 10, 1937, into a vat of Flintcote. On August 4, in the Plymouth plant of the Chrysler Co. at Detroit, which also had a contract with C. I. O., two men were beaten because they would not join the C. I. O.; and there are literally hundreds of specific instances, known to the investigators of this committee, where men have been deprived of their civil liberties because they opposed the C. I. O. But, so far as I have been able to learn, not one word of this has been spread upon the record.

For the information of the chairman of the committee, let me call his attention to the fact that on June 19, 1937, in the city of Canton, Ohio, Michael Kristoff was beaten by a mob of strikers because when asked as to whether he had signed with the C. I. O., he said, "I did not make up my mind yet as to what I am going to do about it."

At 4:05 a. m., on June 25, 1937, at 2704 Mahoning Road NE., Canton, Ohio, the home of Webster, who wanted to work, and which previously, on June 1, had seven windows broken by stones thrown from a passing automobile, was

dynamited. This man's only offense was that he would not join the C. I. O.; that he wanted to continue at his task. I show you pictures showing the effects of this dynamite, and also pictures of peaceful picketing and the blockading of the highways when the C. I. O. determined who should and should not pass. I call attention to the facts that thousands of men were driven from their jobs in Flint, in Detroit, and in other places throughout the country, yet the denial of the right of man to work, the driving him from his place of employment by the C. I. O., apparently none of these instances of the violation of the civil liberties of a citizen have been investigated by this committee.

C. I. O. "PERSUADES"

I show you a picture of the methods used by the C. I. O. to "persuade" an honest striker to join their lodge. Note the man on the right with a club about 3 feet long holding the right arm of the nonjoiner. Note the arm of the other man also holding the right arm of the nonjoiner with his right arm while with his left hand the "persuader" holds the left hand of the nonjoiner; how they have ripped open his collar and torn his coat. They are "persuading" him to join.

Mr. O'CONNELL of Montana. Who are they supposed to be?

Mr. HOFFMAN. In the record it is shown they are C. I. O. workers.

Mr. O'CONNELL of Montana. Who says they are?

Mr. HOFFMAN. They had buttons on, or one of them had. The trouble is you do not read the testimony and you see only one side of the matter.

Mr. O'CONNELL of Montana. That is exactly what is wrong with you and has been all the time.

Mr. HOFFMAN. All right. I admit that in times past the employers have been guilty of intimidation and coercion and strike breaking, but gentlemen have not cited one single instance since 1932 where an employer has been guilty of intimidation.

Mr. O'CONNELL of Montana. Oh, I will show the gentleman that all through the strike——

Mr. MILLARD. Mr. Chairman, I demand the regular order.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. No; not any longer. I have answered the gentleman's question.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. RANDOLPH. Regardless of the controversy in connection with the Chicago case, would the gentleman say that he believes the National Labor Relations Board has been partisan in its decisions?

Mr. HOFFMAN. Yes; in my opinion, and partisan in its methods—it makes a charge, investigates its own complaint, hears its own witnesses, and renders a decision.

Mr. RANDOLPH. Will the gentleman yield further?

Mr. HOFFMAN. Yes.

Mr. RANDOLPH. To what does the gentleman attribute the reason for the so-called partisanship or unfairness?

Mr. HOFFMAN. Well, because they are there to carry out a certain policy, to accomplish a certain purpose, which is in line with their political connection. What does the C. I. O. intend? The only way in which you can tell what a man means, except by what he says, is by what he does. Over there in Harlan at the present time there are 27 charges against those mines. There it is a matter of 271 against 19 in one plant, and the Board is trying, in the interest of the 19, to force the others into an agreement. What are they doing out there? I leave that to the gentleman.

Mr. RANDOLPH. It is a fact, is it not, that the creation of the National Labor Relations Board comes from Congress.

Mr. HOFFMAN. Yes.

Mr. RANDOLPH. And certainly the Congress of the United States had no intention of having a partisan board. Is that true?

Mr. HOFFMAN. I do not know what the Congress intended.

Mr. RANDOLPH. Republicans and Democrats joined in passing the legislation. The Board is trying hard, I feel certain, to be fair in its investigations and the decisions thereby resulting.

Mr. HOFFMAN. The presumption is that they were acting honestly and fairly, but that is not the point.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. HOOK. Does the gentleman not think that we are approaching this problem in quite the wrong way and losing quite a lot of time in not attacking the cause instead of the symptoms? Was not the cause that was back of this trouble the deplorable conditions that labor has been living under for years?

Mr. HOFFMAN. In answer to that, assuming it to be true for the purpose of argument, there is no indication that that cause is operating today, because now we have prosperity. Prosperity has returned. The causes which formerly existed, such as starvation wages, unsanitary working conditions, outrageous hours no longer are the rule—not in Michigan at least.

I say that labor should be organized. There is no question about that. I say that the American Federation of Labor has done wonderful work, a great work through the course of the years. It is still doing it and undoubtedly will continue to do it, but I want to call attention to the fact that when the C. I. O. started to wreck the American Federation of Labor, where on the floor of this House were the American Federation of Labor men and what did they have to say about it? Where were the friends of labor? Now, let me go on to this point of the picture.

C. I. O. CONTINUES TO "PERSUADE"

A posed picture, you say? Oh, no. This is not like the pictures exhibited by the La Follette Civil Liberties Committee depicting a part of the Chicago riot. The man who is being held is Mr. Rebstock. One of the C. I. O. organizers was Claude Cooley. Has the Senate committee called him to inquire what he was doing to or with Mr. Rebstock?

Another man present was John G. Stewart. With others, he was taken to Bandi's Hall. In the basement, one of the men hit him with a club. About the same time, a man named Staokoe, a nonunion man, was brought in. He was beaten.

Here is a picture showing the collection of weapons taken from strikers who were marching on Youngstown, Ohio.

And here is another showing the "little sticks" sometimes carried by strikers. Note the large gentleman in the forefront, with his "little stick" resting on his toe and reaching above his waistline. It has every appearance of being a baseball bat.

And here is a picture of a nonunion worker beaten to the ground as he attempted to leave the Republic plant at Cleveland. Note the upraised club, not stick, which has felled him. And note the club in the hands of another strike sympathizer. And note the other victim being helped into an automobile for transportation to a hospital. One person was killed; 20 were injured—all because men wanted to work and John L. Lewis had decreed that they should not work. Yet the Senate committee took no action to protect the workers.

And here is another picture, which shows what happened Saturday, June 26, 1937, at Flint, when a C. I. O. affiliate declared that the Mary Lee Candy Shop and Restaurant, on one of Flint's main streets, should not do business. At least 10 men and women patrons were beaten by strikers, and the only offense of these men and women was that they continued to patronize a business place on a main street of a city, contrary to the command of C. I. O.

On another occasion this same organization took possession of that city's streets, as C. I. O. affiliates have done in other places.

KIDNAPING, BEATING, INTIMIDATION MEAN NOTHING TO SENATE CIVIL LIBERTIES COMMITTEE

And these are the methods—kidnaping, beating, intimidation—that the Senate Civil Liberties Committee permits to go unchallenged and to which, by its failure to challenge, it gives approval. Is there any reason why we should appropriate the taxpayers' money to carry on and to further the activities of a committee which is an adjunct of the C. I. O.?

Oh, yes, this committee investigated and reported on "Bloody Harlan", where the National Labor Relations Board now has 27 investigations pending. And what is the National Labor Relations Board?

It is a creature of the Wagner Act and like the Senate committee, a tool of the C. I. O. What is it doing down in Harlan?

In Harlan County, Ky., that mining community is again in the spotlight of the daily press while the chains of John L. Lewis and his C. I. O. affiliate, the United Mine Workers of America, are being forged upon it by the National Labor Relations Board.

Although the N. L. R. B. is presumed to be in Harlan to find out if men have been discharged for union activities, and if the coal operators have violated the drastic, industry-destroying Wagner Act, their activities would indicate their main objective seems to be to reopen the investigation which was conducted by the La Follette Civil Liberties Committee in Washington last April.

As usual, leading questions are asked the witnesses by the Government attorney, Leonard Shore, of Cincinnati. He asks about guns, thugs, death-dealing deputies, and violence toward union organizers.

He delves into the private records of the Clover Fork Coal Co., owned and operated by the Whitfield family, of Harlan County; and before a courtroom filled to overflowing, most of whom, it is rumored, have been imported by the union from other mining sections at a cost of $5 per day per person, the entire financial structure of the Clover Fork Coal Co. is unraveled.

The public is informed as to who buys the coal, how much is paid, what commission is deducted; who shipped it and where; what mine machinery was bought, of whom, and at what price. Mine supplies have been thoroughly checked and prices noted. Nor does the attorney stick to the mine operations. He gleefully delves into the records of the company-owned store, which sells commodities for the convenience of the miner and his family. Spread upon the record is the information that the Clover Fork Coal Co. bought a certain amount of coffee in Louisville, Ky.; some flour or butter in Knoxville, Tenn.; oranges and eggs from a local wholesale merchant; and hats, shoes, and ladies' dresses from a midwestern firm.

The amount of stock owned by each person and the names of the persons holding stock in the Clover Fork Coal Co. are given to the public, and the miners who allegedly lost their jobs because of union activities sit and sweat in the hot courtroom while the National Labor Relations Board bores into the private records of the company.

To gain publicity for their invasion of Harlan County, the N. L. R. B. charged the Clover Fork Coal Co. did—

> Procure lewd and immoral women to perform free, indecent exhibitions known as strip-tease dances, and to otherwise engage in gratuitous, licentious conduct at times when union meetings were scheduled, for the purpose of enticing its employees from attending meetings.

Whether miners showed greater appreciation of such shows than do the fish-and-soup-clothed gentlemen of Washington and those of the State of the author of the Wagner bill is not brought out by the examiner.

When enough publicity had been rolled up to insure a good beginning to their show, the Board, through its examiner, Irving G. McCann, issued a formal apology to the Clover Fork Coal Co. for embarrassing that company by the making of a false charge, which it appears had nothing to do with such exhibition. So the strip-tease dance was saved for the opening of another show. The coal company under fire had never staged dances or amusements designed to lure their men from union meetings. With the strip tease definitely out of the way and the rehash of the Civil Liberties investigation laid on the shelf, the Board proceeded to the more serious business of examining witnesses who claimed to have been fired for union activities.

THE N. L. R. B. IN HARLAN

There are 27 companies scheduled to appear before the N. L. R. B. in Harlan County. The first one, the Clover Fork Coal Co., lasted 2 weeks and was a flop. At the rate the Board is going they will be in Harlan for Christmas, and, as one old native remarked:

> That young attorney who arrived in white flannels and panama hat better be sending for his red flannels, ear flappers, and overcoat.

The taxpayers are footing the bills for this persecution of men who want to work and support their families. Unknowingly, John J. Public is joining forces with the C. I. O. and its allied Communists. Each group is furnishing huge sums to carry on the inquisition. The United Mine Workers of America were the ones who, according to testimony given by Sam Caddy, regional head of the organization, at the National Labor Relations Board hearing at Lynch, Ky., July 26, 1937, paid for one investigation. Let me read you seven lines of the testimony given by an organization official under oath:

> I will ask you if the total expense in the matter of preparing the proof and evidence for the La Follette committee's sensational disclosures was not borne by the United Mine Workers of America and all the expense and effort in getting that before the committee was not borne by the United Mine Workers?
>
> And Mr. Sam Caddy answered, "Yes; it was."

The money collected from men who earned it by the sweat of their bodies was used to persecute and blacken the name of Harlan County and its citizens. All because the miners themselves do not want to join the United Mine Workers of America, because their native shrewdness sees through the chicanery of the henchmen of John L. Lewis, because the Harlan County coal miners want to work, not strike; spend their money for themselves and their families, not to finance John L. Lewis and his extravagant cohorts; because they want to work and live in peace instead of inciting riot and waving the red flag of communism.

THE TRUE HARLAN COUNTY

If we accept the stories of unbiased, independent newspaper writers who were sent to Harlan, many of the Senate disclosures of the La Follette investigating committee were staged to obtain publicity and to fasten the name of "bloody Harlan" upon a community which otherwise would have attracted but little attention.

Wilmer G. Mason, staff correspondent of the Cincinnati Enquirer, summed up the situation in the headlines of his last article, when he wrote—

> Harlan mines pay well. Abuses actually few. Unionizing sole issue.

He further stated—

> The pay scales in many of the mines are a shade higher, and in many instances substantially higher, than the rates proposed by the United Mine Workers of America in the Appalachian agreement.

The Appalachian agreement is the yardstick by which the wage scale for the southern miner is determined.

Mr. Mason proceeds:

> Most of the miners will say frankly that they are well paid—there are many miners in Harlan who have gone to other communities but who have come back attracted by the wage level paid to his type of worker.

Quite a different view than the "reign of terror" depicted by the investigating committee.

Somewhat similar is a series of articles by the eminent writer and editor of the Lexington (Ky.) Herald, Tom Underwood, who captioned one of his articles:

Harlan County spends $500,000 a year for schools; has 200 churches, all of which are free from debt; coal is worth $39,000,000 annually to the community.

And in the following series Mr. Underwood traces the history of Harlan from its beginning as a coal community in 1912 to the present time, pointing out the wealth in the county, the automobiles which are driven by the thousands by well-paid miners, the splendid school system which ranks among the finest in Kentucky, and the general satisfaction of the miners with their lot as employees in the Harlan mines. This is the report of a newspaper man unbiased and unprejudiced, but whose sympathy undoubtedly is with the worker.

The Louisville Times, as of June 22, started a series of articles by one of America's best-known feminine syndicate writers, Jane Dixon. Miss Dixon approached Harlan County from the human-interest viewpoint; she visited the homes of the miners and interrogated the wives and children. She attended union meetings and was so amazed to hear the union speaker put the name of John L. Lewis ahead of that of the President of the United States that she called attention to it in her third article, as of June 24. She wrote:

The shouting is augmented by the deep-bass voice of Lawrence Dwyer, familiarly known as "Peggy", who declaims: "The four greatest men in the world are back of the United Mine Workers and the Committee for Industrial Organization, of which the mine workers are a part. The four greatest men in the world are John L. Lewis (pause for cheers), President Roosevelt, Robert La Follette, and Robert Wagner." The President is mentioned after John L. Lewis.

And until a recently aroused public sentiment cooled White House favor, some were wondering whether it was Lewis, Mme. Perkins, or the President which determined the administration's policy toward the sit-down strikes.

"I shouldn't think Mr. Roosevelt would like running second", a man to the right of your correspondent remarks.

"Maybe Franklin D. don't know where they're running him", chuckles the man's companion.

In the rest of her series Miss Dixon told about the comforts and advantages found in the average miner's home. Electric washing machines, electrical appliances of all kinds, furniture of the most modern type, radios, automobiles, permanent waves, and as fashionable and well-made clothes as are found in any cosmopolitan city. None of these facts were apparently of any importance to the Senate Civil Liberties Committee, nor also the fact that the C. I. O. was attempting to deprive men in Harlan County of their right to work; also, attempting to force them to pay tribute to Lewis.

One of the most startling strikes in American history was staged at the Clover Fork Coal Co. mines when 271 nonunion men marched off the hill, refusing to work with 19 union men who, they alleged, were causing trouble in their ranks. The nonunion miners advised the Lewis followers to pick up their tools and get out, which they did, but the National Labor Relations Board is now in Harlan trying to prove that the coal company was back of this strange but 100 percent effective strike. The nonunion men returned to work the next day, and have assumed full responsibility for the ousting of the union men. "And what's the Wagner Labor Act going to do about it?" inquired a tall, fat miner as he dug his shovel into the black gold of the Harlan hills—a striking example of the application of C. I. O. methods to its members by others and which, of course, were unlawful.

Among the newspapers which went to the defense of Harlan County was the Knoxville Journal, Knoxville, Tenn., an established newspaper that clings to the best traditions of the news world and believes in the freedom of speech and press.

On May 23 the Knoxville Journal sent one of its most brilliant young feature writers, William E. McDaniel, into Harlan and he wrote a comprehensive article on the life and work of the Harlan County miner. He points out that the school strength is about 23,000, the average miner is paid around $200 for 4 weeks' work, that a machine man can make as high as $400 a month, and that it has been possible for one man to save $17,000 during the 17 years he worked in the Harlan County mines. He visited the company-owned and miner-supported hospitals of Harlan and declared these institutions to be among the best in the United States in point of equipment and service. He visited commissaries and checked prices, finding them to compare favorably with the independently owned or the chain stores. He commented upon the well-fed appearance of the youth of the county and the fact that there was little or no medical attention required for the average miner and his family.

He remarked, as has every other writer who went to Harlan with an open mind, upon the number of high-priced cars the miners drive and the amount of money in circulation in the coal fields.

Of course there is money in Harlan. There are 16,000 miners drawing their wages in cash every 2 weeks, and the coffers of the C. I. O. would be swelled by many thousands of dollars in dues each month if the field could be brought under the union banner and the miners compelled to pay tribute, which is the object of the drive. But no article or series of articles caused excitement and resentment equal to that caused by two articles appearing in the National Young Democrat of May–June 1937. Such pressure was brought to bear from the White House where Lewis flew immediately upon reading the editorial by Leslie Sanders that it is said Mr. Sanders was catapulted out of his position as editor and is now looking for another position. Read the article by Leslie Sanders. It is of such significance that I ask permission to have it incorporated in the RECORD, where it will be available when and if the prediction made by Mr. Sanders develops.

It would be well to read the article immediately following that of Mr. Sanders in the National Young Democrat. This article by Irene Juno, who was one of the first feature writers to interview Mrs. Roosevelt when she went into the White House in 1933, presents a vivid word picture of actual conditions in Harlan County. Miss Juno went to Harlan immediately following the investigation and found that miners were paid in cash, their hospital and educational systems were of the best, and the only discordant note was the wrath of the Harlan County citizens of every business and profession against the untrue picture painted by the Civil Liberties Committee investigation. Instead of starvation, she found plenty; instead of a reign of terror, she found a reign of money spending; instead of filth and squalor in the mining camps, she found modern improvements and facilities.

When and if the C. I. O. has succeeded in unionizing Harlan County, the newspapers will be given the news that Harlan is a model community. Until it does, until these native-born men and women submit to the high hand of the C. I. O., they will be referred to as half-starved, underpaid citizens who are dying on the fringes of civilization in "bloody Harlan."

The so-called investigations indulged in by the La Follette Civil Liberties Committee are grandstand play, designed to provide a smokescreen for the real objectives of the committee and its supporters—to paint so lurid and revolting a picture that public opinion is aroused against the alleged offenders of civil rights and justice. Then the C. I. O. will move in and, under cover of cleaning up the situation, proceed to organize crafts, industries, and professions without interference from the public. Witness the investigation of the Black Legion of the Northern States and the subsequent invasion of the automobile plants and later the steel plants, then the investigation of "bloody Harlan" and the present desperate attempt to bring the coal field under the union banner.

BUILDING A STADIUM—OPERATING A HOSPITAL, UNFAIR LABOR PRACTICES

In the hearing held yesterday, August 16, at New Cumberland, W. Va., the N. L. R. B. uses the fact that since the Weirton Steel Co. built its first plant at a crossroads vil-

lage there has grown up a city of 16,000; that a high-school stadium was built by the company and that the company operates a hospital.

Think of it—the Board charges the company is guilty of unfair practices under the Wagner Act and as evidence cites the growth and prosperity of the community and the making of charitable gifts.

Only since the enactment of the Wagner law have acts of kindness, of generosity, and of charity become unfair labor practices.

The sins of the National Labor Relations Board are so many that it is impossible to enumerate them. Typical examples can be given.

The damage done to the workers, as well as to industry, by this Board's investigators is irreparable.

It, too, has its undercover men who spy, not only upon industry, but upon organizations of citizens formed to secure the enforcement of the law and the civil rights which the Senate Civil Liberties Committee makes no effort to preserve.

The National Labor Relations Board sent its undercover men, with a stenographer, to Johnstown to spy upon the citizens who objected to being driven from their work and who complained because their homes were stoned during the nighttime by "flying squadrons" in automobiles, and whose wives and children were threatened.

When industry was paralyzed in Michigan; when a Governor threw his lot with the lawless and the law violators and the armed invaders of our State, and I stood on this floor and pleaded with you gentlemen on the majority side to come to our aid and pass a resolution declaring that the right of a man to work would be protected by the forces of the National Government, you laughed at me.

C. I. O. GOES SOUTH

But when the C. I. O. and the N. L. R. B. went South to Tupelo, the home town of the gentleman from Mississippi [Mr. RANKIN], and the factory in his town went into the hands of a receiver and the emissaries of the Board created a condition which threatened to close other industries in that town, then Mr. RANKIN arose in just indignation against the arbitrary and reprehensible conduct of this Board.

It is to him and to you other Representatives from the South that I appeal for aid, for we in Michigan are almost helpless, because our Governor has betrayed us into the hands of the enemy.

Yes; the C. I. O. went South. There was another gentleman from the South, from Texas, Mr. MAURY MAVERICK, who, on June 5, at Detroit, speaking under the auspices of the United Automobile Workers, an affiliate of the C. I. O., said they were going to organize the South. They are at it, and how does the South like it?

The C. I. O. and the N. L. R. B. went South. They went to Nashville, Tenn. They called on the Washington Manufacturing Co., which gave employment to 650 workers, with a pay roll of $7,500 a week. And the Board did not even need to operate. An announcement of its purpose to require the company to pay all workers who had been out on strike since April 1 the wages which they would have earned had they been working produced results. But what a result. The company sold its stock; it has offered its properties for lease or sale; it is out of business and the 650 are looking for jobs. But they are not looking to John L. Lewis or Mme. Perkins or the National Labor Relations Board, for none of the three creates anything but wreckage.

The C. I. O. went to Jackson, Mich., and the Trenton Knitting Co. moved down to Kendallville, Ind.

Oh, yes; the C. I. O. has been all around the country. It went to Flint and $44,000,000 in wages alone were lost.

It went down to the Chrysler plant in Detroit and another $10,000,000 was never earned.

And so throughout the length and breadth of our land this destructive force, aided and abetted by the Civil Liberties Committee and the National Labor Relations Board, is bringing loss, hardship, and privation that in the end will equal that brought by flood and "dust bowl" storms.

The C. I. O. and the National Labor Relations Board are down in New Cumberland, W. Va., and the New York Times of yesterday tells us that 20,000 workers and their families will march to a meeting of this Board to "defend our rights to be left alone."

Another place in the South is being visited, Gadsden, Ala., where the Goodyear Rubber Co., which has given employment and met the pay roll, is being persecuted. Shootings, dynamitings, and threats of personal violence were listed by the company as among the methods used by the United Rubber Workers to force the employees into the union.

It charges that C. I. O. organizers and sympathizers, by shooting, by parading before the homes of those who want to work, are frightening them and their families; that they are shooting into the homes and the boarding places of those who will not join the union; that they are shooting at such men as they pass along the street; that they are purchasing and transporting in their automobiles dynamite and dynamite cartridges for the purpose of frightening, terrifying, and intimidating those who want to work.

Does the Senate Civil Liberties Committee investigate these things? Not when charged against the C. I. O.

Is there any reason why either the Senate Civil Liberties Committee or the National Labor Relations Board should have more of the money of the taxpayers to be used to assist the C. I. O. in obtaining members?

Has not this policy of using Government agencies and spending Government money to force workers to pay tribute to Lewis gone far enough?

Or is there some understanding between Lewis and those in authority, those who are behind, and who are conducting, these investigations?

Is it possible that, in return for the aid given by the N. L. R. B. and the Senate Civil Liberties Committee to the C. I. O. in its drive for members, the C. I. O is not only collecting dues to further its own interests, but is collecting from the workers vast sums, a part of which is to be donated, as in the last campaign, to further the political ambitions of some particular party or individuals?

Does the Senate Civil Liberties Committee and the N. L. R. B. intend to force all workers to pay dues of $1 a month and such special assessments as Lewis may levy, so that a vast slush fund of hundreds of millions of dollars can be accumulated, and then such portions as may be necessary used in 1938 to sweep the congressional elections?

A "PURGE"

Not long ago, Jay Franklin, writing in the Washington Star, said we were to have a "purge", the implication, as I read the article, being that the New Dealers intended to purge the Democratic Party of those who were termed "conservatives" and who objected to much of the New Deal legislation.

That article was either followed or preceded by the announcement from the White House steps that the Senator from Indiana who opposed the packing of the Supreme Court would have New Deal opposition in 1938.

No doubt this "purge" is coming and when it comes it will be backed by the war chest of the C. I. O., and Communist organizers will be active in Democratic primaries to defeat those who still entertain and voice convictions.

A PROPHECY

It is dangerous to indulge in predictions. Nevertheless, I will make one. If we, who have the power, continue to permit Lewis, the National Labor Relations Board and the Senate Civil Liberties Committee to force all workers to pay tribute to the C. I. O.; permit them to force employers, who create jobs and meet pay rolls, to adopt the closed shop and the check-off, we will add millions to the already unbelievable sums which Lewis is collecting.

And mark this, and mark it well: We will find that a new political organization has arisen in this country, with an inexhaustible slush fund at its command, and that we who believe in the independence of the worker, in the right of the individual to hold property, in free speech, in a free press, and independence and liberty for all; in short, in our form of government, will go down to political defeat before

this new organization already formed and well on its way toward the accomplishment of its purpose, which is the destruction of a government of, by, and for the people.

Already, in many communities throughout the country, the C. I. O. has become a political force. Unlike the American Federation of Labor, it is now not a labor organization, but a political organization. And we who fail to read the signs and to act are but committing political suicide. Today we have the power; tomorrow we will be bound and helpless.

Why make a contribution of the taxpayer's money to a political organization?

Congress, heeding the cry of party loyalty, has time and again voted for legislation while deep down in the hearts of Members there was a doubt as to its wisdom. Because a so-called emergency existed and they believed that, for the moment, it was necessary, Congress gave away its right to legislate, its right to control the spending of money.

YIELD ALL OR "GET THE AXE"

One may yield his better judgment; he may disregard the warnings of his conscience; he may go contrary to his settled, lifetime convictions, because of loyalty to party or to leader. But there comes a time—and that time is here—when, having followed the judgment of another, disregarded convictions long established, the demand is made that, blindly and unquestioningly we follow a leader, and with that time comes the realization that, if we follow on, the end will be the destruction of our form of government, the loss of our liberties, our independence.

What Jim Farley wants, what he demands, what he will have, if he can get it, is a Senate and a House which will stay "in the bag."

Have we forgotten the threats to defeat those who opposed the scheme to pack the Court? Does the warning of Jay Franklin in the Evening Star that the purge is on mean nothing?

Far better is it to make the fight here and now and reestablish this Congress in the place which it should occupy—representative of the people; making the laws for our people and directing how the taxpayers' money should be spent.

Let us make the fight in this Congress, where we have the weapons with which to fight, rather than wait until the campaign of 1938. Then the C. I. O. and Farley will have joined forces. Their war chest will be filled to overflowing with the dues collected from the workers.

Let us reestablish ourselves as a coordinate branch of the Government. And that we can do—in part at least—by denying to this Board any further appropriation and by amending or repealing the Wagner Act.

OUR OWN EXECUTIONERS

If you wish to sit here in silence while these gentlemen, who will slaughter you at the polls in 1938 and 1940, perfect their plans, add millions to their war chest, complete their organization, that is your business. They are gathering strength and power and votes and creating lobbies, not only in industry but at the very doors of this House, and all will be turned upon you at the proper time.

Shall we sit and watch them dig our political graves and furnish them the money to perform the execution, hire the hearse, and bury us?

You ask why I am calling this to your attention? Because there are some of us in the North, like us of Michigan, who, because of the attitude of our Governor who refuses to enforce the law, need the help—we must have the help—of the patriotic, conscientious southern Democrats if this Nation and our Government are to be saved. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WOODRUM. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. MAVERICK].

Mr. MAVERICK. Mr. Chairman, I only have 5 minutes and I have been told by the chairman that he will not yield me any more time.

Mr. WOODRUM. That he could not.

Mr. MAVERICK. Pardon me, the distinguished gentleman from Virginia is always good to me. The gentleman did, in fact, say he could not yield me any more time. In any event I will be forced to refuse to yield.

I am going to discuss the appropriation bill and a few disappointments which I have and which I think are disappointments to the American people. In discussing this appropriation bill I feel a great deal of hesitancy, because the Subcommittee on Appropriations has worked a long time and has been entirely conscientious. I think that practically 95 percent of what they have done is entirely right.

However, I want to call attention to the report of the subcommittee. They gave $500,000 just to start a monument for Thomas Jefferson. Now, maybe that is all right, but we do not have any plans. We do not have any hearings on it. We do not really know where this $500,000 is going. It is only beginning. No doubt millions more would follow.

Oh, Thomas Jefferson said we should not "beat the living with the bones of the dead." I do not know what Jefferson would do if he came to life, but I do not think Tom would be in favor of putting up a monument to himself for $500,000, eventually to cost millions more, in preference to having some money spent on the sharecroppers and tenants of the Nation and give labor a square deal.

I do not even criticize the committee for not passing the farm-tenancy bill, because the bill was only a political gesture. Probably what they say about the Department of Agriculture not being ready is also true. I favor the enactment of a tenant appropriation and will vote for such an amendment; but I find no fault with the committee differing with me.

NATIONAL LABOR RELATIONS APPROPRIATION SHOULD NOT BE CUT

What I want to talk about in this connection is the cut in the appropriation for the National Labor Relations Board. I think they were entirely conscientious about that, too. I do not believe they had any prejudices in the matter. I think they went into the spirit of the thing and did what they thought was right.

Now, in the first place, let us discuss this National Labor Relations Board. The National Labor Relations Board is a constitutional creation of Congress—we, as Congressmen, created it—and which is a part of the fundamental and integral law of this land.

WOULD YOU CUT THE APPROPRIATION OF THE SUPREME COURT?

I ask this question: Suppose the Budget came in and said the Supreme Court should have a million dollars or two million dollars, would anybody vote against the Budget on the Supreme Court? No! I want to say the National Labor Relations Board is just as constitutional as the Supreme Court, and the Budget made a figure of approximately $1,800,000, and the committee has cut it to $867,000.

Let me relate the procedure that has been followed in the United States of America to attempt to ruin the National Labor Relations Board and to cast discredit on the Government of the United States and on the Democratic Party.

FOUR WAYS TO DESTROY LABOR RELATIONS BOARD

The first thing was that the Liberty League lawyers, 57 of them, said it was unconstitutional and actually advised their clients to violate the law, which their clients proceeded to do.

Second, they got injunctions, 85 or 100 of them, against the Labor Relations Board and kept the Board from effectuating the purposes of the act.

Third, they appealed to the High Court, but it validated this organization, the Labor Relations Board. Then what?

The fourth thing to be done to destroy it—and I am not criticizing the subcommittee—is the attempt to cut down the amount of money needed for carrying out its duty under the law.

BOARD HAS SETTLED DISPUTES AND PROTECTED PROPERTY

Yes! As a matter of fact, the National Labor Relations Board has solved various disputes that have involved thousands, and indirectly millions, of the American people.

They have protected property rights.

I realize that they have been criticized, but the volume of their work has increased 10 times since the Supreme Court declared the act under which they operate to be constitutional. Regardless of all else, the fact remains that there has been this thousand-percent increase in their business.

They need more regional directors, stenographers, examiners, and field force, yet the bill cuts in half the amount that was allowed them by the Bureau of the Budget.

I do not think I am going to convince any Member on the Republican side, but I hope to convince some of the Members on the Democratic side that we have got to look at the National Labor Relations Board, even though it be as rotten as some people say it is, as a part of the United States Government. We have got to look at it that way and support it. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 3 minutes to the gentleman from South Dakota [Mr. CASE].

MARGINAL-LAND PROGRAM

Mr. CASE of South Dakota. Mr. Chairman, at the conclusion of his splendid presentation of the bill, the chairman of the committee having the bill in charge made the statement that it would be only a few months before we would be in session again, and that consequently there was no reason for appropriating this $10,000,000 for the submarginal land-buying program. I want to point out, however, that there are three specific reasons why the $10,000,000 recommended by the Budget should be restored to the bill.

First. The families concerned in selling this land under options are already determining their plans for placing their children in school this fall. If they know these options are to be taken up they can proceed to put their children into town schools or wherever they may intend to put them if they sell their land.

Second. The final payment of taxes generally comes due—at least it does in my State—in the month of November, and many people who are holding this marginal land will struggle to pay their taxes this fall if they know these options are going to be taken up. They will try to keep the land clear; but if the matter is held over until next January they will not know whether or not to borrow to pay their taxes this fall. They probably cannot unless they have some assurance that these options are going to be taken up.

Third. New taxes, another year's taxes, will be levied the first of January. I am not so enthusiastic about the land-buying program in some respects, because I am not so enthusiastic about the price that has been offered these people—$2 or $3 an acre. It does not begin to give them what they have invested. Not at all. In many cases options are carried along from year to year while the title is examined and cleared in half a dozen offices. The result is that when the option is finally taken up the taxes eat up the poor little price that is paid these people on this land.

If this thing is delayed for 4 months it means that many people who have given options on their homestead lands will not know what to do about school plans, about borrowing money to pay taxes this fall, and if it goes over until January there will be another year of taxes levied that will wipe out the poor price that is being offered to them.

I understand that an amendment will be offered to restore the $10,000,000 recommended by the Budget, and I hope it will be supported.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. DITTER].

THE NEW SOUTH

Mr. DITTER. Mr. Chairman, "There was a South of slavery and secession—that South is dead. There is a South of union and freedom—that South, thank God, is living, breathing, growing every hour." These were the words of the text used by that courageous crusader of the South, Henry W. Grady, in his memorable address before the New England Society during the trying years of the reconstruction period. That text was true then, but it is truer by a hundredfold today. Yes; thank God the South "is living, breathing, growing every hour" in these equally trying days.

The gratitude of the Nation is due the group of heroes of the South who in the recent past have ventured upon a hazardous course in defense of American institutions. A new hope was born in the hearts of the people by the courageous utterances of stalwart southern statesmen when they voiced their protests in the Senate and the House against usurpation of power by the Executive and invited reprisals and recriminations by their positive purpose to keep inviolate the faith of an honored ancestry in the principles of the Republic. The Congress has been thrilled by their devotion to a great cause in a grave crisis. The call came for strong men. Weak men submit. Strong men resist. The country was thrilled by the fortitude, the fearlessness, and the devotion of her spokesmen as the South marshaled her forces in defense of constitutional liberty and an independent judiciary. Without the pomp or panoply of arms, without the blare of trumpets or the rattle of musketry, without the urge of a war hysteria or the enthusiasm of a spread-eagle patriotism, the South has written another chapter of steadfast loyalty to principles in the archives of the Republic. The Supreme Court has been saved from submission to Executive fiat. Mr. Chairman, this deserved word of praise is due not only to the spokesmen in the Congress but to the thousands of men and women of the South without whose encouragement and support hearts might have faltered against almost insuperable odds.

But much still remains to be done. Other problems press upon us. Hopefully and expectantly the eyes of the Nation turn to the sons of the South for independence of thought and for freedom of action in meeting other issues. Problems affecting industrial relations require consideration. Legislation dealing with trade and commerce demands attention. Involved in many of these are schemes striking at the foundations of the Republic. They vitally affect the South. They are related not only to traditions and landmarks of Government long fondly cherished and always jealously guarded south of the Mason and Dixon line, but now of transcending importance by reason of the ever-increasing prominence of industrialism and the dominant place which it has assumed in the life of the South.

The growth and development of southern industries have attracted the attention of the country. More and more, industry has taken the place of agriculture. The plantation and the farm have been supplanted by the factory and workshop. Industrialization has challenged agriculture for supremacy and has demanded its rightful place in the thinking and planning of leaders as the agrarian group has been forced to accept a secondary position in the wealth-producing, labor-employing possibilities of the South. The natural resources of the section and their ready adaptability to industry have long been recognized, but it has only been since the turn of the century that these advantages have been able to impress themselves as potent factors in the building of an industrial empire. An appraisal of the value of these tremendously important factors has resulted in a growing demand for their utilization in industrial development so that the gifts of God might be made the servants of men.

I believe it can truthfully be said that the old South was not industrially minded. This is said in no sense disparagingly, Mr. Chairman, for the Old South had every reason to worship at the shrine of King Cotton. In those days, prophets of industrialism could not make themselves heard above the exultant exclamations of plantation owners who controlled the cotton market of the world. To some extent, there had always been manufacturing in the Southern States; however, it asserted only a negligible influence in the economic life of the section. The Reconstruction period marks the beginning of the transition. Since that time, industry has pressed its claims with such vigor and enthusiasm that an anti-industrial attitude has been changed into a pro-industrial disposition from Virginia to Texas. The results have amply proved the wisdom of the course pursued. Extended statistics are not necessary to prove this assertion.

Suffice it to say that the factory has not only opened entirely new avenues of wealth-producing activities, but has been a concomitant with agriculture in a program of development and growth. It can be said without fear of contradiction that the fields of the South are the richer because of the factories of the South and that diversification has been its salvation.

It is but natural that this resistless sweep of industrialization should cause material changes in the attitudes of the people of the South as they sense the similarity of their interests to the interests of the industrial North. Measures and policies adverse to our interests are inimical to your best interests. Your problems are our problems. Your advantage is our advantage. Your hindrance is our hindrance. Your welfare is our welfare. I submit, Mr. Chairman, that individual initiative is as dynamic and collective control as deadening; that thrift is as helpful and profligacy as harmful; that industry is as well rewarded and slothfulness as much deplored in the South as in the North. And I submit, Mr. Chairman, that the virtues of initiative, thrift, and industry cannot find avenues of expression in a society which accepts and endures a series of oppressive, circumscribing, and regulating laws which in all lands have resulted in the enslavement of the people and the supremacy of the state. Small wonder that the South rebels today against the persistent and continued overreaching of Federal authority as it becomes more articulate and active in its opposition to autocracy and tyranny in government. To be true to your traditions you could not do otherwise. To be alive to your dangers compels your rebellion. I submit, Mr. Chairman, that the management, the operation, and the success of the industries of the South depend upon the same rules of cause and effect, and upon the same laws of human nature, and upon the same principles of profit and loss as prevail in the North.

In the light of the changed conditions in your districts a tremendous responsibility and a golden opportunity present themselves to those of you charged with the obligation of safeguarding the interests of the Southern States as legislative suggestions are made dealing with industrial problems, and policies are advocated vitally affecting both the employer and the employee in shop and factory. We of the North seek your aid. A tie of mutual interests joins us together. The contentment and happiness of millions of industrial workers depend upon our judgment. Old differences must be adjusted, old wounds must be healed, old scores must be forgotten, as a common objective challenges us to a united endeavor for our mutual advantage and protection. The North and the South stand together in facing the present industrial crisis. Nothing should be permitted to separate or divide us.

In this common venture there should be no difficulty on either side in deciding upon working principles, some of which in times past the South has espoused and the North has rejected, and others of which the North has advocated and the South has opposed. Changing conditions, political and economic, urge a willing spirit of give and take as we counsel together. On the other hand there are other principles which we have both cherished, which we have both safeguarded, and which we both look upon as fundamental in our concepts of an American way of life. The preservation of these principles is demanded by both.

You have heard the reverberations of industrial disorders throughout the North. You have heard of the defiant disdain with which agitators, many of whom are not even citizens, have disregarded every established rule of society and have brought on a reign of terror and anarchy in which the personal safety of the individual citizen is submerged to the fury of the mob. You have heard how the forces of law and order—yea, the very agencies of government itself—have become impotent because of a temporizing attitude on the part of certain public officials when faced with the stern demands of a sworn duty. You have heard of lawlessness, violence, and anarchy in the North. And now the threat comes home to you as your people are terrorized, as your factories are unlawfully seized, as the homes of your people are barricaded and stoned. Political ties can bind you no longer to a party machine which masquerades under a banner near and dear to the hearts of all of you, but which aborts and defames every tenet of Jeffersonian democracy as acquiescence invites a reign of mob rule and the complete surrender of all personal liberty.

Both North and South have insisted upon the preservation of personal liberty as a fundamental principle. Subversive alienism of any brand is, therefore, a common enemy to both of us, for all of these isms, no matter by what name they parade, depend primarily upon the surrender of the right of the individual and the supremacy of the State. It, therefore, follows as a natural corollary that we can find common ground in opposing those proposals which tend toward the subjugation of the individual as a basis for a collectivist program. A regimented citizen of Georgia rebels against the commissar theory with just as much vehemence as the regimented citizen of Pennsylvania. Both hate it. Both oppose it. Both reject it. A righteous individualism need not be a sterile individualism. A righteous individualism can and does recognize its obligation for social justice and social betterment. A righteous individualism, however, does reject the inescapable attendant circumstances of slavery which have been foisted upon every people where regimentation and collectivism prevail.

A philosophy of government which contemplates the right of appointive agencies to prescribe when we may work, how much we may earn, what we must plant, how much we may grow, as well as all the other unnecessary regulatory, prohibitive, penalizing, confiscating, and puiitive measures affecting the daily life of every individual citizen which have been enacted or suggested, is distasteful to the people of both sections. They are repugnant to the South as well as to the North.

The principles of personal liberty include the right of individual citizens to organize for the protection of these liberties and to expect their Government to safeguard them from encroachment, attack, or destruction. In the industrial field these liberties include the right to join or refrain from joining organized-labor movements. They include the right to work and the right to strike. They include the right of individual industrial workers to join together and bargain collectively. If the American principle of liberty guarantees the freedom of individual capitalists to organize and pool their interests, by the same token groups of industrial workers have an equal right to join together and bargain for their interests and advancement. They include the right of individual workers to oppose any political movement which would seek to impose upon them either labor leaders or labor organizations not acceptable to them or to countenance and permit coercion, intimidation, and violence as proper methods by which to seize control of industrial relations. They include the right of individual workers to expect that the orderly processes of self-government will be upheld by every governmental agency, that their personal liberty will not be destroyed by the subtle and seductive influences of any type of benevolent despotism, and that their chosen representatives in the legislative branches of government will have the moral courage to accept the responsibility for legislation affecting their interests rather than delegating to appointive agencies the control over the destinies and fortunes of every American workman.

In these days of industrial disturbances a serious responsibility rests upon leaders in both the South and the North. The industrial workers' rights are as sacred as the industrial employers' rights—yea, more sacred, for they concern themselves with heart and soul and spirit rather than with money, machines, and management. Neither prejudice nor privilege, and certainly not politics, should be persuasive as efforts are made to adapt an orderly and unadulterated American democracy to the needs of our present-day industrialism. Our first duty is deliberative consideration of every proposal intended to alleviate or cure. Snap judgment can be disastrous. Too much is at stake to risk hasty conclusions. Past experiences rather than future promises should be weighed. And, above all, let us be mindful that

eternal vigilance is the price of liberty, lest there be a forfeiture of individual rights as a price for supposed security.

We must accord to industrial workers not only the right to organize for their mutual benefit but encourage them to perfect representative bodies which will command the respect and secure the approval of employers and the general public. Racketeers have no place in these organizations. Leaders of the alien-agitator type cannot be welcome. Exploiters must be shunned. They dare not wink at lawlessness nor smile with satisfaction on violence. Expediency cannot be the excuse for evasion and avoidance by public officials. Political advantages dare not cause an impotency of those governmental agencies which are charged with the maintenance of law and order. The vast majority of American workmen will welcome our cooperation in perfecting truly representative labor bodies.

The task which we face is not an easy one. We should not be dismayed by its enormity nor its complexity. Together we can translate the visionary efforts of impractical idealists into a sensible and real endeavor so that a nobler human attitude will prevail in the industrial relationships of both sections without surrendering the priceless heritage of personal liberty nor bartering away the interests of industrial workers to the avaricious designs of dishonest leaders and the radical purposes of alien agitators.

The South has never forsaken its defense of the doctrine of States' rights. Inroads have been made which have prompted a distinguished student of the Constitution to deplore the "vanishing rights of the States." Federal benefactions have been tempting inducements for a complete surrender of sovereign rights. Bureaus have been piled upon bureaus, each holding out a glittering gem to attract the people to the omnipotence of Washington, but incidentally to provide a contrast with the limited bounties available to them from their own Commonwealth.

In spite of these tempting attractions the South has not changed its position. The doctrine of States' rights is still a cherished tenet. You have not surrendered your position nor forsaken the faith. The memory of the valor of your fathers and your grandfathers challenges you. In every hamlet, town, and city of the South memories are kept alive by devoted sons and daughters. The sovereignty of the States has not been surrendered.

As further efforts are being made to destroy completely the rights of the States and to establish the domination of the Federal Government, as the evils of bureaucracy become increasingly apparent, the North turns to the South in grateful acknowledgment for the steadfast loyalty with which it has defended a principle. We plead with you today not for a share of the glory of the past but for the privilege of assuming a part of the burden of the present, to combat the forces which seek to establish the colossal and crushing control of a centralization of power and the destruction of all semblance of States' rights.

There have been some indications that the extreme anti-tariff attitude of the South has changed. Here again changing conditions invite a deviation in policy. Industrialization has had its effect. The competition of cheap foreign labor has been felt in your factories. Your industrial workers have sensed the dangers, and have become more articulate day by day in demanding some measure of protection. Domestic wage differentials emphasize foreign wage differentials. The products of Asiatic and European mills compete with the products of the South as well as those at the North. We urge a reasonable degree of protection for the workingman of both sections. This is not the first venture which you have been requested to make into the field of tariff legislation. In 1928 the rejection of one of the major party's traditional policies of "tariff for revenue only" was not an unwelcome gesture in the South as increasing industrialization sought common ground with the North for the protection of her craftsmen and mechanics. Indeed, petroleum associations, cottonseed-oil organizations, and other industrial groups have become more conscious day by day of the inevitable demoralization of industrial effort when the doors are left open to cheap foreign labor competition. Surely we can find some middle ground acceptable to both sections, by which the growing demands of southern industrialism can join forces with the North for the benefit of the American wage earner.

The new South, Mr. Chairman, challenges the admiration, the respect, and the confidence of the North. In a grave national crisis which tested the faith of men in the Republic, and in which constitutional democracy was threatened, the South reaffirmed its faith in American institutions, as it joined in the declaration that the "plan to force judicial interpretation of the Constitution * * * should be so emphatically rejected that its parallel will never again be presented to the free representatives of the free people of America." When subversively minded and lawlessly motivated leaders, reveling in a spirit of violence and destruction, and encouraged by a pathetic silence on the part of national spokesmen, threatened to extend their reign of terror by an appeal to race prejudice, the South reasserted its courage and conviction as it announced to the country that the rights of the most humble workman would be protected and his liberty of determination safeguarded. As renewed efforts are made to make the term representative democracy an empty shibboleth, to insidiously destroy the faith of the people in their capacity for self-government and in the Republic itself, by permitting an attitude of impotency to create fear and breed suspicion, a solemn duty draws the North and the South together to prove that the Republic can meet the needs of an industrial age, and that our form of Government provides for the American workman the greatest assurance of contentment and happiness. Nothing should estrange us. Nothing dare divide us. United we shall build a larger, a better, a nobler, and a more secure American industrialism. [Applause.]

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, ladies, and gentlemen, the administration brought up and passed in the House on yesterday a new tax bill. It was urged that this bill was necessary to stop the so-called loopholes and prevent tax dodging.

Every citizen should be willing and should be required to pay his just share of the taxes necessary for the economical operation of the various units of government. One group able to pay should not be permitted to dodge taxes when others are required to pay; but really this was just another tax bill that the administration claims will raise $100,000,000 in taxes. It is the second tax bill passed during the present session of Congress.

What a very remarkable contrast between the 4 years of the present administration and the preceding 12 years of Republican administrations. When the Republicans got control of the National Congress in 1919 the national debt was approximately $26,000,000,000; $25,000,000,000 had been made by the preceding Wilson administration. We found the heavy and burdensome war taxes on everything and everybody. In 10 years Republican Congresses passed five great tax-reduction bills and at the same time reduced the national debt from more than $26,000,000,000 to approximately $16,000,000,000.

The Roosevelt administration went into power on March 4, 1933, under an express promise to the American people to reduce taxes, reduce the cost of government at least 25 percent, and eliminate commissions, boards, and officeholders. Taxes have been more than doubled. During the last year of the Hoover administration the Government collected, in round numbers, $1,800,000,000 in taxes and revenues. The present administration this fiscal year will collect at least $6,000,000,000 in taxes—an increase of more than 200 percent. It has added scores of bureaus and commissions and more than 300,000 officeholders, and every week some new bill is forced through creating a new commission or board and increasing the list of officeholders.

The press this morning carries an announcement that the President will likely call an extra session of Congress on November 1 to consider and pass a comprehensive tax bill

increasing the taxes. If this is not done in an extra session, it will come in the regular session beginning in January 1938. This administration has not failed to pass one or more tax bills at every session of Congress since it came into power, adding new taxes and increasing other taxes.

The national debt on August 12, 1936, according to the official statement of the Treasury Department, was $33,401,993,079.48. The national debt on August 12, 1937, was $36,889,077,397.83. We have increased the national debt nearly three and a half billion dollars since August 12, 1936. This represents an amount almost equal to the entire cost of the 4 years of fighting and winning the Civil War.

The deficit for the month of July 1936 was $123,000,000. The deficit for July 1937 was nearly $250,000,000. The President in April 1937 predicted that there might be a deficit of $418,000,000 for the entire fiscal year beginning July 1, 1937, but we have practically reached that amount of deficit in less than 2 months of the present fiscal year. If we continue at this rate, there will be a deficit this year of approximately $3,000,000,000.

Mr. WOODRUM. Mr. Chairman, I make the point that the gentleman is not speaking to the bill.

Mr. ROBSION of Kentucky. I am covering similar ground that my distinguished friend from Virginia covered in his speech a few moments ago. I was coming to the deficiency bill under consideration and to commend the courage and statesmanship of the gentleman from Virginia.

Mr. WOODRUM. Well, that will be all right. [Laughter.]

Mr. ROBSION of Kentucky. I do wish to commend the splendid speech of the gentleman from Virginia [Mr. WOODRUM] in pointing out the danger to the financial stability of our Government and urging us to cut out unnecessary appropriations. We would do well to heed his timely warning. It takes courage and high statesmanship for him as a member of the administration to sound this warning note. [Applause.]

The administation today is crowding through the House the third deficiency appropriation bill for this session of Congress. These three deficiency appropriation bills, together with special resolutions passed since January 1, 1937, carry approximately $1,500,000,000. Is not this an amazing situation? After the President, the Bureau of the Budget, and the various departments and agencies of the Government had submitted estimates and Congress had appropriated the money, representing double the expenditures for a like period under Republican administrations, we are called upon at this session to pass three deficiency appropriation bills, adding to the tremendous appropriations already made.

The national debt does not include the billions of dollars of bonds that have been issued by the various governmental corporations, for the payment of which the credit of the Government has been pledged, and which bonds have been sold and the money spent. It is admitted that the Government likely will have to pay considerable losses in the end on these bonds and thereby increase the deficits and the national debt. With these and the increasing national debt, the country is facing inflation and bankruptcy and perhaps in the end repudiation. This administration might well be denominated the big-tax, big-deficits, big-debts, big-deficiency appropriations, and big-squandering administration of American history.

With all these expenditures we still have, according to the reports of those who ought to know, more than 8,000,000 unemployed workers in this country. According to the President and Mr. Hopkins, millions of our population must still depend upon Federal relief.

We speak of prosperity, but what would be the condition of the country if we were forced to pay back now the $17,000,000,000 which has been borrowed and expended in the last 4 years? We are simply borrowing and eating up the substance, the earnings and the resources of our children and our children's children. What right have we to engage in these unwise, vicious squandering and wasteful policies and thereby handicap the future of our boys and girls?

Congress passed a bill to help farm tenants a short time ago. I pointed out at the time that the administration was playing politics with the 2,860,000 farm tenants. The bill was less than a gesture. It did authorize an appropriation of $10,000,000, but this deficiency bill before us does not include any appropriation to carry out the farm tenancy bill or to carry out some other needful measures. The bill, however, does carry large sums as gifts for expositions, world fairs, and memorials. No doubt these will hearten the farm tenants and soothe them in their distress. How could we justify our action in appropriating large sums for expositions, world fairs, and memorials and deny the farm tenants a single dollar to carry out the act passed in their behalf?

FARM LOANS AND "CUT-OUTS"

During the last few months the prices of corn, cotton, and other farm products have been steadily going down. The farmers have become alarmed. A large group of southern Senators and Representatives with a number of farm leaders have been urging the President to make crop loans. While cotton was selling for 10 cents a pound or less, these groups urged the President that loans of 12 cents a pound be made on cotton and these loans have been pressed as to other farm commodities. The President insisted that he would make no crop loans at all until Congress passed a crop-control or crop "cut-out" bill.

The Democrats in control of the House and Senate have refused to bring out and have considered such a bill. They insist that this matter go over until the next session of Congress, in January 1938.

I am one of those who desires to see justice done to the farmer and farm workers. This administration has put through a number of makeshift measures. It has now had more than 4 years in which to formulate a permanent and helpful farm policy. This Congress has accomplished very little, except to create new taxes, higher taxes, make appropriations, and create new offices and add to the great army of officeholders. There is no good reason why permanent farm legislation should not have been thoroughly considered and passed at this session of Congress. It seemed, however, that the President and his Democratic friends from the South in the House and Senate have compromised for the present—Congress is passing a resolution declaring that the "cut out" or farm-control bill will be the first matter in order at the beginning of the next session of Congress and because of this pledge the President has yielded and agreed to make crop loans.

The President and Secretary Wallace appear determined to adopt a "cut out" of American farm crops and in that way produce a scarcity of farm products in this country. There is no suggestion that we cut out the flood of corn, wheat, barley, oats, rye, hogs, pork, beef, and other products pouring in from foreign countries, or cut out or cut down taxes and useless expenditures.

When the President and Secretary Wallace forced through Congress the A. A. A., they informed the American people that we would bring about prosperity with scarcity. More than 7,500,000 hogs and pigs, born and unborn, and millions of cattle and sheep were slaughtered, burned, or destroyed, and more than 30,000,000 acres of productive land were taken out of production and nearly $1,500,000,000 of processing taxes were levied and collected from the American people and was then handed out to many of the great corporations and great plantation owners in this country, Hawaii, Cuba, and the Philippine Islands. The small farmers got the crumbs or nothing.

During the last 4 years this administration has spent and authorized hundreds of millions of dollars for irrigation and reclamation projects that have brought and will bring millions of acres of unproductive land into production. It can be seen at once that each of these administration policies is diametrically opposed to the other.

RECIPROCAL-TRADE AGREEMENTS

Congress has turned over all of its tariff-making powers, with many other powers which the Constitution specifically gives to Congress, to the President and the bureaus and com-

missions established by him. This was done during the so-called emergency. The New Dealers claim that the emergency is past when an election is on, yet they continue to extend these emergency measures and operate under them.

Our distinguished Secretary of State, the Honorable Cordell Hull, as his public record of many years discloses, is opposed to a protective tariff or other trade barriers to protect American agriculture, industry, and workers. Congress gave to Mr. Hull, through the President, the power to negotiate the so-called reciprocal-trade agreements with any and all countries of the world. These agreements have been entered into with nearly a score of foreign countries, and we have extended commercial favors to many other countries.

We were told that this reciprocal trade agreement policy would greatly benefit our foreign commerce and thereby create a market for the products of our farms, factories, mills, and mines. Has it benefited our commerce, agriculture, industry, or labor?

MADE US IMPORTING INSTEAD OF EXPORTING NATION

The "cut-out" and reciprocal-trade agreements became really effective on or about the 1st of January, 1935. Busines was not so good in 1934, yet in 1934 the balance of trade in our favor with foreign nations was $478,000,000. In other words, we sold and shipped out to foreign countries $478,000,000 more of products than were brought in from foreign countries.

In 1935 under the "cut-out" policy and the reciprocal-trade agreements, the balance of trade in our favor fell to a little over $230,000,000. In 1936 it had dropped to approximately $34,000,000 in our favor; but for the first 3 months of 1937, according to the records of the Commerce Department, the balance of trade was $132,000,000 against us. In other words, for the first 3 months of 1937 there was shipped into this country from foreign countries $132,000,000 worth of products more than we shipped to foreign countries. This unfavorable trade balance has been increasing ever since, and it would have been much greater but for the fact of the threat of war in Europe and in Japan. We have been selling and shipping to foreign countries great quantities of so-called war supplies. For instance, we shipped out 213,000 tons of scrap iron in May 1936, but it jumped to 641,000 tons in May 1937, and we have greatly increased our shipments of oil and other products that these nations are buying and storing up in anticipation of war. Should the war threat disappear it will cause considerable shock to our export trade. Furthermore, this administration is paying $35 an ounce for gold. Gold is now and has been pouring into this country from Russia, Australia, India, South America, Mexico, and every other gold-producing country of the world because if it were not for the price set by this administration of $35 an ounce, gold would not bring more than $15 or $20 an ounce.

Russia is producing three times as much gold as any other country of the world. I am reliably informed that she produces her gold at a cost of about $4 an ounce. She is bringing this gold to our country, getting the money and buying the choicest cattle, sheep, and other stock, stripping the West and Southwest of their best cattle and other livestock and taking them to Russia for breeding purposes on a large scale. This, for the present, is adding to our export trade but one of these days we will be met with products from Russia as one of the great competitors to the American farmers. You can see at once but for these unusual conditions that the balance of trade against us for the first three months of 1937 would have been more than $132,000,000.

We have now accumulated more than $12,000,000,000 of gold and we are burying it down in Kentucky. No one yet has explained why we are taking the gold of the world at double its market value and burying it in Kentucky. One of these days this Government must stop taking the gold of the world at that price. To finance this proposition the administration has borrowed $2,000,000,000.

When this policy is stopped and the market becomes normal, this Nation is bound to lose billions of dollars. It is not necessary to have this sum of gold to redeem our currency. The outstanding currency, including all paper money does not exceed $6,000,000,000 and we have $3,000,000,000 or more of silver. One-half of our gold fund would redeem all paper money in circulation.

FARM IMPORTS INCREASING—EXPORTS DECREASING

It is conceded that the United States is the greatest agricultural country of the world. It far surpasses any other nation in the production of corn, wheat, oats, barley, cotton, hogs, pork, cattle, and dairy products, yet in the first 4 months of 1937, according to the reports of the Commerce Department there were brought into this country from foreign countries 29,731,967 bushels of corn. This equals the entire imports of corn for the year of 1936, and it is almost 200 times as much corn as was imported in the entire year of 1933. At this rate of importation of corn, for the whole year of 1937, it is likely to run to more than 90,000,000 bushels.

Last year there were brought into this country 260,000,000 gallons of blackstrap molasses. This was used to make alcohol, rum, and other liquors. This had the effect of displacing 40,000,000 bushels of corn.

In the month of July 1937, 7,000,000 bushels of corn were shipped in from South America and Europe. The price of corn for December delivery dropped 13 cents per bushel during July and 30 cents a bushel the last 2 months. Under the first full year, 1935, of the "cut-out" and reciprocal-trade agreements, we brought in 42,242,296 bushels of corn. Millions of bushels of this corn came from central Europe, but, because of the cheap labor in South America and Europe, the farmers there are able to produce corn and ship it across the Atlantic and undersell American farmers.

We have always been a great corn-exporting country. In the 1921–25 period under Republican administrations the annual export of corn was approximately 73,000,000 bushels, and brought to the American corn farmers, on the average, approximately $55,000,000 annually. Under the "cut-out" and reciprocal trade agreement policies of Roosevelt, Wallace, and Hull, this country in 1935 exported only 177,382 bushels of corn. In 1936 we exported only 523,947 bushels, and for the first 4 months of 1937 this country has exported only 54,825 bushels, and has imported during those 4 months, as I have pointed out before, 29,731,967 bushels of corn and 260,000,000 gallons of blackstrap molasses, which takes the place of 40,000,000 bushels of corn. This is the effect of the "cut-out" system and the cutting down of the tariffs and other trade protections in the favor of our farmers against foreign farmers. For instance, in the reciprocal-trade agreement with Cuba the tariff on corn was cut from 25 cents a bushel to 10 cents a bushel.

The administration is busy trying to make similar treaties with all foreign countries and to carry out the plan to reduce the tariff and other trade barriers, not only as to the imports of farm products but on industrial products as well.

In 1934 we imported, in round numbers, 18,000,000 bushels of wheat. In 1936 it jumped to 53,000,000 bushels.

We are on our way to bring about free trade and thereby take this rich American market from American farmers and turn it over to the farmers of foreign countries.

AMERICA WAS GREAT HOG AND PORK EXPORTING COUNTRY

In the first 4 months of 1937, according to the reports of the Department of Commerce, there was brought into this country from foreign countries 29,777,671 pounds of live hogs and pork products. This included live hogs, fresh pork, hams, shoulders, bacon, and pickled pork. Had this market been reserved for American hog raisers it would have been a great help to fill the pocketbooks of the farmers of this country instead of going into the pocketbooks of foreign hog raisers. In the entire year of 1933, before we adopted the "cut-out" and reciprocal-trade agreements, there was brought into this country from foreign countries 2,923,000 pounds.

This Nation has always been a great hog- and pork-products exporting country. In the 1921–25 years, this country exported annually an average of 83,000 live hogs and on an average yearly nearly 350,000,000 pounds of bacon and sides

and nearly 300,000,000 pounds of hams and shoulders, amounting to 712,000,000 pounds annually, with a value of $116,000,000 which went jingling into the pockets of the farmers and hog raisers of the United States.

In the greatest year of the depression, 1932, this Nation exported 128,000,000 pounds of pork products of the total value of $12,500,000; but in the first 4 months of 1937, as we have pointed out, there was brought into this country nearly 30,000,000 pounds of pork and we exported only 17,622,739 pounds of pork products and only 115 live hogs, as against an average of 83,000 live hogs and 712,000,000 pounds of pork products annually under Republican administrations.

The years of 1935, 1936, and 1937 show clearly the bad effects of our "plow under" policy and our reciprocal-trade agreements. In 1934 we imported only 1,654,000 pounds of pork products. In 1935, under the "cut-out" and reciprocal-trade agreements, these imports jumped to 13,908,176 pounds. In 1936 the imports of pork products took another tremendous jump to 59,289,338 pounds, or an increase of about 300 percent; and for the first 4 months of 1937 it jumped to nearly 30,000,000 pounds. If it continues at this rate for the full year of 1937, it will go to approximately 90,000,000 pounds. This is almost 20 times the amount of pork products we imported in 1934.

According to the report of Hon. John B. Payne, Comptroller of the Division of Finance of the Agricultural Adjustment Administration, the Roosevelt administration in its corn-hog program made rental and benefit payments to farmers for not producing corn and hogs, alone, from May 12, 1933, to March 31, 1936, amounting to $397,265,907.39. Is not this astounding? Nearly $400,000,000 in taxes taken from the American people for the corn-hog contracts alone, destroying our own hogs and plowing under our own corn, and then bringing in these millions of pounds of pork products and these millions and millions of bushels of corn from foreign countries.

Yes; we made hogs, pork, and corn scarce in this country, and raised the price; and then pulled down our tariff walls under the reciprocal-trade agreements and provided a wonderful market for the farmers of Mexico, South America, Europe, and Canada.

A LARD-EXPORTING COUNTRY

We were the leading lard-exporting country in the world until the Roosevelt-Wallace-Hull crowd lost the lard market for the American farmers. In the 1921–25 period this country sold in foreign markets on an average each year a total of 860,840,000 pounds of lard with an average value of $115,602,000 annually. During the entire year of 1936 this country exported only 111,291,532 pounds of lard, valued at $13,494,036. This Nation, in the low depression year of 1932, exported 546,202,000 pounds of lard; in 1933, we exported 579,132,000 pounds, and in 1934, before the "cut-out" and reciprocal-trade agreements became effective, we exported 431,237,000 pounds of lard.

In 1935, the first full year of the "cut-out" and reciprocal-trade agreements, and under our corn-hog control policy, we exported only 96,364,609 pounds of lard, and in the first 4 months of 1937 this country exported only 28,828,443 pounds of lard. At this rate, our exports of lard in 1937 will be approximately 84,000,000 pounds as compared with 546,202,000 pounds in 1932 and the average of more than 860,000,000 pounds annually—for the period 1921–25.

We have cut down the farmers' income from the export of lard more than $100,000,000 annually, and yet the corn, the hogs, the pork, and the lard continue to roll in from foreign countries. President Roosevelt, Secretary Wallace and Secretary Hull and the New Deal "brain trusters" must assume full responsibility to the American farmers and the American taxpayers.

HAVE DESTROYED AMERICAN FARMERS' BARLEY AND BARLEY-MALT MARKETS

Under this same unwise "cut-out" and reciprocal trade agreement policy of the President, Secretary Wallace, and Secretary Hull, the American farmers have lost the barley and barley-malt markets.

The President and his New Dealers urged the American people to repeal the eighteenth amendment and bring liquor back. It was urged that we should make our own liquor, using American capital, American labor, American grains, and American fruits. The eighteenth amendment was repealed.

During the period 1926–30 this country exported on an average 28,527,000 bushels of barley each year. In the period 1921–33 there were no imports of barley or barley malt. In 1933 under this administration there was brought into this country 24,000,000 bushels of barley, and in the first 4 months of 1937 we have imported 6,068,937 bushels of barley. At this rate the total importation of barley for the year 1937 will be in the neighborhood of 18,000,000 or 20,000,000 bushels. Our trade agreement with Canada cut the tariff on liquor one-half, and millions of gallons are coming in from Canada and other countries.

BARLEY MALT IMPORTS

The records tell a more graphic story of the imports of barley malt than the barley grain itself.

In 1933 this country imported 109,183,000 pounds of barley malt. This jumped in 1934 to 193,728,000 pounds, and in 1935 to 320,622,537 pounds. In the first 4 months of 1937 this country imported 175,058,395 pounds of barley malt. This would indicate that before the end of 1937 there will be imported more than 500,000,000 pounds of barley malt to be used by American brewers and distillers.

Some time ago I observed a statement in the Louisville Courier-Journal in which it was pointed out that the receipts at the customhouse at Louisville received from the imports of foreign products had increased about three times in May 1937 over May 1936, and this increased payment in duties was caused by the shipping to Louisville, Ky., of barley malt, and cotton. This barley malt came from Europe and the cotton came from South America, India, and Egypt. Is not this an amazing condition—Kentucky, a great agricultural State well adapted to the cultivation of barley and the western part of the State producing a great deal of cotton, yet barley, malt, and cotton are being sent in from foreign countries—about three times as much in May 1937 as there was in May 1936.

Mr. MURDOCK. Will the gentleman yield?

Mr. ROBSION of Kentucky. I regret very much that I cannot yield as my time is very limited and I have a number of matters to cover. I trust that my good friend from Utah will excuse me from yielding at this time.

FARMERS OPPOSE "CUT-OUTS" AND RECIPROCAL-TRADE AGREEMENTS

As I understand it, the National Grange and some other great farm organizations oppose the "cut-out" and reciprocal trade arrangement policies. They favor, as I do, a sane and sound conservation program. Last year there was appropriated by Congress nearly $500,000,000 for a conservation program. The administration insisted it would take the place of the "cut-out" and crop-control plan, but now the President and Mr. Wallace are insisting on crop control and "cut-outs."

The farmers generally say it is unwise to create a scarcity in this country, put heavy processing taxes on the people, create high prices, and then turn the American markets for hogs, corn, sheep, cattle, barley, malt, wheat, oats, rye, and other farm products over to foreign farmers and our markets for textiles, shoes, clothing, and other manufactured products over to foreign industries and foreign workers.

Our Nation was the greatest cotton-producing nation in the world. Before the "cut-out" we provided 53 percent of the world's cotton. With the "cut-out", we dropped to approximately 40 percent. The "cut-out" in this country induced the expansion of cotton production in Brazil, Egypt, India, and other countries, and the textile industries of the other countries turned to Egypt, Brazil, India, and other nations for their supply of raw cotton. I am afraid that we have lost this cotton market forever. No wonder southern cotton producers and Senators and Representatives from cotton States hesitate to meet the President's demand for another "cut-out"; and we have lost heavily in other farm products in the world market.

We contend that American farmers should be encouraged to produce sufficient to satisfy the needs of American consumers, and these American farmers should be given the preference in this market.

INCREASED COST OF LIVING

The "cut-out" and "plow under" policy has struck the American consumer a hard blow. The retail price of round steak per pound in July 1934 was 29.9 cents. This same round steak in July 1937 had jumped to 43.4 cents per pound. Pork chops jumped from 26.2 cents per pound in July 1934 to 41.8 cents per pound in July 1937, and for some articles of food there have been even greater increases in the cost price to the consumer. In giving this report they do not mention first-class tender steak—it is now more than 50 cents a pound, and first-class breakfast bacon is in the neighborhood of 50 cents a pound.

The American consumer is paying dearly for the "cut-out" and reciprocal trade agreement policies of this administration, and the foreign farmer is growing fat under the policies by making us an importing nation where we had been through all the years an exporting nation.

I do not have the opportunity under the time assigned me today to discuss the effects of the reciprocal-trade agreements on dairying and other farm products; neither do I have the time to discuss the effect of this "cut-out" and the reciprocal-trade agreements and other policies of this administration on the textiles and other manufactured products of this country. I do, however, wish to call your attention to one or two of these matters.

JAPAN AND TEXTILES

Before our country entered into the reciprocal-trade agreement with Japan, she was shipping into this country approximately 300,000 yards of textiles annually. Since this agreement, Japan is shipping in more than 30,000,000 yards of textiles annually. Japan is also filling this country up with her china ware and crockery, and American plants and workers are idle.

The administration has been urging a minimum-wage and maximum-hour bill. With millions unemployed in this country and in view of the high cost of living, no reasonable person could insist that a 40-hour week is too short or a $16 wage per week is too high. The President's work and hour bill applies only to goods and products from American factories going from one State to another State in the United States. For some reason that I cannot possibly fathom he refuses to have this bill amended so as to apply to goods and products shipped into our country from foreign countries. That would interfere with the reciprocal-trade agreements.

It is important to create purchasing power among workers in industry, and it is quite as important to create purchasing power among farmers and farm laborers. The farmer is the biggest customer of industry. If the market is taken from him and given to foreign farmers and foreign farm workers, he cannot buy the products of the American workers and factories.

The farmers generally oppose the wage and hour bill in industry as it will increase the cost of products bought by the farmers. More than 90 percent of all of our trade is domestic trade. Only about 7 percent of our products enter into foreign commerce. If we increase the purchasing power of the farmers and the workers of industry of this country, it should be for the benefit of American farmers, industries, and workers.

The American workers cannot compete with the low-paid workers of Japan and other countries of the world. An effort is being made to get a bill through the Japanese Parliament to reduce the workweek there to 84 hours. Their hours are long and their wages are very low, and this is true as to many other countries with which we have made these reciprocal-trade agreements and broken down our tariff protection. In many of these countries, wages range from 5 cents to 50 cents for their long days. Can anyone tell me how American industries and labor can compete with the industries and labor of these foreign nations? They cannot; and for that reason our country is being filled up with the products of foreign industries and workers, and we have become an importing Nation.

It will not mean much to the industrial workers of this country to have a wage and hour law if we permit the products of these other countries with their long hours and low wages to be shipped into our country and the workers of our own country are unable to secure employment. Industry and the industrial workers of this country should urge protection for the farmers and farm workers of this country so that they may be assured good prices for their farm products and good wages for their work; and at the same time farmers and farm workers should insist upon reasonable hours and good wages for the workers in American industries and protection against the long hours and cheap wages of foreign workers.

Let us preserve the American markets and American jobs for American industries, American farmers, and American workers. [Applause.]

Mr. WOODRUM. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Chairman, some weeks ago this Congress, by an overwhelming vote of both Houses, passed, and the President approved a bill making a very small start, but a start nevertheless, toward the eradication of the system of farm tenancy. To my mind that bill was a recognition of the duty of the Government in seeking the solution of one of our most grievous social and economic problems. The bill is not a communistic effort to give every landless man "40 acres and a mule", but, on the contrary, it is an extension of the same type of services now rendered by the Federal land banks to the more fortunately situated of our farming population and incidentally also now rendered to those of our urban citizens who desire to speculate in farm lands. It is, as I say, Mr. Chairman, but an extension of the services of the land banks to the less fortunately situated of our farming people. It enables the man without a home to borrow from the Government under regulations and restrictions to be prescribed by the Department of Agriculture. It provides him an opportunity to secure the funds necessary to purchase such property as in the opinion of those competent to judge is suited to the individual's needs, and is priced within his ability to pay. It gives the prospective home owner no subsidy; it makes no grant; it bestows no charity. It simply provides that the Government will assist him in securing the money to make the purchase. He is required to repay every dollar at an interest rate higher than that paid by the Government.

The problem with which this bill seeks to cope is a tremendous one. Originally, sponsors of this legislation proposed to provide much more money, but at the request of the administration and of the Finance Committee, the amount for this year was reduced to $10,000,000, which was recognized as but a most modest beginning. It was, as it were, Mr. Chairman, but a faint gleam of light in the eastern sky, but it was in the direction of the rising sun. It carried with it the promise of a new day for the tenant farmers of America. We passed the bill, we fanned a flame of hope. We told these tenant farmers that a new day was about to dawn. We complied with the wishes of the administration and the Appropriations Committee in cutting the amount to the barest minimum.

Now, we have an appropriation bill before us, Mr. Chairman, which repudiates the philosophy expressed so recently by this Congress. This bill fails to carry out the express wish of the Congress and the fond expectation of more than 2,000,000 tenant farmers. The Appropriations Committee now tells us that this problem is so large that we cannot solve it with the small amount of money under consideration. Certainly we cannot solve it with this amount of money, but we can start. We have in good faith sought to assist in the efforts to keep the expenditures of the Government within reasonable bounds. We have reduced the amount requested in a sincere effort to cooperate with the Appropriations Committee. If this small amount that we heretofore promised is not forthcoming this year, we will

have proven to our tenant farmers that the ray of light which he saw was in the western and not the eastern skies, that it was but his last gleam of hope before he sank into the depths of night.

Gentlemen have said here that this bill does no more than hold out hope, that it does nothing substantially. In my opinion it makes a substantial start, but even more important it does hold out hope and so long as we can honestly hold out a sincere hope to our tenant farmers we can expect to make progress in the solution of the problem, but should we today allow this defeatist psychology to rule our actions we would have destroyed all hope and would have done all within our power to plunge our American tenants into the hopeless despair of Chinese coolies.

The suggestion has been made that we should not attempt to do anything about tenancy until we have solved all other farm problems. This, Mr. Chairman, is the same philosophy which has always kept us from making any progress. The idea that before we do the thing that is needed now we must wait until we do all of the other things that are needed. It is very true that there are many other farm problems that are crying for solution. In my own section the price of cotton is falling daily and our people must have immediate action if this year's crop is not to become a curse rather than a blessing. We cannot wait until we have thrashed out the relative position of the various farm crops before we deal with the present falling cotton market. We cannot meet this problem by saying that we will do nothing until we have done everything. We must do something first. The only thing we can do this afternoon is to provide the money to make a start on the eradication of tenancy. If we wait to do something else first we will have lost the opportunity to make this start and we will find ourselves simply going in a ridiculous and vicious circle. Let us do what we can today. Cross the bridge that is now before us and deal with other problems when we reach them.

Nor do I feel, Mr. Chairman, that we can very well accept the contention that the Government cannot afford to make a 10-million dollar start on this great problem. This very appropriation bill that so blandly ignores the action of this House and the necessities of this Nation contains one single appropriation of $10,000,000, an amount equal to the total we ask as a means of keeping alive the spark of hope in the hearts of 2,000,000 tenant farmers. It contains, Mr. Chairman, one item for the purchase of a post office in New York City, which is equal to the entire amount asked as a loan by the tenant farmers of the Nation. Now the people of New York City are undoubtedly entitled to spacious and even elegant quarters for their postal facilities, but they are now enjoying rather ample facilities, and yet we are told that in order to buy a post office site in one city, which is incidentally receiving another $3,000,000 in this bill for the purpose of holding a carnival, that every tenant family in America should be told that the Government was not interested in their efforts to become home owners. And remember, these appropriations for post offices and fairs will not be repaid by the recipients, whereas we propose to make only loans to the tenant farmers.

Mr. Chairman, the distinguished gentleman from Virginia suggested that this appropriation should not be made because the Department of Agriculture had not presented a plan for carrying this work into effect. Are we to ignore our responsibility simply because the Department of Agriculture has not been as prompt as we might hope in working out its plans for this program? In fact, can we ever expect the Department of Agriculture to devise any definite plan whatever until it has the money available and can any of the money be expended until the money is provided?

The distinguished gentleman also suggested that the policy heretofore adopted by this Congress was unsound in that we could not consistently aid tenant farmers to become home owners without at the same time making each factory worker an owner of the mill in which he worked. Mr. Chairman, in helping our tenant farmers to become home owners we are but extending to the rural areas of this country the same kind of assistance that the Federal Government has heretofore extended and still does extend to its urban citizens in the purchase of homes through the use of Government credit. The farm is not simply a factory where the farmer works for a wage. It is the very home where he rears his family.

The home-owning farmer has through all history formed the backbone of stable government. If we had no interest in the individual, if we ignored the personal element, and if we could overlook the desirable economic effects, the Government would still be justified in spending public money to make home owners of its rural citizens as the most effective insurance of its own stability. We spend a hundred times the amount here requested each year on our military forces, but no military force can guarantee the stability of Government that is achieved through a home-owning farming population.

To fail to make this $10,000,000 appropriation at this time would be to break faith with America, would be to take from our tenant farmers the hope that was held out, would be to further delay any sound and permanent solution of our agricultural problems and would finally be to ignore the very foundations on which our Government is built.

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. HOPE].

Mr. HOPE. Mr. Chairman, I want to address a few remarks to an item which is not in this bill, but which I hope will be placed in the bill by action of the House. I refer to the item of $10,000,000 which the Bureau of the Budget has approved for the purchase of submarginal lands under the provisions of title III of the Farm Tenancy Act.

I am going to put these remarks solely upon the basis of economy, because I believe the expenditure of a reasonable appropriation at this time will in the end avoid a much larger expenditure. I am speaking particularly of the Dust Bowl area in the Southwest, but what I have to say applies equally well to that area in the Northwest. If the Federal Government had no other reason for spending money for the purchase of submarginal land in these areas except to protect its own investment, that in itself would be a sufficient reason. In the southwest Great Plains area, including 14 counties in Colorado, 25 counties in Kansas, 3 counties in Oklahoma, 16 counties in New Mexico, and 36 counties in Texas, the Federal land banks and the land-bank commissioner have up to this time lent $106,704,000, and other Federal credit agencies have made loans which bring the total investment of the Government in this area up to approximately $129,000,000. I do not have the figures for the area in the Northwest, but I am told that the investment there is equally as large.

I live in this Dust Bowl area. I know the conditions these people are facing. I know what is happening there. This area is increasing in size, and has increased every year since 1932. Those who are familiar with the problem of wind erosion tell us it is going to keep on increasing until more effective methods are taken to control blowing. It is a problem which can be solved, but in this particular area the only way it can be solved is through cooperation on the part of the Federal Government.

Such cooperation can be most effectively given at the present time through the purchase of those areas which are blowing the worst. If those areas can be purchased at this time, if the spread of this situation can be stopped, then the Federal Government is going to be saved the expenditure of many millions of dollars which otherwise must eventually take place, because this is a national problem. This area, which is spreading, if not stopped will eventually include a much larger area than is affected at this time.

In addition to the amount the Federal Government has invested in this area, it has expended—and I am speaking now only of the southwest area—something like $150,000,000 in the way of benefit payments and relief expenditures during the past 4 years. While it is perhaps not fair to count the

benefit payments as relief expenditures, it is fair to say that had these payments not been made the expenditures for actual relief would necessarily have been very much larger than they were. Therefore it is not a problem we can dodge, but it is an issue which must be met. The greatest difficulty being met in that area at this time in the control of wind erosion lies in the fact that large areas of land which are blowing the worst have been abandoned. The only way that continued erosion can be stopped in those areas is by proper tillage and eventual return to grass. The people now living in that region are making a heroic fight, but they cannot cope with the problem where abandoned land is blowing on the good land and on the land the owners of which are attempting to control erosion.

The Department of Agriculture is ready to go into those areas and make purchases now. Another 6 months or another year may entirely change the picture. Inevitably conditions will be worse and the expenditures required will be greater. No better example of penny-wise and pound-foolish economy can be found than the proposal to delay this appropriation.

Mr. WOODRUM. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. KELLER].

Mr. KELLER. Mr. Chairman, 3 years ago the Committee on the Library reported favorably a bill providing for a memorial to Thomas Jefferson. The amount agreed upon at that time was $3,000,000. This matter has gone along without any action, so far as any reports of the Commission upon the nature of any act are concerned. It was called to the attention of the committee that the Commission was going to place the Jefferson Memorial in the Tidal Basin. I made some investigation and found out that the amount of money which would be required over and above the cost of building the memorial itself, for the purpose of building the foundations and the roadways and making all the other improvements necessary for a great memorial of this character, would exceed the price of the memorial itself.

As a result of that information I felt it to be the duty of the Committee on the Library to call the attention of the Congress to this fact. I called the committee together and the committee decided to investigate the entire matter. A series of hearings were arranged and, beginning on April 23 were begun and continued in the committee room till all interested parties were heard. The hearings were printed in due course. The engineers, in the report which was published, showed that the amount of money necessary to build the memorial, if placed there in the Tidal Basin, in addition to the $3,000,000, would be somewhere between $2,500,000 and $6,500,000, or approximately $4,000,000 in addition to the $3,000,000 originally agreed upon.

We investigated the matter carefully and the investigation showed conclusively the opposition of all the interested parties who appeared before the committee, except only Mr. BOYLAN of New York, chairman of the Commission, and the people generally, to placing a memorial in that region.

Up to the latter part of the last century, every bit of the ground from the Washington Monument to the present Potomac River was tidelands. Eleven hundred acres of these tidelands were filled in, and there is no foundation until you reach 55 feet in depth, where the Lincoln Memorial is situated, and we had to spend more than one-half million dollars to save the Lincoln Memorial after it was erected. Where they are proposing now to build the Jefferson Memorial, having in mind the change which the Chairman has suggested, the depth to bedrock is 80 feet or more and the probabilities are it will run to 90 feet, and the cost of building roadways necessary for a memorial of this kind is so great that the engineers say, frankly, they cannot foretell how much it will be, but it would certainly exceed the cost of the memorial itself.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I want to ask the chairman of the Committee on the Library [Mr. KELLER] if any information has reached him as to where the modified location of the Jefferson Memorial is supposed to be.

Mr. KELLER. It has, and it is so indefinite that the gentlemen who talked about it do not themselves know. There is not a place anywhere down there where the memorial can be built that will not clog completely and entirely the traffic that is going on even at the present time, and the tremendous increase in traffic that would necessarily result from placing so magnificent a monument as the Jefferson Monument must be.

Mr. TREADWAY. I asked the gentleman from New York [Mr. BOYLAN] this morning if my geography was right that evidently it was going to be shoved out into the Potomac River or else go on over to the railroad tracks.

Mr. KELLER. It will be so close to the railroad tracks as to be totally impossible as a memorial site, and it ought not to be built there under any conditions.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I propose to speak under the heading of "Federal Communications Commission." It has recently come to my attention that the Crosley Radio Co. of Cincinnati, WLW, with a 500,000-watt experimental station, is using that for commercial purposes, and on August 1 had its license renewed for another 6 months practically without a hearing. These extensions have been granted every 6 months for the past 3 years.

As you gentlemen know, a 50,000-watt station is a large one. There are the so-called New York stations, but this experimental station of 500,000 watts is being used for the sake of profit and for the commercial purposes of the present owner who admits that he has increased his rates 20 percent.

I was wondering the other day why Charley Michelson, the Democratic publicity chief, became associated with the Crosley Co. at a salary of $10,000 in addition to his $25,000 salary as chief of the publicity bureau of the Democratic National Committee. Recent developments have answered the question. It now appears that the Crosley station has certain difficulties, that somebody has asked questions, merely seeking information as to the financial returns on this 500,000-watt station, this experimental station, apparently a gift from the Government. Mr. Michelson's action suddenly becomes more understandable.

Certainly, it is time to have an investigation of the Federal Communications Commission and to see what is behind this experimental station and what is behind the $10,000 salary that Charley Michelson is receiving, and why he should have his name on the letterhead and why he should use his influence in behalf of this Crosley station. He succeeded in smearing President Hoover and many other Republicans, and I think it is therefore only fair to ask this question. For what reason is Mr. Michelson given a position by the Crosley Co. at $10,000 while he still holds a $25,000 job from the Democratic National Committee except to purchase his influence directly or indirectly to obtain favors from the Federal Government?

A few years ago the President in a most pious way excommunicated the Democratic national committeemen who were practicing before governmental departments and said they could not appear before any of the departments of the Government, but it is all right now, after 3 or 4 years of the New Deal, for Mr. Michelson, the generalissimo of Democratic publicity, to go on a fat salary of $10,000 for the Crosley Co. And while a Senate committee is investigating that, when the time comes, it might also be well to investigate the charges that have been openly made in the press, repeatedly, that Mr. Elliott Roosevelt, a son of the President, helped to sell certain radio stations in Texas to Mr. William R. Hearst, and transferred them to him without a hearing before the Federal Communications Commission. If it is necessary to excommunicate national committeemen for fear they may appear before some governmental body and use their political influence, it is all right for a

member of the Roosevelt family to get several radio station licenses in Texas without a hearing upon the basis that a Roosevelt can do no wrong.

When it was disclosed the other day that New Deal publicity generalissimo, Charley Michelson, is on the pay roll of the Crosley Radio Corporation, of Cincinnati, which is having its difficulties with the Federal Communications Commission, and intends to retain his Democratic National Committee office and emoluments, it was confidently expected by the public that Mr. Roosevelt's oft-declared passion for spotless poltical purity and high official ideals would burst all bounds, and that he would at once pointedly recall the great satisfaction he had expressed over the action of Jackson, Kremer, Mullen, and so forth, in promptly purging the Democratic committee of their official presence in order that their private "advisory" corporate connections might not in the slightest manner taint the pure atmosphere of political sanctity which New Dealers would have the Nation believe pervades the Democratic committee under the Roosevelt regime. Strangely enough such a development has not eventuated in the White House.

It may be that Mr. Roosevelt is misled into a state of acquiescence by the cautious explanation of Michelson that he is not to appear for his client, the Crosley Corporation, before the Federal Communications Commission. It may be the President believes that the Crosley Corporation is willing to pay "Charley, old boy", a large honorarium just for the privilege of carrying his magic name on its letterhead, and perhaps for a word or two from him now and then as to the quality of the company's broadcasts and the effectiveness of its announcers. If one were very naive and had a sufficiently elastic imagination, one might readily arrive at such a conclusion.

Perhaps only those of base natures and hyper-suspicious temperament would imagine that the very fact of Charley Michelson's highly compensated connection with the Crosley Corporation might be quite sufficient to secure special favors or immunities of great commercial advantage for the Crosley Corporation without Charley being put to the necessity of personally appearing before certain boards and departments to advocate the cause of his client. The sad fact is, however, that many persons are assailed by just such base and unworthy suspicions.

Of course, it would never occur to anybody to imagine that there are divers mysterious ways in which an official in Charley Michelson's position could earn an honorarium of almost any amount without actually appearing in person to plead the cause of clients before particular departments. Such a suspicion would, of course, be specially unfounded under the present New Deal regime, sanctified as it is by Mr. Roosevelt's own pronouncements of its pristine political purity and unapproachable virtue. Like Caesar's wife, the Roosevelt regime is so far above suspicion that apparently Jim and Charley and the boys believe they can, without fear of blame or censure, do almost anything they choose to raise money for their party or to enrich themselves. It is reported in the press that Jim Farley is considering a fat salary job from an automobile company.

The news of Michelson's new connection with the radio company is the more disconcerting to the country because of another recent incident.

Just a few weeks ago "Charley, old boy" exhibited what everybody thought was a magnificent disdain of questionable politico-corporate emoluments when he refused a post with a large association of whisky distillers and dealers at a reported salary of $75,000 a year. In explaining his refusal of a berth then recently made vacant by the death of one of Mr. Roosevelt's kinsmen, who had held it, Charley is reported to have snorted, "What in hell would I do with $75,000 a year?"

In view of this circumstance, it is to be assumed that Charley's Democratic committee salary of $25,000 a year and his retainer from the Crosley Corporation aggregate something less than $75,000 per annum.

However, it might seem to some of those jealous of the fair name of the New Deal and the Democratic National Committee that it would have been a bit more ethical and further removed from grounds of justifiable suspicion if Charley had resigned his official connection with the Democratic committee and the New Deal and had accepted that despised $75,000.

Of course, it may turn out that Charley is aiding, abetting, and advising the Crosley Corporation free of charge, or for a dollar a year and the glory of assisting in the advancement of a new and wonderful science. One can never tell in these days of self-sacrificing patriotic New Deal officials.

It must be remembered that Rex Tugwell went into molasses for a mere pittance.

It may be that the suspicions of the press and public are just a bit sensitive at this time, because of the recent revelations concerning the profitable little racket perpetrated by Jim Farley, Charley Michelson, and the Democratic National Committee. That racket is called "Peddling the President's autograph", or "Finding the loophole in the law."

To some it might seem that a strange change appears to have taken place in President Roosevelt's views as to ethics governing lobbying, advisory, public relations, and legal counsel activities of officials high in Democratic political circles in the last 3 years, just as strange changes appear to have been wrought in his publicly expressed view on many other questions concerning which he has either initiated or tolerated actions in diametrical opposition to his announced purposes and ideals.

Mr. Roosevelt appears undisturbed by recent revelations that the Democratic National Committee, under guidance of Postmaster General James A. Farley, has grossly violated the spirit, and probably the letter, of the Corrupt Practices Act in hundreds of instances by peddling to corporations obsolete campaign books containing Mr. Roosevelt's autograph.

The fact that these books were sold to corporations under high-pressure methods, with the written assurance, in some cases at least, that this device would circumvent the Corrupt Practices Act, making it a violation of law for corporations to contribute to political campaign funds, seems not to have unduly agitated the President.

The further revelations that Mr. Roosevelt's signature on a page inserted in these books was brazenly used as the selling argument to exact from corporations through their officials unconscionable prices ranging as high as $1,000 a copy seems not to have annoyed the President to the point of any action or public remonstrance.

The fact that Democratic committee high-pressure salesmen cited the President's signature as proof that these corporation contributions were "investments in administration good will" seems to have occasioned no reprimand from the White House. Even the evidence revealed by the New York Times that in perhaps half the cases the books were not even delivered, and that in many instances it was understood that delivery was not expected by the contributors or by the Democratic committee's representatives, seems to have left the White House sense of morals and "law avoidance" unruffled.

It may be that the administration is too concerned over "loopholes" and "artifices of avoidance" (which it says were perfectly legal) in income-tax matters to be distributed by the overwhelming evidence of Mr. Farley's use of Presidential autographed campaign books as a law-evasion artifice. These transactions, which fill the Nation with the nauseous sense of gross moral violations and law evasions would, under vigorous and sincere prosecution by the Department of Justice, probably result in wholesale convictions. But they seem to arouse no sense of indignation on the part of the President or his Attorney General.

Now added to this malodorous autographed campaign book evasion of the Corrupt Practices Act, comes the announcement that Charley Michelson, high-priced publicity director of the Democratic National Committee, publicity adviser to the various New Deal bureaus and agencies, and the man who is at the right hand of Mr. Roosevelt at all White House press conferences, has accepted a position as "adviser" to the Crosley Radio Corporation of Cincinnati.

It might appear that either New Deal political morals are succumbing to the erosion of time and temptation, or else

the New Deal sensibilities of political morals and ethics are growing thicker and somewhat calloused by so long being on parade.

Mr. WOODRUM. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. LEAVY].

Mr. LEAVY. Mr. Chairman, it is with regret and embarrassment that I take a position in opposition to parts of this bill. I am a member of the Committee on Appropriations. I have learned to respect, admire, and have great confidence in the leaders of that committee, but I find myself now, as I did yesterday when the whole committee met, in disagreement with the majority of the committee on this third deficiency-appropriation measure in part only. What I shall say is not said with any thought of reflection upon the personal views of the other members of the committee. They see the thing in a different light. They could be mistaken, just as I may be. Let us get this first: Here is a bill carrying over $100,000,000 of direct appropriations involving literally hundreds of items. It was given hearings, ex parte in their nature, witnesses all on one side, urging the committee to give them more money. The disposition of the committee naturally was to lean over the other way and give them just a little less than requested. If the committee made mistakes, it is not an unusual thing at all; it would be human and natural.

It is my contention that a grievous error has been committed in reference to the appropriation for the National Labor Relations Board. I have heard it condemned this afternoon and I have heard it commended, but all of us must grant that it is a statutory creature set up by almost unanimous vote of this House in 1935, and a vote of 63 to 12 in the Senate, for the purpose of guaranteeing to American workmen the right of collective bargaining. That is its purpose, and in accomplishing that purpose it does a great deal of work of a conciliatory nature. Generally the American legal fraternity believed the act providing for this Board unconstitutional, and they had a right to so believe in view of the holding of the Supreme Court in the N. I. R. A. case sometime before.

In April of this year the Supreme Court of the United States said that this legislation—the Wagner Act—is constitutional, and that the tribunal set up by the act shall be available to the American workman and likewise to the American employer as a place where they could take their differences. That was in April of this year. The appropriation made in the independent offices appropriation bill was approximately $750,000, before the Supreme Court decision, and about the same as made for the year before. Immediately upon the rendition of that decision the work of this Board increased a thousand percent a month, as disclosed by the record of the hearings on page 331 thereof. The increase was 10 times what it had been before the Supreme Court decision, and now you have this situation: Almost 3,000 cases are pending with nobody to hear them. Our position is this: Legislation has set up machinery dealing with one of the most difficult and delicate problems we have in American economic life, with an agency created by law to care for them, and there is a denial of the right of hearing because the agency is denied money. In June, with the limited staff they have, they settled 133 strikes. In July of this year they settled 100 strikes.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. Yes.

Mr. WALTER. What was the recommendation made by the Budget Bureau?

Mr. LEAVY. The Bureau of the Budget recommended approximately $1,735,000.

Mr. HEALEY. And the committee cut that in half?

Mr. LEAVY. It was cut just in half. The Board itself asked for $335,000 more than the Bureau of the Budget would give them, or $2,070,000. In just one single case up here in the steel industry within the last 90 days a strike was settled in 3 days by this labor board, and further pay-roll losses of $100,000 per day prevented. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. WOODRUM. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, when we start reading the bill for amendment I intend to offer an amendment to strike out, on page 8, that portion of the bill that provides for $500,000 for the commencement of the Thomas Jefferson Memorial Commission. I shall do it for one or two reasons.

When this was first proposed there was some opposition expressed to the site, to the type, and to the style of the memorial. Since that time modifications of the plan have changed the site, just exactly where I am still at a loss to know. We were told by the sponsor of the memorial that plans would be perfected and presented to us showing us exactly where that memorial was to be located. I doubt very much whether it would be a very good idea on the part of the House to appropriate the money first and then find out later where that memorial is going to be located.

In the second place, since the protest evidently did cause a change in the site, there is the possibility that further protests might cause a change in the style and type of architecture. I personally hope that may be done. Of course there are others who do not agree with that.

In the third place, I wonder what the ultimate cost of the project will be. I have never seen any proposition of this kind started where the ultimate cost stayed within the limits set by the bill. We have had the suggestion made this afternoon that the cost of the thing would run from four to six million dollars more than the $3,000,000 provided in the bill. I am very much afraid if we start this with $500,000 today, before we get through with it it will cost twice as much as the bill now provides.

In the fourth place, when the law was passed it required of the Memorial Commission that it make an annual report. That was 3 years ago. So far, according to the report made by the Library Committee, no report has been filed by this Commission with the Clerk of the House. I do not say that that was surreptitious proceedings or that the Commission is guilty of doing something it should not have done, but I do believe that the House of Representatives, before being called upon to start a $3,000,000 appropriation, should have been fully informed each year, as required by law, just exactly what the Commission was doing and intended to do.

Finally, may I repeat the words of the chairman of the subcommittee? Perhaps it is a good idea to postpone one or two pet ideas.

The CHAIRMAN. The time of the gentleman from California [Mr. SCOTT] has expired.

Mr. WOODRUM. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. PACE].

Mr. PACE. Mr. Chairman, it is generally admitted that farm tenancy presents one of the most serious social and economic problems confronting the American Nation today.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. PACE. I yield.

Mr. JOHNSON of Oklahoma. Does not the gentleman feel we can well afford to put in the $10,000,000 that has been authorized for farm tenancy at this time, rather than to start a five- or six-million-dollar Jefferson Memorial and spend $150,000,000 on ships?

Mr. PACE. I certainly do, and I am addressing the House to appeal to the Members to begin today an experiment which this House and the President previously authorized.

Less than 60 days ago we passed by a vote of more than 10 to 1, 308 to 26 as I recall, a bill to start a program for the help of the unfortunate tenants of this nation. The bill later passed the Senate by a large majority, was approved by the President, and is now the law.

After such action by the Congress I am unable to understand the refusal of the Appropriations Committee to report the $10,000,000 authorized for a small beginning on this great problem. I have prepared and expect to offer an amendment making that amount immediately available to the Secretary of Agriculture, as provided in the farm-tenant law.

There are nearly 3,000,000 tenants in this Nation. Three million men, with their families, who have no home of their own and who must move from year to year, change the schools for their children, change their places of worship, change the soil they cultivate.

There are nearly 24,000 of such tenants in my district, and certainly I am deeply concerned in their welfare and betterment. While they cannot expect much from this modest beginning, only $10,000,000 for the entire Nation, it is at least a move in the right direction, and we should no longer delay our effort to contribute toward the solution of the tenant problem.

The farm-tenant law we recently passed is not perfect; the provision requiring the tenant to comply with every farm practice the Secretary of Agriculture might prescribe is very objectionable to me, but it is the best law we could get. It is admittedly an experimental program; but if it materially aids in solving the serious conditions existing on our farms today, it will certainly be worth the small amount we are now asking.

On tomorrow we will have up for our consideration a bill to improve housing conditions in our big cities, carrying a large appropriation. I, for one, will never agree that the slum dwellers are to be preferred over the men and women on the farms of my district, who labor from daylight to dark, trying to earn an honest living and trying to improve the condition of themselves and the members of their family.

Mr. WOODRUM. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Chairman, ever since the institution of the factory system, away back in the seventeenth century, we have been making enlightened progress toward industrial peace. But at the termination of every period of poverty, when prosperity returns to the Government, we find an ever increasing number of industrial controversies, commonly referred to as strikes. Prosperity has recently returned to the United States and with it employment opportunities have increased. At the same time prices have been increasing—increasing too rapidly in the estimation of the worker; so in his attempt to secure adjustments in his wage levels he sometimes resorts to the strike. No one questions that right. We desire to eliminate as many strikes as possible by giving the employees and the employers a medium for the settlement of such matters.

During recent months we have witnessed a great many strikes in this country, but this agency created by the Congress has made a helpful contribution toward return to industrial and economic peace.

I recall a strike waged not so very long ago which was settled by this agency of the Government at a saving of some $700,000 daily for the people affected and the country at large. That is only one instance of the many hundreds of strikes that have been shortened and settled and millions upon millions of dollars saved to the Government.

Here I have a telegram from the vice president of the United States Lines, in which he says:

> Have sent the following telegram to a number of the members on the Appropriations Committee, as follows:
>
> "The local labor relations board in New York has been doing a herculean task in keeping commerce moving by its untiring efforts in prevention of stoppages of labor which can only be continued provided appropriation of available funds is not curtailed and in the general interest of the shipping industry, both labor and capital, we strongly urge you to cooperate."

This is signed by A. J. McCarthy, vice president, United States Lines.

Mr. Chairman, what is the situation that confronts us this afternoon? The National Labor Relations Board presented its case to the Budget. Digressing for a moment in order to emphasize the importance which Congress places upon budgetary control, let me point out that in the reorganization bill which passed this House recently we brought all independent agencies of Government under that control, the idea being to insure economy in the operation of Government.

Going back to the matter at issue, the Budget reduced the appropriation requested by the Labor Board by some $300,000. The Labor Board then came before the Appropriations Committee of the House, and that committee seems to have broken the all-time record for this Congress in the percentage reduction imposed upon this agency of the Government; they cut the appropriation right in half. My friends of the committee, that is going to impair the progress of this agency of the Government, and we have no right to do that. This agency is our creation, sponsored by our legislative committees, and it has every right to live. I hope you vote the appropriations for it.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. MAHON].

Mr. MAHON of Texas. Mr. Chairman, I was very much surprised when I read this bill to find that it carried no appropriation for the farm tenancy program as authorized by the House several months ago. We had authorized by an overwhelming vote the sum of $10,000,000 for this fiscal year for this program. To fail to appropriate this money is to thwart the will of the House and break faith with the President and the more than 12,000,000 people living on the tenant farms of this country. There are perhaps 75,000 people living on tenant farms in my district alone.

I think this sum is extremely inadequate, and I think the farm tenancy bill is very imperfect. I offered amendments during the consideration of the bill which were rejected but which I thought would partially perfect it, but I think it is indefensible to refuse to appropriate the money which we promised.

I sincerely hope and believe that when the amendment is offered providing for this appropriation it will be promptly adopted.

I am also concerned about another item in this bill—the inadequate provision for future post-office buildings in our districts. According to the hearing, I have in my district the following towns which are eligible for post-office buildings: Brownfield, Floydada, Haskell, Levelland, Littlefield, Post, Slaton, Snyder, Spur, and Tahoka. There may be others, as I have not been able to check carefully. A post-office building is a good investment for the Government. It saves rent, it provides quarters for the United States mail and other Federal functions in our towns, and I think we ought to have more post-office-building construction in the next few years rather than less, as provided by this bill. We have been providing about $65,000,000 per year for public buildings. This bill provides only $23,000,000. There are now 96 towns in Texas which are eligible for post-office buildings. I trust that the committee in charge of this bill will be willing to expand this program in the future.

We cannot in good conscience decline to make the farm-tenancy appropriation, and we cannot in good judgment decline to expand our post-office-building program. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield myself the balance of my time.

There is a cut of over $40,000,000 below the Budget in the figures that are brought in here by the Appropriations Committee today. We must make such cuts below the Budget if we are going to present a situation where we can balance Uncle Sam's Budget.

In the fiscal year 1937, the actual expenditures of the Government were $9,118,399,223.31 and the deficit for the year was $3,859,703,608.43. This is taking actual expenditures and not the figures given on the daily balance sheet of the Treasury. For the fiscal year 1937 this statement did not show the actual deficit which can only be obtained by adding the collections on principal investments that the Government has made. The expenditures for 1937 were as large as the year before, including the payment of the bonus. The total appropriations for this session of Congress reach, with the amount that is reported by the committee

in this bill, the enormous total of $10,181,284,193.55. I submit herewith a table showing these appropriations:

	Reported to House	Enacted
State, Justice, Commerce, and Labor:		
Regular	$121,222,000.00	$126,127,387.00
Permanent	1,230,500.00	1,230,500.00
Total	122,452,500.00	127,357,877.00
Treasury-Post Office:		
Regular	1,500,955,151.00	1,503,441,943.00
Permanent	1,468,404,470.00	1,468,404,470.00
Total	2,969,359,621.00	2,971,846,413.00
Independent Offices:		
Regular	986,360,963.00	957,738,963.00
Emergency	60,396,180.00	60,396,180.00
Permanent	93,556,255.00	93,556,255.00
Reappropriation	59,079,279.00	59,079,279.00
Total	1,199,392,677.00	1,170,770,677.00
Relief:		
Direct	1,500,000,000.00	1,500,000,000.00
Reappropriation	274,000,000.00	474,000,000.00
Total	1,774,000,000.00	1,974,000,000.00
First deficiency	899,717,318.89	948,975,868.89
Second deficiency:		
Regular	79,206,943.45	81,737,540.14
Reappropriation	18,000,000.00	18,000,000.00
Total	97,206,943.45	99,737,540.14
District of Columbia:		
Regular	45,228,024.00	45,915,641.00
Trust	1,845,000.00	1,845,000.00
Total	47,073,024.00	47,760,641.00
Military:		
Regular	415,751,532.00	415,269,154.00
Permanent	1,000,000.00	1,000,000.00
Reappropriation	661,850.00	517,850.00
Total	417,413,382.00	416,787,004.00
Nonmilitary:		
Regular	194,328,363.00	194,536,063.00
Permanent	1,006,700.00	1,006,700.00
Reappropriation		
Total	195,335,063.00	195,542,763.00
Navy:		
Regular	516,555,428.00	516,258,808.00
Permanent	1,570,650.00	1,570,650.00
Reappropriation	10,000,000.00	10,000,000.00
Total	528,126,078.00	527,829,458.00
Interior:		
Regular	115,871,264.85	132,732,499.85
Permanent	21,319,040.00	21,319,040.00
Reappropriation	33,285,448.16	33,412,466.22
Total	170,475,753.01	187,464,006.07
Agriculture and Farm Credit:		
Regular	628,305,883.00	630,681,208.00
Permanent	127,228,665.00	127,228,665.00
Reappropriation	175,874,000.00	175,874,000.00
Total	931,408,548.00	933,783,873.00
Legislative:		
Regular	24,001,734.00	24,085,736.78
Permanent	67,800.00	67,800.00
Reappropriation		
Total	24,069,534.00	24,153,536.78
Public Resolution 8. Paris Exposition	150,000.00	
Public Resolution 13. International Labor Office	15,000.00	
Public Resolution 26. Grasshoppers	1,000,000.00	
Public Resolution 28. Certain activities	1,496,360.00	
Public Resolution 36. Social Security Board	18,000,000.00	
Public Resolution 39. Marine Band	5,300.00	
Public Resolution 45. American Battle Monuments Commission	175,000.00	
Public Resolution 50. Civilian Conservation Corps, etc	450,430,000.00	
Public Resolution 55. Grasshoppers	1,000,000.00	
Expositions	4,500,000.00	
Total		476,771,660.00
Third deficiency bill as reported to the House		78,502,875.67
Grand total		10,181,284,193.55

NOTE.—This bill contains contract authorizations of $201,528,000, most of which would have to be paid by appropriations in 1939.

Expenditures for the first 42 days of this year indicate a deficit of $279,000,000 as against a deficit of the corresponding 42 days of $190,000,000. These figures indicate that the Congress must come to a realization of its responsibilities and stop the appropriation of funds.

The Federal debt at this time consists of $36,889,000,000 of direct debt and upward of $5,000,000,000 of guaranties, most of which will have to be paid by the Federal Government. This makes a total debt of $42,000,000,000 at this time. It is a mortgage on the homes of the people for the next generation. We are just about to the end of our rope. Members must think of these things and stop playing politics on appropriations. The question that we must consider is, "Is this money absolutely needed for the welfare of our country?" And that must be the test that we apply.

I shall now take up a couple of items in this bill that have aroused considerable discussion, and shall call attention to the facts with reference to them. The departments of the Government always come here with the idea of presenting a kind of confused picture that will persuade the unwary to give them more money than they ought to have; and if we do not realize that when we come to consider these appropriations, we are going to be caught.

Let us take up first the Labor Relations Board. From page 343 of the hearings it appears that the pay roll of this Board at this time is $18,912 in the field and $33,000 in the District of Columbia. This makes a total of $51,912, or practically $52,000 a month, or an annual expenditure of $624,000. The appropriation they had to start with was $735,000. The only way they could justify a tremendous increase beyond the $735,000 appropriation they had would be a very marked increase in force. No appropriation of $1,750,000 or $1,800,000 could possibly be justified otherwise. Let us use a little sense about it and not be run off our feet by wild statements of this Commission.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I cannot yield at the moment; I shall try to later. I want the gentleman to understand this picture. If he will read the hearings on the page I have indicated, he will realize that the Commission did not even know how many employees it had at the time they were before us. This presents a mighty poor picture on which to raise their appropriation. As I say, let us use some sense about it. No friends of that Commission are going to come here with that kind of picture and ask that this appropriation be raised.

Dealing now with the farm-tenancy proposition, let me say that there is absolutely no justification in the hearings for the appropriation, and the part of the hearings dealing with this subject begin at page 619.

We have studied this situation. We tried to get them to present to us a definite positive program on which we could act one way or the other, but we did not get it. Why should the Federal Government continue to appropriate money to organizations that cannot tell us absolutely and positively what they propose to do?

Is not this Congress important enough to be taken into the confidence of these boards and commissions? May I say that this committee has recommended a great many cuts. It has recommended cutting out a large number of activities where the parties who appeared for the board or commission did not justify fairly, openly, and above board the items which they were asking us to insert in this bill.

If this Congress does not meet the responsibilities put up to it, how are we going to have an orderly government, and how are we ever going to balance the Budget of the United States? I could go on and recite any number of instances, but unless these questions come up for discussion in detail, I do not think we should spend too much time discussing them.

I believe that the appropriations carried in this bill are in every case the maximum that ought to be carried. In a great many cases they are more than ought to be carried because the committee has given them the benefit of the doubt. I believe that this committee has made a very fair

record here in the saving of money. It is the kind of a record that the people of this country will approve. It is the kind of a record that will point the way ultimately to a balancing of our Budget and a stopping of those great big appropriations which have created an enormous Federal debt.

I am going to ask you to consider your sense of responsibility to the people you represent and to the generations that are to come hereafter insofar as taxes that must be bled out of the people to meet the tremendous debt are concerned.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. HEALEY].

Mr. HEALEY. Mr. Chairman, as illustrative of the effectiveness of the Labor Relations Board I would like to read from the hearings in this very brief time just one instance of the great economic loss that was saved by the action of the Board to the employer, employees, the community, and the Nation.

Mr. Edwin Smith, answering a question by Mr. TABER, testified as follows:

Well, in the month of May, action by the Board prevented 133 strikes. The most recent case in which the action of the Board terminated what would have been a very protracted and costly strike was the election held in the Jones & Laughlin Corporation, involving 27,000 employees. We brought about that election at the end of 3 days of strike with consequent savings in pay roll alone of about $700,000 a week.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, with reference to the appropriation for the Labor Relations Board, I hope we will not permit overzealous enthusiasts to sweep us off of our feet and cause us to disregard our common prudence and logic in making appropriations. The Appropriations Committee has been very lenient and very liberal with the National Labor Relations Board. In the first place, during the fiscal year 1937 that Board permitted its appropriation to get absolutely beyond its budgetary control, which was a violation of the positive law on the subject. It obligated itself to spend $15,000 more for salary than it had in its appropriation. The committee gave them that amount without question.

In the regular bill for 1938 we provide $735,000 for administrative expenses. Recognizing the increased demand for its services which has come since the Supreme Court decision, the Appropriations Committee has given them an additional $900,000, making a total of $1,700,000 for the administrative expenses of that Board. We ask you to permit that Board to proceed on that basis for a while in order to see whether or not they are able to carry on without a tremendously increased appropriation.

We will be back here in January, if not before. No agency of this Government performing useful functions has ever been starved to death by the Congress. Just because the Budget estimate is $1,800,000 is no reason why we should appropriate that amount. My friend from New York said we have violated all precedents by cutting all of that out. The gentleman is mistaken. There have been instances in which the Budget made certain estimates and we have not appropriated a nickel.

Mr. Chairman, it is our legislative duty to appropriate money. The Budget is merely advisory. Therefore there is no reason why this Congress cannot exercise its own judgment. This reduction in the Budget estimate is not an indication of hostility from a committee of this body but is simply an effort to try to appropriate in a logical, prudent, and economical manner. I hope the Committee will back us up in our efforts.

[Here the gavel fell.]

The CHAIRMAN (Mr. PARSONS). All time has expired.

The Chair desires to make a statement at this time.

A number of Members have asked to be recognized to offer amendments. If no one will ask for an extension of time beyond the 5 minutes for which he is recognized, I think every Member can be taken care of and at the same time speed along the consideration of the bill.

The Clerk will read.

The Clerk read as follows:

For the amount required from September 1, 1937, to June 30, 1938, inclusive, to increase the compensation of the Superintendent of the Document Room at the rate of $1,040 per annum so long as the position is held by the present incumbent, $867.

Mr. WOODRUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOODRUM: Page 3, after line 24, insert a new paragraph:

"Contested election expenses: For payment to J. Will Taylor, contestee, for expenses incurred in contested-election case of Rutherford against Taylor, audited and recommended by the Committee on Elections No. 1, $550.50, to be disbursed by the Clerk of the House."

The amendment was agreed to.

The Clerk read as follows:

GOVERNMENT PRINTING OFFICE

For payment to William Madden, Preston L. George, and William S. Houston, and on account of Samuel Robinson, messengers on night duty during the first session of the Seventy-fifth Congress, $900 each; in all, $3,600, to be paid from the appropriation for printing and binding for Congress for the fiscal year 1938; such sum on account of Samuel Robinson to be paid in equal amounts to Mary E. Adams and Nettie Bullas, nieces of such person.

Mr. GRAY of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAY of Pennsylvania: Page 4, line 3, after the words "William S. Houston" and the comma, insert the following: "Michael Kostick, Phillip McCall, Daniel O'Connell, August Buehne, Walter Steuart, Oscar Eady, and William Smith", and strike out the words "$900 each", line 5.

Mr. WOODRUM. Mr. Chairman, I make the point of order against the amendment that it is not germane.

Mr. TABER. And that it is not authorized by law.

Mr. WOODRUM. The employees provided for by these increases are congressional employees. They are on night duty for the session of Congress, and for this reason are given this additional compensation. The employees mentioned in the amendment of the gentlemen are regular employees of the Government Printing Office.

Mr. GRAY of Pennsylvania. Mr. Chairman, the employees whose names I have listed in this amendment do the same work that is done by the employees who are named in the bill. I understand the rate of pay is the same. The night work which is done by those mentioned in the bill is paid for through a 15-percent increase in their pay. There is no difference in the employment of those listed in my amendment, and I do not see why they cannot be included in the bill. I have not tried to increase the amount of the appropriation, but merely divide it among these employees, who do an equal amount of work.

The CHAIRMAN. (Mr. PARSONS.) The Chair is ready to rule.

The four employees who are specified in the paragraph are classified as messengers on night duty performing service during the first session of Congress. The employees whose names the gentleman's amendment seeks to add to the paragraph do not belong in this classification. Therefore, the amendment cannot be considered germane to this paragraph, and the Chair sustains the point of order.

The Clerk read as follows:

CIVILIAN CONSERVATION CORPS

The limitation of $200,000 on the amount that may be expended for salaries and expenses of the Office of the Director from the appropriation for the Civilian Conservation Corps contained in the public resolution entitled "Joint resolution making appropriations for the fiscal year ending June 30, 1938, for the Civilian Conservation Corps, the Railroad Retirement Account, and other activities, and for other purposes", approved July 1, 1937, is hereby increased to $255,000: *Provided*, That on and after September 1, 1937, the salary of the Director of the Civilian Conservation Corps shall be at the rate of $12,000 per annum.

Mr. TABER. Mr. Chairman, I make the point of order against the language beginning with "Provided" on line 2

of page 5 and ending with the end of the paragraph on page 5 that it is legislation on an appropriation bill.

Mr. WOODRUM. Mr. Chairman, I have nothing to say on the point of order.

The CHAIRMAN (Mr. PARSONS). The Chair is ready to rule.

The point of order made by the gentleman from New York [Mr. TABER] is that the proviso "That on and after September 1, 1937, the salary of the Director of the Civilian Conservation Corps shall be at the rate of $12,000 per annum" is legislation on an appropriation bill.

This salary was fixed in the bill recently passed as $10,000. The present provision seeks to raise the salary from $10,000 to $12,000. It is, therefore, legislation on an appropriation bill, and the point of order is sustained.

Mr. COLLINS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have considerable sympathy for this committee and a high regard for the intelligence of its members and their desire to provide adequately for all of the various departments coming within the provisions of this bill. I believe, however, that they have not provided adequately for the administrative expenses of the Civilian Conservation Corps for the reason, perhaps, that the case was not presented to them as plainly as it should have been.

There is appropriated to the Civilian Conservation Corps $350,000,000. The Director has the right to allocate to the Departments of Agriculture, Interior, War, and other departments of the Government certain sums of money to carry on their particular work in connection with the C. C. C. The various agencies of these departments have the right to expend this money as they see fit, with the result that a tremendous overlapping of duties ensues. It is impossible, unless he is given additional assistants, for the Director of the C. C. C., Mr. Fechner, who is a very able and conscientious public servant, to eliminate these duplications and this waste of public money. I understand authoritatively that inspectors under the employ of Mr. Fechner have found at least four inspectors of various agencies of departments at one C. C. C. camp at one time, all looking into the same complaint or activity. I understand that in one town in Ohio there are eight different procurement agencies, all having offices, all having clerical employees, and all procuring articles for the C. C. C. It is an impossibility for the Director of the C. C. C. to cure this situation, because he cannot himself employ a procurement officer under his authority to buy the articles these procurement officials are buying. All he can do is to complain, for the funds allocated to these agencies are administered by them and not by the Director of the C. C. C. The reason he, or his representative, cannot buy these articles is that there is a limitation upon the amount he can spend for salaries and expenses. This limitation was $200,000, but I am very happy to see that the committee has raised it from $200,000 to $250,000. However, the Budget authorized $305,000. Mr. Fechner has told the committee and has told me that with $50,000 additional he can save $20,000,000. Mind you, the C. C. C. is an agency of the Government upon which is spent $350,000,000 of public money, but is limited to an expenditure of $255,000 for salaries and expenses. It is not right, and I hope the Senate will amend the bill so as to allow the Budget estimate, and, if that is done, that the amendment of the Senate is accepted.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 5, line 2, strike out "$255,000" and insert "$1."

Mr. RICH. Mr. Chairman, we have heard of this administration burning wheat, we have heard of this administration killing pigs, and we have heard of this administration destroying cotton, but I want to read an article taken from the Sunday edition of the Pennsylvania Grit, showing the destruction they are now practicing, which is as follows:

GOVERNMENT ORDERS EQUIPMENT BURNED, BURIED AT C. C. C. CAMPS—COTS, BLANKETS, IMPLEMENTS, AND UTENSILS DESTROYED BY FIRE OR COVERED WITH EARTH

Inquiries by local residents concerning the possibility of leasing disbanded C. C. C. camps in the Williamsport vicinity have brought to light governmental policies which compel immediate destruction of utensils and furnishings hitherto used in conservation camps.

At Camp S-81, on Slate Run, 250 regulation Army cots, made of angle iron and equipped with metal springs; the metal parts of shovels, picks, and other digging implements, and an array of kitchen utensils, such as pots and pans, have been buried in a heap in the bed of an old dam adjacent to the C. C. C. camp, along with other articles that could not be burned.

All chinaware in the place was broken.

Fourteen hundred Army blankets served as fuel to burn the wooden handles of implements and other inflammable articles. All the cutlery used in the place was discovered in a blackened condition on top of the heap where the fire had been.

Immediately after abandonment of the camp, Government inspectors arrived to see that all movable property, excluding trucks, had been burned or buried.

Several persons visited Camp S-124 at Cammal, in an effort to purchase Army squad tents which had been used as living quarters while the wooden structures were being built. They were unable to buy these. Inspectors visited the camp, it was reported, slashed the canvas tents with knives, and, after piling them all together, set them afire.

May I say that if we do not stop these damnable acts of destruction on the part of some of the officials of this administration, every Member of Congress and every individual citizen of this country will surely come to want. I can think of nothing more outrageous than the policy of destruction advocated by this administration. It is appalling to think that the officials of the C. C. C. camps who have the authority would stoop so low as to go out and destroy all the articles in these camps when the camps are abandoned or are expected to be moved to some other quarter. When people where these camps are located ask for the old shoes and boots they are refused them, but instead they are burned. Think of the good camp blankets that could be fumigated and poor families who are begging for them; yet they are burned by order of the C. C. C. officials. O Mr. Chairman, I think it is terrible. O Mr. Chairman, I can think of nothing that is worse, the destruction of good blankets, the burning of good tents, the breaking up of dishes, the waste and destruction that is going on under this administration is a blight on the intelligence of the American people. It is an act that the people of this country will hold this administration accountable for. When will this administration ever learn that waste and destruction is a sin?

There are people in these localities, I am sure, who would be pleased to pay a small amount for such articles as blankets, rubber boots, and shoes, or purchase these household utensils. It seems to me unbelievable that a Nation that is supposed to be as enlightened as the United States would commit such atrocious acts.

[Here the gavel fell.]

Mr. HOOK. Mr. Chairman, I rise in opposition to the amendment.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield.

Mr. RANDOLPH. May I say in answer to the gentleman from Pennsylvania [Mr. RICH] that while I do not know about the truth of the dispatch he read from the Pennsylvania Grit, I do say, however, that it is not the policy of the Civilian Conservation Corps officers of the United States to destroy property where a C. C. C. camp has been transferred or abandoned. I am going to put such evidence in the RECORD later in the day.

Mr. HOOK. Mr. Chairman, I am rather surprised at the amendment of the gentleman from Pennsylvania to strike out $250,000 and insert $1. I wonder where he is going to get the money. [Laughter.]

I am surprised that the gentleman would want this Congress to legislate on newspaper articles carried in partisan newspapers or be influenced by a partisan editorial.

When I was a boy I delivered the Pennsylvania Grit in my community and I read that paper, and after reading it I made up my mind I could not be a Republican. If you want

to believe newspaper stories of this kind and ask the Congress to legislate on that basis, I think you are going quite far.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. HOOK. Yes.

Mr. RICH. The Pennsylvania Grit is a nonpartisan paper and the people associated with it are the finest people in this country. I will venture the assertion that the statement is true to the extent that I will pay the gentleman's expenses to go up there and have shown him the debris that is at these camps, so that he may be convinced that they have committed this destruction, and I will give the gentleman the names of the witnesses who can prove that this is the case.

Mr. HOOK. What is the gentleman trying to do—subsidize me?

Mr. RICH. I want to stop this administration from the damnable and outrageous destructive policy which they are pursuing.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield.

Mr. RANDOLPH. Certainly; the gentleman from Pennsylvania knows that there is an order of the War Department which would not allow the destruction of property.

Mr. HOOK. Certainly; that is true, and rather than raise a fuss on the floor of the House and try to indulge in partisan politics here, why does not the gentleman go to the proper law-enforcement agencies and make his complaints there? We know that there must be some reason why the gentleman would not go to such an agency and have this done. However, all these things that are brought up here are only halfway presented to the House, and I do not believe the gentleman would want us to legislate on such flimsy evidence.

[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:

Salaries and expenses: For an additional amount for salaries and expenses of the National Labor Relations Board for the fiscal year 1938, including the same objects specified under this head in the Independent Offices Appropriation Act, 1938, $867,500.

Mr. LEAVY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEAVY: On page 7, line 23, strike out "$867,500" and insert in lieu thereof "$1,735,000."

Mr. LEAVY. Mr. Chairman, I have already briefly discussed this matter for 5 minutes this afternoon, and I may, perhaps, reiterate in part what I have said.

My purpose in offering this amendment is to make it possible for the National Labor Relations Board to function. It is useless, it is worse than useless, to establish a tribunal of any character and then deny it the wherewithal to function.

The National Labor Relations Board is a kind of court. It is a quasijudicial tribunal and its findings and its decrees are appealable to the circuit court of appeals. It conducts formal hearings, both sides have an opportunity to present their cause and to be represented by counsel, and its findings are made; and since the Supreme Court of the United States has held the act constitutional, the volume of business has increased at the rate of 1,000 percent a month, and as heretofore stated, in one month they were able to settle 133 strikes in the United States. This was in the month of May. A single strike was causing a loss of $100,000 per day in pay rolls. They went in there and in 3 days were able to adjust the situation.

They now have pending 3,000 cases which they cannot give attention to because they do not have the personnel. Some 75 or 80 trained people could go into the field and conduct hearings and bring to a hasty and happy conclusion many an industrial strike that is now in existence or is in the making.

I feel keenly and seriously about this because I fear this Congress may unintentionally, unwittingly, and unknowingly permit a situation to be created where men and women would lose their lives, where millions of dollars of property would be destroyed, and where industrial strife would spread when such conditions could be checked.

The mere sum of $700,000 being cut off of this appropriation means that cases will be held in abeyance perhaps for months, and we know that an industrial strike in a few hours may flare into a situation that will be a catastrophe.

Without any reflection upon the splendid committee, of which I am a part, I hope the House will sustain my amendment, and there is ample evidence to support it. If you will examine this record of hearing you will find 26 pages on this subject (third deficiency appropriations, 1937; hearings, pp. 330–356) and you will find as splendid a record of facts upon which to base an appropriation as you will find with respect to any item of appropriation considered in this Seventy-fifth Congress.

Mr. DUNN. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I yield.

Mr. DUNN. Is it not a fact that the Board cannot function properly unless the gentleman's amendment is adopted?

Mr. LEAVY. Absolutely.

Mr. DUNN. The amount appropriated in the bill is not sufficient.

Mr. LEAVY. The situation is identical with saying to the courts of this land, we are going to cut off one-fourth or one-third of your appropriation and we will give you no money to mete out justice. That would be an identical situation. [Applause.]

Mr. ALLEN of Pennsylvania. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Washington [Mr. LEAVY]. This is purely and simply a question of whether or not you approve of the National Labor Relations Board and the work it has been doing since the time of its creation. As has already been said to the Members of this House, the National Labor Relations Board cannot function with the great case load which it now has to shoulder, with the appropriation which has been given to it. I want the members of this Committee to realize that the Budget allowed the National Labor Relations Board $1,735,000, and that the Appropriations Committee has cut this Budget estimate exactly in half and they have done so at a time when the case load on the National Labor Relations Board has increased eightfold in the past 3 months. On April 12, when the Supreme Court validated the National Labor Relations Act, the potential case load rose from 2,000,000 men who came under the jurisdiction of the act, to 15,000,000 employees and employers, overnight, and since April 12, the backlog of these cases which this Board has not been able to handle has risen from 600 to over 2,400, which are now on the docket and which cannot be handled because of the lack of personnel and money.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Pennsylvania. Yes.

Mr. O'MALLEY. Does the gentleman know how the personnel of that Board is selected? Are they civil-service employees?

Mr. ALLEN of Pennsylvania. I do not know.

Mr. O'MALLEY. Where does the personnel come from?

Mr. ALLEN of Pennsylvania. I do not yield further. Your question has nothing to do with my speech. There has been an erroneous impression created among the Members of this House that the National Labor Relations Board is biased or that it is partisan in favor of certain organizations, and that it is not friendly to the employers of the country. You have already heard one telegram which has been read this afternoon by the gentleman from New York [Mr. MEAD], from the president of the United States Line, urging that this appropriation of the full amount as set forth by the Budget committee be maintained in behalf of the employers as well as the employees in the shipping industry, and I have here excerpts from letters written by the president of the Jones & Laughlin Steel Corporation in Pittsburgh in which that gentleman says that—

This corporation is gratified that such an important issue has been so amicably settled by peaceful and democratic methods under the provisions of the Wagner Act.

That is what the president of the great Jones & Laughlin Steel Corporation in Pittsburgh says about this Board, and

I have another statement written by Alvan T. Macauly, president of the Packard Motor Car Co., of Detroit, Mich., in which he says that the—

Election which was handled by the National Labor Relations Board in Detroit was handled in the very best possible manner, that there was not the slightest doubt as to the accuracy and honesty of the voting, and the Detroit office of the National Labor Relations Board has acquitted itself admirably.

Let me repeat, if you are in favor of the National Labor Relations Board and the work it has done and what it stands for, you will support the amendment offered by the gentleman from Washington. If you do not support that amendment you are striking a death blow at the rights of labor to bargain collectively in this country, and you are setting back the cause of labor many years. Labor fought for 25 years for a labor relations board of this kind before it was finally given them.

Mr. VOORHIS. We all know the National Labor Relations Board has a very difficult task to do. It is called upon to protect the right of collective bargaining and try to establish industrial peace. There are forces which would like to undermine and discredit the Board. Is it not obvious that for the House to fail to give this Board the necessary funds with which to do the business it has before it would be to place a great and unnecessary additional stumbling block in its way and to give aid and comfort to those who seek to make more difficult the job it has to do?

Mr. ALLEN of Pennsylvania. The gentleman himself and the members of the committee can answer that question. With the inadequate funds now available there are over 2,400 cases on the docket that cannot be handled. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. O'CONNELL of Montana. Mr. Chairman, I move to strike out the last word of the amendment of the gentleman from Washington. For 25 years the laboring people of the United States have been fighting for what they have been able to obtain in the last few years, and the most momentous victory they won was when the Members of the House wrote on the statute books of the United States the Wagner Labor Relations Act, and set up the National Labor Relations Board, and the finest decision ever handed down by the Supreme Court was the decision upholding the Wagner Labor Relations Act, which was commended on all sides not only by progressives, but by reactionaries everywhere. Since that decision this great Board has been working as no other agency of the Government has worked before. It has done a marvelous job, a tremendous job. Ordinarily I speak the word of labor, I speak the word of the worker, but I came here today with some magazines, containing statements of business leaders and of business magazines upholding the stand of the Labor Relations Board and the work it has done. Here is the Employer and Employee Relations, which is published in the city of New York, which is a business publication and it says that the Labor Board is deluged with cases and that the work has risen each month from 239 new cases coming before the Board to 1,396 in June.

It further states that the Board is increasingly relieving the employer of his labor troubles and settling problems which once consumed months of his time in negotiations, and this is done without any costly strikes, and that out in the Pacific coast a maritime strike that cost the workers and the shippers and the maritime industry $1,000,000 a day, a justifiable and amicable settlement is being made that will save in one single day $1,000,000 for the American people. All they are asking here for is $700,000. In the Jones & Laughlin strike, which was costing over $700,000 a day to the workers and to the steel industry, they settled that in an amicable way.

In the Packard Motor Co. case, which the gentleman from Pennsylvania [Mr. ALLEN] has cited, that was costing almost $1,000,000 a day, they settled that strike. I say, you ought to give this Board enough money to carry on. You ought to give them the money so that they will not be crippled, so that they can settle these strikes, so that they can save money not only for the workers and laborers but for the industries of the United States.

I have another quotation from the same magazine, after an election in which the workers in the entire shoe industry in the State of New York participated to determine who would be their bargaining agent, both sides in that controversy praised the work of the National Labor Relations Board in conducting the election; and John P. Truxall, manager of the Shore Manufacturers Board of Trade, stated:

The shoe industry in New York wishes the closed shop. The only thing our members worried about was with whom they should bargain. The manufacturers in our organization desire nothing except a fair expression of the workers' will. That has been obtained through the efforts which the Labor Board put forth, to make the election manifestly fair.

Then I have here Business Week, another magazine of the industrial interests. It goes on to show the wonderful work that the Labor Relations Board has been doing.

The CHAIRMAN. The time of the gentleman from Montana [Mr. O'CONNELL] has expired.

Mr. WOODRUM. Mr. Chairman, I would like to ask that all debate on this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection?

Mr. MAVERICK. Reserving the right to object, if this amendment fails, can another amendment for another amount be filed?

Mr. WOODRUM. That is up to the Chairman.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

Mr. EBERHARTER. Reserving the right to object, Mr. Chairman, there are some other members of the committee who have amendments to offer to this section. If the gentleman from Virginia will ask unanimous consent that debate on this amendment close in 20 minutes, I do not think there will be any objection.

Mr. WOODRUM. This does not shut off other amendments. It simply closes debate.

The CHAIRMAN. The Chair will state that under the terms of the unanimous consent asked by the gentleman from Virginia, it would not close the door to other amendments but, of course, would close the door to debate.

Mr. WOODRUM. Mr. Chairman, in view of the interest manifested, I will amend that request to make it 30 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes. Is there objection?

Mr. MEAD. Mr. Chairman, reserving the right to object, in view of the fact that a number of Members have amendments at the desk, I believe they should be given an opportunity to explain those amendments within this 30 minutes' time.

Mr. WOODRUM. The Chairman can divide the time. Five minutes is all I want.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. McCORMACK. Reserving the right to object, and, of course, I shall not object; but in view of the interest, I wonder if the gentleman would not also ask unanimous consent that, aside from himself, those recognized by the Chair would be recognized for 3 minutes?

Mr. WOODRUM. That is within the discretion of the Chair.

Mr. RANKIN. I would object to that. If we are going to speak at all we should have 5 minutes.

Mr. HOOK. Mr. Chairman, I object.

Mr. MAVERICK. Reserving the right to object, will the gentleman from Virginia say that we can have 20 minutes on this amendment and then if that is defeated we can have other amendments?

Mr. WOODRUM. We have been very liberal, Mr. Chairman. We have had 3 hours of debate. There are other controversial matters in this bill. We want to pass the bill tonight. The time is getting on. Five minutes is all I want. I do not think gentlemen ought to prolong the discussion.

There have been any number of speeches made on this matter today.

The CHAIRMAN. Is there objection?

Mr. McCORMACK. Can we not agree on 3 minutes for each speaker?

The CHAIRMAN. The Chair may state if it would be satisfactory to the Committee the time could be divided into 4-minute intervals.

Mr. RANKIN. Mr. Chairman, there are many of us who have not participated in this debate, and I am one of them, and I want my 5 minutes. I would object to that arrangement.

The CHAIRMAN. Is there objection?

Mr. EBERHARTER. Mr. Chairman, I object.

Mr. WOODRUM. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 30 minutes.

The question was taken and the motion was agreed to.

Mr. SWOPE. Mr. Chairman, the Congress of the United States established an agency through which it is hoped industrial strife in America may be reduced. In considering the appropriation for the National Labor Relations Board we are simply faced with the question whether we are going to give this agency, the child of Congress, sufficient funds to solve the problems that come before it.

Mr. BURDICK. Mr. Chairman, will the gentleman yield?

Mr. SWOPE. Not at this moment.

Mr. Chairman, I have the greatest respect and admiration for the distinguished gentleman from Virginia, who has given the matters in this bill his usual great and careful study. This, however, is not a question of whether he is for or against something, it is a question of whether he is right or wrong in his opinion about the size of the appropriation for this agency.

I came to Congress recently, but I have voted for millions of dollars of appropriations, much of which could have been deferred to some later session of Congress. The amount involved in the item now under discussion is only $700,000 or $800,000 and the question revolves around the point whether this amount is necessary or not. I am sure the gentleman from Virginia feels that it is not necessary. He has put his great mathematical mind upon this subject and feels that it is not necessary.

It has been stated on the floor this afternoon that many serious industrial disputes have already been settled through this agency that was set up through congressional action. I know there is a concerted drive in a great part of the press of this country against the National Labor Relations Board. I do not speak for any particular group of people, but I do feel that I ought to speak for the three-hundred-thousand-odd people in my district who are not interested in the controversy of any particular group, but who are interested in keeping our industries going, so that our prosperity may remain at a high point. The only place in my district where the National Labor Relations Board has gone into action was at Hershey, Pa.; and there certainly was no suspicion on the part of anybody at Hershey that any employee of the National Labor Relations Board was partial or that he used any discrimination whatsoever in holding that election, and that election turned out two to one against the C. I. O.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. SWOPE. I yield.

Mr. RANKIN. Are the employees of this Board members of the C. I. O.?

Mr. SWOPE. The gentleman from Mississippi may know that better than I. I am not interested in whether they are members of any particular lodge, church, or organization; I am interested only in knowing that they will go out and try to solve our industrial problems so that our industry may not be crippled from month to month and from year to year by strikes which rob the Nation of its prosperity.

Mr. Chairman, the Labor Board has requested more funds than the Committee on Appropriations has included in this bill. The Director of the Budget has approved the amount sought to be added by the amendment offered by the gentleman from Washington [Mr. LEAVY]. Let us give this new instrumentality a chance to make good. Let us not hamstring it virtually at the beginning of its career. The people of the United States are entitled to have industrial peace if that can be obtained. In its short history, the efforts of the Labor Board have proved to be phenomenally successful. While we expect the Board to improve its procedure as time goes on, we nevertheless should give it sufficient funds with which to set up an adequate organization. This is not an appeal from any particular group of our citizens; the work of the Board cannot help but be beneficial to all our citizens. I plead with my colleagues to vote for the adoption of this amendment, which will give the Labor Board the funds which have been approved by the Bureau of the Budget, and through that approval, by the President of the United States. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from New York [Mr. MEAD] is recognized for 3 minutes.

Mr. MEAD. Mr. Chairman, there was a time when indentured labor was sold on the streets of England for enslaved labor purposes in the factories of the United States. Any man arrested on the particular charge of kidnaping workers was fined £2; but if he was arrested for stealing a horse, he was sent to jail for life. That barbarous system had its defenders then, just as the system we are here trying to establish has its opponents in this day of culture and civilization. We are trying to give to the working men and women of this great Nation the right to organize and bargain collectively; yet there are men opposing us who would deny the worker that God-given right.

You may rise and endeavor to eliminate this appropriation. You may cut it to the bone. You may slash it so that the cause of industrial peace is retarded. But the workers of America, the workers of any country where humaneness, intelligence, civilization, and sympathy live, will gain their point even over your opposition.

Although the Budget reduced this appropriation, and they had the right to do so, while our Committee on Appropriations cut it again, and they had the right, I realize that as a Member of this Congress I also have a right to exercise my prerogative to endeavor to restore the appropriation if in my judgment it is just. That is what I am going to do today, regardless of the attitude of the Budget and the subcommittee. I recognize your rights, and I also have some privileges. If the Members of this House want to restore the appropriation, if they want to give life to the Connery-Wagner Act, let them rise in their places and vote for the adoption of the amendment offered by the gentleman from Washington. Let us do our duty and give labor an opportunity to bargain collectively. The time will come when the men who oppose this right for labor today will be in the same category as the men who defended the indentured labor-slave practice back in the early days of our factory system. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Mississippi [Mr. RANKIN] is recognized for 4 minutes.

Mr. RANKIN. Mr. Chairman, I do not yield to the gentleman from New York or to any other man in this House in my devotion to the cause of the man who toils for his daily bread. Ever since I have been in this House I have supported the cause of the laboring man, although there are probably fewer members of organized labor in my district than in any other district represented on this floor. But, Mr. Chairman, I am going to oppose this amendment because I believe that the Labor Relations Board is going entirely too far. I believe that the amount provided in this bill is ample to do what they ought to do.

I seriously question the statement made that they have reduced strikes. In my section of the country strikes have increased. They have caused industrial trouble where industrial trouble had not occurred before.

You have heard a great deal said and you have read a good deal in the press of the country as to what happened at Tupelo, Miss. They have a little cotton mill down there that has not paid a dividend in 18 years, but they kept going

all through the depression in order that the employees might have work. I have no financial interest in any manufacturing establishment anywhere. But I am interested in laboring people everywhere.

A small number of the employees of that mill put on a sit-down strike. The representatives of the Labor Relations Board came there and made speeches encouraging them. When they went to the manager, he said, "If you insist on your demands, we must liquidate the mill. It is now virtually insolvent."

The representatives of the Board said they could not liquidate—as if they could stop it. The mill owners went into court and asked for a receivership. The attorneys for this Labor Relations Board went into court and opposed the receivership. I have here a copy of the brief they filed, signed by "Samuel Lang, regional attorney; Gerhard Van Arkel, attorney, National Labor Relations Board."

The mill is now closed, and those poor people who depended on it for a living, for their daily bread, are without anything to do. They are helpless and out of work because the representatives of the Board went down there and disturbed a condition that was peaceful and forced, or helped to force, into receivership a mill that had not paid a dividend in 18 years, but had paid everything it made to its employees.

They attempted to close the garment factories in Tupelo—although they only got 8 employees out of 1,700 to attempt a sit-down strike.

Representatives of this Board went down there and put on a trial that was a farce and a mockery. They excluded from the record much of the testimony of the men who were operating the plant, but brought in every disgruntled element they could find and put them on the stand and poured into the record the most disgusting attacks you ever heard or read—hearsay testimony from people who were highly prejudiced or knew nothing about the case.

I have here affidavits from two different disinterested persons who state on oath that they heard these representatives of the Labor Relations Board say that they were going to close every factory in Tupelo. In other words, they were going to destroy these small plants that furnish employment to 1,700 women, over the protest of the women themselves, when only 8 out of 1,700 had filed any complaint at all.

Therefore, Mr. Chairman, I say that the amount appropriated in this bill is ample to carry on the legitimate activities of the Labor Relations Board without this amendment which increases it approximately $1,000,000. I think a great deal of this money is being wasted or used for the wrong purpose, and that the activities of this Board should be curtailed and limited to necessary cases, and then conducted in a legitimate way.

No man on earth can accuse me of undue sympathy for the great manufacturing interests of this Nation, but this administration cannot put itself in the position of persecuting every man who attempts to operate an industrial enterprise.

I know the men who are in charge of these plants at Tupelo are honest, patriotic citizens, and the treatment they have received at the hands of representatives of this Board was outrageous.

As every Member of the House knows, all my legislative service has been dedicated and devoted to the little fellow, to the workingman and the workingwoman who toil for their daily bread, whether they are organized or unorganized. I believe in organized labor; I think that in a great many instances it is the only way laborers have of protecting themselves. But the representatives of this Labor Relations Board, by these activities, are not only injuring industries of the country, disturbing public confidence, and arraying class hatred where it never existed before, but, in my honest opinion, they are cutting the throat of organized labor. If these activities continue, they will do the cause of labor infinitely more harm than they could ever hope to do them good.

In my opinion, the Labor Relations Act should be amended so as to guarantee all parties an honest and an impartial hearing. Then, by all means, we should have an honest and an impartial Board, with honest and impartial representatives who would give every man a square deal. [Applause.]

Mr. DEMUTH. Will the gentleman yield?

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

Mr. DEMUTH. Does the gentleman think this Board that is backlogged with so many cases would have time to go out and promote strikes, as the gentleman has tried to make the Members believe?

Mr. RANKIN. I have merely stated the facts. This Labor Relations Board is hurting the cause of the laboring man and hurting this administration by these tactics—to say nothing of the injury they are doing to the small industries of the country, as well as the large ones.

WAGE AND HOUR BILL

Mr. Chairman, under permission given me to extend my remarks in the RECORD, I desire to discuss briefly the so-called wage and hour bill. I am charged in the press today with having prevented a Democratic caucus from passing a resolution to force that measure through the House in the dying hours of Congress. I was not preventing a majority of the Democratic Members of the House from passing a resolution to force this measure through, but I made a point of no quorum and prevented a minority of the Democratic Members of the House from passing a resolution to force it to the floor of the House and to bind the majority to vote for it.

I have no apology for my efforts to have this measure carried over to the next session. I want every interested human being in America to have an opportunity to read and study this bill and to know exactly what it means.

One western Member said to me today that he believed it was the most far-reaching and dangerous piece of legislation that had ever been presented to the American Congress. He said that, in his opinion, if this measure were passed and upheld by the Supreme Court, it would mean a complete change in our system of government, and the wiping out of those safeguards which the fathers of the Constitution wrote into that sacred document, and especially into that portion of it that contains the Bill of Rights.

Many Members from the Eastern States do not hesitate to tell you that they are for this measure because they think it will prevent industrial development in the South. They say that it will close down a great many southern industries and put them out of business, thereby forcing these activities back into the large cities of their sections of the country and throwing our southern laborers out of work.

The garment workers in my section of the country, as a rule, live out on the farm. I am informed that 85 percent of the women employed in the garment factories in and around Tupelo, Miss., live out in the rural districts. Of course, they do not have to pay the heavy house rent that is charged in cities like Boston, Philadelphia, New York, or Pittsburgh. Nor do they have to live out of a commissary. In other words, they do not have to live "out of a tin can and a paper sack." They have their own gardens, their own corn patches, pea patches, their cows that supply fresh milk and butter, they have their own chickens and eggs, the family raises its own corn, potatoes, and hogs and, therefore, produce their own meat and bread. If they had all this to buy, at the prices they have to pay in the large cities of the East, then necessarily their expenses would be multiplied many times.

The effect of this measure would be to throw out of employment men and women who could not obtain a minimum wage of 40 cents an hour. It would stop all piece work and all home work. Women who are now permitted to take work home with them would have to quit. One Member from an eastern State told me that was exactly what he wanted to do. One representative of a southern

industry said it would result in turning off one-half the women in his plant, but he said he could speed up the machinery, concentrate the work, and produce practically the same amount of goods he is now turning out with half the help.

What is going to become of all those people who are thrown out of work? They must either be turned back to the farm, where it is said overproduction now prevails, or they must be sent to the relief rolls to increase the now staggering burden of annual appropriations. Instead of diminishing our relief rolls as we hope to do, we would be compelled to increase them.

It would put a stop to the industrial expansion in the small towns and cities—especially in the South and West, and would cause the monopolization of what we call the small industries by the larger establishments in the big cities. They would be concentrated into the enormous plants in the large cities where machinery would automatically do most of the work, and the number of people employed for the amount of goods produced would be diminished. In other words, it would not result in putting people to work, but it would result in throwing people out of work, and forcing upon the whole country a wage scale based upon enormous rents and other high living expenses in the large congested centers such as Boston, Philadelphia, Pittsburgh, and New York.

Now let us see what effect it would have on organized labor. In my opinion, and in the opinion of a great many of the best friends labor ever had in this House, it would result in the dissolution of labor organizations. The Government would take control and the American Federation of Labor, which has done so much for the workingman in industrial establishments of this Nation, would soon become a thing of the past.

The minimum wage would inevitably become the maximum wage in the long run, and men who are now drawing more than 40 cents an hour would gradually be shaken down to that level. The laboring man would be placed in a strait jacket such as he has never worn in this country before. That is the reason so many of the more intelligent members of organized labor are protesting against the passage of this legislation.

HOW IT WILL AFFECT THE FARMER

Now let us see what effect it would have on the farmers of the Nation. It would greatly increase expenses of processing or packing and preparing for market all kinds of farm products, unless it is done by a cooperative, and even then the prices of boxes, baskets, and other containers would be increased. Since a very small portion, in fact an infinitesimal part of agricultural products are processed by cooperatives, there would be practically no processing plants exempt. It would not only embarrass them in regulating the hours in which they could operate, but it would add to the expense of processing farm products, which expense would be passed back to the producer and depress the prices of farm products. The same thing would be true of every little canning plant, every creamery, every ice-cream plant, every little bakery, slaughterhouse, every cotton gin, and every oil mill, as well as every little sawmill. It would close many of these small plants just as did the N. R. A., and force the people to patronize the larger establishments that would gradually monopolize the industries.

The proponents of this measure admit that it will result in raising the prices of manufactured commodities, thereby piling additional burdens on the backs of the consumer. This would fall most heavily upon the farmers of the Nation, real laborers who bow beneath the burning sun, fight the vicissitudes of Nature, the ravages of insects, and all the other adversities that agriculture is heir to, in order to wring a living from the ground and to feed and clothe the rest of us.

One manufacturer of work shirts told me that it would amount to almost a 50-percent increase in the prices that farmers would have to pay for their clothes. He said a work shirt that now sells for 40 cents would sell for 70 or 75 cents.

I asked one of the proponents of this bill how it could ever be made to work, since we could not regulate wages and hours in foreign countries. I pointed out that they could manufacture their goods, ship them in here, and sell them cheaper than they could be produced in the United States if this bill became a law. His answer was that we would raise the tariff to shut them out.

Shades of Thomas Jefferson. Are we going to adopt the Republican policy of a high-protective tariff with which the farmers have been bled for 60 years, raise it still higher, and pile upon the backs of the overburdened farmers this additional load in order to try out a half-baked proposition that is in flagrant violation of the Constitution of the United States?

If we do, the farmers of this country will be driven to the level of peonage. The great work which Cordell Hull, our distinguished Secretary of State, has been doing for the last 4 years to work out reciprocal trade treaties to restore our foreign trade and help to bring about the peace of mankind—that work would be repudiated and that policy reversed. Every nation on earth would erect retaliatory tariffs, put on quotas, inspection charges, and so forth, that would shut American goods out of foreign markets and leave us isolated from international trade. Then the only outlet left would be to pile this burden onto the backs of the unprotected people of the Nation, and especially the helpless farmers, and grind them into the dust, unless they revolted or the system collapsed.

Oh, but one enthusiastic fellow said we will raise the prices of farm commodities. All right; if you will raise the prices of farm commodities so that it will guarantee every farmer 40 cents an hour for his work, then I will vote for the bill. But the ones who are now supporting it would not vote for it when they realized what it would do.

It has been established time and time again that it takes a farmer working on an average of 250 hours to produce a bale of cotton; that is, to prepare his ground, plant, plow, hoe, pick, and market a bale of cotton. At the present time a bale of cotton is worth about 10 cents a pound, or about $50. Half of that goes to the laborer. If a landlord furnishes the land, the stock, the feed, the seed, and so forth, and his part of the fertilizer, the tenant does the work and gets half the crop. Therefore, out of that bale of cotton the tenant or laborer will get $25, which is exactly 10 cents an hour for the 250 hours it took to produce it. In other words, the farmer gets 1 cent an hour for his work for each 1 cent a pound he receives for his cotton. I know somebody will spring the proposition that cottonseed brings money, but it will take all the seed to pay for the fertilizer and for the ginning.

Now, since the farmer gets 1 cent an hour for each 1 cent a pound he receives for his cotton, for him to get 40 cents an hour for his labor, cotton should sell at 40 cents a pound, or $200 a bale. When cotton is 10 cents a pound, wheat, as a rule, is $1 a bushel. So that would mean that the wheat grower would be entitled to four times that amount, or $4 a bushel for wheat. When cotton is 10 cents a pound, corn, as a rule, is about 75 cents a bushel. Therefore, on this 40-cent basis, the corn grower should receive $3 a bushel for his corn, or four times what he is receiving now.

Milk, cream, chickens, eggs, oats, rye, barley, and other farm commodities should sell for about four times what they are bringing today if we are going to fix a minimum wage of 40 cents an hour for industrial workers of all kinds and if we expect to put the farmer on a parity with them.

I hope every farm community and every other community in America calls meeting after meeting, in the country school house, the village school house, the town hall, and the city hall, and that they discuss this measure thoroughly between now and the time the next Congress convenes, and let their representatives know exactly how they feel about it.

This is a matter that should be left to the people in the various States. The people of the State of Iowa know more about the local conditions in Iowa than do the people of Florida. The people of Mississippi know more about local affairs in that State than do the people of Maine. We do not all live in a Boston, Pittsburgh, Baltimore, New York, or

Philadelphia, and we cannot have our lives regulated by the pattern which they set.

As I said in the beginning, I have always been a friend of the workingman and the workingwoman, whether they belong to labor organizations or not, and I am unwilling to support a measure which I believe in my heart would redound to their injury if not to their destruction.

ADEQUATE APPROPRIATION NECESSARY FOR BOARD

Mr. MAVERICK. Mr. Chairman, I rise in favor of the amendment to give the Labor Relations Board an adequate appropriation to carry out its proper functions. It so happens when I read about the situation down there at Tupelo I called on the National Labor Relations Board to give me the record of what happened, and here is what the record shows.

It shows that the employees of the Tupelo cotton mill struck in April. It shows further that a consent election was called by the workers and by the company, mind you, by the company itself! It shows that the strikers won that election three to one. They won, gentlemen, in a peaceful, quiet consent—mind you—consent election. That is what the record shows, because I took the trouble to go down there and find out.

Mr. RANKIN. Will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Mississippi.

Mr. RANKIN. Did they tell you about going in there and speaking to them?

Mr. MAVERICK. Why not? In any event the Board was entirely impartial. I cannot yield further. I tell you, my colleagues, they had a consent election and the record shows that the strike was called by unorganized employees.

It shows that the people of Tupelo, Miss., were working for $5 and $8 a week. That is what the record shows; and, as far as I have been able to find out, the National Labor Relations Board did nothing out of the way whatever.

I want the people to understand that I am not saying this in an unkind way, but a gentleman rose on the floor one day and said, "T. V. A. is socialism." Now, there is some ground for argument in that. It is government ownership, and I have heard it said there is some socialism about that.

T. V. A. AND N. L. R. B. ARE BOTH GOOD AMERICANISM

But the gentleman from Mississippi rose and stated, "It is not socialism. The T. V. A. is Americanism." I want to tell you that the National Labor Relations Board is just as much Americanism as the T. V. A., and I am for both of them. [Applause.]

The record further shows that the Tupelo Garment Co. has been involved in a strike down there. Eight employees were discharged because they joined a union. That is now in litigation at this time.

The gentleman from Mississippi says he wants an honest board. I have not had any responsible person tell me that this is not an honest board.

EVERYBODY KNOWS THE BOARD IS HONEST

It seems to me it is an honest board. Their attorneys are honest. Oh, everybody knows they are honest. The speeches made this afternoon show that responsible businessmen from all over the country have said that they favor it, the functions of the Board, and its ability to settle disputes. I believe that business needs this as much as they think they need the Supreme Court, and, as I said before today, it is a constitutional organization. The National Labor Relations Board is just as constitutional as anything we have created.

Mr. BURDICK. Will the gentleman yield?

Mr. MAVERICK. I yield to my friend from North Dakota.

Mr. BURDICK. Does not the gentleman from Texas believe if this Congress does not restore the appropriation the people of this country will charge this House with a deliberate attempt to destroy the act?

Mr. MAVERICK. Why, of course. And it will be true. I think we ought to go down the line and appropriate the money. I would like to read some things that businessmen have stated about this matter, but I have not time.

Mr. RANKIN. Will the gentleman yield?

Mr. MAVERICK. I am sorry; I only have a minute left. These businessmen have stated they do not care whether they sign a contract with the C. I. O., the A. F. of L., a railroad organization, or any other organization, just so they know which. They want someone to settle these disputes.

The $1,800,000 covered by this amendment is a very small amount in comparison to the importance of the Board. Gentlemen, this has been approved by the Bureau of the Budget of the United States. If we do not grant this reasonable sum of money, the number of industrial disputes will be increased. The Board will not be able to render effective service. We can help the cause of industrial peace, humanity, and good business by adopting this amendment. [Applause.]

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, the question involved here is a very simple one, whether we are going by our vote to cripple one of the most important pieces of legislation passed during the present administration, or whether we are going to appropriate sufficient money in order that the National Labor Relations Board might effectively carry on its work.

The Committee on Appropriations has made a drastic cut in the appropriation as recommended by the Director of the Budget. I have heard the argument of the gentleman from Mississippi [Mr. RANKIN] and I have heard other criticisms along the same line. I think criticisms should be made where they are justified. I am not going to enter into a controversy with the gentleman from Mississippi over anything he has stated. I shall criticize the Board if it is wrong. However, the Board is a new board and must gain experience, and it is gaining experience. There are things done by the examiners of the Board which I do not like. The members of the Board should scrupulously investigate the actions, the efforts, and the work of their examiners and employees so there will be as little criticism as possible. The Board should remember that it is an agency of the United States, representing no one group of our citizenry but all of our people, and that it is sitting in a quasi-judicial capacity. However, the Board has been in existence only a short while. We all make mistakes, and the Board has made mistakes. I am surprised it has not made more mistakes than have been made.

The amendment offered by the gentleman from Washington [Mr. LEAVY] has for its objective replacing in the bill the amount which the Committee on Appropriations reduced from the Budget recommendations. This amount is necessary for the National Labor Relations Board to carry on its effective work. The amendment should be adopted. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, 2 years ago under the leadership of our late beloved colleague Billy Connery, I was one of those who helped to perfect and pass the legislation creating the Labor Relations Board. I believed then and believe now that the best way in the world under our democratic system of government for settling questions of hours and working conditions between employers and employees is mutual agreement across the table, and that is what the act is supposed to do.

I do not know anything about the questions raised by the gentleman from Mississippi [Mr. RANKIN], but if his statements are true, he should present them to the President of the United States and not hamstring the law which is designed to bring about democratic settlements in disputes between employers and employees. [Applause.]

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. No; I decline to yield. I do not have the time.

Mr. RANKIN. Then I shall not tell the gentleman what I would do, if he will not yield to me.

Mr. RAMSPECK. May I say to my friends in the South that I am not one of those who delude themselves with the idea that the working people in my section of the country are going to put up with sweatshop conditions any more than they are in any other part of the country. [Applause.]

The democratic way to settle these questions is across the conference table, as provided by this act. Unless we do settle them this way, we are going to be forced eventually to settle them by law, and I for one would prefer that such methods should not be necessary.

If the employers of this country had accepted this act in the proper spirit the Board would have had a chance to function, but the Board never had an opportunity to function until the Supreme Court ruled on the law last April. Let us give the Board a real chance to see if it can make this act work. I believe the Board can do this and will settle disputes before the men lose time due to the necessity of striking. I think the Board will assist employees to settle disputes peacefully, in a democratic way, across the table, as the railroad brotherhoods recently settled their controversy with the railroads of this country.

Mr. Chairman, I am going to support this amendment because the amount it proposes was recommended by the President and the Bureau of the Budget and because I believe it is in the interest of good government, in the interest of more peaceful conditions, and in the interest of a democratic method of settling labor disputes. [Applause.]

[Here the gavel fell.]

Mr. DEMPSEY. Mr. Chairman, I know but little about the details of the workings of the National Labor Relations Board. It is an agency set up by this Congress, and I had the pleasure of voting for the measure creating it. With but one exception, I know no man or woman connected with the Board. It is my privilege to know the general counsel of the Board, and I may say to the membership of this House that I do not know a man more dignified and courteous, of greater integrity, or of more ability in his profession and finer character than Charles Fahy, the general counsel of the National Labor Relations Board.

There has been some criticism here of the handling of individual cases, but that is to be expected. We have here a new agency with many cases crowding its calendar. The Board did not have all trained men with whom to start. The men had to be trained for their work, and I think they are doing a pretty good job. Whether or not the Board has enough money to go along I do not know, but I do believe it should have a sufficient amount to carry on its work thoroughly, efficiently, and expeditiously. So far as I know, no case has been brought to my attention which was not settled equitably. There may be cases which have not been settled equitably, but certainly there is none within my knowledge. [Applause.]

[Here the gavel fell.]

Mr. BRADLEY. Mr. Chairman, for the first time in the history of this country there has been created an agency, the National Labor Relations Board, to see that labor receives justice, but if we provide insufficient funds for its operation we nullify the action of Congress which created it.

May I say for the information of the gentleman from Mississippi [Mr. RANKIN], that since he has spoken, I have checked up with the officials of the National Labor Relations Board, and they inform me no member of the Board is a member of either the C. I. O. or the American Federation of Labor.

Mr. RANKIN. I stated any employees.

Mr. BRADLEY. There are civil-service employees who belong to the American Federation of Labor, the same as such employees always have in the Government service. That is their right and privilege. I cannot yield further, Mr. Chairman, my time is too short.

I am going to speak about conditions in the gentleman's own State. It was not my intention to do so, and I dislike very much to have to do it. However, in the gentleman's remarks on this amendment he spoke of labor conditions in the State of Mississippi.

Mr. Chairman, I cite as an example of certain features of the labor question in a particular city, the city of Ellisville, Miss., where there was recently built with W. P. A. funds a vocational training school. To this school were taken foremen from the city of Philadelphia, from a hosiery mill there, at W. P. A. expense, where they proceeded to teach so-called vocational students the trade of hosiery knitting. What for? In order that they might be able to produce at a much less cost than they are able to produce in the city of Philadelphia. The foremen were employed as instructors and paid with W. P. A. funds. The wages paid to those who learned hosiery knitting, I am informed, were approximately $10 a week. Is it any wonder there is protest from labor unions against a condition of this kind. The hosiery produced under such conditions would in all probability in many instances find its way back to the consumer in communities near Philadelphia. Due to the protests of labor unions, who discovered this condition, an investigation was made by the Works Progress Administration and only yesterday officials demanded return of the Federal funds used in building the school.

Mr. Chairman, since the decision of the Supreme Court on April 12 of this year the number of cases pending before the Board has increased 400 percent. The work of this Board is only beginning. To reduce the figure below that recommended by the Budget Bureau, which the Appropriations Committee has done, would tie the hands of the Board and only serve the interests of those who are seeking to prevent collective bargaining and who wish to continue exploiting the American workingman. We are at present involved in controversy over the wage and hour bill, because we are unable to bring it to the floor of the House for a vote. I appeal to those who are friends of labor, who are interested in the efforts of the American workingman to organize and to secure a living wage, now, that there is an amendment actually before the House, which will benefit labor, to vote for this amendment proposed by Mr. LEAVY, which will increase the amount to $1,735,000 and which is essential in order to adequately provide the means for efficient operation of the National Labor Relations Board.

Mr. HOOK. Mr. Chairman, I believe I am correct when I say that when the rage of sit-down strikes was going on throughout this Nation I was the first man to rise upon the floor of this House and condemn them, and I condemn them today just as strongly as I did then; but previous to the time the Supreme Court declared the National Labor Relations Act constitutional we had that wave of sit-down strikes, and I am saying that the work of the National Labor Relations Board has done more to stop sit-down strikes and bring industrial peace to this Nation than the work of any other board or any other thing we could have done. [Applause.] It is the supreme court of labor; and if labor gets a break in the National Labor Relations Board, it will be the first court in this Nation where we have received a real break.

I believe we should give this Board sufficient funds to be able to operate properly. I do not believe we should shoot at the members of the Board. I do not believe in individual legislation. I believe in legislation that will represent a long-time point of view.

Mr. Chairman, let us vote in favor of this amendment. [Applause.]

Mr. LAMBERTSON. Mr. Chairman, I am opposed to the amendment and I shall support the recommendation of the committee. I think the committee has done a good job in analyzing what is needed now.

We will meet again in a few months, and they certainly have been provided with enough funds to take care of their needs at the present time.

I also wish to venture a conjecture with reference to the enormous number of strikes we have had. What has been the reason for them? I have not heard anybody mention this, but I do not know but what the very radical attitude of this Board has not been in the mind of labor and I do not know but what this has been one of the reasons

there have been so many strikes this year. I have it upon pretty good authority——

Mr. JOHNSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. I cannot yield now.

Mr. JOHNSON of Minnesota. Has not the reason been the low wages and long hours?

Mr. LAMBERTSON. I have it from good authority that the general counsel who was referred to here a moment ago is more than a Socialist. He is the counsel for this Board and he is a man, I have been told, who "pooh-poohs" the kind of Government we have today. [Laughter.] This is what good authority tells me, and if he is the guiding spirit of this Board, perhaps they had better start in a rather conservative way, and I am sure this amount will be adequate at least for the next 4 months.

[Here the gavel fell.]

Mr. BEAM. Mr. Chairman, this is an amendment which every Member of the House can enthusiastically support.

We are living in a great industrial age and in an era of great industrial dispute and unrest.

I was interested in hearing the gentleman from Montana assert that through the activities of the National Labor Relations Board the Jones & Laughlin steel strike was settled, the Packard Motor Co. strike was adjusted, and also the strikes at the steel mills in South Chicago and Pittsburgh areas were successfully terminated.

As a member of the Committee on Agriculture I have supported all bills for the rehabilitation of agriculture. I have voted for every agricultural measure whereby the farmer was benefited, but are we going now by our action today to handicap and impair the activities of this Board, which has to do with settling and adjusting industrial disputes for men who toil and labor in the industrial sections of our country?

Are we going today to cut this appropriation and so limit their operations as to become ineffectual and unable to cope successfully with the great task and responsibility which is theirs?

Are we going by our actions today to impliedly and tacitly sustain and commend the members of the Rules Committee who would deny the membership of the House the privilege to vote on the wage and hour bill, which would give the people who toil and labor the right to have an equal chance in this great country we call America?

The time has now come when by your vote here this afternoon you can restore this appropriation and put in the hands of the National Labor Relations Board the power to do away with strikes and bring industrial peace and contentment to all the workers throughout the United States. [Applause.]

Mr. WOODRUM. Mr. Chairman, I have always said that I thought the House of Representatives is the greatest body of men on the face of the earth. A cross section of it I believe will show real ability, industry, and devotion to duty, and yet it is a queer study in human psychology to see the House in one of these periods of emotion. One would think from hearing these impassioned speeches today, which have been made for the benefit of Mr. Fahy and his colleagues sitting in the gallery, telling them how much they love the National Relations Board, with them smiling down at the Members, approving their utterances, that the issue today is whether we were going to crucify labor or emancipate labor, a rather silly course of debate. I voted for the National Labor Relations Act. I have voted for just as much labor legislation as any gentleman on this side of the House, yet that does not mean just because I did that that I am going to give the Labor Relations Board a blank check on the United States Treasury. Now, let us clear the cobwebs away. We gave the National Labor Relations Board $785,000 for 1938 for their administrative expenses for this fiscal year, 2 months of which have already gone.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Not now. The committee proposes, in view of this increase in work, to give them another $917,500 for the remaining 10 months of this fiscal year, making a total for the year of $1,702,500. Nobody is criticizing the Board, nobody is making any attack on labor and their right to bargain, but we merely ask that the Board go ahead in a logical manner and organize this new activity along sensible, logical, conservative lines; and I say to you gentlemen who are so enthusiastic today, no more than I for them, you who are so impassioned, that the worst thing you can do for them is to give them more money than they can usefully spend in the next 10 months and permit them to go out into the highways and byways and hurriedly put a lot of people into the organization without careful scrutiny.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Not now. The gentleman and his supporters have been using 30 minutes of time, and surely I might be permitted to use my poor little 5 minutes. No attack is being made on this Board. There is no division here about the Labor Relations Board. I helped them with their appropriations for the fiscal year 1937 when they violated the law and spent $15,000 that they did not have. They came in to our committee and there was no question at all as soon as they explained it. We gave it to them. Examine the hearings and you will find that, while there has been an increase in the number of cases, that many of those upon examination are found to be useless, and this committee believes that with this added million dollars, which more than doubles their appropriation for the remaining 10 months, the Board can function just as Congress meant it to function, and that when we come back here in January, if they are in difficulties, we can do in the future just as we have done in the past, give them whatever funds they show they need to carry on the useful functions of their work. But do not let us raise any straw men here to knock them down.

This is your responsibility as much as it is mine. I think you will all bear witness to the fact that you have trampled upon me many times, when you did not agree with me. That is all right. It is your duty, just as well as it is mine, and now it is your duty also. I ask you to give them money wisely, do not give them any that they cannot use that way and that they do not reasonably need.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. WALTER. By what theory did the Committee on Appropriations cut exactly in half the amount recommended by the Budget?

Mr. WOODRUM. I ask the gentleman to turn to page 340 of the hearings. He will find that they testified that out of 2,382 cases, closed as of June 1, 324 were dismissed by regional directors or the Board before formal action, 1,297 were closed by agreement with both parties, 602 were withdrawn by petitioning parties, and 163 were closed in other ways, of which number formal orders were entered in 100 cases. There are only 25 cases in court. After the Supreme Court sustained the Labor Relations Act a great flock of people rushed to this Board. The act was new and people were emotional and excited, many coming with cases that did not amount to anything and in good management they advised them to dismiss them and those cases were dismissed.

Mr. WILCOX. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. WILCOX. And if the bill should pass in the form as reported by the Committee what will be the total amount provided for this fiscal year for the Labor Relations Board?

Mr. WOODRUM. $1,700,000, or $900,000 for the next 10 months, more than is carried in the regular bill.

Mr. WILCOX. The total amount provided will be $1,700,000, according to the bill as now reported?

Mr. WOODRUM. That is right, as now reported.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

The question is on the amendment offered by the gentleman from Washington [Mr. LEAVY].

Without objection the Clerk will again report the amendment.

There being no objection the Clerk again reported the Leavy amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. WOODRUM)—there were ayes 101, and noes 95.

Mr. WOODRUM. Mr. Chairman, I ask for tellers.

Tellers were ordered and the Chair appointed Mr. WOODRUM and Mr. LEAVY to act as tellers.

The Committee again divided and the tellers reported there were ayes 125, and noes 112.

So the amendment was agreed to.

The Clerk read as follows:

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority fund: The appropriation under this head for the fiscal year 1938, contained in the Second Deficiency Appropriation Act, fiscal year 1937, shall, in addition to the objects specified under that head, be available for the reconstruction and relocation of the George Sam Houston Bridge across the Tennessee River at Guntersville, Ala.

Mr. MAGNUSON. Mr. Chairman, I move to strike out the last word. I just do this to ask a question of the chairman of the subcommittee. Some days ago the House unanimously passed a bill providing for a cancer-research institute to be set up in Washington, D. C. I was wondering if the committee had that item before it and, if they did, why it is not in this appropriation bill?

Mr. WOODRUM. I will say that the item did not come to the subcommittee in time to be included in this bill, but I am informed it has gone to the Senate where it will be considered on the bill when it gets to the Senate.

Mr. MAGNUSON. I thank the gentleman.

The pro-forma amendment was withdrawn.

The Clerk read as follows:

THOMAS JEFFERSON MEMORIAL COMMISSION

For the purposes authorized under the provisions of the act approved June 3, 1936 (49 Stat. 1397), entitled "An act to authorize the execution of plans for a permanent memorial to Thomas Jefferson", $500,000, to remain available until expended.

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 8, line 12, strike out all of lines 12 to 17, inclusive.

Mr. SCOTT. Mr. Chairman, I offer to the chairman of the subcommittee a method of getting back $500,000 of the amount that was appropriated just a moment ago. I want to make this clear to every member of the Committee, that the adoption of this amendment will not put an end to the Thomas Jefferson Memorial Commission. It was created by law. This will simply hold up the proceedings for the rest of this session. I do that for this reason: The $500,000 appropriation was put into this deficiency bill without any hearings at all. The case for the appropriation was made by a member of the committee, but there was no opposition heard, although some requested an opportunity to appear before the committee. I doubt very much whether it is a good idea on the part of our subcommittee or on the part of the Committee of the Whole to make an original appropriation of $500,000 that carries with it an obligation of $2,500,000 more and the possibility of double that amount without first holding hearings before the committee. We do not know what the final cost of this memorial is going to be, but you can remember you will be asked later to appropriate $2,500,000 to carry out the original authorizing act and undoubtedly when the memorial is about one-half or three-quarters completed they will come back and say, "There is no sense in leaving an uncompleted memorial and we have to have more money." You are going to be in a ticklish spot when you decide whether to give them an additional sum to complete that which has been started.

I want to call attention again to the fact that the Commission has been in existence for 3 years and that the original law passed in 1934 or thereabouts has been in existence for 3 years, requiring them to make a report annually to the Congress as to the progress that the Commission has been making, and that up to date no report such as that has been filed with the Clerk of the House of Representatives. We are not therefore sufficiently informed to be able to act upon this particular appropriation. I am simply asking that it go over until the next session at least, during which time the Commission will have an opportunity to report on the progress it has been making. In the meantime there is the possibility that the Commission may change its mind as far as the type and style of architecture is concerned. They have changed their mind as far as the location of the monument is concerned and are now going to put it south of the original site, the Tidal Basin.

I also want it understood that I have absolutely no personal feeling, no antagonism upon which I am working, but I have the highest regard for the chairman of that memorial Commission. Let me say that I know of no man in the House who is more courteous or has been more courteous as far as debate on the floor is concerned, but in spite of that fact, I myself, no matter how highly I regard the chairman of that Commission, could not be led into voting for this just because I did have that high regard for him.

I do not believe that the case presented so far is sufficient to warrant the expenditure now of $500,000, especially when that means that $2,500,000 will be obligated and the possibility of vastly increased expenditures.

No man has a higher regard for Thomas Jefferson than I, but I do not interpret Jeffersonian democracy the way a lot of people do. I think we should have a memorial sometime, but not now under present circumstances.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts.

Mr. TREADWAY. Mr. Chairman, I have been interested in this matter as a member of the Committee on the Library which originally presented the authorization for the construction of the Thomas Jefferson memorial. I am still in favor of that measure, but I want to see a restriction placed on the legislation so that the Congress will know that it will be impossible to build on the Tidal Basin. The arguments that have been made in regard to the objections to the Tidal Basin site are well known and I shall not rehearse them. I shall refer, however, to the remarks made by my friend this morning, the chairman of the Thomas Jefferson Memorial Commission, our esteemed colleague, the gentleman from New York [Mr. BOYLAN]. I believe he used these words:

The revised plan adopted assures that the Basin will not be changed.

That assurance, he said, is contained in his report of July 13, which was published in the newspapers, he said, but not presented, as I understand it should have been, to the Speaker through the Clerk of the House.

He also said that the modified plans called for the location of the memorial south of the Tidal Basin. Here is a map of the city of Washington [showing a map] and my hand is pointing to the Tidal Basin. This is the north and south line of the Tidal Basin. If it is located in the south it will run into the railroad track or into the Potomac River, it seems, and must, from the description that was given of the modified location.

Mr. BOYLAN of New York. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes, I shall be glad to yield to the gentleman to explain where else south of the Tidal Basin would be.

Mr. BOYLAN of New York. This morning the gentleman inquired as——

Mr. TREADWAY. Will the gentleman be brief, because I have only 5 minutes and I want to say a lot about this subject.

Mr. BOYLAN of New York. Oh, yes, certainly; and I told him that the distance in which we have to place the memorial is between the Tidal Basin and the railroad tracks and is approximately 1,000 feet.

Mr. TREADWAY. Will the gentleman point out on the map where the new location is?

Mr. BOYLAN of New York. If the gentleman will wait a minute.

Mr. TREADWAY. Answer briefly, because my time is running.

Mr. BOYLAN of New York. The space between the Tidal Basin and the railroad tracks is 1,000 feet. I also gave the gentleman that information personally.

Mr. TREADWAY. The gentleman told me downstairs in the lunch room that there was 1,000 feet between the Tidal Basin and the railroad tracks at the new location. This map shows the contour of the Tidal Basin which he says will not be changed.

Mr. BOYLAN of New York. And the 1,000 feet will be available for erection of the memorial.

Mr. TREADWAY. There is the railroad track [pointing], and there is the river. I submit that there is no place to put it south of the Tidal Basin in that neighborhood unless it runs into the river or subjects the Jefferson memorial to being hit by railroad trains. I want the House at this time to understand that the people of the United States want the Tidal Basin and the cherry blossoms protected, and we are going to have them protected by legislation if it is possible to do it. I fully approve, therefore, of the effort of the gentleman from California to strike out this appropriation of $500,000 until such time as we know where the new location is.

I may say also that I have looked through the 600 pages of hearings held by this subcommittee, but there is not a word in there in behalf of this $500,000. In other words, no hearing was held upon an appropriation of half a million dollars.

There are the facts of the case. We are glad to take the word of the gentleman from New York as to the merits of this matter.

Mr. BOYLAN of New York. But you do not take it.

Mr. TREADWAY. We do want to know, however, where the location is running south from the Tidal Basin that will not hit either the railroad or the river. The adoption of the amendment striking out the appropriation will settle the matter for the time being.

Further I desire to correct an error made by the gentleman from New York [Mr. BOYLAN] when he referred to me as the owner of 21 inns and therefore wanted to aid the hotel fraternity of the District of Columbia. He was only a little more than 10 times mistaken. I dislike to bring personalities into congressional debates, but it so happens that my hotel ownership consists of two modest inns in my home town of Stockbridge, Mass. I am proud of my former occupation of hotel management but do not wish to accept a greater degree of responsibility than I can properly acknowledge.

The Tidal Basin, with its spring bloom, is one of the greatest attractions this Capital City can offer to bring visitors to this ctiy and nothing should be done to detract therefrom. The immediate vicinity of the basin is already well provided with memorials. One to Thomas Jefferson should be placed in a more appropriate location, and the Congress is entitled to know where the Commission will locate it with the site it has recommended not being agreed to by this House.

Mr. BOYLAN of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman who has just addressed the House stated this morning that his geography told him that there was not any land south of the Tidal Basin on which to erect the proposed memorial and not interfere either with the contour of the Tidal Basin or with the famous cherry trees. The Park and Planning Commission had already informed the Thomas Jefferson Memorial Commission that there was approximately 1,000 feet straight back of the Tidal Basin in a southerly direction. In order that I might confirm that information I called up the Park and Planning Commission. They reiterated their original statement.

The gentleman from Massachusetts would lead you to believe that we are going to build this memorial out in the Potomac River.

First, the gentleman was interested in cherry trees, then the Tidal Basin. But he did not come here exactly with clean hands. He is a leading stockholder in at least 21 inns in the United States.

Mr. TREADWAY. Will the gentleman yield?

Mr. BOYLAN of New York. I do not yield to the gentleman.

Mr. TREADWAY. The gentleman does not want to make a misstatement, which he is doing now.

Mr. BOYLAN of New York. Mr. Chairman, the hotel keepers of Washington and elsewhere were a little bit afraid if the cherry trees were removed they might not sell so many sandwiches or so many highballs or so many cups of coffee, so the gentleman immediately rises to beg us to protect the hotels and innkeepers. However, the thousand feet are there, and it is large enough to build a large hotel on. After everything is lost the gentleman will try to think of something else. May I say the gentleman does not want any memorial to the memory of Thomas Jefferson erected in Washington, and a certain other clique does not want it either. First, it is cherry trees. Then, their favorite architect has not been selected. Then, the boats on the Tidal Basin are going to be interfered with. The Lord only knows what the next subterfuge will be.

Mr. O'MALLEY. Will the gentleman yield?

Mr. BOYLAN of New York. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. I want to say to the gentleman from New York that for 5 years I have been trying to discover the reason for the existence in this House of the Republican Party, and I find now it is to protect cherry blossoms.

Mr. BOYLAN of New York. I do not exactly agree with the gentleman, because the vice chairman of the Commission is a distinguished Senator, the minority leader on the other side, and our own gentleman from New York [Mr. CULKIN] is a member. Both of those gentlemen have agreed unanimously with every plan made by the Commission.

[Here the gavel fell.]

Mr. KNUTSON. Mr. Chairman, the gentleman from New York who has just spoken has taken 5 minutes to confuse us further as to where this memorial is to be located. None of us know yet where it is going to be located.

In view of the lack of harmony among the admirers of the immortal Thomas Jefferson as to the type of memorial to be erected to his memory, and because of our radical departure from the fundamental principles of government in which he believed, I would suggest that the memorial take the form of a monumental mausoleum in which to inter the Declaration of Independence and the Constitution of the United States. I would also suggest that President Roosevelt be invited to deliver the dedicatory address. In the cornerstone of this mausoleum should be placed copies of all the discarded New Deal legislation, together with copies of Secretary Morgenthau's many mistaken estimates of governmental receipts and expenditures.

[Here the gavel fell.]

Mr. WOODRUM. 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 Virginia?

Mr. JOHNSON of Oklahoma. Mr. Chairman, reserving the right to object——

Mr. WOODRUM. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield to no one in my respect for the memory of Thomas Jefferson, but this matter has been considered more than once by the committee and has been turned down. I have the highest regard for the distinguished and able gentleman from New York who has labored tirelessly as chairman of the Thomas Jefferson Memorial Commission and nothing I shall say is any criticism of him. That is beside the issue. This bill, like the proverbial cat with nine lives, is back here once more after having been killed on more than one occasion.

Mr. BOYLAN of New York. Will the gentleman yield? The House has never turned it down.

Mr. JOHNSON of Oklahoma. I cannot yield now.

Mr. BOYLAN of New York. It was never put up to the House.

Mr. JOHNSON of Oklahoma. The committee has refused in the past to make this appropriation.

Mr. BOYLAN of New York. No; the committee never has turned it down.

Mr. JOHNSON of Oklahoma. Well, I am sure my distinguished friend is in error. This memorial, we were first told, would cost $3,000,000. Then it was found the $3,000,000 "baby" had suddenly grown to a $5,000,000 "youngster." Then it grew and grew to a $9,000,000 "giant." It was testified, as shown by the record, that probably $9,000,000 would be required for its construction, including the grounds, if the memorial should be placed in the boggy marsh where it is next to impossible to find rock bottom. That proposed site is so thoroughly impossible that I am amazed to hear the committee still insists on placing it there. Of course, it will never be constructed there. The unreasonable cost of such an impractical plan is clearly apparent.

But, Mr. Chairman, the mere matter of location is not my only reason for opposing this item. Possibly at some future time some kind of a suitable memorial to the memory of one of the greatest statesmen this world has ever known will, and ought to be, constructed, but certainly it is not an emergency at this time.

As a member of the Appropriations Committee I am naturally reluctant to oppose the chairman and majority of the members of that committee. I have followed the chairman of the Deficiency Committee on many matters of economy. But the Appropriations Committee refuses to allow a little $10,000,000 item for farm tenancy after both Houses of Congress have authorized such an item, which is a mandate to the committee to make the appropriations. With millions of farmers looking to this Congress to really do something about this perplexing problem of farm tenancy, these tenant farmers are ignored altogether, and then the committee has the audacity to bring an item of this kind in as a part of the deficiency bill and try to kid us into thinking it is an emergency. Just how any Member of this House can vote for such an item as this, which undoubtedly will mean an expenditure ultimately of $6,000,000 to $9,000,000, and then be able to look our tenant farmers in the face is beyond my imagination. [Applause.]

Mr. KELLER. Mr. Chairman, I am not a hotel keeper and I am not interested especially in cherry blossoms, although they are beautiful. I am very much interested in laying the facts before this Committee.

The Commission was duly appointed. But it has never reported to this body as the law provided it should. It has selected a place down there, first in, and then beside, the Tidal Basin, where it is impossible to put a foundation of sufficient size to support a monument of this magnitude.

To keep the Lincoln Memorial from going down we had to spend $500,000 to strengthen the foundations 2 years after it was built, because it is 55 feet to solid rock there. Down there where they are talking about putting the Jefferson Memorial it is 80 or 90 feet to bedrock. The borings show from 75 to 88 feet. It is impossible to put the memorial down there for another reason. That is because if you undertake to put it there, there will be no place for the traffic. I know because I go down there nearly every morning walking. Traffic there is already badly congested. I know that if you put this memorial down there you will spend twice as much as the cost of the memorial itself to make your roadways, walks and terraces around there, and you will tear up the Tidal Basin besides. There is no use fooling yourselves about this. If you are willing to go forward and put into this anywhere from $7,500,000 to $9,000,000, all right; you will do it by voting against this amendment to strike out this appropriation. If you are not willing to do so, you should vote for this amendment. Another reason this appropriation should be cut out of the bill at this time is that I am going to propose amendments to the present law to control this Commission in order to make it responsible to this body, as should have been done originally. I am for the Jefferson Memorial and shall continue to be until it is built and dedicated—as beautiful as can be built for $3,000,000. But it must be built in a place where reasonable foundations can be had, where traffic conditions will permit the millions of Americans to see and drink of the inspiration of this memorial to the author of our Declaration of Independence, of the statute of religious liberty, and the founder of the University of Virginia. [Applause.]

[Here the gavel fell.]

Mr. LUCKEY of Nebraska. Mr. Chairman, we have before us H. R. 8245, the third deficiency bill, calling for an appropriation of $78,000,000. The item to which I am objecting at this time is the amount of $500,000 to be expended for a Jefferson Memorial in the Tidal Basin here in Washington.

I want to state that I have the highest respect and admiration for Thomas Jefferson, to whom you and I and the whole American Nation owe a debt of gratitude that money can never repay, though we erect a monument in every State of the Union. Jefferson, the statesman, has given us a conception of democracy and a philosophy of government that has earned him the undying gratitude of the American people.

However, I object to this appropriation at this time for several reasons: First, if the monument is to be erected in Washington, it should not be placed in the Tidal Basin. That site would not be favorable from an engineering standpoint because there is a mud deposit 70 or 80 feet deep before bedrock is reached. It is estimated that it would cost all the way from three to six million dollars to build a solid foundation for the monument. Furthermore, the citizens of Washington are opposed to that location because it would detract from the world-famous Japanese cherry trees—a gift from the Japanese Nation to the American people. Visitors from all parts of the country come in blossom time to see these beautiful trees, and naturally they become a great source of revenue to the city of Washington. In addition to these objections, it would be necessary to construct costly roadways and streets to make the monument accessible to the public. The Tidal Basin location is also objectionable because it would crowd too many monuments together in close proximity.

Another reason why I am objecting to the expenditure of this huge amount at this time is in the interest of economy. The President has repeatedly urged Congress to practice economy, but here comes one bill after another, each one greater than it was in preceding years. The Treasury Statement of August 13 showed that our national debt was $36,889,684,026.29, while last year on that date it was $33,401,816,629.40. The public is justified in demanding that a halt be placed on this unprecedented spending, yet in the face of all this we go on spending money by the millions and billions like a bunch of drunken sailors. Have we lost all sense of proportion and values? The other day we voted for a measure calling for an expenditure of $21,000,000, which was railroaded through in 35 minutes by a well-oiled machine. A few weeks ago we voted $167,000 for a junket to Europe to dedicate war monuments. Here in Washington we have monuments by the hundred which no one looks at except to dodge them in auto traffic. All over the country the Federal Government is spending huge sums for monuments, many of them in out-of-the-way places. I mention as one example the half million dollars expended in the Black Hills for chiseling on the mountain side the faces of Washington, Jefferson, Lincoln, and Theodore Roosevelt. Few of the American people will ever see that memorial.

In St. Louis there is already a beautiful building in Forrest Park dedicated as a monument to Thomas Jefferson, yet the people of St. Louis are asking for another memorial, which, when completed, will cost approximately $9,000,000. On top of all this, another Jefferson memorial is being pro-

posed here in Washington which, when completed, may reach the huge sum of from six to nine million dollars. I cannot help but think of our poor farmers in the drought-stricken area of the Corn Belt who are again seeing their corn crop burn up by scorching heat right before their eyes. Cannot we economize on these innumerable and unnecessary monuments in order that we will have some money left to help those who are actually threatened with want for the necessities of life? We have no right to spend huge sums for needless projects and burden future generations paying these debts.

If you will remember, our National Budget prior to the World War was approximately $1,000,000,000. This year it will be close to $9,000,000,000. In the language of my good friend from Pennsylvania [Mr. RICH], "Where are we going to get the money?" I sincerely hope you will vote down this item for the Thomas Jefferson Memorial at this time. [Applause.]

Mr. WEARIN. Mr. Chairman, I assure the House that those of us who are opposing this appropriation of $500,000 yield to no one in our desire to properly memorialize Thomas Jefferson in the city of Washington, D. C. That is one of the reasons why we are opposing this appropriation at the present time. It is very unfortunate that the House has before it at the present time no reports from the Thomas Jefferson Memorial Commission, no information with reference to the proposed plans, and no accurate data as to what will be the ultimate cost of this project. These things are significant in the consideration of any move to memorialize that distinguished citizen, which I am sure we all heartily desire to do. I sincerely hope the House will reject this $500,000 item until such time as the Memorial Commission submits definite plans with reference to how it expects to expend the money and shows where the money is to be spent. The Commission should have selected the design for the memorial through the agency of an architectural competition; in fact, the designs for all such public buildings should be selected in that manner, thus developing the younger members of the profession and enriching the wealth of the Nation. In fact, such a provision should have been written into the act that created the body now supervising the Jefferson project. If such a procedure had been followed as in the case of other notable buildings in Washington, there would have been a much better feeling throughout the country. This situation, coupled with a lack of information on the present proposal, makes it advisable to postpone action upon this matter. [Applause.]

Mr. KNUTSON. Mr. Chairman, a parliamentary inquiry before we vote.

The CHAIRMAN. The gentleman will state it.

Mr. KNUTSON. Am I to understand this is to be a floating memorial?

The CHAIRMAN. That is not a parliamentary inquiry.

The question is on the amendment offered by the gentleman from California, Mr. SCOTT.

The question was taken, and on a division (demanded by Mr. Woodrum) there were—ayes 116, noes 50.

So the amendment was agreed to.

The Clerk read as follows:

UNITED STATES MARITIME COMMISSION

In addition to the contracts which may be entered into under funds available to the United States Maritime Commission for carrying out the provisions of the Merchant Marine Act, 1936, the Commission is authorized to enter into contracts for further carrying out the provisions of such act in an amount not to exceed $150,000,000.

Mr. LUDLOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUDLOW: Page 9, line 7, strike out "$150,000,000" and insert in lieu thereof "$75,000,000."

Mr. LUDLOW. Mr. Chairman, it seems to some of us who have given careful study to the merchant marine that the amount of $150,000,000 authorized by this paragraph is too high, and this amendment is offered to reduce the amount. The total sum which would be available to construct ships, even with this amendment, would be $144,000,000. I hope the chairman of the subcommittee will accept the amendment.

I believe so sincerely that the authorization of $150,000,000 carried in this bill for ship construction, superimposed on the $69,000,000 now on hand and available for that purpose and $27,440,000 which it is estimated will become available when shipowners make their first payments, is so high and so far beyond reason that I feel that it is my duty to make this motion to reduce the authorization.

The three items mentioned, comprising the total of money and authorizations made available, create the enormous fund of $246,440,000, or, in round numbers, a quarter of a billion dollars, which it is proposed by this bill to put into a high-pressure merchant-marine program of staggering proportions, a program which seems to be based on the philosophy that everything connected with the merchant marine has to be done in one day; that there will be no future in which to work out the difficult and tremendously intricate problems of the merchant marine in a logical and orderly way. I read in a newspaper yesterday that the total value of all public buildings in the city of Washington is $228,000,000. It is proposed in this one bill to spend $18,000,000 more than that amount on the merchant marine.

Would it not be the part of wisdom to go about the task of creating a merchant marine a little more deliberately and sure-footedly? Let us examine for a moment some of the pitfalls that may confront us if we proceed so precipitately.

In the first place, the Maritime Commission, with all due respect to the superb businessman and organizing genius at its head, Chairman Joseph P. Kennedy, is in no shape to proceed with the full program outlined in this legislation. Mr. Kennedy himself is the best witness to prove that the enormous authorization of $150,000,000 for ship construction carried in this bill is unnecessary and ill-advised. Since these estimates were first submitted to our subcommittee, Mr. Kennedy himself has halted the entire shipbuilding program because of the dangers and uncertainties involved. I hold in my hand a statement issued by Chairman Kennedy on August 10 last, announcing a suspension of the merchant-marine program until a thorough survey of the situation can be made by high-powered experts, a survey which he says in his statement is expected to require approximately 2 months.

He announced the names of the experts chosen to conduct the survey, including such names as H. L. Seward, professor of mechanical and marine engineering, Yale University; Thomas H. Healy, dean of the School of Foreign Service, Georgetown University; Grover C. Huebner, professor of commerce and transportation of the Wharton School of Finance; Col. James M. S. Waring, industrial analyst of New York; and Theodore J. Kreps, associate professor of business economics at Stanford University of California.

In announcing a halt in the program until this survey can be made, Chairman Kennedy said:

The Maritime Commission has been given the job of rehabilitating the merchant marine and placing it on a firm, long-range basis. This we have sought to do. As we dug into the problem, however, we were confronted with such a mass of unproven data and contradictory opinion as to make a ready solution impossible to achieve. It has been decided, therefore, to canvass the entire shipping situation in all the aspects before attempting to set up the long-range program contemplated by the act.

It is very evident from Chairman Kennedy's statement that he apprehends that there will be a stoppage of the merchant-marine program due to labor difficulties, for on that subject he says:

Another great obstacle to the development of American shipping, and one which assumes really serious proportions at this time, is the unsettled labor situation. No one is going to invest in an industry which is subject to such costly and prolonged interruptions as those which have characterized shipping during recent years. This is a problem that somehow must be solved if we are to interest the investing public and maintain a competitive position at sea. * * * The labor situation is to be the subject of special scrutiny, particularly because of the existing labor difficulties in the maritime field.

Summarizing the reasons for the survey Chairman Kennedy says:

The purpose of this survey is to set forth as clearly as possible all the factors and their relative importance so that the taxpayer, the operator, the ship worker, and the investor will know the problem and the proper solution.

In addition to other factors which suggest deliberation as the part of wisdom is the fact that the records of the Government's shipping activities inherited by the new Maritime Commission are in frightful shape. Even a genius like Chairman Kennedy has not been able, up to date, to bring order out of chaos. He consumed page after page of testimony before our subcommittee in telling us what an awful jumble things are in. He testified that there has been no audit for 15 years; that the general ledger is away behind, and he described graphically his difficulties in trying to get a real audit that will reveal the true condition of the accounts. I am convinced, from all of these circumstances, that the Maritime Commission is not prepared to go ahead in a thorough and well-safeguarded way with all of the enormous program of letting contracts that is provided in this bill, and that it would be best to defer part of the program a few months until the results of the survey are known and the skies are clearer.

The shipbuilding program provided for in this bill is one of two prongs and I think I can point out where a cut can be made in the authorization without in anyway jeopardizing the purposes of the act.

It is proposed to build two groups of ships. One group is composed of ships to be built for operating companies and sold to them under title V of the act. The program calls for the construction of 43 ships of this class at a cost of $110,000,000. The other part of the program contemplates the construction of 52 ships to be owned by the Government and chartered to operating companies, provided any companies can be found that are willing to operate them under charter.

The most dubious part of the program is the operating of ships under charter.

That Chairman Kennedy himself has grave doubt of the success of chartering vessels is indicated by his testimony—page 248 of the hearings—where he says he expects the act to be modified so as to get a "better deal" for the Government in the chartering of vessels, adding:

I think I will have a definite recommendation by the next Congress which would still be agreed to by the shipowners, and that would give the Government a much better break before we do anything as far as chartering ships is concerned.

In the agenda mapped out for the guidance of the experts who are to make the survey that has been ordered they are instructed to look into this question:

If the Government builds vessels for charter, in what way can the public interest be safeguarded?

Why not give the experts an opportunity to look into this matter and report their conclusions before we authorize the construction of an enormous fleet of 52 vessels for charter at an approximate cost of $2,500,000 each, without knowing whether or not they can be chartered or whether the Government, according to Chairman Kennedy, would get a square deal even if they are constructed and chartered? If we build this great fleet and the ships cannot be chartered, we will have these ships clogging our bays and inlets, rotting at the piers, each ship as big a white elephant as the Washington Monument. Chairman Kennedy, in his testimony—page 225 of the hearings—said that it is intended to make contractual commitments covering all of these ships in this present fiscal year 1938.

Therefore, unless we reduce this part of the program the United States will be tied up in contracts before July 1 next covering all of these prospective white-elephant ships. These will be enforceable contracts, for all of Uncle Sam's contracts are enforceable and no one can foretell to what depths of useless and wasteful expenditures we may be led.

My suggestion, respectfully submitted, is that we authorize the 43 ships to be built and sold to operating companies because that gets the ships out into private industry and achieves the objective of the act, which is a strong privately owned and operated merchant marine, and I suggest that we do not authorize at this time the 52 ships to be built and chartered to private companies. With $69,000,000 on hand and an authorization of $41,000,000 the 43 ships can be contracted for. Under this amendment, therefore, the authorization carried in the bill will provide for these 43 ships and for the construction of about 30 ships to be chartered.

This amendment involves nothing whatever that is prejudicial to the merchant marine. Every dollar of construction subsidy and every dollar of operating subsidy that is payable under the program as outlined in the bill is payable under the amendment. It would simply defer for a time, and perhaps only for a very short time at that, the construction of some of the Government ships for charter. Congress will be in session again in four and a half months, and the Deficiency Subcommittee will be sitting and ready to function, and by that time we shall know much more about this matter as a result of the survey and we can act then in whatever way may seem wise. There is no reason why the most ardent friend of the merchant marine should not approve this amendment.

I know the argument will be made that any reduction in this enormous proposed outlay, totaling almost a quarter of a billion dollars, will have a bad psychological effect by creating the impression in other countries that America has weakened on its merchant-marine policy, but I do not believe that this argument is well founded. I think the psychological effect would be worse if we were to inaugurate a colossal ship-chartering program and fail. Besides, I am thinking of a different kind of psychological effect. I am thinking of the good psychological effect it will have on our business people and the taxpayers of America to know that we are holding down our governmental costs to the very limit as an approach to the goal of an ultimately balanced Budget, and that we are not authorizing the expenditure of one dollar beyond the requirements of actual necessity.

Mr. Chairman, I respectfully express the hope that my amendment reducing the authorization under this item to $75,000,000 will be adopted. This will provide, with cash on hand, a fund of $144,000,000, which I believe will be ample.

The merchant marine will not suffer and the taxpayer will be given a break.

Mr. WOODRUM. Mr. Chairman, the chairman of the committee has no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. LUDLOW].

The amendment was agreed to.

The Clerk read as follows:

UNITED STATES NEW YORK WORLD'S FAIR COMMISSION

For carrying into effect the provisions of the public resolution entitled "Joint resolution authorizing Federal participation in the New York World's Fair 1939", approved July 9, 1937, $3,000,000, to remain available until the termination of the Commission.

Mr. FISH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not opposed to this appropriation of $3,000,000 for the New York World's Fair, because the money is needed to carry out the obligations made with foreign governments that we have already invited to attend the fair. In inviting them we promised to construct buildings for each of these foreign nations or provide them with adequate space, and this $3,000,000 is, therefore, required in order to keep our word to the foreign nations that participate.

I have taken this time, however, to make certain comments and observations, first, about the appointment of Edward J. Flynn as United States Commissioner. Mr. Flynn is the Democratic boss of the Bronx. He is the Democratic leader of that section of the city of New York, and is likewise Secretary of State of the State of New York, drawing a salary of $12,000. This appointive position of secretary of state has numerous duties, and if Mr. Flynn applied all of his time he could not fulfill all the duties of that office. However, for some extraordinary reason he has

likewise been appointed United States Commissioner to the New York World's Fair at a salary of $10,000 to handle the $3,000,000 which the Congress is about to appropriate.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I would rather continue for a few minutes and then yield to the gentleman from New York.

Mr. Edward J. Flynn, however, now under criticism from Senator COPELAND, states he does not propose to accept the salary. I doubt if there is any Federal law in existence that permits any Federal officeholder to refuse to accept such a salary. This is the reason we had the $1-a-year men during the war. After a salary is established by law there is no way for anyone to refuse to accept it, as it is held in the Treasury subject to claim by the officeholder or his estate.

Mr. CURLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. FISH. I cannot yield just now.

Mr. CURLEY. The gentleman has made a false statement.

Mr. FISH. I doubt it very much. [Laughter.]

Furthermore, I want this statement to go into the RECORD so that Mr. Flynn will fully understand the status of his appointment. This is no criticism of Mr. Flynn; and, perhaps it is a matter of commendation to state that his firm, Flynn & Goldwater, is one of the most successful and productive practitioners before the S. E. C. and the R. F. C.; but if he takes this job, whether he attempts to waive the salary or not makes no difference, he is prohibited by an act of Congress from practicing before any department of the Government; and in order to save time I ask unanimous consent to place in the RECORD the law, United States Statutes at Large, Sixtieth Congress, volume 35, part 1, page 1107, section 109:

> Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim, or receive any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim shall be fined not more than $5,000 or imprisoned not more than 1 year, or both.

This means that Mr. Flynn will have to give up this profitable revenue from appearing personally or by his firm, directly or indirectly, before any department of the Government; and I am reliably informed that the practice of his firm before the S. E. C. and R. F. C. is highly lucrative, running into six figures.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. CURLEY. Will the gentleman specify any particular department before which Mr. Flynn has ever appeared or any member of his firm?

Mr. FISH. I just stated the R. F. C. and the S. E. C.

Mr. CURLEY. When and where?

Mr. FISH. Just recently in behalf of Mr. Meehan, the New York stock broker, before the S. E. C. His firm lost the case before the S. E. C., so that Mr. Meehan was barred from operating on all the stock exchanges of the country.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. WOODRUM. Mr. Chairman, in view of the fact that we have conformed to the 5-minute rule all during the day I hope the gentleman will not insist on his request.

Mr. FISH. I have not yet taken any time on the bill.

Mr. WOODRUM. I am not going to object, but everybody has conformed to the 5-minute rule.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. CURLEY. Inasmuch as the gentleman has made a statement about Mr. Flynn and the salary attached to this position of $10,000, I want to say now to the gentleman that Mr. Flynn not only never accepted any salary, but has waived that salary.

Mr. FISH. And I am saying to the gentleman, in the first place, he has no right to waive a salary that is fixed by law. He must accept the salary as it is, and this is the reason during the war we had $1-a-year men. They had to receive at least a dollar a year, which was fixed by law. Mr. Flynn has no right or power to waive his salary under the law.

In the second place, I may say, in answer to the gentleman's question, that Mr. Flynn or his firm have repeatedly appeared and practiced before the R. F. C. and the S. E. C., and recently they lost a case in defending Mr. Meehan, the stockbroker, who was ruled out by the S. E. C. on account of unfair practices on all the stock exchanges of the country.

Mr. CURLEY. Nevertheless, the fact remains that Mr. Flynn never accepted the salary and does not intend to take it.

Mr. FISH. He has just been appointed, and while he has made that statement, the statement does not hold water, because he cannot accept the job and refuse the salary. Nobody can serve the Federal Government without pay, and the gentleman himself ought to know that. There is a very good reason why they should not be allowed to do so. The reasons for such a limitation were all threshed out in Congress long before the gentleman or myself became Members of the House. And I may add that they are good and sufficient reasons.

Mr. CURLEY. Mr. Chairman, will the gentleman yield for another question?

Mr. FISH. Yes.

Mr. CURLEY. Is it because the gentleman is sore because he did not get the appointment to the Commission that he is attacking Mr. Flynn?

Mr. FISH. I may have the right to be sore, but I am not attacking Mr. Flynn, although I think his dual appointment unfortunate. I stated that his appointment was most extraordinary, just as I said a few moments ago that it is most extraordinary for Mr. Michelson, having a $25,000 position as chief of Democratic publicity, to accept a $10,000 job from the Crosley Radio Co., which operates the huge experimental station of 500,000 watts for private profit and commercial purposes.

Personally I would not care to serve on the Commission, because it must be self-evident that Mr. Flynn will not have the time to conduct the office of secretary of state of New York and give an efficient and proper administration of the expenditure of $3,000,000 to be appropriated by Congress. In my opinion, the appointment of Mr. Flynn by President Roosevelt has injected partisan politics into the Government's participation in the New York World's Fair, and made it a spoilsmen's paradise for deserving Bronx Democrats. It is bound to develop into a partisan racket which will reflect no credit on the Congress and become a political football to be kicked around and around to the disgust of the well-wishers of the fair, be they Republicans or Democrats. Moreover, I am not sure that Mr. Flynn is eligible to hold an appointive Federal position while he still maintains a State appointment. Whether he is eligible or not, I am quite sure that his appointment as United States Commissioner to the New York Fair was a mistake that will plague President Roosevelt, Congress, and the fair authorities.

Mr. MERRITT. Mr. Chairman, I move to strike out the last two words. I am very grateful to the Speaker of this House, and also to the Members, for having been appointed on the New York World's Fair Commission, and I think it is one of my duties to stand here and defend the action of the man who has been appointed United States Commissioner. I know that Mr. Flynn will not take the salary that has been set aside for the Commissioner under my bill.

Mr. McREYNOLDS. Mr. Chairman, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. McREYNOLDS. For the benefit of the House, the day that Mr. Flynn was appointed Commissioner he was in

my office, later, and stated at that time that he was secretary of state of the State of New York and that of course he would not accept this salary of $10,000 as Commissioner.

Mr. MERRITT. I thank the gentleman. Before I came to Congress I was employed in the New York agency of the Reconstruction Finance Corporation. During the 2 years that I was there, I never on any day saw Edward Flynn in there representing an applicant who had appealed for a loan from that agency, and I say this without fear of contradiction from anyone. I have known Mr. Flynn for many years. I owe him nothing and he owes me nothing, but I cannot let anyone stand here and say that he has done a thing which I know is not the truth. Mr. Goldwater has been in that agency many times, but I am positive that Mr. Flynn has never been in the R. F. C. agency to represent any applicant there during my tenure of office.

Mr. Chairman, so far as the World's Fair is concerned, basing it on the experience of the Chicago fair, I am satisfied that the appropriation set up in this bill will find its way back into the Treasury of the United States more than five times, and I know that the members of this Commission will serve to the utmost of their ability, and I am confident that the United States Commissioner, Mr. Flynn, will prove to be a very valuable asset in making this celebration an outstanding success. [Applause.]

The Clerk read as follows:

BUREAU OF DAIRY INDUSTRY

The elimination of $313,020 on the amount which may be expended for personal services in the District of Columbia, contained in the Department of Agriculture Appropriation Act, 1938, under this head, is hereby increased to $334,860.

Mr. STARNES. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. STARNES: Page 13, after line 19, insert as a new paragraph the following:

"The Bankhead-Jones Farm Tenant Act: To enable the Secretary of Agriculture to carry out the provisions of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937, $10,000,000, as authorized by title I of said act relating to farm tenancy, and $10,000,000 as authorized by title III of such act relating to the development of a program of land conservation and land utilization, including retirement of submarginal lands; in all, fiscal year 1938, $20,000,000."

Mr. STARNES. Mr. Chairman, my amendment will provide $10,000,000 for the purpose of carrying out the provisions of Bankhead-Jones Farm Tenancy Act, which was approved on July 22 of this year, as authorized under title I of the act; and $10,000,000 additional, as authorized by title III, relating to the development of a program of land conservation and land utilization, including the retirement of submarginal lands.

The Congress has considered the problems of farm tenancy and rehabilitation for the past 3 years. The President appointed a Commission to study and report their findings. This was done. The House and Senate Agricultural Committees have studied the problem. They brought us a bill which the House adopted by a record vote of 308 to 26 on June 29 of this year. That bill authorized the sums provided for in my amendment for the purposes of carrying out the provisions of the act with reference to farm tenancy and planned land use. Both our major political parties pledged their efforts to reduce farm tenancy and to enlarge the program for land utilization and the retirement of submarginal lands. Plans have been made by the Department of Agriculture to carry out this program. The Department can go no further without having funds available. If we withhold funds for the next 5 years I doubt if the Department could go any further than they have with their plans. They must have some money in order to advance their program to a point where its feasibility or its fallacy may be established.

I question the wisdom of the subcommittee and the full Committee on Appropriations in its attempt to nullify the established policy of the Congress on this highly important matter. It is not a policy making, nor a legislative committee. The overwhelming majority of the Congress and of the people of this country want action on this problem and they want it now. Much as I admire the very able and distinguished gentleman from Virginia, the chairman of the subcommittee handling this bill, I must insist upon the passage of this amendment.

The funds made available by the amendment will enable the Secretary of Agriculture to reorganize the Resettlement Administration. Under reorganization the Secretary of Agriculture will have direct supervision over and be charged with the responsibility of coordinating the land program. The land program heretofore carried on by the Resettlement Administration was a product of board consideration, a board composed of the Secretary of Agriculture, the Secretary of the Interior, and the Administrator of the Works Progress Administration. This for the first time would provide for a strictly agricultural land program. It would induce improved land use on land other than the land actually purchased. Associated with this and required by the original act, and essential to the most effective expenditures of the money and to the coordination of land purchase with flood control, prevention of soil erosion, and the other purposes of the major farm programs would be basic land studies.

The administration of the tenancy program is a logical and needed development of the rehabilitation program. The Department of Agriculture, our farm people, and the Congress feel that a tenancy program and a land purchase program are integral and important parts of a complete agricultural program. I believe that this committee should act to carry out the expressed will not only of the Congress but the expressed will of the people of this Nation in the elimination of the farm-tenancy evil which exists in this country to a greater degree than it exists elsewhere in the world today. The time has come when we must restore the agricultural ladder of hope and progress to the farmers of this country. The time has come when we must give to them that democracy of opportunity to which this large segment of our society is so richly entitled.

I am glad it is a modest beginning along that line. If, as the gentleman from Virginia, Mr. WOODRUM, said this morning, it is an experiment, we have an opportunity to choose from a select clientele or group from the Resettlement Administration to initiate this program. We can carefully select men of excellent character, good credit risks, and men of proven judgment to begin with, and proceed in an orderly manner on a modest scale without being burdened with a huge administrative set-up. If it is a sound and workable program, then we can increase the appropriation year after year, as provided in this act. If it is unsound, we can refuse to provide further funds and the cost would be relatively small.

The gentleman from Virginia made a plausible and subtle appeal to Members from metropolitan areas this morning to vote down this amendment to assist us in establishing homes for tenant farmers. On the morrow you will find you will be asking us to assist you in providing funds and a subsidy to build homes in the large cities and industrial centers fit and decent for American families to live in and thereby eradicating slums. We ask you to help us provide decent homes and an opportunity for a sweeter and richer life for the underprivileged farmers of this Nation.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. STARNES] has expired.

Mr. McMILLAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment, in my judgment, will provoke a great deal of interest and debate. I yield to no Member of this House in my sympathy to the American tenant farmer as we know him. I was born and raised on a farm and I have been associated with tenant farmers, as such, all of my life. I believe I am to some extent familiar with this problem.

Now you will hear this afternoon, as perhaps you have already heard, that the authorization for this appropriation has already passed the Congress, and passed by an overwhelming vote, and for this reason the appropriation should

be allowed. That is true, but you have also heard, time and again, and you have heard it before in this House, of so many authorization bills having been passed, and later on it was hoped that nothing would be done insofar as an appropriation was concerned. Such is this bill, but I want to say to the Members of this House today I am at least consistent in my opposition, because I am one of those of this House who voted against the passage of this bill a month ago.

If you will take the hearings you will find that the Department officials who appeared before the committee, testified that this was an experiment. In these hearings you will find that the committee seriously undertook to find just what the program was insofar as the operation of the administration of this measure was concerned. I challenge any Member of this House, in reading these hearings, to find one definite single proposal where anything has been worked out. To the contrary, these officials from the Department admitted that the matter was of such a staggering character, so immense in its operations, that it was impossible to set up any definite program in the hearings before the committee.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. Not now. The gentleman will have time later.

Now, this is an experiment, as is admitted by the proponents of this amendment. It is an experiment, but every Member of this House knows that when we once begin a program of such a character and the camel gets his nose under the tent, the good Lord only knows what will be the effect in years to come. Unfortunately we have tenant farmers. We will always have tenant farmers. We have farmers in America who have never made a success and who will never make a success, regardless of what this Congress of any other Congress will do.

Human nature and mankind are synonymous. If you go into the forest, you will find some trees larger than others. If you go out and take a walk on the sands of the seashore, you will find again pebbles of all sizes, some larger than others. So it is by nature with mankind. Men are born with different talents and the authority for this is found in Holy Writ. There are farmers in American who had a humble beginning, but for initiative and ability have made good. There are others where the reverse is true. Similar experiences are observed in all walks of life. Some make good while others fail. Such, in my judgment, is fundamental and no legislation, whether enacted by this Congress or any other Congress, which seeks to change or improve conditions and circumstances so fundamental as these will ever succeed when undertaken to be put into practical operation.

But, aside and apart from these fundamentals which all of us must recognize, there are other factors present here that in my judgment we should carefully consider before launching into a program of such a colossal magnitude.

It is estimated, if you will refer to the hearings of this legislation, that there are approximately 3,000,000 tenant farmers in America. That there are approximately 3,000 agricultural counties in America and that if this program is undertaken as provided for under the law, which has authorized this appropriation, an average of one tenant farmer may be selected and subsidized with Federal funds out of each of the 3,000 agricultural counties per year. In all frankness, how can a program of this character be justified, and how may it be successfully defended? What will be your reply to Farmer Smith and Farmer Jones when their neighbor, Farmer Brown, is set up in the farming business with Government funds, when they as a matter of right feel that they are as much entitled to these benefits as he? What is your answer to the farmer who has experienced years of adversity and hard times, plugged along in spite of these conditions, and who has taken his chances with the climate, and gambled with the boll weevil and other pests, to now initiate a program of this kind and set up in competition to him a man without the outlay of a single dime on his part? The hearings on this legislation reveal the fact that this program to provide a farm for anyone who cares to avail himself of the provisions of this bill, would eventually cost the taxpayers of this country more than 15 billions of dollars. Is it therefore any wonder why we should not pause and carefully consider this proposal before launching such a gigantic program?

Under the provisions of this law the Secretary of Agriculture is authorized to make a loan of 100 percent on the assessed valuation of the farm for which the loan is to be secured by mortgage covering the property. Where is there a businessman, or a banker, having money to loan who would extend credit to any such extent? The most successful and best-recognized farmer of any community would not be accorded such consideration. Several existing agricultural agencies now maintained by the Government, to wit, the Federal land bank, the intermediate credit bank, or the land-bank commissioner, are not authorized to make loans in excess of 80 percent of the appraised valuation of any farm. While here, I repeat, a loan of 100 percent is authorized.

As Members of Congress we serve our constituents in the capacity of a trustee, and having that responsibility as an individual Member of this body, which under the terms of the Constitution has the authority to levy and collect taxes and expend them, I could not in good conscience support the legislation authorizing this appropriation, and I cannot now support this amendment providing for the initial appropriation to carry out the terms and provisions of this law. My duty, as I see it as a Member of this body, is to endeavor to represent the people of my country with devotion and charity to all, but with special privileges to none. This amendment, if adopted, will launch us into a program of spending, not thousands, or millions, but billions of dollars in years to come, without any appreciable benefits to be derived therefrom. It is my solemn judgment that no legislation of this character can ever be successfully administered.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. McMILLAN] has expired.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I move to strike out the last word.

Mr. LAMNECK. Mr. Chairman, a point of order. I make the point of order that 5 minutes has been used in defense of this amendment and 5 minutes in opposition, and that is all the time that is permitted under the rules.

The CHAIRMAN. The gentleman from Oklahoma [Mr. JOHNSON] has moved to strike out the last word, an amendment to the amendment.

The gentleman from Oklahoma is recognized for 5 minutes.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I have a profound respect for the distinguished gentleman from South Carolina, a member of the committee, who has just spoken. Also I have great respect for the distinguished gentleman from Virginia, chairman of the subcommittee handling the deficiency bill, and as much as I regret to do so, I am unable to follow these able gentlemen in their opposition to making the appropriation to begin a farm-tenant program in the United States. Certainly I cannot follow the argument of the gentleman from South Carolina with reference to the matter of the farm-tenancy bill. We have thousands of tenant farmers in Oklahoma and other States throughout the Nation who, through no fault of their own, have found themselves landless and homeless. I cannot find it in my heart to turn a deaf ear to the tenant farmers of the country while making vast appropriations in the interests of the great shipbuilders. True, these farmers have not been able financially to purchase or own their own farms, but certainly that is no reason for criticism. I am amazed at the suggestions of the gentleman from South Carolina insinuating very strongly that many tenant farmers are trifling. Many tenant farmers are broke as well as farm owners for the reason that the prices of farm commodities during the past several years have gone to the lowest point in the history of the country. On the other hand, the farmers have had to pay high prices for everything they have been forced to buy. Interest has been high, and it has been impossible to borrow money at any rate. But I am not one of those who say there is no hope for the future.

It is true, as the gentleman from South Carolina suggested, that this Congress has passed an authorization bill which at least some members of our Committee on Appropriations felt was a real mandate to this House to follow it with an appropriation. Simply to say that $10,000,000 is not enough to make a start, and therefore we will do nothing about it, is a mighty poor excuse for the committee not bringing in anything at all for the tenant farmers in this bill. True, it is a mighty small beginning. Some of us made a fight to get a real farm-tenant program started this year, but we were not successful. But it is a beginning, and for this committee to make no appropriation at all is absolutely indefensible. [Applause.] The distinguished gentleman who preceded me, as I recall, stated he is afraid the camel will get his nose under the tent, that next year we will get $25,000,000 and the following year $50,000,000 in order to try to solve one of the most perplexing problems that faces America today. The gentleman hit the nail on the head. He is opposed to this legislation and boasts that he is one of some twenty-odd Members of this House that voted against the bill. Those other 25 Members of the 435 who voted against the bill will, no doubt, vote with the committee. But let us not try to camouflage the issue. Let us not say, "We are for this program, but." Let us fight it out on the real issue involved.

Tomorrow we shall be called upon by you Members from the cities to vote not $10,000,000 but $500,000,000 to help the housing situation of the country; and I, coming from an agricultural district, am going to support that bill although it may be to my disadvantage politically to do so. I shall, however, support that bill. I am going down the line tomorrow with the other Members of the House and support that bill to help the folks in the cities because I know of the distressing situation in many of the cities. Merely because the bill will not carry enough money tomorrow fully to solve your problem in the cities will be no reason why any of you city Members will vote against the housing bill. To say that because $10,000,000 will not solve the farm tenancy problem we will not now embark on it but will ignore the entire matter is no argument. That is absurd, that is an excuse that will not satisfy one's conscience who is really fighting to better the conditions of the millions of worthy but helpless farm tenants of America. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, my distinguished and ingenious friend from Oklahoma assures you Members from the city that it will mean nothing to him politically to vote for the housing bill tomorrow, but between the lines he would appreciate a little vote for the farm tenants today.

To you Members from the cities I say that the few little houses that will be built in the cities as a result of the housing bill will look very insignificant when this farm-tenacy program really develops in its fullness. And when you have 2,800,000 tenant farmers all buying their farms on Government subsidies, maybe you will be able to explain to the other farmers in your district, the other 90 percent of your farmers, who are trying to make a living by their own brain and brawn, where the justice and equity comes in. You gentlemen from Alabama, taking your constituents and making cotton farmers out of them, teaching them how to raise cotton, loaning them money to buy the farm, know full well you have to come back to the Public Treasury to get the money to stabilize the price of cotton they raise in order that they may make a living.

With all deference to the beloved, distinguished, and able gentlemen who are interested in this—and they are among our best friends and we love them—with all deference to them, honestly, this is the craziest thing I ever heard of in my life. Can you beat it?

Mr. COOLEY. Mr. Chairman, the gentleman voted for the bill.

Mr. WOODRUM. No; I did not.

Mr. COOLEY. The RECORD shows the gentleman did.

Mr. WOODRUM. The RECORD shows that I did, but the RECORD also shows that it was corrected to show that I was not in the city at the time the vote was taken, that had I been here I would have voted against the bill. As a matter of fact that afternoon I took a plane for my home city, Roanoke. Had I been here I would have voted against the bill.

That is beside the question. Do you know what we have done for the farmers since President Roosevelt came into office? Counting the bonds that we have guaranteed in connection with the farm mortgage corporation, agriculture has received about $5,000,000,000, and yet we are told today it is a languishing industry.

Mr. CUMMINGS. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Colorado.

Mr. CUMMINGS. The gentleman does not consider that $5,000,000,000 as a gift, does he? Most of that is secured by mortgages on land.

Mr. WOODRUM. About three and a half billion of it is a gift and about that amount we will not get back.

Mr. CUMMINGS. In farm mortgages?

Mr. WOODRUM. We put over $2,100,000,000 in the Agricultural Adjustment program and we will not get any of that back. There is only about $700,000,000 of this in loans and capital stock aside from the guaranteed farm-mortgage bonds.

I am not quarreling with it, because I voted for all of that, but, listen, buying farms for four tenant farmers in each congressional district this year, or 25 next year, or 50, or 100 next year will not solve the problem. If that would solve the problem I would vote for this appropriation. There is only one thing that will solve it. There is only one thing that will stop the mad rush of men getting out of the farm business and turning them over to tenants and that is the stabilization of the industry itself. If you can find the answer to that, then you will find the answer to the farm-tenancy problem and men will start buying farms again.

Mr. McFARLANE. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Texas.

Mr. McFARLANE. Did the gentleman vote for this bill?

Mr. WOODRUM. I did not.

Mr. McFARLANE. Does the gentleman expect to vote for the housing bill?

Mr. WOODRUM. I will cross that bridge when I get to it.

Mr. McFARLANE. Will the gentleman answer the question?

Mr. WOODRUM. No; because it is not apropos to this. If the gentleman is around tomorrow when the roll is called, he will find the gentleman from Virginia on one side or the other.

Mr. McFARLANE. Usually with the minority.

Mr. WOODRUM. I do not know about being with the minority. The Good Book says, "Join not the multitude to do evil." [Applause.]

I do not, when I take the Well of the House as a member of the committee, always discuss the popular side. If I did, I would follow my friend, who is a past master at that. I try to do what is right.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Arkansas [Mr. TERRY] is recognized for 5 minutes.

Mr. TERRY. Mr. Chairman, as a member of the Appropriations Committee I usually follow the leadership and recommendation of the subcommittee that has in charge legislation. In the present instance I feel I am justified in departing from that usual custom by reason of the very apparent and obvious distaste and prejudice that the distinguished chairman and other members of the subcommittee of the Appropriations Committee have for the present legislation.

It is admitted by the members of the subcommittee reporting this bill that the committee saw no good in it. They are not primarily concerned with whether we make this small appropriation today or not. They do not want an appropriation at all to alleviate farm tenancy. They say this is merely an experiment and therefore we should not approve the appropriation today.

Mr. Chairman, from the beginning of the history of this country the question of farm tenancy has been an ever-increasing problem. At the beginning of the Republic nearly every farmer owned his own land. He had a small farm and he produced his own living from that farm; but with the passing of years farm tenancy increased. The statistics show that in 1880 farm tenancy amounted to about 25 percent. In 1935 farm tenancy had increased to 42 percent, and it has increased since that time.

The Democratic administration and the President of the United States have recognized that farm tenancy is one of the major problems of this country. Until we settle this problem, until we do something for that great and ever-increasing number of people of our Nation, we cannot have permanent prosperity.

The members of our subcommittee talk about this being a mere experiment and that we should not approve the appropriation today. Mr. Chairman, this is the greatest experiment before the Nation at the present time. If we do not begin the attempt to solve the evil of farm tenancy, then we are permitting this cancer to continue to gnaw at the vitals of the economic body of our Nation. On tomorrow the agricultural sections of the country will be called upon to go along with you Members from the metropolitan areas in passing the Wagner bill to aid in solving your housing problems; and I say to you that you should go along with us and approve this appropriation, which is a small and modest beginning toward the solution of the great problem of farm tenancy. The great Agriculture Committee approved the bill authorizing the appropriation; the Congress passed the bill almost unanimously in accordance with the platform of the Democratic Party, which recognized the necessity of this form of economic readjustment. I ask you in the name of justice to vote for this amendment. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. WOODRUM]?

Mr. McFARLANE. Mr. Chairman, reserving the right to object, the chairman of the committee gets his 5 minutes, then he wants to cut off the rest of the Members. I would like to know what time we will get if the request is granted? There are some 10 or 12 Members who want time.

Mr. WOODRUM. I would not want to take the responsibility of depriving the House of the views of the gentleman from Texas.

Mr. McFARLANE. We would hate to be deprived of the gentleman's views on things.

Mr. WOODRUM. I am not trying to cut the gentleman off. The gentleman may get 5 minutes out of the 30.

Mr. McFARLANE. I doubt it.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. WOODRUM]?

There was no objection.

Mr. DIRKSEN. Mr. Chairman, I think that up to 1920 the legislative committees of the House used to do most of their own appropriating, if not all. At that time the rules of the House were amended, and all the appropriating power was vested in one committee, the Committee on Appropriations. I take it, therefore, that after substantive legislation has been authorized by the House, it becomes something of a mandate on this committee to provide funds. However, I am satisfied that no Member of the House believes the Committee on Appropriations should act automatically and simply rush through an appropriation bill to cover every authorization which has been enacted by the House. I am satisfied it is intended that the Committee on Appropriations as an arm of this House should exercise its best possible judgment in order to make the appropriations as effective and as efficient as possible.

This preliminary is stated for this reason. The farm tenancy bill was authorized by the House. Therefore, it becomes a mandate, in my judgment, upon the Committee on Appropriations. However, it becomes necessary in order to carry out the wishes of the House to examine into this matter further, so that appropriations may be justified and made as efficient as possible. In line with this, those who are about to administer the Farm Tenancy Act came before the subcommittee on deficiencies. Did they have a definite idea of their program? Indeed not, They had a very nebulous and hazy idea on what they were going to do. If you will examine the record you will find it to be true that they have ascertained that there are 2,500 agricultural counties in the United States of America. Take the $10,000,000 proposed in this amendment, deduct 5 percent for administrative expense, and apply the $9,500,000 to these counties, and what have you? You have the prospect of buying farms for four farmers in one county in each rural congressional district in the United States of America, or the prospect of using this money to help only 2,500 farmers in the next fiscal year.

What else did they submit to the committee? They said that 40,000 farmers are slipping from ownership into tenancy every year. You are going to dip down into this great, abundant well of tenancy and help 2,500 farmers, but what are you going to do with the excess 37,500, who will have slipped from ownership into tenancy in the same year? Under such circumstances what does the committee suggest? That we thwart the will of the House? Oh, no! Simply that we defer this matter until it can be regularly submitted to the Subcommittee on Appropriations which handles the agricultural appropriation bill. That is all.

Here sits the distinguished acting chairman of the Committee on Appropriations, the gentleman from Missouri [Mr. CANNON], who has just as acute a tenancy problem in his district in Missouri as you will find in any State in the Union. Do you think he is not sympathetic with this program? Yet he joins with the rest of the committee in wanting to scrutinize this thing before we get off the reservation and become bogged down in an inefficient program which is going to redound to the discredit rather than to the credit of the House of Representatives. It is only a little while until January, and then we will be back here. Hearings will start. The same gentlemen who are going to administer the Tenancy Act will come in and lay the cards on the table. We will have some weeks in which to go into the matter and to determine what is the feasible way to administer this tenancy problem. Is not this the fair thing to do?

Quite contrary to the sentiment that has been so often repeated on this floor this afternoon, the omission of this item for the farm-tenancy program is not an effort to thwart the will of the House. It is not an effort to sidetrack this legislation. I am just as sensible of the evils of farm tenancy as any Member of this House but at the same time firmly believe that the matter should be adequately considered before the appropriation is made to make an administrative set-up to carry out that program.

In the past few years there has been an amazing amount of duplication of functions by different boards, agencies, and commissions because the matter was not adequately considered. In the past few years millions have been wasted because of the inefficiencies that creep in as a result of haphazard and hasty setting up of administrative functions. Is it then the purpose of this House to ignore the real issue involved in this matter and rush a program in which the administrative functions and expenditures should be most carefully considered? If so, it is for the House to speak, but it is most unfortunate that it must speak with so much of misunderstanding to becloud the real issue.

Much has been said by way of comparison between this program and a housing program. The two are far from analogous. In the housing program no question of private ownership is anywhere involved. Administrative set-ups have already been made which will work through duly constituted public-housing authorities. The question of unemployment is not involved in the farm-tenancy program. Many substantial differences could be pointed out.

This farm-tenancy program involves the embarkation of the Government upon a long-range farm-ownership program for some 2,800,000 tenant farmers; it involves long-term loans and supervision; it involves the broad question of enforced farm management as required in the farm-tenancy bill; it involves the setting up of county committees and a new administrative board in Washington; and it involves the immense pressure that must inevitably come when, as a beginning, only enough funds are provided in the amendment to take care of 2,500 farmers in the first year, or less than 1 in every 1,000 farmers. Is it asking too much that the proper subcommittee of the Appropriations Committee explore this matter with the administrative heads of the Department of Agriculture to see just where we are going and how this program can be best administered?

Mr. JONES. Mr. Chairman, I am very much in favor of the Starnes amendment to carry out the Tenant and Land Purchase Act. I do not believe there is another measure which has been presented at this session in which I have as deep a personal interest. You will recall that this is the measure which our Speaker, with his great heart and mind, felt such an interest in that he left the Speaker's chair and made a speech on the floor of the House in behalf of its enactment.

The President recommended this legislation. Both branches of the Congress passed it by overwhelming vote, and it has Budget approval.

I am persuaded to believe that the Appropriations Committee, due to the great number of items calling for attention, have not had time to go into the matter thoroughly. Otherwise I believe they would have provided for the appropriation.

The argument is made that the amount sought to be appropriated is not enough to cure the problem. Of course, it is not. It took 75 years for this condition to develop. You do not heal typhoid fever overnight. If I were pretty sick, I would hate to have a doctor, or a group of doctors, hold a conference over me and say, "He is so sick a few doses of medicine will not cure him overnight. He will have to have a barrel of medicine at once, therefore we shall not give him any medicine until next July, a year from now." This just does not make sense.

The same argument would apply next July as applies today. The administrator cannot be appointed until there is some money available. The officials in charge of this work cannot make their plans until there is some money available. This amount is something with which to start the program, that is all. I would rather the program should be started modestly, as all great programs are, than that it be started with a big slush and break down, thus setting the plan back 20 years.

Home ownership is tremendously important. The immortal ballads, Home Sweet Home and Little Gray Home in the West, were not inspired by a rented shack, but by a home in the real sense of the word. Every great country has tackled this problem. Ireland tackled it along almost the same lines nearly 40 years ago, except that its plans were not as well thought out as ours. We have had the benefit of the experience of others. At that time 90 percent of Ireland's farmers were tenants, but now less than 10 percent of them are tenants. [Applause.] After Ireland started its program she had to add about 20 different amendments in 20 different years. She started modestly, as she should have started.

The first road program was started with $75,000. If you will go down to the Smithsonian Institute and look at the first automobile, you will probably conclude that you would not attempt to go from here to Alexandria in it. But did they run that into the ditch because it was not perfect? No; they improved it and kept working on it, and the genius of America has builded the fine cars which are on the streets today.

I hope we are starting one of the greatest programs this Congress has ever fashioned. We may make some mistakes. I do not want a lot of money wasted. The first bill I introduced called for a billion dollars, because I thought that was the way to start. But when we went into the question thoroughly we found it fraught with so many difficulties that I was willing to start with less. I think it should have been more than we are asking, but even with this amount available we should make a start on this all important task.

This program has another feature in which I am even more interested, that is, the Great Plains program and the submarginal land program. You have seen the dust come over the city of Washington. The Great Plains area is a fine country. Over a period of years it has produced more, both gross and net, per tilled acre, than almost any other part of our country. But it has its peculiar problems just like every other section.

You and you are vitally interested in what is to be done for that great productive area. If your foot had blood poisoning the rest of your body would not say "I have no interest in it." Else it might mean paralysis for your entire body.

I have seen the hot winds come and sweep a blistering trail across those prairies and the heavens become brass and the earth iron, with the people almost choking and the dust sweeping all over the breakfast tables of the Nation. I believe there is a way to remedy this. I believe they have found a way to handle this situation before it spreads like a poisonous growth over the Nation. [Applause.]

[Here the gavel fell.]

Mr. HOPE. Mr. Chairman, only a few weeks ago this House, by an overwhelming majority, passed a bill authorizing an appropriation of $10,000,000 this year to begin the farm-tenancy program. Nothing happened since that time to change the situation in the least. Every argument that could be made for the program at that time exists today.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. HOPE. Not right now. Nothing has happened to change the situation. The only thing that has happened is that the members of the Committee on Appropriations, not having had an opportunity up until this time to study the farm-tenancy situation, have been a little appalled at what they found after studying the problem for a few hours. The Committee on Agriculture studied this problem for more than 3 months. A committee appointed by the President made a thorough study of it, and every argument that has been made here this afternoon by the able gentlemen who say we ought not to begin this program has been made time and time again by those who are opposed to the program.

There are arguments against this program; but the Committee on Agriculture, the President's Committee on Farm Tenancy, and the House and the Senate have all considered these objections and have decided that they are not sufficient and that we ought to embark, as have many other nations, upon an attempt to solve this problem of farm tenancy. The fact that this is a great and serious problem which can only be solved as the result of a long-range program makes it all the more important that a beginning be made this year. The fact that this legislation is more or less experimental is no argument for postponement but rather a reason for making an early beginning.

The statement has been made today that those who are to administer this program did not have a program to present. I have read the hearings and I thought they had just as definite a program as could be worked out until the actual appropriation is made. If you will study the questions that were asked by the members of the Appropriations Committee at the hearings you will find that the main thing which seemed to be bothering them was what they were going to tell their constituents who might not be able to get a loan because the program is on such a small scale.

I have had many letters from those who want to come in under this program, and I have been telling them frankly that there is very little likelihood that they would be able to come in the first year or the second year or even the third year, because this is a vast problem, a situation which cannot be met except over the course of a long period of

years; but just because it cannot be met all at once is certainly no reason why we should delay the beginning. To delay this matter now means we are going to let it go over for another year and I cannot see how those down in the Department who will administer this program can come before the committee a year from now or 6 months from now and be any better prepared to say what they are going to do until they know they are going to get the money and can start the program.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. HOPE. Not just now.

The other feature of this amendment that has been mentioned by the gentleman from Texas [Mr. JONES], the chairman of the Committee on Agriculture, is also very important. It is important as a matter of dollars and cents and is really a program of economy because unless the Federal Government goes out into the Dust Bowl and other Great Plains areas and does something at once to attack this problem of wind erosion that is going on out there, the cost is going to be tremendously increased. If you delay this matter even a few months, it is going to cost this Government a great deal more than it is going to cost if you go in there now. Plans are ready to resume land purchases in the Great Plains area just as soon as funds are available. As I pointed out earlier this afternoon, the United States Government already has a great stake in the matter because of the many millions of loans made in the area by governmental agencies, and because a continued relief program will be necessary until conditions are stabilized. [Applause.]

Mr. McFARLANE. Mr. Chairman, I want to call your attention to what the Democratic platform of 1936 says on farm tenancy:

> We recognize the gravity of the evils of farm tenancy, and we pledge the full cooperation of the Government in the refinancing of farm indebtedness at the lowest possible rate of interest and over a long term of years.

Mr. WALTERS. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. I am sorry; I will yield in just a moment.

In keeping with the Democratic platform, I want to call your attention to the President's Madison Square Garden speech of October 31, in closing last year's campaign, in which he said on the question of farm tenancy:

> We will persist in successful action for better land use, for reforestation, for the conservation of water all the way from its source to the sea, for drought and flood control, for better marketing facilities for farm commodities, and for definite reduction of farm tenancy.

Now, Mr. Chairman, you have heard the eloquent appeal of the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. JONES], that brought forth this legislation which was passed by this House with only a few dissenting votes. You have heard the chairman of the subcommittee who led the fight in eliminating the whole appropriation in the subcommittee and in striking from the bill the whole appropriation in the full committee, and what was the argument of these gentlemen who were 2 of the 26 who voted against this bill out of the 435 Members of the House? Their argument in the entire Appropriations Committee, where the vote was tied at 12 to 12, was, first, it is an experiment that we ought not to go into at this time.

Mr. CANNON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. I cannot yield now.

Mr. CANNON of Missouri. The vote was 20 to 5.

Mr. McFARLANE. The information I have was that the vote was 12 to 12.

Mr. CANNON of Missouri. That is on another question.

Mr. McFARLANE. I am sorry if I have misstated the vote. The gentleman knows I was temporarily called out of the committee and I was later told the vote was 12 to 12. Mr. Chairman, gentlemen heard the argument made here by the gentleman from Virginia [Mr. WOODRUM] that it will help only 4 out of 796 farmers and they thus argue that it does not go far enough and for that reason they are opposed to it; however, the record shows these gentlemen opposed the legislative authorization and voted against the bill permitting this meager beginning. Why should we help only 4 out of 796 farmers, he asked? This same argument will be made against you gentlemen from the industrial areas when the housing bill comes up tomorrow. You mark my words.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. Yes.

Mr. WALTER. I am assuming the gentleman believes that we ought to carry out the provisions of the Democratic platform. Does he not feel the same way with respect to the wage and hour bill?

Mr. McFARLANE. Yes; I do; and that is why I quoted from the platform. I am in favor of the wage and hour bill. I do not believe in stabbing these bills in the back and then trying to alibi to your constituents back home that some provision of the bill was perhaps unsatisfactory when no doubt the only thing those so alibiing did was to oppose in every way possible the legislation and never offer any corrective amendments to the bill. I appeal to you Democrats to keep faith with the farmers and support this bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MASSINGALE. Mr. Chairman, I am here to support the amendment to put the appropriation for the Farm Tenancy Act back into this bill. We have a terrible condition obtaining in this House, it seems to me. The distinguished chairman of the subcommittee, the gentleman from Virginia [Mr. WOODRUM], after the Congress has passed a farm-tenancy act, gets up here and sets aside what Congress has done and says that he is not going to let us have any of the $20,000,000 if he can keep us from it. Mr. Chairman, we have this sort of a proposition facing us here. You have $20,000,000 that you authorized to be appropriated for tenant farmers of the country, and now the Committee on Appropriations says that we are not going to let the tenant farmers have that money, but that the committee is going to take that $20,000,000 and lend it to the fellows who want to build some ships, and that the tenant farmer will have to wait for a more convenient season. The committee wants to let shipbuilders have $150,000,000 for the purpose of building up the merchant marine and, in the interest of economy, they want to take the money Congress authorized for the tenant farmers and hand it over to the shipbuilders. The Government is handing over a subsidy of $150,000,000 to the shipbuilders and taking $20,000,000 of this from tenant farmers.

It is all right to build ships, and I am for building ships, but you have got to take into consideration that the 2,800,000 tenant farmers in this country, which the chairman of the committee referred to, might be envisoned also as ships. They are human ships that are out of repair and can scarcely be kept afloat, and they are not going to be repaired as long as we take the philosophy of the chairman of the subcommittee and appropriate the money to build ships and in aid to warships, instead of giving it to the 2,800,000 farmers. These tenant farmers may be far more useful as auxiliaries to the United States Navy than the wooden ships they contemplate building. The argument of the chairman of the subcommittee in opposition to restoring this money is no argument at all. He says that the farmers are looting the Treasury. He says that we have spent four or five billion dollars on the farmers. Economy is the word when we begin considering anything for the farmer. He ought to know that the appropriations that have been made to farmers under the Soil Erosion Act were made to the land farmers and not to the 2,800,000 tenant farmers. These tenant farmers have never looted or received anything from the Treasury. The well-being of even one family of tenants is worth more to the United States than the $150,000,000 worth of ships this committee proposes to build with money authorized for the benefit of these tenants. I believe that the heart of the chairman of this subcommittee is right. I just believe that he does not know much about tenant farmers. God knows the few crumbs they get from soil conservation are not going to balance the Budget. Mr.

Chairman, let us restore this $20,000,000 as the House wants us to do. This is the first and only gesture Congress ever made for the tenant and let us show him we mean to help him start now.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. GREENWOOD. Mr. Chairman, a few weeks ago when we had the farm-tenant bill under consideration in presenting the rule I made the first argument in behalf of the bill. We all know that we are confronted by many serious problems and have been during the last 4 years that this administration has attempted to solve. Outstanding among those problems is the ownership of homes. We have strengthened the Federal land bank to help prevent foreclosure of farm mortgages. We inaugurated the Home Owners' Loan Corporation and guaranteed the bonds to help people in small towns and cities to own their homes. A few weeks ago we inaugurated a policy to help solve the problems of farm tenancy which is growing and which is one of the menacing problems of the day. We declared that policy. Congress voted on it and I join with my friend from Oklahoma [Mr. MASSINGALE] and others by saying that I do not believe the Committee on Appropriations ought to come here and reverse the policy of the House of Representatives and of the Congress of the United States.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. GREENWOOD. Yes.

Mr. SABATH. I recognize the gentleman is broad-minded, and he is trying to secure the passage of the housing bill, and I know that he also realizes that since 1929 thousands upon thousands of farmers, good men, have lost their farms.

Mr. GREENWOOD. I thank the gentleman for his contribution, but must insist upon using my own time. One of the greatest problems we have to solve is the matter of the ownership of homes in the city and on the farm. The civilization of America rests upon the ownership of homes. This is a declaration of policy of a long-distance program and, so far as I am concerned, I am not willing to follow the Committee on Appropriations that proposes to annul that declaration of policy on which rests the future happiness and welfare of our Nation. [Applause.]

Mr. LAMBERTSON. Mr. Chairman, I want to support the committee. This is not annulling the tenancy authorization. I voted for it; but this is a deficiency bill. Why should we start something in a deficiency bill when it has not even been before the subcommittee on agriculture? Is that not sense? I appeal to you that it is. This is a deficiency bill. Within 4 months the subcommittee on appropriations for the Department of Agriculture will be meeting to take up new things that have been authorized. This is a new thing, not a deficiency.

Mr. GREENWOOD. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. Yes; I yield.

Mr. GREENWOOD. A deficiency bill is to carry out the authorizations of the House of Representatives made at this session of the Congress.

Mr. LAMBERTSON. A deficiency bill is to carry out deficiencies and not to carry out new policies, unless they are emergencies. Now that much for the committee.

This committee voted 5 to 20, because this subcommittee on agriculture has not had an opportunity to hear the plans. They have not very much of a plan yet.

Mr. GREENWOOD. Will the gentleman yield further?

Mr. LAMBERTSON. Briefly.

Mr. GREENWOOD. How can you expect any agency of Government to have any plan before you have even given them a dollar to build a plan with?

Mr. LAMBERTSON. This administration is creating things before they are authorized and is going off half-cocked a good deal. Here is a chance to let the Committee on Agriculture consider this thing. This is not a deficiency. I want to say, as a farmer from a farming district, I never earned a dollar any other way in my life, I am going to quit voting for every fool thing for the farmers that is proposed. I do not want to be tantalized even by this thing in my district. I have farm tenants in one county to be benefited in each congressional district. The farmers of the United States, as I interpret them—I am one of them—are primarily for two things: They are for cheap interest rates and they are for a protected market. You can take the rest and throw it away as far as I am concerned, if you give us these two things. Give us cheap interest rates and then give us a protected market. This tenancy is a high-sounding thing that means nothing. I am for sustaining the committee. [Applause.]

[Here the gavel fell.]

Mr. VOORHIS. Mr. Chairman, all I want to do in the couple of minutes at my disposal is to make a prophecy. I want to venture the prediction that this problem of farm tenancy and the uprooting of thousands of our farm people from the homes which admittedly is to be attacked in only a small way even if this amendment is carried, is going to be one of the most serious problems of this Nation in the next two or three decades. It has its roots in great changes now going on in the methods of farming in certain parts of our Nation, especially increased use of machinery and large-scale agriculture. This amendment certainly should be passed not only because it is just for us to try to help even a few farm tenants but because it is most important to make a beginning at developing methods of meeting this very great problem of the uprooting of American farm families in certain parts of this Nation and the breaking down of the very fundamental of American life, namely, security on the farm. That is a problem which must challenge us if we care about our Nation's future. People who have seen some of these folks driven by drought or economic conditions from their old homes and compelled to wander about this country will know what I mean when I prophesy that this problem will demand our first attention as time goes on.

I want to call attention to what the gentleman from Texas, chairman of the Agriculture Committee, said about the importance of the part of this program that has to do with the purchase of submarginal lands. That, too, is of tremendous importance, and it is not too soon for us to make a beginning to get at these things, to work as hard and fast as we dare at conserving our soils, at better planning and practice in the use of land, and at establishing a new balance in our national agriculture, and a new security for our farm people. Therefore I heartily support this amendment.

[Here the gavel fell.]

Mr. McCLELLAN. Mr. Chairman, it was not my purpose to speak on this measure, but I cannot refrain from expressing my sentiments in regard to this appropriation in view of the issue having again been raised in this House.

When we voted on this measure on the 29th of June I thought the issue was then settled whether this program would be put into effect. [Applause.] To me consistency still has some virtue, and I give my commendation to the members of the Appropriations Committee who opposed this legislation in saying that they now oppose the appropriation, but I also give my commendation to 308 other Members of this House who voted to put this program into effect. You, too, can be consistent by voting for an appropriation to put this law into operation. To be consistent, you should vote for this amendment.

Yes; I recognize it is an experiment. So was democracy. So was this Government in the beginning, and it has proven a noble experiment for the blessing of mankind. I recognize, too, that this farm-tenant legislation is only a gesture, but there are two kinds of gestures. There are those that are forceful and effective and there are others that are idle and useless. Those of you who voted for this legislation on the 29th of June, if you vote against this appropriation now, will have committed an idle and useless gesture. If you vote for this appropriation now you will have made a forceful and effective gesture. Which do you want to do? [Applause.]

I regret time is so limited. I would like to discuss this thoroughly, but I cannot do it in 3 minutes.

Just this further suggestion and I close: There can never be anything accomplished without a start. For those opposed to this legislation there will never be a time to start. For those of us who believe in a program to help make home owners out of tenant farmers now is the appointed time to begin. My vote will be to begin now, and with the hope the adventure will prove a success. [Applause.]

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. COOLEY] for 3 minutes.

Mr. COOLEY. Mr. Chairman, obviously it would be impossible for me to discuss the merits of the Jones-Bankhead Farm Tenant Act in the short space of time allotted to me. At any rate I do not think that it is proper for anyone at this time to question the necessity or the philosophy or wisdom of that legislation. Frankly, there is something in me that causes me to resent the position taken by the Committee on Appropriations. I resent the setting up of super-self-constituted legislative committees—committees which seek to clothe themselves with authority which they do not possess and with powers which have never been granted to them by this House. The Appropriations Committee in this instance has constituted itself a court of review, sitting in judgment upon the wisdom of the action taken by this body. As has been said many times during the course of this debate, the farm-tenant bill, together with its provisions for rural rehabilitation and land utilization, passed this House by a vote of 308 to 26. The Democratic platform—and, for that matter, the Republican platform—had a very definite declaration with reference to the subject of farm tenancy. The President advocated farm-tenancy legislation and called the country's attention to that particular plank in our party platform. A special committee was appointed by the President to study the subject. The committee filed its report, and the President sent a special message to Congress. The subject was considered by the Agricultural Committee of the House for more than 3 months. Finally a bill was drafted, agreed upon, and reported, and came to the floor of this House under a rule which permitted full and ample debate. The bill passed the House by an overwhelming vote, passed the Senate, was signed by the President, and is now the law of the land; and yet members of the Appropriations Committee have the audacity to question its wisdom and efficacy.

We are told by the distinguished gentleman from Virginia, the chairman of the subcommittee, that he was not here at the time this matter was discussed, but was at Hoover Airport preparing to take a flight to some unnamed destination. He was, therefore, not here at the time others of us were battling for the farm tenants of the Nation. Neither was the gentleman from Illinois [Mr. DIRKSEN] present at the time of the debate and the passage of the bill on June 29, but, lo and behold, they finally returned and now give us the benefit of their views. They take the position that we have made a colossal mistake, in that we have fulfilled a platform promise, we have advocated something for the "little pebble" referred to by the distinguished gentleman from South Carolina; that we have passed crazy legislation; and that we did not know what we were doing. I knew what I was doing, and I am sure that other Members of the House likewise knew what they were doing, and I for one do not like the attitude taken by some of the members of the committee in coming in here at this late hour and in effect saying that the 308 Members of the House are nothing but a bunch of political demagogues and ignoramuses and that they and only they are capable of passing upon the wisdom of redeeming platform pledges and enacting legislation which seeks to relieve those of our citizens who find themselves in submerged insecurity in the rural sections of this Nation.

They take the position that they did not have time to fully and completely investigate the subject; that it is of great importance and should be more carefully considered by members of the Appropriations Committee. The fact is that 50 pages of this record are taken up by an investigation of the subject under consideration, and I note that the very distinguished chairman of the Subcommittee on Agriculture of the Appropriations Committee was present and participated in that discussion. Now we are told that they do not know enough about the subject and want time for further study. I, for one, am unwilling to recognize the Appropriations Committee as a superlegislative committee which claims for itself the right to hold post-mortem examinations on legislation enacted by this House. [Applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. CANNON] is recognized for 5 minutes to close the debate.

Mr. CANNON of Missouri. Mr. Chairman, I would like to talk to the friends of the tenant farmer. I would like to talk to those who are interested in the solution of this pressing problem. I would like to talk to those who wish to carry out the pledges of the Democratic platform. Let us approach this question with the mutual purpose of putting into effect at the earliest date possible an effective administration of the law authorizing this amendment. If you have any preconceived notions on the subject, if you entertain any hastily formed convictions in this respect, let me ask you to put them aside for the time being. Let us approach this proposition with an open mind. And especially let us analyze the proposal presented by this motion so as to understand just what it is we are called on to decide in voting for or against the amendment. What is the proposition before the committee? It is not a question of denying the appropriation. It is not a question of vitiating the law, as has so frequently been suggested. It is a question not of denying but of deferring the appropriation until opportunity has been afforded for the formulation of a practical plan of administration.

Mr. Chairman, few questions have been considered by the Congress in recent years that equal the tenancy law in either importance or difficulty. It is a plan so vast and so far reaching as to challenge comprehension. Nothing just like it has ever before been tried in the history of any nation. And the expenditures it ultimately involves aggregate not millions but billions. I think all will agree that under all the circumstances it behooves us to proceed with care and be certain of our premises and the nature and purpose and methods of expenditure before we finally and irrevocably commit ourselves and the Government on this stupendous experiment.

The subcommittee opened these hearings with every expectation of providing for immediate enforcement of the law. But to our surprise the plans presented were so vague and indefinite or so far afield as to be wholly impracticable. And the supplementary letter which has been read into the record here today does not touch on the real difficulties of the proposition nor add any appreciable light on the subject.

I wish, Mr. Chairman, there was time to discuss the proposition. That is the unfortunate feature of attempting to study intricate business and economic problems under the 5-minute rule.

Mr. Chairman, whenever the Committee on Appropriations errs—and it errs frequently—it invariably errs on the side of prodigality. As between two extremes it always appropriates too much rather than too little. And the reason for that is obvious. The committee is under constant pressure to spend. The departments seek to secure the largest amounts possible. The interests and industries affected bombard the committee, individually and collectively, with letters, telegrams, telephone calls, and personal delegations, urging larger expenditures. The Members of Congress, from both Houses, importune the committee for money for every local and provincial activity. Everybody, every lobby, every influence urges the committee to spend, spend, spend. And absolutely nobody suggests saving. Is it any wonder then that practically every appropriation reported is too large and every bill is loaded down with expenditures that ought not to be made, or at best ought to have further study and consideration.

So, when a Budget estimate is cut or an appropriation, demanded by some good friend of the committee, or some Member of the House, is omitted, or is deferred, as in this case, there is a real reason for it, and the sober deliberate judgment of the committee arrived at after exhaustive study and sympathetic consideration ought not lightly to be disregarded.

Mr. Chairman, this is too big a thing to be passed on hastily. If we get off on the wrong foot, if we make a mistake in the beginning, it may be difficult to correct it. Let us be certain before we start. We will be back in extra session November 1. Surely, we can afford to wait 2 months to be certain we are on the right road in a matter which affects 2,000,000 tenants and untold billions of dollars. Let us look before we leap.

I ask you, when you go home, how are you going to explain to the other counties in your district, if you get one county, and some of you will not get that, why they should not have the same privilege? When you go out into your counties and 800 farmers come to you and say, "I want to be rehabilitated, I want one of these farms, I want one of these loans", and 4 of them are picked out, how are you going to explain to the other 796 why you did not choose them?

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Alabama [Mr. STARNES].

The question was taken; and on a division (demanded by Mr. WOODRUM) there were—ayes 128, noes 63.

So the amendment was agreed to.

Mr. FERGUSON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 13, after line 19, insert the following:

"FARM FORESTATAION AND WOODLAND MANAGEMENT

"To enable the Secretary of Agriculture to carry into effect the provisions of the Cooperative Farm Forestry Act, approved May 18, 1937 (Public, No. 95, 75th Cong.), including the employment of persons and means in the District of Columbia and elsewhere, the purchase of reference books and technical journals, printing and binding, the purchase (not to exceed $9,000), operation, and maintenance of passenger-carrying vehicles, the construction or purchase of necessary buildings and other improvements, fiscal year 1938, $500,000: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water-supply or sanitary system and of connecting the same with any such building, shall not exceed $7,500."

Mr. FERGUSON. Mr. Chairman, may I say first that the committee was very sympathetic to me in the presentation of a grass-breeding project, and I feel reluctant to offer this amendment. However, the Congress passed the Norris-Doxey bill, which authorized an appropriation of $2,500,000 annually for farm forestry. The Budget sent an estimate to the committee for $1,000,000.

I have taken the liberty of cutting the Budget estimate in half and making provision for $500,000 to carry out the provisions of the Norris-Doxey bill. I may say to absolutely curtail the expenditure for farm forestry would cause the loss of nursery stock now owned by the shelterbelt project.

Last year I urged this House to include an appropriation for the liquidation of the shelterbelt, which was done in the Senate, and I am glad to report to the House that these trees were distributed to the farmers, planted in advantageous places, and the farmers report to me that 80 percent of the trees are living, in spite of the worst drought we have experienced.

Mr. Chairman, I am not talking about something I know nothing about, because I planted at my own expense 160 acres of trees this year, and over 50 percent of them are still alive. The committee was under the impression that 75 years were required to grow a tree. That may be true in the case of walnut or other hardwoods. The committee got that impression from an official of the Department who testified before the committee to that effect, and the members of the committee might easily have gathered that impression. But because the Department head who testified before that committee did not know what was actually going on out in the field is no reason to cut off this worthy project for the growth of trees. This appropriation applies in every area of the United States. Planting trees on land that has been eroded or is nearly worn out will help solve the wind- and water-erosion problem. Not only that, the planting of trees and native grasses is the answer to how to get the land that causes the agricultural surpluses out of production. I hope this committee will adopt my amendment and not be a party to stopping this beneficial work.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Chairman, of the amount carried in the Budget estimate of $1,000,000 for cooperative farm forestry, half of it is for the shelterbelt tree-planting project, and for that project the Department already has $700,000 allotted to it for 1938 from emergency funds. The balance of it is for the so-called wood-pile project, which is the development of farm forestry in order that the farmers may have trees for a money crop.

Maybe the officials of the Department did not know what they were talking about, as the gentleman from Oklahoma says they were mistaken, and maybe they did not know what was going on, but they did say it takes 75 years for hardwood trees to grow to maturity. This project is not an emergency and it is not a deficiency. The committee felt that perhaps a delay of 1 year in connection with the matter of a growth of a tree which would take 75 years would not amount to a great deal and felt that the matter should go to the regular subcommittee on agricultural appropriations.

Mr. Chairman, I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. FERGUSON].

The amendment was rejected.

Mr. WOODRUM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in the interest of expediting the bill, so far as I know, there are no controversial paragraphs in the remaining part of the bill. In the interest of expediting its consideration, I ask unanimous consent that the remaining part of the bill may be considered as having been read and open to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. TABER. Mr. Chairman, reserving the right to object, amendments may be offered at any place?

Mr. WOODRUM. Amendments may be offered. I would suggest that the titles be called and as we come to the particular title the amendments may be offered.

Mr. TABER. Will it be understood that points of order will be available where Members may desire to raise points of order?

Mr. WOODRUM. Yes.

Mr. COLLINS. I have an amendment, on page 33, line 20.

Mr. WOODRUM. The gentleman can offer it.

The CHAIRMAN. The Chair may state that if this request is granted, we shall go through the bill by titles in regular order so that amendments may be offered in the order in which they would ordinarily be presented.

Mr. COLLINS. With this understanding, Mr. Chairman, I withdraw my reservation of objection.

Mr. MICHENER. Reserving the right to object, Mr. Chairman, the gentleman from New York inquired about making points of order. As I understand, if any part of the bill is debated under this unanimous-consent request, then it will be too late to make the points of order. In other words, under the request made by the gentleman from Virginia, it will be necessary for all those desiring to make points of order to reserve the points of order now.

Mr. WOODRUM. All points of order have been reserved on the bill.

Mr. TABER. Mr. Chairman, I understand it would be up to those who wanted to make points of order to make them before amendments were offered.

The CHAIRMAN. The gentleman is correct.

Mr. TABER. However, a point of order would take precedence over any attempt to offer an amendment.

The CHAIRMAN. The gentleman is correct.

Mr. MICHENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MICHENER. The bill being considered as read, amendments are in order to any part of the bill which has not been discussed?

The CHAIRMAN. I may say to the gentleman that the Chair had intended to go through the bill by titles, and as the amendments were proposed at their proper place they would be considered if no points of order were made against the paragraph to which an amendment was offered.

Mr. MICHENER. If the gentleman from Virginia follows that order, it will be all right.

Mr. FISH. May I suggest to the gentleman from Virginia that the bill be read by title and debate confined to the title as we go along?

Mr. ENGLEBRIGHT. Reserving the right to object, Mr. Chairman, I desire to make a point of order against one section of the bill. Will I have this privilege?

Mr. WOODRUM. I am not trying to take any rights away from anybody. I am just trying to save a little time.

Mr. FISH. The gentleman is going to restrict reading of the bill to the titles.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CANNON of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON of Missouri. As each title is read it will first be in order to present points of order?

The CHAIRMAN. The gentleman is correct.

Mr. CANNON of Missouri. If no points of order are presented amendments will then be in order, and after a Member is recognized to offer an amendment further points of order cannot be entertained?

The CHAIRMAN. The gentleman is correct.

Mr. CANNON of Missouri. If no amendments are offered, then the Clerk will pass to the next title?

The CHAIRMAN. That is the understanding of the Chair.

The first title is "Department of Commerce." Are there any amendments to be offered to the title "Department of Commerce"?

The next title is "Department of the Interior."

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

For settling disputed land claims along the shores of the Potomac and Anacostia Rivers: To enable the Secretary of the Interior, with the approval of the National Capital Park and Planning Commission and the Attorney General of the United States, to conclude equitable adjustments of conflicting claims of title and interests between the United States of America and adverse claimants to rights and interests in lands, in, under, and adjacent to the Potomac River, the Anacostia River, or Eastern Branch and Rock Creek, including shores, submerged lands, and made lands, for the purpose of establishing the title of the United States as provided by the act of April 27, 1912 (37 Stat. 93), and the act of June 4, 1934 (48 Stat. 836), fiscal year 1938, $15,000.

BUREAU OF INDIAN AFFAIRS

Indian agency buildings: For improvement of the sewer system, Pawnee Agency, Okla., fiscal year 1938, $15,000.

Purchase and transportation of Indian supplies: Not to exceed $30,000 of the unobligated balance of the appropriation under this head contained in the Interior Department Appropriation Act for the fiscal year 1936 is hereby made available for the same purpose for the fiscal year 1935.

Vehicles, Indian Service: The limitation of $160,000 on the amount of applicable appropriations for the Bureau of Indian Affairs contained in the Interior Department Appropriation Act, fiscal year 1937, that may be expended for the purchase and exchange of motor-propelled, passenger-carrying vehicles for the use of employees in the Indian field service, including the transportation of Indian school pupils, is hereby increased to $185,000.

The limitation of $290,000 on the amount of applicable appropriations for the Bureau of Indian Affairs contained in the Interior Department Appropriation Act for the fiscal year 1937, that may be expended for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of employees in the Indian field service, including the transportation of Indian school pupils, is hereby increased to $430,000.

Santa Rosa Band of Indians, California: For the acquisition of land for the use and benefit of the Santa Rosa Band of Mission Indians in California, as authorized by the act of April 17, 1937, fiscal year 1938, $500.

Payment to Sioux Indians for failure to receive allotments: For payment to various Sioux Indians of the Pine Ridge Reservation, S. Dak., or their heirs, on account of allotments of land to which they were entitled but did not receive, and for compensation of attorneys for services performed, all as authorized by the act of June 29, 1937, fiscal year 1938, $79,038, to remain available until expended.

Maintenance assessments, Indian lands, Middle Rio Grande Conservancy District, New Mexico: For operation and maintenance assessments on newly reclaimed Indian lands within the Middle Rio Grande Conservancy District New Mexico, fiscal year 1935, $12,570, or so much thereof as may be necessary, reimbursable.

Construction, operation, and maintenance of sundry Indian irrigation projects: The unobligated balances of appropriations for the Indian Service for the construction, operation, and maintenance of sundry Indian irrigation systems and power systems in connection therewith, as were repealed by section 4 of the Permanent Appropriation Repeal Act, 1934, together with the unobligated balances remaining in any receipt limitation account appropriated pursuant to said act, shall be added to and become a part of the receipts accruing during any subsequent fiscal year.

BUREAU OF MINES

Acquirement of land, helium plant: For acquirement from Gilbert D. Landis of 331 acres (more or less) of land in Potter County, Tex., for disposal thereon of wastes from the helium plant at Amarillo, Tex., fiscal year 1938, $10,000: *Provided*, That no part of this appropriation shall be expended until all claims against the United States in the case of Gilbert D. Landis against United States of America in the United States District Court for the Northern District of Texas are extinguished and valid title, free of encumbrances, to the 331 acres (more or less) of land involved in said case vests in the United States of America: *Provided further*, That payment hereunder together with any payments from other appropriations made by the United States on account of said claims, shall not exceed the amount of the judgment heretofore awarded in said case.

NATIONAL PARK SERVICE

Yosemite National Park, Calif.: For the acquisition of certain lands, including expenses incidental thereto, as set forth in the act approved July 9, 1937 (Public, No. 195, 75th Cong.), the President is authorized to allocate not to exceed $2,005,000, from funds made available by secion 1 of the Emergency Relief Appropriation Act of 1937, such amount having been heretofore earmarked for such purpose.

Acquisition of land: For completing payment of awards in condemnation proceedings for the acquisition of certain lands to carry out the purposes of the act of March 31, 1933 (48 Stat. 22), in areas designated by Executive Order No. 6542, dated December 28, 1933, the President is authorized to allocate not to exceed $192,568 from funds made available by reappropriation of unexpended balances by section 1 of the Emergency Relief Appropriation Act of 1937.

Ackia National Memorial Commission and Battleground National Monument: The unexpended balance of the appropriation to carry out the provisions of the act entitled "An act to provide for the commemoration of the 200th anniversary of the Battle of Ackia, Miss., and the establishment of the Ackia Battleground National Monument, and for other purposes", approved August 27, 1935, contained in the Supplemental Appropriation Act, fiscal year 1936, is continued available for the fiscal year 1938 in order to provide for the commemoration during that year of the 200th anniversary of the Battle of Ackia.

OFFICE OF EDUCATION

Cooperative vocational rehabilitation, residents of the District of Columbia: For an additional amount for personal services, printing and binding, travel and subsistence, and payment of expenses of training, placement, and other phases of rehabilitating disabled residents of the District of Columbia under the provisions of the act entitled "An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia", approved February 23, 1929 (45 Stat. 1260), as amended by the act approved April 17, 1937 (Public Act No. 41, 75th Cong.), fiscal year 1938, $10,000.

GOVERNMENT IN THE TERRITORIES

Territory of Alaska: For an additional amount for the repair and maintenance of roads, tramways, ferries, bridges, and trails, Territory of Alaska, to be expended under the provisions of the act approved June 30, 1932 (48 U. S. C. 321a–321d), fiscal year 1935, $11.56.

Government of the Virgin Islands: For an additional amount for salaries of the Governor and employees incident to the execution of the act of March 3, 1917 (U. S. C., title 48, sec. 1391), fiscal year 1938, including the same objects specified under this head in the Interior Department Appropriation Act for the fiscal year 1938, $4,250.

Mr. ENGLEBRIGHT. Mr. Chairman, I make the point of order against that portion of the title appearing on page 18, beginning on line 5, and reading as follows:

Yosemite National Park, Calif.: For the acquisition of certain lands, including expenses incidental thereto, as set forth in the

act approved July 9, 1937 (Public, No. 195, 75th Cong.), the President is authorized to allocate not to exceed $2,005,000, from funds made available by section 1 of the Emergency Relief Appropriation Act of 1937, such amount having been heretofore earmarked for such purpose.

That it is legislation on an appropriation bill, that it is directory in character, that it changes existing law, and is unauthorized.

If the Chair will permit, may I call the attention of the Chair to certain authorities?

Mr. WOODRUM. Mr. Chairman, if the matter is subject to a point of order, there is no use prolonging the agony.

The CHAIRMAN. The Chair is ready to rule.

The language in this paragraph seeks to authorize the President to allocate funds not heretofore allocated to this park. This is purely legislation upon an appropriation bill. Therefore, the point of order is sustained with reference to that portion of the title "Department of the Interior" which appears on page 18, lines 5 to 12, inclusive, under the heading, "National Park Service."

Mr. WIGGLESWORTH. Mr. Chairman, I make the point of order against the paragraph appearing at the top of page 17, that it is legislation on an appropriation bill. The paragraph reading as follows:

Construction, operation, and maintenance of sundry Indian irrigation projects: The unobligated balances of appropriations for the Indian Service for the construction, operation, and maintenance of sundry Indian irrigation systems and power systems in connection therewith, as were repealed by section 4 of the Permanent Appropriation Repeal Act, 1934, together with the unobligated balances remaining in any receipt limitation account appropriated pursuant to said act shall be added to and become a part of the receipts accruing during any subsequent fiscal year.

The CHAIRMAN. Does the gentleman from Virginia desire to be heard on the point of order?

Mr. WOODRUM. No, Mr. Chairman, the paragraph is subject to a point of order.

The CHAIRMAN. The Chair understands that the point of order is made against the entire paragraph, beginning with line 1 on page 17 and extending down to and including line 10 on that page.

Mr. WIGGLESWORTH. The Chairman is correct.

The CHAIRMAN. The Chair is ready to rule.

This paragraph clearly falls in the same category as the paragraph covered by the preceding ruling. It is legislation on an appropriation bill. Therefore, the point of order is sustained.

Are there any amendments to the title "Department of the Interior"?

If not, the next title is "Department of Justice." Are there any amendments to this title?

If not, the next title is "Navy Department":

NAVY DEPARTMENT

OFFICE OF THE SECRETARY

Claim for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled, "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels", approved December 28, 1922, as fully set forth in House Document No. 316, Seventy-fifth Congress, $1,431.58.

BUREAU OF YARDS AND DOCKS

Public works, Bureau of Yards and Docks: For the following public-works and public-utilities projects at a cost not to exceed the amount stated for each project, respectively:

Navy Yard, New York, N. Y.: Improvement of facilities for battleship construction, $285,000 is hereby made available from the appropriation, "Replacement of Naval Vessels, Construction, and Machinery."

Navy Yard, Philadelphia, Pa.: Improvement of facilities for battleship construction, $250,000 is hereby made available from the appropriation, "Replacement of Naval Vessels, Construction, and Machinery."

Navy Yard, Mare Island, Calif.: Replacement of paint and oil storage building and accessories, destroyed by fire, $275,000.

St. Inigoes, Md., Memorial: For acquisition of land and erection thereon of the memorial authorized by the act approved June 15, 1937, $2,000.

The two sums immediately preceding this paragraph, together with unexpended balances of appropriations heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

MARINE CORPS

For expenses of the United States Marine Band in attending the National Encampment of the Grand Army of the Republic to be held at Madison, Wis., September 5 to 10, 1937, as authorized by the act approved July 28, 1937, $7,500.

Mr. SUTPHIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SUTPHIN: Page 22, after line 10, insert a new paragraph, as follows:

"That the powers and duties conferred by law or regulation upon selection boards for the Navy now established or which may be established during the remainder of the fiscal year ending June 30, 1938, shall not be exercised after the date of the enactment of this act and prior to July 1, 1938, and no recommendation or action of any such board shall be effective during the remainder of the fiscal year ending June 30, 1938."

Mr. WOODRUM. Mr. Chairman, I make the point of order against the amendment that it is legislation on an appropriation bill and changes existing law.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. SUTPHIN] desire to be heard on the point of order?

Mr. SUTPHIN. Mr. Chairman, I admit the amendment is legislation, but respectfully submit that it is in order under clause 2 of rule XXI, the so-called Holman rule.

That rule requires that a legislative proposition in the first place must be germane to the subject matter of the bill, and, if germane, that it shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The first requisite is that the legislation must be germane to the subject matter of the bill. This is a bill, according to its title, making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1937, and for prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1938, and for other purposes. The truth of the matter is, the bill is very largely a bill making supplemental or additional appropriations for the fiscal year 1938—the current fiscal year.

Among other subdivisions is one pertaining to the Navy Department. Whether there be a Navy Department subdivision or not, however, or whether there be any provision under the Navy Department section dealing with personnel or not, I submit that the bill adds to appropriations already made by Congress for the fiscal year 1938 for various governmental agencies, and provides, besides, additional appropriations for such fiscal year, and that if an amendment would be in order adding to an appropriation already made for a purpose authorized by law (the question of germaneness would not lie against such an amendment), it would be just as logical to hold in order an amendment the effect of which would be to reduce an appropriation already made, to wit, the appropriation "Pay of the Navy, 1938." The Chair is acquainted with the ruling holding in order on an appropriation bill a provision repealing an appropriation already made. The amendment proposed in effect repeals in part an appropriation already made.

Now, as to the expenditure-retrenchment phase, I should like to point out, so as to remove any doubt, how the amendment would bring about a "reduction of the compensation of any person paid out of the Treasury of the United States."

Section 2 of the act of July 22, 1935 (49 Stat. 487), provides that except in time of war there shall not be in the line of the Navy on the active list, exclusive of officers carried as additional numbers, more than 58 rear admirals, 240 captains, and 515 commanders. Therefore it is self-evident that in order for a commander to be advanced to the grade of captain there must be a fewer number than 240 captains; and likewise, in order for a captain to be advanced, there must be a fewer number than 58 rear admirals.

Advancement of officers of the Navy above the grade of ensign is contingent upon selection for promotion by a board

of naval officers. There are a number of laws on the subject, but it should suffice here merely to cite section 291 of title 34 of the United States Code.

On page 859 of the hearings on the naval appropriation bill for the fiscal year 1938, a table appears—inserted by the Chief of the Bureau of Navigation, the Personnel Bureau of the Navy Department—giving by fiscal years actual and estimated retirements of officers owing to nonselection for promotion over the period 1934 to 1944, both inclusive. As to that portion which is an estimate, I might say that the appropriation for pay of the Navy for the fiscal year 1938 or any fiscal year is based upon estimates of the personnel situation prepared by the Bureau responsible for the table to which I have invited the Chair's attention.

According to that table, 16 captains will be retired during the fiscal year 1938 owing to nonselection. The table shows other retirements, but I shall not go further in the interest of brevity and clarity. The enforced elimination of those 16 captains will admit of the advancement of 16 selected-for-promotion commanders, which, in turn, would admit of the advancement of a like number of selected lieutenant commanders.

Those advancements, besides bestowing additional rank, will occasion added expense. Under the Joint Services Pay Act of 1922 (sec. 1, title 37, U. S. C.), the lieutenant commanders of normal service tenure would move into a higher pay period and would become entitled to a higher rental allowance, while the advanced commanders of normal service tenure also would move into a higher pay period, but would receive a lesser subsistence allowance, considerably more than offset, however, by the increase of pay.

I might go further and say that increased rank necessitates a change of station, which entails travel expense from the old to the new station, including the expense of moving dependents, where there are dependents. That is not conjectural in any sense. The amount of the expense necessarily would be, however, because we have no way of knowing either the present or new duty stations.

So, Mr. Chairman, as to the retrenchment phase, there can be no manner of doubt that the amendment will effect a substantial saving. I only have cited advancements from two grades in the interest of brevity and clarity. The rule does not deal with the degree of saving.

Mr. WOODRUM. Mr. Chairman, the amendment on its face does not show any saving or retrenchment and it is purely speculative whether or not there would be any saving. As a matter of actual experience we know that if put into operation there would not be a saving, and the amendment in order to be in order must show positively that there is to be a saving to the United States Treasury.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I do not think there is any necessity to take the time of the Committee. The amendment changes existing law and is legislation on an appropriation bill and therefore is not in order.

Mr. DITTER. Mr. Chairman, may I be heard in answer to the gentleman from Virginia on one question, the matter of retrenchment.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. DITTER. Mr. Chairman, the amendment definitely provides for a retrenchment in the saving of funds that otherwise would be paid to the retired officers which, during the current fiscal year of 1938, would amount to approximately $100,000. Therefore the amendment definitely provides for retrenchment.

Mr. COLLINS rose.

The CHAIRMAN. For what purpose does the gentleman from Mississippi rise?

Mr. COLLINS. To make an observation on this proposed amendment. Instead of saving money, as has been stated, this amendment, if adopted, it seems to me, would increase expenditures rather than reduce them.

Mr. SUTPHIN. In what way?

Mr. COLLINS. I do not mean immediately. I rather suspect the purpose is ultimately to do away with selection in the Navy and adopt the Army system of promotion by seniority. If that were done, there would be no saving. I had the opportunity to go into this subject very definitely a few years ago, when it was proposed to retire 2,000 of the older Army officers and replace them with younger men, and I found that we could put in their stead younger officers, pay their salaries, and pay the salaries of the retired officers whose places the younger men would take, and save in excess of $1,400 average on every one of the older officers retired, and that statement is in the RECORD and has been in the RECORD for a long number of years, and no one has yet shown that it is an untrue statement. As a matter of fact it is based on figures furnished me at that time by the War Department.

The CHAIRMAN. The Chair is prepared to rule. This amendment takes away the powers of the board now appointed for promotion in the Navy. Therefore, clearly it is legislation on an appropriation bill. Furthermore, it is not shown on the face of the amendment that there is any retrenchment of expenditures, and in order to come within the province of the Holman rule, such retrenchment must be certain and not conjectural or speculative. The gentleman from New Jersey [Mr. SUTPHIN] in arguing his point of order has emphasized that speculative feature of his amendment, if it should be adopted. The Chair, therefore, sustains the point of order.

Mr. HAMILTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HAMILTON: On page 23, after line 14, insert as a new paragraph the following:

"REPLACEMENT OF NAVAL VESSELS

"The appropriations for construction and machinery, and armor, armament, and ammunition, as contained in the appropriation for replacement of naval vessels appearing in the Naval Appropriation Act for the fiscal year 1938, approved April 27, 1937, are hereby made available, including the same objects and under the same conditions and limitations prescribed under these heads in said appropriation act, for the commencement of one seaplane tender, one destroyer tender, one minesweeper, one submarine tender, one fleet tug, and one oiler, as authorized by the act approved July 30, 1937."

Mr. HAMILTON. Mr. Chairman, the amendment I have offered simply provides ways and means for the commencement in the present fiscal year of the construction of six naval auxiliary vessels already authorized by the present Congress. This construction is strictly in accord with the program of the President. The Navy Department asks the opportunity of starting in the present fiscal year the six authorized auxiliaries, and the Bureau of the Budget, as shown by committee report, has presented request to make existing appropriation in the 1938 Naval Appropriation Act for the replacement of naval vessels, as adopted by Congress at its present session, available for carrying out the provisions of the act of July 30, 1937, authorizing the construction of the auxiliaries in question. The six much-needed auxiliaries are to cost a total of $50,000,000, but no funds are asked to be appropriated at this time. The six ships proposed to be built, with their respective cost, are as follows:

Seaplane tender: Hull and machinery, $11,281,800; armor, armament, and ammunition, $637,000; total, $11,971,800.

Destroyer tender: Construction and machinery, $11,967,200; armor, armament, and ammunition, $412,000; total, $12,379,200.

Mine sweeper: Construction and machinery, $1,906,000; armor, armament, and ammunition, $148,000; total, $2,054,000.

Submarine tender: Construction and machinery, $12,341,200; armor, armament, and ammunition, $379,000; total, $12,720,200.

Fleet tug: Construction and machinery, $1,611,000; armor, armament, and ammunition, $148,000; total, $1,759,000.

Oiler (oil tanker): Construction and machinery, $8,806,800; armor, armament, and ammunition, $362,000; total, $9,168,800.

Grand total, $50,000,000.

The necessity for these naval auxiliary vessels has been clearly shown at hearings held both before the Naval Affairs

Committee and the subcommittee of the House Committee on Appropriations considering the third deficiency bill now before us. And the necessity for their early construction has also been shown. To build these vessels will take practically 3 years and to delay their start, now that authorization has been made, will postpone again the commencement of naval auxiliary ships, the necessity of which has been so very apparent for several years past. In 1936 the Navy's actual need for 54 auxiliary vessels—6 gunboats and 48 auxiliaries—was strongly pointed out to the Seventy-fourth Congress. The fact that the number of auxiliaries has been reduced from 48 to 6 as now authorized by the present Congress, does not mean that the need for 48 auxiliaries no longer exists, but it means that the 6 are most urgently needed and this has been forcibly impressed at extended committee hearings, not only by Admiral William D. Leahy, Chief of the Naval Operations, but by Rear Admiral William G. DuBose, Chief of the Bureau of Construction and Repair, and by other bureau chiefs of the Navy Department. The sum that will be expended in the present fiscal year for the commencement of the six auxiliary ships in question will not exceed $2,000,000. This will come out of funds appropriated and available at the present time for naval replacements to the extent of some $211,000,000. The budget officer of the Navy, Captain Kimmel, estimates that during the current fiscal year $134,000,000 of this sum will be spent under "Construction and machinery", with $48,000,000 to be spent under "Armor, armament, and ammunition."

Captain Kimmel has estimated that on June 30, 1938, there will be a carry-over from present appropriation of $11,183,959, under construction and machinery, and a carry-over of $18,000,000, under "Armor, armament, and ammunition", or a total carry-over as of June 30, 1938, of $29,183,959. The six authorized auxiliaries must at all hazards be built. There is no way to eliminate this. The ships are a necessity and must be had. Why delay their construction when the money is available from funds already appropriated for the Navy. What possible good can be accomplished by delay. The next Congress will be asked for the major part of the $50,000,000 total needed for the construction of the six authorized vessels.

A break-down of the funds needed for the construction of these vessels as work will proceed in the succeeding fiscal years has been given by the Navy Department, as follows:

For the fiscal year ending June 30, 1938, the estimated expenditure is $2,000,000 under "Construction and Machinery", and $150,000 under "Ordnance."

For 1939, fiscal year, that would be $15,000,000 under "Construction and Machinery", and $750,000 under "Ordnance."

For the fiscal year 1940, it would be $18,000,000 under "Construction and Machinery", and $1,000,000 under "Ordnance."

In the fiscal year 1941, it would be $10,000,000 under "Construction and Machinery", and $186,000 under "Ordnance."

The break-down of the figures of the 4 fiscal years gives the total of $50,000,000.

Already it has been legislated that the construction of the six new auxiliaries shall be divided between Government and private shipyards, providing the public interest, of course, must always be protected both ways. To adopt the amendment I have offered, which I repeat is in fullest accord with the program of the President, means that estimates from Government navy yards and bids from private shipbuilding companies can be asked by October or certainly by November, with award of contracts and commencement of construction early in 1938. This will mean work for men in both governmental and private yards, and work, too, that will be much needed in 1938. Failure of Congress to make the provision the amendment I have offered calls for will mean nothing less than useless delay in the naval auxiliary construction and loss to mechanical trades and industry in all parts of the country from which materials of construction are supplied.

Why let wanton procrastination delay needed naval ship construction and prevent men and industry generally from absorbing now, in the time of need, that which must by necessity come in later time. In the committee report on the third deficiency bill, now under consideration, the statement was made that the Navy Department did not know what the vessels would cost or whether they could be constructed to serve their destined mission in the Navy for more or less than $50,000,000, and the further statement was made that the Navy Department has estimated the total cost of these vessels would be from $48,000,000 to $60,000,000.

The testimony of the Navy Department representatives before the committee definitely brings out the fact that the Secretary of the Navy does intend to have these six vessels built at a cost that will not exceed the $50,000,000 authorized by Congress. Information has been obtained that should the total of the navy yard estimates and private shipyard bids which the Navy Department intends to obtain exceed $50,000,000, minor modifications in the plans and specifications will be made so as to keep the total cost for the six vessels within the $50,000,000 authorized limit. Rear Admiral William G. Du Bose, Chief Constructor of the Navy, stated that it was confidently believed by the Navy Department that the six vessels could be built within the $50,000,000 authorization and without any material sacrifice of their characteristics. I am further in possession of some personal knowledge obtained from a governmental yard to the effect that advance estimates they have made, and carefully made, too, indicate that the vessels can be built for a figure that will fall below the $50,000,000 legislative limitation. There seems to be an idea prevalent that by deferring consideration until the next regular naval appropriation bill comes up for consideration more complete cost data will be available. Unless the Navy Department is authorized to proceed with these vessels it will not be possible to advertise and obtain bids from private shipyards, and therefore the Navy Department will not be in a position to furnish any more accurate cost data for the privately constructed auxiliaries than is now available. Attention is further invited to the fact that costs of labor and materials are rising and will probably continue to rise; and, in view of this fact, it is highly desirable for contracts to be placed at the earliest practicable date for those vessels which are to be built by private shipyards. I urge you, my colleagues, not to delay this important naval-auxiliary construction work. I urge you to vote for the adoption of the amendment I have offered which is the proposal of the Navy Department itself, sustained by both the Bureau of the Budget and the President.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. Yes.

Mr. MAGNUSON. The purpose of the gentleman's amendment is merely to allow the Navy Department to take some money they already have and start building these auxiliary ships, and it adds no additional cost to the United States Government.

Mr. HAMILTON. That is correct.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. Yes.

Mr. PHILLIPS. I am not authorized to speak for the chairman of the Committee on Naval Affairs, but lest somebody might wonder where he is, I regret to announce that information has come to me that he is absent because his mother has just passed away.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate close on this in 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOODRUM. Mr. Chairman, the amendment offered by my colleague from Virginia is, of course, of interest to all of us because it carries out the naval construction program for auxiliary vessels which has been authorized by the Congress.

The estimate for this came to the Appropriations Committee and was very carefully considered, but was left out of this bill for two reasons. In the first place, we felt it was

the beginning of a construction program and that the regular subcommittee of the Committee on Appropriations handling naval affairs should consider it; that there was no emergency connected with it.

In the second place, you will recall the fact that the authorization bill passed the House for $50,000,000 for the construction of these six ships. The Navy Department told the Senate that the ships could not be built for $50,000,000, and the Senate increased it to $60,000,000. The matter came back to the House and the House cut out $10,000,000 and left the cost at $50,000,000.

In hearings before our subcommittee the officials of the Navy Department said it was impossible for them to tell, until they got definite cost figures, whether the vessels could be built for $50,000,000 and serve their purpose, although they did say the ships would be built within the $50,000,000 limitation.

I cite that to show that there is great uncertainty about the matter, which emphasizes the need for careful consideration and study by the subcommittee of the Appropriations Committee of this House.

Mr. STACK. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. STACK. Does the chairman of the subcommittee want us to believe that he thinks the Naval Affairs Committee and the President's program does not mean anything as far as national defense is concerned?

Mr. WOODRUM. I do not know of anything I have said that would cause the gentleman to make such a suggestion as that.

Mr. STACK. At the hearing they showed the immediate necessity for such a program to go through.

Mr. WOODRUM. Nobody has shown anything of that kind at the hearings before our committee.

Mr. STACK. The Naval Affairs Committee hearing.

Mr. WOODRUM. I am talking about the Appropriations Committee.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. MAGNUSON. The gentleman said he did not think there was an emergency. The chairman of the Naval Affairs Committee is not here, but we went into this matter very carefully and we believed there was an emergency, as far as the Navy was concerned, on auxiliary ships. We are away behind on our auxiliary-ship building, and if we do not start them now it will be a matter of 6, 7, or 8 months before we start the shipbuilding program. All this amendment does is to take money that is down in the Navy Department and let them start with the auxiliary ships. I need not point out to the gentleman what is happening now. The whole fleet is in the Pacific, and we need auxiliary ships. The Navy thinks it needs them. There is some trouble over there.

Mr. WOODRUM. Our committee is unanimous on it. We think the subcommittee on Naval Affairs of the Appropriations Committee ought to have a chance to study the program.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

The question is on the amendment offered by the gentleman from Virginia, Mr. HAMILTON.

The question was taken; and on a division (demanded by Mr. HAMILTON) there were ayes 50 and noes 73.

Mr. HAMILTON. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. HAMILTON and Mr. WOODRUM to act as tellers.

The committee again divided; and the tellers reported there were ayes 60 and noes 81.

So the amendment was rejected.

The CHAIRMAN. Are there any other amendments to the title "Navy Department"?

The next title is "Department of State":

DEPARTMENT OF STATE

Contingent expenses: For an additional amount for contingent expenses, Department of State, fiscal year 1938, including the same objects specified under this head in the Department of State Appropriation Act, 1938, and including not to exceed $1,400 for the purchase and exchange of typewriters, adding machines, and other labor-saving devices, $8,000.

Payment to Government of Great Britain: For payment to the Government of Great Britain for the account of N. J. Moosa, $15.59; the Shanghai Electric Construction Co., Ltd., $78.60; and the estate of Samuel Richardson, $1,000; in all, $1,094.19, as authorized by and in accordance with the acts of May 6, 1937 (Public Acts Nos. 60, 63, and 75th Cong.), $1,094.19.

Payment to Government of China: For payment to the Government of China for the account of Li Po-tien, $300; Ch'u Shih-hsiang (Cheu S. Ziang), $300; Ma Jui-hsiang (Mo Zung Poo), $300; Chang Hsi Ying, $500; Li Ying-ting (Li Ing Ding), $1,500; Ling Mau Mau, $1,500; Yao Ah-Ken, $1,500; Chiang Ah-erh (Tsiange Ah Erh), $1,500; and the family of Ts'ao Jung-K'uan (Dzao Yong Kwer), $1,500; in all, $8,900, as authorized by and in accordance with the acts of May 6, 1937 (Public Acts Nos. 66, 67, 69, 70, 72, and 73, 75th Cong.), $8,900.

Payment to Government of Netherlands: For payment to the Government of the Netherlands for the account of the family of Miguel Paula, as authorized by and in accordance with the act of May 6, 1937 (Public Act No. 61, 75th Cong.), $3,500.

Payment to French Government: For payment to the French Government for the account of Henry Borday, as authorized by and in accordance with the act of May 6, 1937 (Public Act No. 62, 75th Cong.), $1,000.

Payment to Government of Canada: For payment to the Government of Canada for the account of Janet Hardcastle Ross, as authorized by and in accordance with the act of May 6, 1937 (Public Act No. 64, 75th Cong.), $920.45.

Payment to Government of Chile: For payment to the Government of Chile for the account of Enriqueta Koch v. de Jeanneret, as authorized by and in accordance with the act of May 6, 1937 (Public Act No. 67, 75th Cong.), $2,000.

Payment to Government of Nicaragua: For payment to the Government of Nicaragua for the account of Mercedes V. de Williams and others, as authorized by and in accordance with the act of May 6, 1937 (Public Act No. 74, 75th Cong.), $18,508.55.

Payment to Government of Dominican Republic: For payment to the Government of the Dominican Republic for the account of Mercedes Martinez Viuda de Sanchez, as authorized by and in accordance with the act of May 6, 1937 (Public Act No. 71, 75th Cong.), $500.

Payment to Government of Japan: To reimburse the Government of Japan in the amount of yen 156,798.39 ($48,000) together with such additional amount due to increases in rates of exchange as may be necessary to purchase this amount of yen, as authorized by and in accordance with the act of May 21, 1937 (Public Act No. 99, 75th Cong.), $48,000.

Payment to Mrs. M. N. Shwamberg and others: For payment to (1) Mrs. M. N. Shwamberg, as an act of grace, and without reference to the legal liability of the United States, as full indemnity for personal injuries sustained by her as a result of a collision between a public jinrikisha in which she was riding and a United States Marine Corps ambulance on Seymour Road, Shanghai, China, on January 31, 1935, Mexican $1,000; (2) the Country Hospital, Shanghai, China, for treatment furnished to Mrs. Shwamberg on account of this accident, Mexican $374.50; (3) Dr. Ed Birt, Shanghai, China, for medical treatment furnished Mrs. Shwamberg on account of this accident, Mexican $170; as authorized by the act of May 6, 1937 (Private Act No. 70, 75th Cong.), $500, together with such additional amount due to increases in rates of exchange as may be necessary for this purpose.

Payment to Government of Mexico, and executors or administrators of estate of R. E. Fishburn, deceased: For payment to the Government of Mexico for the account of Gen. Higinio Alvarez, $15,000, and to the executors or administrators of the estate of R. E. Fishburn, deceased, $5,000, in all $20,000, as authorized by and in accordance with the act of May 6, 1937 (Public Act No. 68, 75th Cong.), $20,000.

Payment to certain Foreign Service officers and employees: For payment of the sums of money authorized by and in accordance with the act entitled "An act for the relief of certain officers and employees of the Foreign Service of the United States who, while in the course of their respective duties, suffered losses of personal property by reason of war, catastrophes of nature, and other causes", approved June 22, 1937 (Private Act No. 170, 75th Cong.), $20,174.46.

Interest payments on American Embassy drafts: For payment, as authorized by Public Law Numbered 771, approved June 24, 1936, to the following individuals and corporations, or their attorneys in fact in the United States, of the amounts specified, representing interest at 4¾ percent on certain drafts drawn on the Secretary of State by the American Embassies in Russia and Turkey and transfers which the Embassy in Turkey undertook to make by cable communications to the Secretary of State during the period from 1915 to 1920, payment of which was deferred: Credit Lyonnais, Paris, France, $3,569.35; Riggs National Bank, Washington, D. C., $1,607.95; Brown Bros. & Co., New York, N. Y., $2,763.96; Bank of New York & Trust Co., New York, N. Y., $6,216.86; Berg Bergamali, Manchester, England, $36.36; and the Wiener Bank Verein, Berlin, Germany, $30,208.67; in all, $44,403.15.

Salaries of ambassadors and ministers: For an additional amount for salaries of ambassadors and ministers, fiscal year 1938, for the salary of an envoy extraordinary and minister plenipotentiary to Lithuania at $10,000 per annum, $8,333.34: *Provided*, That the appropriation for salaries of ambassadors and ministers, fiscal year

1938, shall be available for payment of the salary of an envoy extraordinary and minister plenipotentiary to Estonia and Latvia at $10,000 per annum.

Eleventh International Dairy Congress, Berlin, Germany: For the expenses of participation by the Government of the United States in the Eleventh International Dairy Congress, to be held in Berlin, Germany, in 1937, as authorized by and in accordance with Public Resolution No. 38 of the Seventy-fifth Congress, approved June 3, 1937, fiscal year 1938, $10,000.

International Pacific Salmon Fisheries Commission: For the share of the United States of the expenses of the International Pacific Salmon Fisheries Commission, under the convention between the United States and Canada, concluded May 26, 1930, including personal services; traveling expenses; charter of vessels; purchase of books, periodicals, furniture, and scientific instruments; contingent expenses; rent in the District of Columbia and elsewhere; and such other expenses in the United States and elsewhere as the Secretary of State may deem proper, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, fiscal year 1938, $7,500.

Telecommunication Conference, Cairo, Egypt: For an additional amount for Telecommunication Conference, Cairo, Egypt, 1937 and 1938, including the same objects specified under this head in the Department of State Appropriation Act, 1938, $30,000.

Seventh World's Poultry Congress and Exposition: For the expenses of participation by the Government of the United States in the Seventh World's Poultry Congress and Exposition, to be held in the United States in 1939, as authorized by and in accordance with the public resolution of July 30, 1937, $100,000, to remain available until December 31, 1939.

Mr. FISH. Mr. Chairman, I make a point of order against the language on page 28, lines 4 to 12, inclusive, as constituting legislation on an appropriation bill, not authorized by law. It creates a new position, that of Minister of Lithuania. The President has no constitutional right and is empowered by no act of Congress to create additional positions. Therefore, I make the point of order, Mr. Chairman, and if the Chair is in doubt I would like to speak a little further on the matter and cite some precedents.

The CHAIRMAN. Does the gentleman make the point of order on lines 4 to 12, inclusive?

Mr. FISH. Yes. If that is all stricken out, the situation remains the same as it is today, one minister for the three different countries.

The CHAIRMAN. Does the gentleman from Virginia desire recognition on the point of order?

Mr. WOODRUM. Mr. Chairman, I think the item is subject to a point of order for the reason that the Minister has been appointed but not confirmed. The President has the right to appoint, but if the minister has not been confirmed the Congress would have no right to appropriate. There has been no confirmation. I think the gentleman's point of order is well taken, if he chooses to make it.

Mr. FISH. I maintain, Mr. Chairman, that this is a similar case to the one that was decided in both the House and the Senate under President Hoover, who appointed an Ambassador to Poland and then had to wait 6 months until the Congress by legislation created the position of Ambassador to Poland, where hitherto we had a Minister. The Congress must create the official positions and appropriate the salary by law.

The CHAIRMAN. The Chair is ready to rule. As stated by the gentleman from Virginia, the President has the right to appoint. At the present time, however, the Senate has not confirmed the appointment. The appropriation, therefore, is subject to a point of order.

The Chair sustains the point of order.

Mr. FISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FISH: On page 29, after line 20, insert a new paragraph, as follows:

"Evacuation of American citizens from the danger zones in China: For the expenses of relief activities in connection with moving American citizens by the Government of the United States from the danger zones that exist or may exist in China, $500,000, to be expended under the direction of the Secretary of State."

Mr. WOODRUM. Mr. Chairman, I make a point of order against the amendment.

Mr. FISH. Mr. Chairman, will the gentleman withhold his point of order for 2 minutes to permit me to make a statement?

Mr. WOODRUM. No; I do not think this is a matter that should be debated now.

Mr. Chairman, I make the point of order against the amendment that it is legislation upon an appropriation bill.

The CHAIRMAN. The Chair is ready to rule.

Mr. FISH. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman briefly on the point of order.

Mr. FISH. Mr. Chairman, this is an emergency. It is almost the right of the State Department to use money out of its funds for the relief of American nationals who are in danger whether in China or any other place. Such action has been taken by other Congresses, and in this case the President of the United States is making a similar demand, according to the Associated Press and the United Press.

Mr. WOODRUM. Mr. Chairman, I make the point of order that the gentleman from New York is not addressing himself to the point of order.

Mr. FISH. I admit that.

The CHAIRMAN. Can the gentleman from New York cite a specific case in which a similar appropriation was made by Congress in a deficiency bill without authorization?

Mr. FISH. Mr. Chairman, in an emergency of this kind no point of order should lie. American lives are in danger at this moment in China, several American citizens have already been killed, and it is the duty of the Congress and the administration to provide immediate relief and protect the lives of our nationals by moving them out of the danger zones.

The CHAIRMAN. The Chair is ready to rule.

The amendment offered by the gentleman from New York constitutes legislation upon an appropriation bill, and is therefore subject to a point of order.

The Chair sustains the point of order.

The Clerk read as follows:

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

Payments to Federal land banks on account of reductions in interest rate on mortgages: To enable the Secretary of the Treasury to pay each Federal land bank such amount as the Land Bank Commissioner certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such land bank have been reduced during the fiscal year 1938, and prior thereto, in accordance with the provisions of paragraph "Twelfth" of section 12 of the Federal Farm Loan Act (12 U. S. C., 771) as amended, $25,000,000.

Payments to the Federal Farm Mortgage Corporation on account of reductions in interest rate on mortgages: To enable the Secretary of the Treasury to pay to the Federal Farm Mortgage Corporation such amount as the Governor of the Farm Credit Administration certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such Corporation have been reduced during the fiscal year 1938, in accordance with the provisions of section 32 of the Emergency Farm Mortgage Act of 1933, approved May 12, 1933 (12 U. S. C. 1016), as amended, such payments to be made quarterly, beginning as soon as practicable after October 1, 1937, $8,000,000.

OFFICE OF COMMISSIONER OF ACCOUNTS AND DEPOSITS

Not to exceed $5,200 of the amount appropriated for "Contingent expenses, public moneys", in the act making appropriations for the Treasury Department for the fiscal year 1938, may be transferred to the appropriation for "Salaries, office of Commissioner of Accounts and Deposits, 1938."

BUREAU OF CUSTOMS

The appropriation "Collecting the revenue from customs", fiscal year 1938, is hereby made available for the construction of a gate on one of the two highways across the international boundary at Nogales, Ariz., at a cost of not to exceed $3,500.

BUREAU OF NARCOTICS

The appropriation for salaries and expenses, Bureau of Narcotics, contained in the Treasury Department Appropriation Act, 1938, is hereby made available for the payment of expenses in administering and enforcing the provisions of the Marihuana Tax Act of 1937.

COAST GUARD

That portion of the appropriation for pay and allowances, Coast Guard, contained in the Treasury Department Appropriation Act for 1938, reading "and two civilian instructors", is amended to read "and three civilian instructors".

OFFICE OF THE TREASURER OF THE UNITED STATES

Refunding to national bank associations excess of duty: For refunding excess duty collected during the fiscal year 1937 and

prior years authorized under section 547, title 12, United States Code, $276.36.

The provision in the Treasury Department Appropriation Act for 1938 authorizing transfers to certain appropriations of the Treasury Department from funds available to the several agencies enumerated therein, to cover the expenses incurred on account of said agencies in the clearing of checks, servicing of bonds, handling of collections, and rendering of accounts therefor, is hereby amended to authorize transfers to the same appropriations from funds available to the Civilian Conservation Corps and to corporations and banks under the supervision of the Federal Home Loan Bank Board, and the limitation contained in such act on the total amount which may be transferred to such appropriations is hereby increased from $250,000 to $400,000.

PROCUREMENT DIVISION—PUBLIC BUILDINGS BRANCH

Sites and construction, public buildings, act of May 25, 1926, as amended: For continuation or completion of construction in connection with any or all projects authorized under the provisions of sections 3 and 5 of the Public Buildings Act, approved May 25, 1926, and the acts amendatory thereof approved February 24, 1928, and March 31, 1930 (U. S. C., title 40, secs. 341-349), within the respective limits of cost fixed for such project, there shall be available not to exceed $175,000 from any appropriations heretofore made for specific public-building projects under section 3 of the act of May 25, 1926, as amended (U. S. C., title 40, secs. 341-349), or balances thereof which are unobligated upon the date of the approval of this act, which appropriations or balances thereof shall be consolidated into the fund established by the provisions of the "Second Deficiency Act, fiscal year, 1930", out of appropriations made pursuant to section 5 of said act of May 25, 1926, and shall be available to the same extent and for the same purposes as other moneys included in such fund.

Emergency construction of public buildings outside the District of Columbia: For emergency construction of public-building projects outside of the District of Columbia (including the acquisition, where necessary, by purchase, condemnation, exchange, or otherwise of sites and additional land for such buildings; the demolition of old buildings where necessary, and construction, remodeling, or extension of buildings; rental of temporary quarters during construction, including moving expenses; purchase of necessary equipment for buildings and such additional administrative expenses and salaries as may be required solely for the purpose of carrying out the provisions of this paragraph, there is hereby authorized to be appropriated a total amount of $70,000,000 for expenditure over a period of 3 years, toward which amount $22,500,000 is hereby appropriated; such projects, including the sites therefor, to be selected by the Secretary of the Treasury and the Postmaster General, acting jointly, from the public-building projects specified in House Report No. 1879, Seventy-third Congress, second session, as revised May 17, 1937; and the projects so selected shall be carried out within the respective estimates of proposed limits of cost specified in such revised report and those hereafter fixed by the Secretary of the Treasury and the Postmaster General under the provisions of this paragraph, except that the unobligated balance of the $2,500,000 fund established by the Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934 (48 Stat. 1061), as augmented by the First Deficiency Appropriation Act, fiscal year 1936 (49 Stat. 1638), shall be available for the augmentation of limits of cost of projects selected under the provisions of this paragraph in an amount not exceeding 10 percent for any project in addition to a further sum of $500,000 which is hereby appropriated for the same purposes as specified in this and previous acts: *Provided*, That with a view to relieving country-wide unemployment the Secretary of the Treasury and the Postmaster General, in the selection of towns or cities in which buildings are to be constructed, shall endeavor to distribute the projects equitably throughout the country so far as may be consistent with the needs of the public service; and the Secretary of the Treasury and the Postmaster General may also select for prosecution under this program such projects not included in such revised report as in their judgment are economically sound and advantageous to the public service, including the purchase of property at 1212 Lake Shore Drive, Chicago, Ill., at a cost not to exceed $450,000, and for the remodeling and furnishing thereof for the accommodation of Government activitites: *Provided further*, That the Secretary of the Treasury is authorized to direct the preparation of all sketches, estimates, plans, and specifications (including supervision and inspection thereof), and to enter into all contracts necessary for carrying out the purposes of this paragraph: *Provided*, That the total obligations under the $70,000,000 program herein authorized shall not exceed $30,000,000 for the fiscal year 1938, but the Secretary of the Treasury is authorized to enter into contracts for any or all of the projects selected under this program in amounts not exceeding the respective estimated total costs of individual projects, and he is hereby authorized, when deemed by him desirable and advantageous, to employ, by contract or otherwise, the personal services of temporary professional, technical, or nontechnical employees to such extent as may be required to carry out the purposes of this paragraph, without reference to civil-service laws, rules, regulations, or to the Classification Act of 1923, as amended: *Provided further*, That in the acquisition of land or sites for the purposes of Federal public buildings and in the construction of such buildings provided for in this paragraph the provisions of sections 305 and 306 of the Emergency Relief and Construction Act of 1932, as amended, shall apply.

Government Printing Office, annex buildings: For continuation of construction of annex buildings for the Government Printing Office, $1,500,000: *Provided*, That the limit of cost fixed by the Second Deficiency Appropriation Act, fiscal year 1935, for acquisition of necessary land and construction of annex buildings for the Government Printing Office is hereby increased from $5,885,000 to $7,500,000.

Bureau of Engraving and Printing, additional building: For completion of construction of an additional building for the Bureau of Engraving and Printing and other Treasury Department activities, $2,325,000.

Acquisition of premises designated as 1724 F Street NW., Washington, D. C.: For purchase of premises designated as 1724 F Street NW., Washington, D. C., and described as lot 28 in square 170 on the records of the surveyor of the District of Columbia, comprising a six-story and basement brick office building and approximately 13,200 square feet of land, to provide necessary office space for permanent Government organizations, $200,000.

Grand Central Station Post Office and Office Building, New York, N. Y.: For carrying out the provisions of the act approved July 12, 1932 (47 Stat. 656), authorizing purchase of land and building thereon, for a post-office building and/or for other Government purposes, $10,107,065.94, payment from such sum to constitute complete settlement.

Treasury Building, Washington, D. C.: For renewing the electric wiring system of the Treasury Building, except elevators, and changing said system from direct current to alternating current, including feeders, switches, transformer vaults, switchboards, panel boards, and other requisite equipment, fiscal year 1938, $100,000.

Honolulu, Territory of Hawaii, Schofield Barracks post-office station: There is hereby transferred to the jurisdiction and control of the Secretary of the Treasury, as a site for a post-office building, a portion of the military reservation at Schofield Barracks, Oahu Island, Territory of Hawaii, particularly described under this heading in House Document No. 215 of the Seventy-fifth Congress.

Winchester, Va., post office: The limit of cost authorized under the provisions of the Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934, for the acquisition of additional land and the extension and remodeling of the post-office building at Winchester, Va., is hereby increased from $62,000 to $65,753.

Memorial to persons killed in the wreck of the Navy dirigible *Shenandoah*: For carrying out the provisions of the act of May 22, 1936, entitled "An act authorizing the erection of a memorial to those who met their death in the wreck of the dirigible *Shenandoah*", as amended by the act entitled "An act to permit the erection of the Shenandoah Memorial in or near Ava, Ohio", approved August 2, 1937, fiscal year 1938, $2,500: *Provided*, That no part of this appropriation shall be available for expenditure until title to the land upon which the tablet or marker is to be erected is acquired by the United States.

Mr. COLLINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: Page 33, line 20, strike out the word "expenditure" and insert in lieu thereof the word "obligation", and strike out the word "three" and insert in lieu thereof the word "two."

Mr. COLLINS. Mr. Chairman, the amendment I have offered is for the purpose of clarifying this situation. This provision relates to Government buildings throughout the United States other than in the District of Columbia. The proposal is to authorize $70,000,000, according to the language of the bill, for expenditure over a period of 3 years. That means that $70,000,000 would be expended in 3 years. I know, however, from conversation with members of this subcommittee that that is not intended. What really is meant is that $70,000,000 will be obligated over a period of 3 years. If the word "obligation" were substituted for the word "expenditure", as I have proposed, it would mean that $70,000,000 would be expended in about 5 years instead of 3 years, because the department would obligate the last year and it would take about 2 years to construct the building, and that would mean that this particular public building would extend over a period of about 5 years. So, the amendment I propose changes the word "expenditure" to "obligation" and then undertakes to change the 3-year period to a 2-year period, which would mean that the program would be completed within a period of 3 years. If the word "expenditure" is left in the bill as it now is, it is problematical if the appropriation could be used in its entirety.

Mr. HOUSTON. Will the gentleman yield?

Mr. COLLINS. I am stating facts, and only a few. If the members of the Committee wish to save money, as I am sure they do, then accept this amendment, because if the word "expenditure" is left in the bill it would mean the

difference between $70,000,000 and $22,500,000 must be appropriated next year if the $70,000,000 is to be expended within the 3-year period of time. I insist in the interest of clarity that the amendment I have proposed be adopted, so that the $70,000,000 will be expended for public buildings within a 3-year period of time. That is all that is proposed by the amendment

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 8 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. O'CONNOR of Montana. Mr. Chairman, I rise in support of the amendment, and sincerely hope the amendment proposed by the distinguished gentleman from Mississippi [Mr. COLLINS] will be adopted.

As I understand this bill, it is not likely that we would average a post office within a Congressional district in a less period than 3 years. I have in my Congressional district 18 cities that are qualified now and rated so by the Post Office Department, which are entitled to post-office buildings.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. O'CONNOR of Montana. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Yet under this bill the gentleman has no assurance he will get one Federal building unless the word is changed as suggested by the gentleman from Mississippi?

Mr. O'CONNOR of Montana. If the policy written in this bill is carried out, it would be a period of 54 years in my congressional district, and I imagine every Member is in the same position, before we would get the last post office to which we are entitled and ought to have now. I therefore hope the amendment will be agreed to.

Mr. O'CONNOR of Montana. There are 18 cities and towns in my district of which the postal receipts are sufficient to entitle them, each and every one, to a public building. These towns are, respectively, Baker, Big Timber, Chinook, Conrad, Cut Bank, Forsyth, Fort Benton, Hardin, Harlowton, Laurel, Malta, Plentywood, Red Lodge, Roundup, Shelby, Sidney, Wolf Point, and Billings, the third largest city in the State, where the post office quarters are crowded, and an enlargement of the building is imperative to accommodate 14 departments of the Government, at present leasing quarters outside of the Federal building. The building, as it at present stands, was completed in 1934, but owing to the enactment of the Economy Act it was necessary to curtail the expenditure on the building, and one part of it was left incompleted. The estimated cost of remodeling and completing the building is $85,000. Billings has a population of 16,380, and the postal receipts last year were over $234,000. It is a thriving city and growing rapidly. It is the center of one of the best farming and sugar-beet sections of the State, and has a promising future.

None of the other cities named has a Federal building. The post offices are quartered in rented buildings, all of them, with one exception, inadequate for the purposes for which they are used, poorly lighted, and inconveniently arranged and, in many instances, badly located to suit the convenience of the patrons of the office. In other instances the equipment is in bad condition, according to the reports of the post-office inspectors, and needs to be replaced. Other buildings constitute fire hazards.

Some of the small towns in Montana have had a remarkable increase in postal receipts, owing to gas and oil development and beet-sugar manufacturing. These towns include Baker, Chinook, Conrad, Cut Bank (where the postal receipts have increased enormously during the past year), Hardin, Laurel, Shelby, and Sidney.

The city of Big Timber is in a fine agricultural and stock-raising section, which is its principal industry. It is well settled by a permanent class of people, and the postal receipts of this office are twice as large as any other city of its size in my district. A post-office building is badly needed in this city.

One of the larger cities in eastern Montana is Forsyth. It is an important railroad town and is also in an agricultural section. It maintains a steady growth, both in population and postal receipts, which will no doubt continue in the future as it has in the past.

Fort Benton is one of the older cities of the district. It also is in a farming and livestock section, and continues to show a normal growth, year by year, both in population and postal receipts.

Harlowton is the county seat of Wheatland County. It is a prominent railroad center and also in a section of the State devoted largely to the raising of livestock. Many of the large sheep ranches of Montana are in this part of the State. It, like the cities recently mentioned, continues to grow year by year, and is entitled to a Federal building as soon as funds are available.

One of the larger cities in the second district, and an important one, is Red Lodge. With the exception of Billings, it is the largest city on the list of 18. It has many large coal mines and is the center of a thriving coal-mining industry. It is the county seat of Carbon County. It is also the eastern terminus of one of the most scenic roads in the United States—namely, the Red Lodge-Cooke City Road—which furnishes an additional and most beautiful entrance to Yellowstone National Park, the western terminus, Cook City, being but a few miles from the park. Yellowstone National Park is the finest park in the United States from the standpoint of scenic beauty. The mountain peaks rise out of the clouds and into the heavens, vieing with each other for the first kiss of the rays of the morning sun. It is also the fisherman's paradise, and also here is located the matchless Canyon of the Yellowstone, which may be seen in all of its various colors, which include every color of the rainbow. Red Lodge will continue to grow, and no doubt in a few years will be the metropolis of that section of Montana.

Other towns which are eligible for Federal buildings are Malta, which is the county seat of Phillips County, whose chief industries are farming and stockraising; Plentywood, the county seat of Sheridan County, in northeastern Montana, where livestock raising is the principal industry; Roundup, the county seat of Musselshell County, in central Montana, where the chief industries are coal mining, farming, and cattle-raising, there being extensive coal mines, producing an enormous amount of coal which is purchased by the Milwaukee Railroad annually; and Wolf Point, the county seat of Roosevelt County, which is also a farming section. This town also has several other Federal agencies, for which suitable quarters should be provided.

In addition to the cities above named, two border stations are badly needed, at White Tail and Wild Horse Tail. These are necessary to meet the requirements of the Government customs and immigration services.

As I stated at the commencement of my remarks, there is not a Federal building in any of the cities named, except Billings, and there are only a few others in the entire Second Congressional District. Therefore, I trust that the amendment which I have offered will be adopted, in order that Montana may be more adequately provided with suitable post-office quarters.

Mr. WOODRUM. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Mississippi [Mr. COLLINS].

Mr. Chairman, the subcommittee on deficiency appropriations gave a great deal of time and thought in working out this building program and at the same time staying within the Budget as well as affording relief to congressional districts where there is great need for public buildings.

The program which we have worked out takes care of the increased cost of some projects which have already been undertaken. It takes care of some of the major projects in a number of the larger cities in which there is pressing need for additional space in order to save the high rentals which the Government is now paying. In addition to that, this provides for one project for each congressional district within

the life of the program, while at the same time staying within the President's expenditure estimates.

The committee feels that it has done a good job and we have brought a program to the House which each Member can justify when he goes home. I hope the Committee of the Whole will not interfere with this program. We have consulted with the Procurement Division, which division has assisted us in this work and this legislation. There is a general understanding that every Member of the House will be provided for if his district has an eligible project.

Mr. THOMPSON of Illinois. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. THOMPSON of Illinois. Is there a limit to the cost of any project in each congressional district?

Mr. WOODRUM. There is an eligible list printed in our hearings in which the limit of cost is fixed on the different projects in each State.

Mr. THOMPSON of Illinois. Suppose a project in a particular congressional district was a very expensive project, running to seven or eight hundred thousand dollars. Would that district get the project?

Mr. WOODRUM. I think it would. Of course, the matter would be in the discretion of the Secretary of the Treasury and the Postmaster General, to do under this program as they have done in the past and that is to try to spread it as much as possible.

Mr. THOMPSON of Illinois. That is the complaint I have. They say if we put six or seven hundred thousand dollars in one town or one city we do not spread the work far enough. So they would rather build six or seven in another district.

Mr. WOODRUM. The gentleman need not have any fear about the larger projects being taken care of. If there is any criticism it is the other way. Under this program the smaller districts will be taken care of. I have a letter from director of procurement in which he says that unquestionably under this program, because of the speed with which they can award contracts in the smaller places, that the smaller places will be taken care of.

Mr. MAY. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Kentucky.

Mr. MAY. I received a letter from the Treasury Department today stressing the fact that the Procurement Division was required under the terms of this bill to spread this sum among all the districts as much as possible and that the first and most needed projects would be taken up first.

Mr. WOODRUM. That is right.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. Do I understand that only one-third of the districts will get a building the first year?

Mr. WOODRUM. It is not divided that way. This is a 3-year program. Each district during the period will get a building. The Department will go to work immediately. I have a letter, which I shall ask permission to include in the RECORD, stating that because of the speed with which they can get the smaller districts taken care of, of course, the smaller districts will be given first consideration and those projects will have first attention.

Mr. RICH. Will the gentleman yield?

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

Mr. RICH. I see in this report there is listed a post office for Woolrich, Pa., which is my home town. If you spend $75,000 building a post office in my home town I would think the Congress is crazy. It is absolutely ridiculous, and you should not spend this amount of money. The people up there would think I was trying to get them a post office, and I do not want it. [Applause.]

[Here the gavel fell.]

TREASURY DEPARTMENT,
PROCUREMENT DIVISION,
Washington, August 17, 1937.

MY DEAR MR. WOODRUM: This is in answer to your verbal inquiry concerning the order in which obligations will be made for public-building projects to be selected under the provisions of the $70,000,000 authorization contained in the third deficiency appropriation bill, fiscal year 1937, now before Congress.

While the limitations on expenditures and obligations will necessarily mean a slowing down of the output of the Procurement Division for the fiscal years 1938, 1939, and 1940, there will be no change in the administrative procedure incident to the selection of sites, the preparation of drawings and specifications, and the awarding of contracts. As in previous programs, the Treasury and Post Office Departments propose to announce selection of projects under the $70,000,000 authorization, and advertise for all sites as soon as the bill becomes a law. Site investigations and selections will be made as rapidly as in previous years and the drawings and specifications for the projects will be taken up in the order in which sites are selected. From past experience it is reasonable to assume that nearly all of the sites for the small projects will be selected before decisions are reached and negotiations concluded for properties required for the larger buildings. The difficulty in selecting sites in the larger cities, together with the time required to complete drawings and specifications for major buildings will cause contracts for the smaller projects to be let considerably in advance of those for the larger ones. The exceptions would be the very urgent major projects where sites are already owned.

Our best estimate is that the obligations for construction during the next 12 months will be almost wholly on account of the smaller projects.

Very truly yours,

W. E. REYNOLDS,
Assistant Director of Procurement.

Hon. CLIFTON A. WOODRUM,
Committee on Appropriations,
House of Representatives, Washington, D. C.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. COLLINS].

The question was taken; and on a division (demanded by Mr. COLLINS) there were—ayes 39, noes 81.

So the amendment was rejected.

Mr. McCLELLAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLELLAN: Page 31, after line 18, insert a new title and paragraph, as follows:

"Public Health Service, Division of Venereal Diseases: The President is hereby authorized to allot to the Public Health Service, Treasury Department, for the fiscal year 1938, not to exceed $200,000 out of unexpended balances made available by section 1 of the Emergency Relief Appropriation Act of 1937, for the purpose of continuing the operation and maintenance of the Hot Springs Transient Medical Center Infirmary, located at Hot Springs National Park, Ark."

Mr. WOODRUM. Mr. Chairman, I reluctantly make a point of order against the amendment. There is no estimate from the Bureau of the Budget and we have had no hearings on this matter. I think there may be great merit in the gentleman's amendment, but we know nothing about it except what our friend the gentleman from Arkansas has stated to us.

Mr. McCLELLAN. Mr. Chairman, will the gentleman withhold the point of order?

Mr. WOODRUM. Mr. Chairman, I withhold the point of order for a few minutes.

Mr. McCLELLAN. Mr. Chairman, I sincerely trust the chairman of the Appropriations Committee will not insist upon this point of order. I wish to express to the chairman and to the members of the Appropriations Committee, with whom I have talked regarding this matter, my appreciation of the courtesy which they have extended to me.

At the time I talked with the members of the Appropriations Committee there were some things in connection with it which had not been worked out, but since that time, as the gentleman from Virginia [Mr. WOODRUM] knows, I have taken the matter up with the Bureau of the Budget and am assured by it this amendment is satisfactory in both form and substance. The chairman of the Appropriations Committee has been so advised by the Director of the Budget, I am informed. I trust no point of order will be made against this amendment. This is not a "pork-barrel" proposition. I hope I may be granted 2 or 3 minutes extra to present the matter to the House in its true light.

Hot Springs National Park, one of the greatest health resorts in the world, is in my district. It is the oldest national park in this Nation. At this health resort miraculous thermal waters come from the bowels of the earth and possess wonderful healing qualities. People come to Hot Springs from all over the world to bathe and be restored to health. The Indians, before our forefathers came to America, fought with

each other for control and possession of these springs. In 1878 the Federal Government established at this famous resort and has since maintained a free bathhouse and clinic for the purpose of treating indigent, diseased, and afflicted people who come there seeking to find relief and be cured. In 1921, under a new regulation, this bathhouse and clinic were placed under the Public Health Service. Since that time the Federal Public Health Service has operated and supervised this bathhouse.

In 1933, due to the depression and the economic conditions that obtained during that time, the number of free bathers and patients so greatly increased that the load became heavy. Many people were there to get free baths. May I say in this connection that those who come there to get the free baths and treatment are required by this Government to take a pauper's oath before they are granted this free service. These people come there from every State in the Union, afflicted with all manner of diseases. They are not our people in Arkansas. This is not something merely for local benefit. These people are there today from 28 States. During the past year they have been there from 48 States in the Union. They are your people, from your communities, who come to these Government institutions to get cured. Many of them are afflicted with highly infectious diseases that make them a nuisance to society. After treatment these people go back home and return to society without being a menace to the health in the community where they live.

Mr. WOODRUM. Will the gentleman give us further information as to where the funds for the present operation of the clinic are coming from in the current fiscal year?

Mr. McCLELLAN. In 1933 this load became so heavy that the State of Arkansas, with moneys from the F. E. R. A. fund allotted to the State of Arkansas, built structures on a 34-acre tract of land that was donated by the citizens of Hot Springs. These buildings are of a permanent nature and cost over $106,000, the purpose being that these people who come there in this diseased and infectious condition could be better treated and that it would be safer for the community if they were isolated in a detention camp. This camp, known as the Hot Springs Transient Medical Center Infirmary, since 1933 has been supported from F. E. R. A. funds allotted to the State of Arkansas for such use as it might make of them. So, up until now the State, from F. E. R. A. funds allotted to it, has maintained this camp.

Mr. DUNN. Mr. Chairman, will the gentleman yield?

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

Mr. DUNN. May I say to the gentleman that his method is very humane, but I do not like the word "pauper." This word should not be in the dictionary, anyway.

Mr. McCLELLAN. I regret I am unable to correct the dictionary to please the gentleman.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. McCLELLAN. I yield to the gentleman from Kentucky.

Mr. MAY. Is it not a fact that, should the gentleman's amendment be adopted, the appropriation contained in this bill would not be increased at all? The sum would come out of one pocket instead of another.

Mr. McCLELLAN. Yes.

[Here the gavel fell.]

Mr. McCLELLAN. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. ANDREWS. I object, Mr. Chairman.

Mr. WOODRUM. Mr. Chairman, I withdraw the point of order and ask recognition on the amendment.

Mr. Chairman, the gentleman from Arkansas was about to tell me from where the funds come for the present operation of this clinic.

Mr. McCLELLAN. These funds are not used for the clinic. The clinic receives a regular appropriation under the Health Service and is maintained by the Government. However, this detention camp since 1933 has been maintained and supported by the State of Arkansas out of F. E. R. A. funds which were allotted to the State of Arkansas. These funds are now exhausted.

Mr. WOODRUM. Such funds are no longer available?

Mr. McCLELLAN. No.

Mr. WOODRUM. The gentleman's amendment provides $190,000 for the fiscal year 1938.

Mr. McCLELLAN. One hundred and eighty-nine thousand dollars is the estimated amount. The language in the amendment is not to exceed $200,000, and the President makes the allotment.

Mr. WOODRUM. Will the gentleman tell me where he got the estimate? Is this an estimate from the Public Health Service?

Mr. McCLELLAN. From the Public Health Service, and I may say to the gentleman that the Bureau of the Budget has the estimate. I have gone through every channel to get this matter brought to your attention, and all we want to do is to take funds that are going to be expended and are already appropriated for relief through the F. E. R. A. These are carried-over funds, and I am asking that this allotment be made to continue this operation until next year. In the meantime we can determine whether a regular appropriation should be made to continue this service.

Mr. WOODRUM. And these people are indigent and therefore unable to provide for themselves?

Mr. McCLELLAN. That is correct, and I may say to the gentleman that they come there from all over the United States.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman.

Mr. TERRY. I may say to the distinguished chairman of the subcommittee that this is not an Arkansas problem.

Mr. WOODRUM. I understand that.

Mr. TERRY. These people come there from all over the United States.

Mr. McCLELLAN. May I also give the gentleman this information? At present there are 376 patients at this camp, representing 28 States. The average number per month during the past year has been 355. Since November 1933, 19,750 cases have been handled, and since March 1935 there have been 7,344 cases.

Mr. WOODRUM. Mr. Chairman, I believe there is great merit in this amendment. Theoretically it should not be considered here, but I realize the practical effect of it. The Bureau of the Budget has told us informally they have no objection to it, and if we should insist upon the point of order the result would be that the matter would be taken up in another body and put on there. It is in the gentleman's district and the gentleman has worked hard for it, and, so far as I am concerned, I shall be pleased to see the amendment adopted. [Applause.]

The amendment was agreed to.

Mr. MURDOCK of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURDOCK of Utah: Page 38, after line 8, insert a new paragraph, as follows:

"Cedar City, Utah, Post Office: The authorization for the purchase of a site and the construction of a post office at Cedar City, Utah, contained in the second deficiency appropriation act, approved July 3, 1930, as decreased by act approved June 30, 1932, is hereby extended to include the purchase of an additional tract of land for the purchase of a post-office site."

Mr. WOODRUM. Mr. Chairman, we have no objection to the amendment.

The amendment was agreed to.

Mr. WOODRUM. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose and the Speaker having resumed the Chair, Mr. PARSONS, Chairman of the Committee of the Whole House on the state of the Union, re-

ported that that Committee, having had under consideration the bill, H. R. 8245, the third deficiency appropriation bill, fiscal year 1937, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. WOODRUM. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BOYLAN of New York. Mr. Speaker, I demand a separate vote on the so-called Scott amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put the remaining amendments in gross.

The amendments were agreed to.

The SPEAKER. The Clerk will report the so-called Scott amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: On page 8, line 12, strike out all of line 12 to 17, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BOYLAN of New York. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. BOYLAN of New York. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and ninety Members present, a quorum. The yeas and nays are refused.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

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.

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill.

The SPEAKER. The Chair is of opinion that that right has already been granted.

COMMISSION ON UNITED STATES HOUSING AUTHORITY

Mr. O'CONNOR of New York, from the Committee on Rules, reported the following resolution for printing under the rule, which was referred to the House Calendar and ordered printed:

House Resolution 320

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1685, an act to provide financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions, for the eradication of slums, for the provision of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business activity, to create a United States Housing Authority, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill, and continue not to exceed 3 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute committee amendment recommended by the Committee on Banking and Currency now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

HOUR OF MEETING TOMORROW

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a. m. tomorrow.

The SPEAKER. Is there objection?

There was no objection.

CALENDAR WEDNESDAY BUSINESS

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that proceedings on Calendar Wednesday be dispensed with.

The SPEAKER. Is there objection?

There was no objection.

HARRY BRYAN AND ALDA DUFFIELD MULLINS

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1640) for the relief of Harry Bryan and Alda Duffield Mullins and others, with House amendments thereto, disagreed to by the Senate, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill S. 1640, with House amendments thereto, insist on the House amendments, disagreed to by the Senate, and agree to the conference asked by the Senate. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

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

There was no objection.

The Chair appointed the following conferees: Mr. KENNEDY of Maryland, Mr. COFFEE of Washington, Mr. CASE of South Dakota.

MRS. CHARLES T. WARNER

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1637) for the relief of Mrs. Charles T. Warner, with House amendments thereto, insist on the House amendments disagreed to by the Senate, and agree to the conference asked by the Senate.

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

There was no objection.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The Chair appointed the following conferees:

Mr. KENNEDY of Maryland, Mr. COFFEE of Washington, Mr. CASE of South Dakota.

LUCILLE M'CLURE

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 707, with House amendments thereto, disagreed to by the Senate, and agree to the conference asked by the Senate.

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

There was no objection.

The Chair appointed the following conferees: Mr. KENNEDY of Maryland, Mr. COFFEE of Washington, Mr. CASE of South Dakota.

WIDOW OF ALBERT EDWARD IRVINE HARTER

The Speaker laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith, without my approval, House of Representatives bill no. 1114, entitled "An act for the relief of Agnes Ewing Harter."

This bill grants to the beneficiary thereof, widow of Albert Edward Irvine Harter, late first lieutenant, Air Corps Reserve, United States Army, who was killed while voluntarily participating in an aerial training flight, a gratuity equal to 6 months' pay at the rate said Lieutenant Harter would have

received had he been on active duty at the time of his death. Such a gratuity would amount to $1,575.

The act of December 17, 1919 (41 Stat., p. 367), authorizing the payment of gratuities in cases of death of commissioned and enlisted personnel of the Army, provides as follows:

SEC. 2. That nothing in this act shall be construed as making the provision of this act applicable to officers or enlisted men of any forces or troops of the Army of the United States other than those of the Regular Army and nothing in this act shall be construed to apply in commissioned grades to any officers except those holding permanent or provisional appointments in the Regular Army.

An exception was made to this law by the act of March 27, 1934 (48 Stat., p. 508), which provided that if Reserve officers performing duty under such act in carrying the mails by air should be injured or killed, such officers and/or their dependents and beneficiaries should be entitled to the same benefits as in the case of officers of the Regular Army and/or their dependents and beneficiaries. No such provision has been enacted respecting any other class of Reserve officers.

With the exception cited, section 2 of the act of December 17, 1919, has been, since its enactment, applicable in equal measure to all persons coming under its provisions and, while I have the greatest sympathy for the widow of the Reserve officer in question, who gave his life for his country, I do not feel that it would be just to single her out for preferential treatment not accorded the widows or other dependents of other Reserve officers who have heretofore or may hereafter suffer death while on active duty or while voluntarily participating in aerial flights in an inactive duty status.

During the second session of the Seventy-fourth Congress I withheld my approval of a similar bill—S. 920, for the relief of Ruth J. Barnes—for essentially the same reasons recited above. In my message on that bill, printed as Senate Document No. 266, I stated:

In this connection I would suggest the propriety of the Congress giving consideration to the changed conditions affecting the employment of Army Reservists which have intervened since the passage of the above-mentioned act of December 17, 1919, with a view to remedying such inequalities and inequities as may be found to exist between the treatment accorded personnel of the Regular Army and that of the Army's reserves.

I renew this suggestion.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 17, 1937.*

The SPEAKER. The message of the President will be spread upon the Journal.

Mr. KENNEDY of Maryland. Mr. Speaker, I move that the veto message and bill be referred to the Committee on Claims.

The motion was agreed to.

PROCEEDINGS IN ADOPTION IN THE DISTRICT OF COLUMBIA

Mr. PALMISANO. Mr. Speaker, I call up a conference report upon the bill S. 2281, to regulate proceedings in adoption in the District of Columbia, and ask unanimous consent that the statement be read in lieu of the conference report.

The SPEAKER. The gentleman from Maryland calls up a conference report on the bill S. 2281 and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2281) to regulate proceedings in adoption in the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "If an investigation already has been made by a social agency approved by the court, the Board of Public Welfare shall accept it instead of making one itself: *Provided*, That the foregoing provisions of this section relating to investigations and reports by the Board of Public Welfare or an approved social agency shall not apply, if an investigation has already been made by a recognized religious or fraternal organization, having under its care minors for adoption, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and if such organization appears in the proceeding and reports to the court the results of its investigation and its recommendations with respect to the adoption."; and the House agree to the same.

VINCENT L. PALMISANO,
AMBROSE J. KENNEDY,
EVERETT M. DIRKSEN,
Managers on the part of the House.

WILLIAM H. KING,
JOHN H. OVERTON,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2281) to regulate proceedings in adoption in the District of Columbia submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

On amendment no. 1: This amendment changed the provisions of the bill relating to investigations of adoptees so as to provide that investigations made by nonprofit organizations having under their care minors for adoption should be accepted by the courts. The Senate recedes with an amendment which limits the organizations whose reports may be so accepted to recognize religious or fraternal organizations.

On amendment no. 2: This amendment provided that records filed by a social agency or institution in adoption proceedings should not be open to inspection by any person without the consent of such agency or institution. The House recedes.

VINCENT L. PALMISANO,
AMBROSE J. KENNEDY,
EVERETT M. DIRKSEN,
Managers on the part of the House.

Mr. PALMISANO. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

JUVENILE COURT, DISTRICT OF COLUMBIA

Mr. PALMISANO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill H. R. 4276, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. PALMISANO, Mr. NICHOLS, Mr. DIRKSEN.

REAL ESTATE COMMISSION

Mr. PALMISANO. Mr. Speaker, I call up the bill (H. R. 6563) to define, regulate, and license real-estate brokers, business-chance brokers, and real-estate salesmen; to create a real-estate commission in the District of Columbia; to protect the public against fraud in real-estate transactions; and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill H. R. 6563, with Senate amendments thereto, and concur in the Senate amendments. The Clerk will report the Senate amendments.

The Clerk read as follows:

Page 3, line 25, after "guardians", insert "trustees."

Page 26, line 6, after "association", insert "insurance company."

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were agreed to.

DIVISION OF WATER POLLUTION CONTROL

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2711) to

create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes, with a Senate amendment, disagree to the Senate amendment and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? [After a pause.] The Chair hears none and appoints the following conferees:

Mr. MANSFIELD, Mr. DEROUEN, Mr. GREEN, Mr. SEGER, and Mr. CARTER.

EXTENSION OF REMARKS

Mr. TABER. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today and include therein a table which I have prepared.

The SPEAKER. Without objection it is so ordered.

There was no objection.

CIVILIAN CONSERVATION CORPS EQUIPMENT

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. RANDOLPH. Mr. Speaker, this afternoon during the consideration of the third deficiency bill, the gentleman from Pennsylvania [Mr. RICH] made certain statements about the disposition of C. C. C. equipment at an abandoned or transferred camp in Pennsylvania. At that time I said I would put in the RECORD later in the day, evidence showing that it is not the policy of the Civilian Conservation Corps to destroy that equipment. I ask unanimous consent to include as a part of my remarks a letter addressed to me by the Acting Director of the Civilian Conservation Corps at this point.

The SPEAKER. Is there objection?

Mr. RICH. Will the gentleman also include in that list what articles were destroyed in that camp?

The SPEAKER. Without objection the request is granted.

There was no objection.

The letter is as follows:

CIVILIAN CONSERVATION CORPS,
OFFICE OF THE DIRECTOR,
Washington, D. C., August 17, 1937.

Hon. JENNINGS RANDOLPH,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN RANDOLPH: In response to your telephone inquiry as to the policy followed upon closing a C. C. C. camp, the following information is furnished.

Under date of May 11, 1936, this circular letter prescribed instructions which superseded those in previous circular letters. All fixtures and equipment in camp buildings of a built-in nature, such as water tanks, water lines, waste-disposal systems, electric wiring, remain in the camp until final disposition is determined, under the act of May 29, 1935, by the Director of Procurement, United States Treasury.

To avoid the expenses of reinstallation in event a vacated camp is reoccupied, the War Department includes in the inventory, at the time buildings are turned over to the Technical Service taking custody, certain items such as stoves, ranges, generators, ice boxes, fire extinguishers, etc. All such equipment is returned to Army custody for C. C. C. use elsewhere before the camp is turned over to the acquiring agency when such transfer is authorized by the Director of Procurement, United States Treasury.

The above regulations in fact operate to return everything in the camp for which there is further C. C. C. use and this often results in the removal of screen doors, windows, and such other items by the War Department to satisfy the maintenance demands of other camps.

Authority to salvage camp buildings, where the materials obtained are certified by the Technical Service concerned to be needed for further C. C. C. use, is given by this office and the salvage operations are conducted by the service having custody of the camp. Nothing which can be used by the C. C. C. is ever thrown away or destroyed. This is the responsibility of the Cooperating Service performing the salvage operations.

All tools, automotive equipment, dishes, and similar items are removed when the work company leaves the camp for another location. This is done at the time because the commanding officer of the camp, assigned by the War Department, is financially responsible for all accountable property in the camp, under regulations of the War Department, and his accountable records cannot be cleared until this property has been properly checked by the nearest War Department district authorities.

Hoping that this is the information you desire.

Sincerely yours,

J. J. MCENTEE,
Acting Director.

EXTENSION OF REMARKS

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I am making at this time.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article from the New York Herald Tribune and also include as a part of my remarks an article printed in the National Young Democrat of May–June issue, written by Irene Juno, as well as an article written by Reuben Maury, of the American Newspaper Guild.

The SPEAKER. Is there objection?

There was no objection.

Mr. DUNN. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER. The gentleman already has that permission.

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and make some comments with respect to the record made by one of my colleagues from Pennsylvania while a Member of the House of Representatives.

The SPEAKER. The Chair is of the opinion the gentleman already has that permission.

EXTENSION OF CERTAIN PROSPECTING PERMITS

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4277) to provide for the extension of certain prospecting permits, and for other purposes, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That oil and gas prospecting permits issued under authority of an act entitled 'An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain', approved February 25, 1920, as amended, outstanding on December 31, 1937 (a) which have been committed in whole or in part to a cooperative or unit plan of development and operation that on December 31, 1937, has been approved or prescribed by the Secretary of the Interior, or is in process of revision or reconsideration pursuant to prior review, without rejection, in the Department of the Interior; or (b) which, together with one or more other permits, have been committed in whole or in part to a cooperative or unit plan of development and operation for the whole of any single oil or gas pool or field (or reasonably compact area), that was filed before January 1, 1937, and rejected pursuant to instructions of said Secretary; or (c) under which approved drilling was actively in progress at some time within the calendar year 1937; or (d) under which at least one well shall have been drilled to a depth of not less than 2,000 feet subsequent to August 21, 1935; or (e) which have been issued subsequent to August 21, 1935, and for which timely compliance has been made with the drilling requirements of section 13 of said act of February 25, 1920, to the extent required by December 31, 1937, or, in the absence of such timely drilling, for which an acceptable cooperative or unit plan of development and operation has been filed on or before said date are all hereby extended to December 31, 1939, the provisions of any other act or acts to the contrary notwithstanding, subject, however, to the applicable conditions of the permits and of unfulfilled conditions of any prior extensions. All oil and gas prospecting permits shall cease and terminate without notice of cancelation on the final date of their current term, including any extension herein granted, and no extension of any permit beyond December 31, 1939, shall be granted under the authority of this act or any other act."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana [Mr. DEROUEN]?

Mr. RICH. Reserving the right to object, is that a unanimous report from the committee?

Mr. DEROUEN. It is.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Under special order of the House heretofore granted, the gentleman from Ohio [Mr. BIGELOW] is recognized.

ISSUES OF 1938

Mr. BIGELOW. Mr. Speaker, one of the serious problems which has met with much discussion in this session of the

Seventy-fifth Congress, and on which there will probably be legislation in the next session, is the question as to what can be done to raise wage levels in the worst sweated industries.

We are confronted with the fact that one-third of our people are either jobless or so poorly paid that their buying power is too low to provide for their own well-being and too low to purchase the output of farm and factory. We must try in some way to increase the buying power of these 40 millions of people who, the President says, are ill-housed, ill-clad, and ill-fed.

FIFTY DOLLARS A MONTH PENSION

I propose that we at once raise the purchasing power of these 40 millions by paying to all of them who have reached the age of 65 an old-age pension of $50 a month, or rather, a guaranteed income of that amount. If this were done it would increase the buying power of this one-third of our population about $1,250,000,000 a year. Undeniably, this would go a long way toward expanding our home market, making new jobs for the unemployed, raising the level of all wages, while increasing the profits of business enterprise. There could be no question about the wide and deep effects for good of such a measure, provided that these pension funds were secured in the right way.

Adhering to the pattern of title 1 of the Social Security Act, it seems advisable that pension funds should come in part from the Federal Government and in part from the State treasury. Instead of the 50-50 division as provided in the Social Security Act, the Federal Government might properly be expected to bear two-thirds of the cost.

There is on the Clerk's desk discharge petition no. 19, which seeks to bring to a vote the Connery bill—H. R. 5780—which would amend title 1 of the Social Security Act, to provide that the Federal Government shall contribute $2 for each dollar of State funds, and that the maximum pension allowed under the act shall be $45 a month instead of $30.

WHERE TO GET PENSION FUNDS

Assuming that substantial increases in pension allowances throughout the country are in prospect, it is important for the Congress and the country to give thought to the question as to how these pension funds should be raised. The Federal Government's share of this expense, which would approximate a billion dollars a year, should, I believe, be raised in either one or both of two ways.

TAX ON HIGHER INCOMES

If those who are now getting net incomes of from $25,000 a year up, after their present income taxes have been paid, were required to pay still more on such incomes—for old-age pension purposes—it is not likely that there would be any appreciable reduction in the amount such persons would spend to meet their living costs. Their children would not go to school shoeless nor underfed, nor would they buy fewer clothes, nor deny themselves automobiles, nor otherwise cut down on their living expenses. Drawing funds from such sources would not contract the present purchasing power for current consumption. It would merely deprive such persons of some of the funds for which they would otherwise seek investment. When people have funds which they do not need for their own living, and which they have no opportunity of investing in new capital facilities, they usually either bid up the securities representing existing plants or they invest in land values.

In either case, the result of such investment is to create an artificial speculative price of both securities and land values, which is an unhealthy condition for the economic order. To draw on such funds for old-age pensions would be to bring new purchasing power into the market, and thus actually swell the Nation's business in consumption goods.

DIRECT ISSUE OF MONEY

Another way available to the Federal Government would be to issue Treasury notes, "greenbacks", if you please, to meet this annual pension bill. To do this, we would have to discard our orthodox views on the subject of the currency. But has not the time come when these views should be discarded?

Obviously, it requires a larger amount of circulating medium to transact a large volume of business than to transact a small volume of business. It is self-evident that, as population grows and the volume of the Nation's business expands, there is need for an increasing amount of available currency. It is estimated by some students of the problem that the expanding business of the Nation requires an expanding currency of more than $1,000,000,000 a year. This need of an expanding currency is now met by expanding bank loans. It is coming to be pretty well understood that this is a process by which the equivalent of money is manufactured by the banks. The banks, of course, charge interest on this "manufactured" money. Would not the Nation's business escape some interest burden if this increase of a billion dollars a year were fed into the system—not through the medium of bank loans, but by a direct issue of money for the payment of pensions?

It is difficult to see how one process is more inflationary than the other. This would supply pension funds by the creation of new purchasing power. The Federal Government might wisely combine both of these methods.

THE STATE'S FUNDS

Now consider how a State government should meet its share of the expense. A State cannot issue money. That is a function of the Federal Government. It cannot go very far in taxing incomes since there would always be the danger of driving incomes out of the State. The problem is to find something to tax which not only cannot run away from the State but which can be taxed without subtracting anything from the amount of money that would otherwise be spent in the market for goods. Real estate cannot run away, but excessive taxes upon improvements on real estate would discourage improvements which would amount to driving improvements out of the State.

Homes and farms certainly should not be subjected to such increased taxation. They are too heavily taxed now. All of our States would be justified in following the example set by some of them in exempting from taxation at least part of the present value of homes and farms.

LAYING FIELD TO FIELD

But although it may seem like "eating one's cake and keeping it too", there are taxes that a State could impose which would be a positive benefit instead of a burden. Newspapers of recent date carried the story that Mr. John J. Raskob has purchased 286,000 acres in the State of New Mexico. A vacancy was recently filled in the United States Senate by a gentleman reputed to own 30,000 acres of land in his State. The landholding of one American family, now said to possess 1,500,000 acres in another State, has been widely publicized.

This tendency to invest surplus wealth in large landed estates is evil. What we want is a Nation of many small owners, not of a few large ones.

TAX-EXEMPT INVESTMENTS

Buying tax-exempt bonds is not the only way men have of escaping taxation. Here, for instance, is an example of another way. A chain-store magnate had a million dollars to invest and, naturally, wanted to escape taxation. He solved the problem in this way. There was a fraction of an acre of ground in the center of the city on which a dry-goods company owned a large building. The land was held on a 99-year lease, with the privilege of renewal. This chain-store magnate invested his million dollars in that fraction of an acre of ground. He knew what his income from the lease would be. He knew the tax that was being paid on the land. He subtracted the annual tax from the annual ground rent, which left him a net income of $50,000 a year. He paid a million dollars for this property. That gave him a 5-percent tax-free investment.

It would be disturbing and give us some restless nights and much troubled thought about the future, if we could realize the extent to which this sort of thing is going on. Our country is being bought up right under our eyes, while the masses of the people are sinking under the weight of taxes and monopoly prices.

EXEMPT HOMES AND FARMS

Now, as one way to counteract this tendency, I propose that all the States would be wise, and I am urging this proposal upon the State of Ohio, to classify land—separate and apart from improvements—for tax purposes. I would put $10,000 of land value in the first class, and I would provide that there should be no increase in taxes on this first $10,000 of land value. Indeed, I think that there should be a decrease in taxes on the improvements on such land. If we were to exempt the first $10,000 of land value from increased taxation, we would be exempting all homes in the State and substantially all farms.

Now, I propose that—on the aggregate holdings of any person, company, or corporation of land values in excess of $10,000—there should be put an extra tax for old-age pension purposes on such excess, and that the rate of this extra taxation on such excess holdings of land value should be adjusted to meet the State's pension bill.

If the $50 a month for Ohio were met—one-third by State funds and two-thirds by Federal funds—it would mean that there would be some $80,000,000 a year of pension money spent in Ohio, and of this sum Ohio would have to raise something under $30,000,000 a year.

TAX THE LARGER LANDHOLDINGS ONLY

I submit that, if we raised the tax rate on this millionaire's half-acre lot referred to above, he would not spend any less money than he is now spending for his consumption goods. We would merely be taking some of his surplus funds which he would otherwise use to buy more land. There is no useful purpose in millionaires buying up the earth on which poor people have to live and work. Thus, when you divert such funds to the pockets of ill-fed, ill-housed, and ill-clad people, you are not only doing an act of social mercy, but you are actually increasing the amount of the Nation's spending. And by this increased spending, you are moving goods on merchants' shelves, multiplying jobs for unemployed men, raising not only the lowest wages but raising the level of all wages, and increasing the profitableness of business enterprise generally. This, I believe, is one of the most important things we could do to help the forty millions of people whom your President and my President wants to help and whom we all want to help.

The Government may do something to fix wages and raise them to a higher level. But, if we could cause a billion and a quarter a year of new spending, we would be creating a new demand for labor which automatically would bring wages up.

This we could do, if we would pay an old-age pension of $50 a month—provided that we got these pension funds in these three socially beneficial ways:

1. Tax the higher incomes.
2. Issue new money.
3. Tax the large holdings of land value at a higher rate than the small holdings.

It is common newspaper talk that the Republicans are going to start early in a fight to capture a hundred of the seats in Congress which they lost last year.

They think that they have Roosevelt on the run. They tasted blood on the Court bill and they are now out for raw meat.

I, myself, in the Second Ohio District, will not evade one of the controversial issues. The people are entitled to know just where we stand, and to elect or defeat us on the record we have made and on our declarations on future policies.

THE COURT

I am with Roosevelt in his effort to liberalize the Supreme Court. My speech on the subject is in the CONGRESSIONAL RECORD to show that I preferred to submit the matter to a vote of the people. It is now understood to be the intention of the President to ask for the submission of a Constitutional amendment. I will, with all my heart, support the President in this endeavor.

Since we do not know what form this amendment will take, the best I can do is to state the form I wish it would take. My preference is for a constitutional amendment which would provide as follows:

When the Supreme Court declares an act unconstitutional, Congress, by a majority vote, shall have the power to cause the question to be submitted to a direct vote of all the people of the United States at the next congressional election. By such a referendum vote the people shall, if they wish, overrule the Court and declare the law constitutional.

I believe that in these changing times we need a more expeditious way of deciding issues than by constitutional amendments submitted to 48 different State legislatures. The present system, which permits one branch of the legislature in 13 States to defeat constitutional amendments, is not democracy. It represents the fear of democracy which good men had 150 years ago. But, to defend this kind of minority rule now represents a contempt for democracy which ill becomes American citizens in our day.

WAGES AND HOURS

I am with President Roosevelt in his support of the Labor Relations Act. I think that the Government should insure to the workers the same right to organize that their employers enjoy. I think that honestly led and democratically governed labor unions are the best means to maintain decent wage levels. As to the most helpless workers, who cannot be organized into unions, I would do everything possible to help them that the Government can do under the Constitution.

It goes without saying that we should try to avoid hasty and blundering legislation. But because we cannot please everbody is no reason why we should not try to do our duty. It is the first duty of government to help the needy. Congress is constantly importuned to help the people who are well able to help themselves. There is no outcry against legislation to favor the rich and the powerful. But what an outcry there is if Congress shows any pitying interest in the poor and the weak! The New Deal is not beyond criticism. Who is satisfied with everything that has been done? But this Roosevelt administration deserves the affection of the masses for really trying to check the mighty and uplift the lowly.

MONEY

We cannot expect perfection of a President. Neither can we expect a President to lead on all battle fronts at once or to get too far ahead of his army. But it is my opinion that the most important question before us is the money question, and on this question I think both Mr. Roosevelt and the Congress need educating.

I have joined a group in Congress which has framed and introduced a bill to take over the Federal Reserve System. I would go further than that. I believe that we shall continue to flounder between booms and depressions until we establish a system of managed currency and set up the mechanism to control the price level by expanding and contracting the quantity of the country's circulating medium. I believe that there is a way by which we could so control the flow of money that we could finance all the unemployed back into jobs and finance production to the complete abolition of unemployment and poverty. We are suffering now chiefly, as I believe, because we still adhere to a money system which makes for monopoly and centralization. Much industry that we might have is strangled by a restrictive money policy. The idea that underlies this system is as absurd in our time as the idea would be that the earth is flat. It seems to me a colossal stupidity to let the bankers make money by book entries, or to say that it would be wicked inflation for the Government to do what it permits the bankers to do.

I believe that all the emergency relief spending which the Roosevelt administration has done should have been done by the direct issue of money. This would not have been one whit more inflationary than what was done. The only difference would be that we would not now have these billions of debt on which we must pay principal and interest.

UNEMPLOYMENT AND RELIEF

I cannot say that I am satisfied with the way the administration is handling the unemployment and relief situation. We may well be thankful for what has been and is being done. But not enough is done. It is not defensible to

be helping only a part of those who need help. A determined effort should be made, by a new-money policy, by the payment of a liberal old-age pension, by public-works projects, and so forth, to distribute purchasing power and abolish unemployment. But if, in spite of such efforts, unemployment cannot be abolished, if extensive unemployment must be accepted as a permanent problem, I believe that city, State, and Nation should unite to establish cooperative industries to permit the unemployed to produce their own consumption goods. Surely, with idle skilled labor, and with abundant resources, and with command over our own credit, it should not be an insuperable task to organize the productive capacity of the unemployed to permit them to create their own wealth, and exchange their own goods, and support themselves.

NEW LABOR POLITICS

Organized labor has been gaining membership by the millions. The new militancy of labor is expected to play hob with the old politicians and parties. Already in Ohio there have been startling upsets. It is predicted that this new labor power will settle scores with the chamber of commerce at the next Democratic primary and general election, with Davey's march to the Presidency sadly interrupted. It will be unfortunate if Davey is defeated by a Republican reactionary. Perhaps the situation may yet be saved. There has been some wild newspaper talk that I would become labor's candidate for Governor against Davey. I have no intention of doing that. But I do not relish supporting any Democrat who is being praised to the skies by the Ohio Chamber of Commerce. In view of what has happened, I think Davey should come out so emphatically for a progressive program that not even labor, sore as it now is, could doubt that he would go through with it. Ohio Democrats should commit themselves to a State labor relations board, a State wage and hour law, a $50-a-month old-age pension, and should agree to cut the signatures necessary for referendum voting from 300,000 to 100,000. If the Davey people would come out for such a program and convince labor that they really meant it, the chamber of commerce might put Davey back on the blacklist, so that labor would relent. As for myself, I will never ask people to vote for me for anything on the ground that I am a Democrat. These party names mean nothing. They serve only to divide and defeat the people. I want to know what kind of a Democrat a man is before I will support him. If that is party treason, the politicians may make the most of it. But I do believe that Ohio Republicanism is too set in reaction to serve the people. Our only hope is for labor and Progressives to fight in the Democratic primaries to root out the Democrats who are Republicans in everything but name, and establish a Democratic leadership that is honestly and courageously progressive. That is what I hope the new labor power will do for the Democrats up the State, and that is what I am going to keep on trying to do here in my own corner of the State.

The SPEAKER. Under the previous order of the House the gentleman from North Dakota [Mr. BURDICK] is entitled to be recognized for 15 minutes.

THE FARM PROGRAM

Mr. BURDICK. Mr. Speaker, I would not take the time of the House at this late hour were it not that I felt that the Members would benefit from the information I have to give them.

Since the World War there has been put forward many theories of farm legislation, all backed by strong public opinion. Up to the Seventy-fourth Congress, these theories revolved around three well-advertised plans, namely, the McNary-Haugen bill, the Hoover Farm Board, the Roosevelt A. A. A. and Soil Conservation Acts.

In my opinion, the first one named, the McNary-Haugen bill, offered the best solution of the three. The bill never became a law as it was passed by Congress twice and twice vetoed.

The Hoover Farm Board Act became a law, and the general manager of the International Harvester Co. was put in control of the administration of the act. Instead of making an effort to determine the cost of production for wheat consumed in the United States, paying the farmer that cost, and selling the surplus on the world's market for what it would bring, or storing it for future emergencies, the Board went into the gambling business and bought and sold wheat on the boards of trade in an effort to keep up the world's price. This plan was doomed to failure on principle and the results proved it. It was a dismal failure and in the end the cost of the experiment will total approximately $344,900,000.

Along toward the close of Hoover's administration, he saw his plan failing and in the campaign of 1932 suggested that we "limit production" by destructive processes. He proposed plowing down cotton and shooting dairy cows. President Roosevelt was then a candidate when this novel scheme was proposed and condemned the plan in vigorous language. Those who have forgotten the President's attitude then can glean some extremely startling information by reading Franklin D. Roosevelt's speech at Topeka, Kans., on September 14, 1932, delivered in the very heart of the agricultural belt. When Mr. Roosevelt condemned the Hoover plan of agricultural scarcity by destruction, most everyone in the farm belt said "Amen", and Hoover was voted out. Mr. Roosevelt was right in his attitude toward the Hoover plan of "destruction."

Roosevelt was inducted into office on March 4, 1933, and the farm people had high hopes of the passage of a bill that would establish a price that would stand up against disastrous fluctuations. No President in our history had favoring him the good wishes of so many farmers in the Union.

Before the Seventy-third Congress got well started, Representatives and Senators from the Farm Belt began to inquire as to the administration's program for farm legislation. President Roosevelt surprised every farmer in the United States when he proposed his policy of scarcity and the reduction of surplus by the process of destruction. A thunderbolt on a clear day would have been no greater surprise to Members of Congress from the Farm Belt. Remember, too, that the applause which greeted Mr. Roosevelt when he condemned this plan had scarcely died away, before he himself, as President of the United States, proposed the same Hoover plan of crop control.

Mr. DUNN. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. DUNN. I was always under the impression from the information I had received that the Democrats were the first to originate the idea of plowing under cotton and other crops that could have been used so advantageously to sustain human life.

Mr. MARTIN of Colorado. And killing pigs.

Mr. BURDICK. No; that was proposed by the Republicans, except pigs were not included—that pig program was, I believe, the sole invention of Wallace.

Mr. ANDRESEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. ANDRESEN of Minnesota. The Democrats, of course, were the ones to put it into effect.

Mr. BURDICK. Yes; the gentleman from Minnesota is correct. The A. A. A. was patterned after the President's plan of a New Deal for agriculture, and it attempted to force farmers in the various States to sign up contracts limiting production. Contracts were signed, because the farmers were helpless before the awful depression and the plan started out. Pigs were destroyed, cotton was plowed up, and wheat in excess of the stipulated contract allowance was destroyed, and the farmer punished by being arbitrarily deprived of the cash purchase price of these contracts.

A process tax was placed against hogs, to be paid by the processor, namely, the packers. When hogs were offered for sale, $2.25 per hundred pounds was deducted from the regular price and the rest paid to the farmer. Millions of dollars were in this manner extracted from hog raisers who were helpless before the law to do anything else than sell under the prescribed plan.

If they signed up one of the hog-corn contracts, they received back enough of the tax to compensate them for reducing their herds. The farmer who did not sign was left holding the empty sack. In the State of Iowa alone, nonsigners had approximately $40,000,000 taken away from them under this process tax invention.

Many thought that this process tax was passed on to the consumer, but that was not the case at all. It was taken out of the farmer's price. The packers so testified before the Committee on Agriculture of the House. The packers also raised the consumer's price. In addition to this, the packers added on 25 cents per hundred extra to the process tax for good measure and this was deducted from the farmer's price. This extra tax they kept as they claimed it was for clerical help entailed in reporting the tax. At the time action was instituted in the A. A. A., $213,000,000—not then paid to the Government in process tax—was impounded in court, and after the decree this money was returned to the processors. There is absolutely no question at all that this $213,000,000 belongs to the producers.

During the period the process tax was in operation, unmolested by any court action, the processors paid into the Treasury of the United States $852,382,985. This was taken from signers and nonsigners alike. Add to this the $213,000,000 impounded in court and returned to the processors and you can see what was taken out of the producer's price. The total was $1,065,382,985. Not all of this tax was authorized by the A. A. A., as the processors added an extra charge for their clerical expense as herein stated.

The proper set-up of this tax and the amount extracted from the producers is as follows:

Authorized deductions in price paid the producers	$985,382,985
Extra deductions not authorized by law	80,000,000
Total deductions	1,065,382,985
Direct appropriation to carry out contracts with farmers	500,000,000
Total income for the operation of A. A. A.	1,565,382,985

In my judgment, the decision of the Supreme Court, declaring the A. A. A. unconstitutional, was the only conclusion the Court could draw, but the Court grossly erred in its order to return this $213,000,000 to the processors. The producers were not represented in Court either directly or as friends of the Court; hence the showing as to who paid this process tax was meager, but since the decision, one class of the processors, namely the packers, have admitted that they deducted this tax from the producer. In arbitrarily handing over a fund as large as this to anyone, the Court should have been sure of its position. The Court, fortunately, however, did not shut the door in that decision to the producers. They can still come into Court and prove ownership of that fund. The order of the Court should have been to leave this fund in Court to be taken out only upon proof of ownership. The Government has attempted to tax this eighty million from the processors, but up to date only six million has been paid in.

As further proof that this process tax was taken out of the farmer's price, we only need to say that very soon after the Supreme Court of the United States declared the A. A. A. unconstitutional, the price paid to farmers for their hogs immediately went up in a like amount.

I cite this hog tax to indicate how the farmers of Iowa, Illinois, and other hog-raising States paid the penalty of a fool agricultural idea just at a time when they could ill afford to lose this money. So far this Congress has done nothing to compensate these farmers for this stupendous loss. This money belongs to the growers of hogs and everyone knows it. The tax assessed against nonsigners belongs to them and everyone knows it. The nonsigners were simply held up on the market and robbed by Government demand. The same situation prevailed as to cattle. The consumer did not pay the tax, but the grower did. His price was lowered to the extent of the tax.

The entire A. A. A. program was based on the theory of the control of the production of farm commodities, and the destructive methods were adopted to make an artificial scarcity in farm products. If the theory had been to control the marketing of products and not the production of crops, the plan would have been both economically sound and in practice the scheme would have worked. But it did not work, and after spending approximately a billon dollars, we are just where we started with these slight exceptions:

The taxpayers of the Nation are one-half billion dollars deeper in debt and are struggling to pay interest on Government bonds sold to pay the bill. The contract signers suffered no loss as what they lost on deducted price was made up in benefit payments, but the nonsigners paid a tremendous bill, under a law that was clearly unconstitutional and so declared. These nonsigners are also taxpayers and hence they have been taxed twice for a scheme from which they received no benefits at all. The farmers, too, show a still more deplorable balance sheet. Over one-half million of them have been foreclosed on since March 4, 1933, and about a million more farm homes are now soon to pass under the auctioneer's hammer. Nothing has been done to effectively prevent this system of wholesale foreclosures and the reason why it has not been done is due entirely to the fact that the President and the Secretary of Agriculture, Wallace, are still floundering around with their program of forced scarcity and the autocratic control of production. The President said on August 9 that no program of loaning on agricultural products would be inaugurated until the production of crops could be effectively controlled.

This shows, without the slightest doubt, that the President still believes in the arbitrary control of production. As long as that theory is followed, in my judgment, there can be no effective farm relief adopted. In other words, with this theory still uppermost in the thought of the administration, there is actually no hope for any relief to agriculture.

Mr. WEARIN. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. Yes; for a brief question.

Mr. WEARIN. Was not that something on the order of the ever-normal granary plan?

Mr. BURDICK. I cannot find anybody in this House who can explain that to me.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield for a question?

Mr. BURDICK. I am the most yielding fellow you ever saw. [Laughter.]

Mr. CRAWFORD. What is the difference between the ever-normal granary plan as now advocated and letting production alone so that every year we have a good carryover of foodstuffs?

Mr. BURDICK. I have not time to explain that now but I shall be glad to do so in an extension of my remarks. I have just about 8 minutes left and a number of other things to present.

Mr. MILLARD. Mr. Speaker, it seems to me that the distinguished gentleman from North Dakota deserves a quorum to hear this speech.

Mr. BURDICK. Enough Members are here to suit me, and more than I have seen on many occasions. [Laughter.]

The SPEAKER. Does the gentleman insist on his point of no quorum?

Mr. MILLARD. Mr. Speaker, I withdraw the point of no quorum.

Mr. SHORT. Will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Missouri.

Mr. SHORT. In spite of the huge Government expenditure, we have not solved the agricultural problem?

Mr. BURDICK. We have not.

Mr. SHORT. Is the gentleman going to tell us about Joseph and what happened that year?

Mr. BURDICK. Yes.

Mr. SCHNEIDER of Wisconsin. In this experiment, we find that the consumption of products has decreased constantly?

Mr. BURDICK. Yes.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. The gentleman has stated a number of times the tax was taken from the producer. I presume he means the processor paid it indirectly, then passed it on to the producer?

Mr. BURDICK. I mean when the farmer from Iowa shipped his hogs into the market, $2.25 a hundred was taken out of the farmer's price the day he delivered the hogs.

Mr. MARTIN of Colorado. By the processor who paid the tax?

Mr. BURDICK. Yes.

Mr. MARTIN of Colorado. Without passing the tax back, and that applies to everything; not only to that transaction but to all transactions?

Mr. BURDICK. Yes.

Mr. BIERMANN. Will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Iowa.

Mr. BIERMANN. When the A. A. A. was invalidated in 1936, in spite of the fact the processing tax was repealed, the price of hogs did not change at all?

Mr. BURDICK. Yes; the price did change. The gentleman is mistaken.

Mr. BIERMANN. Not $2.25 a hundred. Maybe 10 or 15 cents.

Mr. BURDICK. Within 34 days after the Supreme Court held the A. A. A. unconstitutional the price of hogs raised exactly the amount that had been taken out before.

Mr. BIERMANN. That is news to me.

Mr. BURDICK. Mr. Speaker, I have been a Member of this House for quite a while and I have been considerate of all of you gentlemen when you were speaking and I have always been willing to yield. I want to answer any questions now if I can secure an extension of time, but I would like to present what I came here for the purpose of presenting.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. We have heard how much has been spent by the farmers and for the farmers, but the farmers have paid some of the bill?

Mr. BURDICK. This money was taken away from the farmers. I may say to the farmers of Iowa that the same amount was taken out of the price of their hogs and the nonsigners lost $40,000,000 by the transaction.

Mr. BIERMANN. I may say to the gentleman these hog farmers of Iowa were getting about $2 a hundred for prime hogs in March 1933 and after the A. A. A. had been in effect for 2 years they were getting $9 and $10 a hundred.

Mr. BURDICK. But this whole sum was taken away from the growers, whether they signed contracts or not, and the farmers who signed the contracts got some of it back.

Mr. BIERMANN. I was interested in what the gentleman from Missouri [Mr. SHORT] said about not solving the farm problem. We probably have not solved it and probably never will solve it. However, the income of the farmers of America now is more than twice what it was in 1932.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Pennsylvania for a question.

Mr. RICH. The price of hogs has advanced today until it is about three times what it was in 1920. The trouble is that the farmers do not have any hogs to sell.

Mr. BURDICK. This is an example of starting out looking for an elephant and shooting a jackrabbit.

I have the right to complain about the theory of Mr. Wallace, who states we should regulate production. I say that is wrong, and it never can become right. However, I have no right to make this statement unless I am willing to say what is right. What is the plan before this Congress? What can be done?

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Missouri.

Mr. SHORT. The gentleman thinks, then, that we can get along with plenty much better than we can with scarcity?

Mr. BURDICK. Yes.

Mr. SHORT. I wish the gentleman would tell us about Joseph.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Illinois.

Mr. LUCAS. How does the gentleman explain that in 1932 when we had plenty we did not have any prices for our crops?

Mr. BURDICK. I do not know how it worked in Illinois, but in North Dakota in 1932 when we had plenty of crops and the price was low none of us was starving to death. We had plenty to eat. All we had to do was to grind wheat.

Mr. LUCAS. Then the gentleman wants to go back to 1932?

Mr. BURDICK. No.

[Here the gavel fell.]

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Does this meet with the approval of the gentleman from Iowa [Mr. WEARIN], who is entitled to be recognized next?

Mr. WEARIN. It does, Mr. Speaker.

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

There was no objection.

Mr. DUNN. Mr. Speaker, will the gentleman yield?

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

Mr. DUNN. Is it not a fact that since Roosevelt has been in office the farmers have received a great deal of consideration?

Mr. BURDICK. Yes.

Mr. DUNN. Amen.

Mr. BURDICK. The gentleman must agree entirely that I think that way because I have supported Democratic measures here about 90 percent of the time.

Mr. DUNN. The gentleman is a good scout for doing it.

Mr. BURDICK. I would not say that.

Mr. Speaker, I decline to yield further.

I propose to support either of two bills now before this Congress. I refer to the Massingale and the Eicher cost-of-production bills which have been before Congress for 3 years. Neither bill attempts to control the world price, as was attempted by the Hoover Farm Board. Under neither of these bills does the Government enter into buying and selling grain with the grain gamblers. These bills refer only to the domestic price, the price of crops grown and used in the United States.

If there is a surplus, that surplus is sold on the world's market or stored for future emergencies and taken off the market. If the domestic price of wheat is $1 per bushel, or the average cost of production, and the world price is 75 cents, every farmer who is responsible for this surplus will lose money on that portion of his crop. Common sense will tell him to eliminate this loss next year. He will do it himself—no one needs to force him to sign a contract. The historic base of production has already been established; the quotas for home consumption would be nothing more than mathematical computations under machinery already set up. Nothing new in organization of field force is necessary.

The cost-of-production program does not attack production at all. It leaves every farmer free to grow whatever he wants to grow. It leaves Nature free to produce crops when weather conditions are favorable. These bills take the crops as they come—and apply common sense to the sale of the crops. We have never yet produced in the world a surplus. During short periods we have produced more than a normal market would absorb, but in the end all crops are needed by someone.

Another thing that can be done is, in event of a surplus, this Government can store this grain. The gentleman from

Missouri wants to know about Joseph. I will tell you that, too.

If we have been producing these mountains of foodstuffs since Joseph accumulated the surplus crops in Egypt 4,000 years before Christ, where are some of these surpluses? If Joseph had followed the program of scarcity advocated by the President and Secretary Wallace, where would the people have secured food in the days of the famine? For 7 years the producers of wheat on the Nile raised too much wheat. Joseph did not interfere with the production; he let God Almighty attend to that. He handled the crops after they were produced. He saw that these crops were not given away for nothing; he stored them. He thought of the future. He had a hunch that the seven-lean-cow story was true, and he bided his time. Sure enough, the famine came and everyone wanted wheat. Joseph had it and the people were saved. We can contemplate what would have happened if Wallace were handling the situation. At the first surplus crop he would have jumped on his jackass and ridden around among the long-whiskered farmers on the Nile and had them sign contracts to cut down production. [Laughter and applause.] If the farmers had too many sheep, they would have killed off some of them; if they had too much wool on hand for clothing, they would have burned the wool, and in the end the Israelites would have perished. Joseph let God Almighty attend to production, and we ought to be willing ourselves to let the same authority handle our production. [Applause.]

We never can produce too much—we cannot produce enough. There never has been, in the history of the entire world, any surplus, and there never will be any. The Almighty does not plan things that way. We can and do have, too frequently, underconsumption.

Would the United States be favorably situated if we had food enough on hand to last us 12 months? We get panicky if we have over 3 month's food in sight. Would this be a powerfully defended nation if the world knew we had bread enough to last us through any war? If we had, we would have no use for battleships. Wars are not won by battleships—they are won by food. I have called this to the attention of the House before—that every major war in all history was won because of food. Every army in those battles gave up the cause only when they were starved to it. The North would have never defeated the South if the Confederate soldiers and their families at home had had enough to eat. Give this Nation enough to eat, and we do not need to fear any power. What did England do when faced with a world war? She began to accumulate something for her people and for the army to eat. That was her first act of self-defense. No nation can be said to be poorly defended that has access to enough food supplies to satisfy the wants of her people.

But this great national defense of food is totally abandoned under this program of forced scarcity.

The argument is advanced that if we did fix a price on wheat that would give our farmers the cost of production, that the people of the United States would not buy that wheat; they would purchase wheat imports at a less figure. They would not for the reason that an embargo against imports could be established precisely as every country in Europe has done since 1929. When their crops are short the embargo is lifted, and when crops accumulate the embargo goes on. The result is that the prices in those countries have been stable, or practically so, for the last 8 years.

That is all that is intended by the cost-of-production bills. It means a living price for what is grown and consumed in the United States. The surplus can be sold if the Government thinks it advisable. The Government can hold back enough of nonperishable products, such as wheat, pork, and cotton, to insure us against droughts and for the defense of the Nation.

When that is done we can cut our annual expense for the Army and Navy 50 percent; the seed-grain appropriations annually made by Congress can be reduced 90 percent; aid to farmers can be eliminated save in limited areas; farm homes can be saved from foreclosure and the millions now fed by the Government can become self-sustaining; purchasing power will then be in the hands of the farmer and everyone knows the place the farm, in normal times, occupied in the purchase of fabricated merchandise. In normal times the farmers bought 40 percent of the steel output of the United States, giving employment to men who made steel; in normal times the farmers purchased 42 percent of the output of the leather mills and 45 percent of the output of the textile mills.

I now ask you, Did the A. A. A. or does the Soil Conservation Act increase the buying power of the farmer? Has the farmer received more than a dole, in many cases not keeping him off the relief rolls? Has any small farmer ever paid his farm mortgage with an A. A. A. check or a Soil Conservation check?

That, it would seem, should be the test. Does any one of these schemes save the farm home and revive business? If none of them have done more than prolong the agony, why cling to a program that cannot show the results that are so vitally necessary to the Nation?

Mr. LUCAS. The gentleman knows that Joseph drove a pretty hard bargain with the farmers back in the ancient days.

Mr. BURDICK. Yes.

Mr. LUCAS. He compelled the farmers to give up their land before he would return the wheat to them.

Mr. BURDICK. Yes; it was a good deal like the situation of the farmers now.

I am not making this criticism as a political speech, because I have not any place to go. [Laughter.] I am trying to tell you the truth, and I am not worrying because I am not a member of the Democratic Party.

Mr. MARTIN of Colorado. Come on over.

Mr. BURDICK. And I am not shedding any tears because I am not acceptable to the Republican Party. We are going to settle this matter some time, but this Congress has no right to say there is nothing before us to settle. You cannot go home and say we could not do anything, because you are just as able to write a farm bill in this Congress now as you will ever be, and every Member of this Congress knows it.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. HOFFMAN. Does the gentleman think the Committee on Agriculture can write a bill without the consent of the Department down there?

Mr. BURDICK. Yes; we have done that right along. We cannot hide behind the President, because we have turned the President down time and again. We must stand on our feet. [Applause.]

While I have definite and decided views as to what should be done, I am not so obstinate as not to yield to other views which have a like purpose. This Congress is as capable of writing farm legislation now as it ever will be. Because farm organizations differ is no reason why we should not do our best. If we do that, the people generally will be satisfied. To do nothing is indefensible.

The farmers of the United States have long since refused to believe that their prosperity can be established without having established at the same time the prosperity of every other class. The interest of labor, the manufacturer, and the distributor is all bound together in one common enterprise. Reduce the farmer to starvation prices and drive him from his home and the burden immediately falls upon other classes for help and assistance. Destroy the farmer and you have destroyed the Nation.

In my opinion, as a Member of this House, without official standing on either side of the aisle, this Nation cannot be restored to prosperity until two questions are settled in this Congress. First, give the farmer a chance to live on his farm and maintain himself. Second, use the money and credit of this Nation for all of the people and outlaw the private use of Government money and credit. There is much more involved than the establishment of prosperity

in this issue. The very perpetuity of the Republic itself depends upon the action of this Congress upon these issues.

For years we waited for the Republican Party to do the job; the people became dissatisfied and ruthlessly eliminated that party; for 5 years now we have waited for the Democrats to act, and still the people are in distress while the public debt has mounted to $36,000,000,000—all borrowed and entailing an annual interest harvest of nearly a billion and a half. The administration still holds firm to its policy of enforced scarcity and the bankers are still furnishing money to the Government and drawing interest, while at the same time they receive the money from the Government for nothing. This policy is as wrong as anything can be and the further pursuit of it cannot but make our condition worse.

A private debt hanging over the heads of the people which every sane man or woman in the United States knows they cannot pay, is the result of this policy. How long it will be before the people come down to Washington and disband Congress, as Cromwell did Parliament, I do not know, but as surely as I stand before you, the distressed millions cannot forever be pacified or bribed with doles. We are the Representatives of these people—this Congress can do the job if it will. We cannot say we are not responsible; we cannot say it is too hot here in Washington; if we do not act soon, it will be too hot when we get home. The people of the United States are depending upon the honesty, the intelligence, and the energy of their chosen Representatives. Are we equal to the task, or shall we meekly submit to theories that most of us know to be wrong and go home and say it could not be done? Better for us to say in the words of General Grant, "We will fight it out on these lines if it takes all summer." [Applause.]

The SPEAKER. Under the previous order of the House, the gentleman from Iowa [Mr. WEARIN] is recognized for 20 minutes.

Mr. WEARIN. Mr. Speaker and Members of the House, several days ago I filed petition no. 27 on the Clerk's desk with a view to discharging the House Committee on Agriculture from further consideration of the Flannagan bill, H. R. 7577, with a view to getting general farm legislation of some description before this body prior to adjournment. I was fully aware of the fact that the measure was not perfect, but let us remember that the rules permit amendments after a measure has been brought to the floor in such a manner.

In view of the above facts I cannot see much occasion for the disturbance and some of the remarks made before the House subsequent to the filing of the petition. It was my desire to be helpful to the Congress and to the farmers of this Nation whose welfare is at stake. No one who believes in the New Deal disputes the fact that the Roosevelt administration and even this session of Congress have done much for the American producers of raw goods, but outside of the extension of the Soil Conservation Act and the Tenancy Act, both of which I have always favored, most of the legislation has been of an emergency or temporary character, such as the continuation of reduced interest rates on land-bank mortgages. There is no question but what moves of that nature are all helpful, but the thing that we need to keep before us constantly until we reach the goal is the necessity for stability in the business of agriculture.

Within that one thought is embodied the future prosperity of the industry and much, if not practically all, of the solution of our present tennancy problem. We cannot attain stability for the industry with emergency or stopgap legislation; we can attain it only with a well-rounded program that is not going to come out of any committee in any one measure. Whatever we do today will probably have to be amended from time to time, so that is all the more reason why we should not put off the beginning until tomorrow. If the Flannagan bill could be reported to the House or any other general farm bill such as the one generally looked upon as being the product of the House Committee on Agriculture, or the measure introduced by Mr. EICHER, of Iowa, it could be discussed and amended and, if passed this session, serve as a basis for commodity loans that may be urgently necessary before fall, applied to the wheat crop to be planted this year and, if found to be wanting in the meantime, then amended or revised at the next session of Congress.

The statement has been made upon this floor to the effect that it was impossible to report out a general farm bill at the present time because the farm organizations are not in entire agreement. In the first place it should be the responsibility of Congress to compose differences when legislating and obtain the best composite agreement possible with a view to solving the problem.

But let us look into this matter of disagreement among farmers about pending legislation. In the first place, H. R. 7577 was not sent to the committee from the White House, as has been charged in the case of some legislation. The suggestion was made early in the session that the farmers be permitted to write their own bill, so their chosen representatives were invited to Washington early last winter. Out of a few over 70 representing the various farm organizations and groups approximately 63 agreed to the essential principles of the so-called Flannagan bill. Six others either did not express themselves or were called home before the vote; and there were three outstanding critics, among them Mr. L. J. Tabor, national president of the Grange, and, as far as I know, an able man, but a Republican politician, having been a candidate for the United States Senate on the Republican ticket in Ohio or else a candidate for the nomination for that high office—I do not know which—but in either event his activities in that field may have served to prejudice him against an agricultural program originating in a Democratic administration. The fact of the matter remains that the farmers were in agreement at that time and only of recent date has any great difference of opinion developed. The fact that the Farm Bureau has taken the lead in the fight to effect the passage of the bill I am seeking to have considered certainly ought not to be anything against it, and certainly that incident could not have been avoided on the part of the Department of Agriculture or anyone else. There should not be any jealously over credit for bringing aid and stability to the agricultural industry in the United States. As far as I am concerned, personally I would be willing to consider amendments to H. R. 7577 incorporating features of the measure that it looked for a time would be reported out as the committee bill.

It is quite true that we want to give the American farmers the best legislation possible that will stabilize farm income, but the plea for additional time is not very appropriate at this moment, with a need for commodity loans to stabilize farm prices that should, of course, be secured by general farm legislation in order to make certain that the taxpayer's interest therein will not be jeopardized. Let us give him full measure for every dollar we have promised him; but the Roosevelt administration pulled the American farmer into the boat when he had gone down for the third time in the panic of 1931 and 1932. We have doubled his income since that time, and one might say appropriately that we have rowed him to the dock and are about to lift him up over his present bumper crops to sound, stable footing. Let us not drop him unceremoniously in the water between the boat and the dock while we spit on our hands in order to be sure that we have a firm hold on his welfare. It is such periodic duckings that we want to get away from as soon as possible, and our job will not be completed until we succeed in that respect.

It is my understanding that we are about to throw the tiller of the soil another life belt tomorrow in the form of a resolution guaranteeing that farm legislation will be the first order of business when Congress convenes again. I expect to vote for it, but it is not what the American farmer expected of us in the way of constructive legislation. I realize that there is a wide difference of opinion as to what form a farm bill should take, but the discussion of any measure on the floor under an open rule with an opportunity for amendments would be a sign of encouragement, and the fruits thereof

might surprise all those who are so certain that such a move would come to a disastrous end.

I am anxious to cooperate with the able members of the Committee on Agriculture and of the entire Congress with a view to obtaining constructive legislation aimed at preventing sudden and terrific price fluctuations in agricultural products that too often serve to enrich the speculator rather than the producer. With such a program we can anticipate the future to a far greater extent than at present and be reasonably assured of a consistent farm income which will, in turn, remove many of the difficulties arising now through excessive debt, bankruptcy, and their handmaidens tenancy.

I desire to take this opportunity to again urge the membership to sign my withdrawal petition no. 27, on the Clerk's desk, with a view to getting a farm bill before Congress this session for discussion and amendment, if necessary or advisable, and in order that we can be assured of adequate commodity loans and make a constructive start toward stability for American agriculture.

Mr. JACOBSEN. Mr. Speaker, I arise at this time to urge most earnestly the members of this body to sign petition no. 27, presented by my distinguished colleague, Mr. WEARIN, of Iowa, discharging the Committee from further consideration of H. R. 7577 and bringing it before the House for disposal. In doing so, I do not undertake to pass upon the merits or possible demerits of the provisions of this bill. I do believe, however, that by this procedure we shall have an opportunity to amend it and thereby enact legislation so urgently necessary to the very life of agriculture. I, as a Representative from a farm State, am interested in getting commodity loans, but I want further to insure the protection of the taxpayers' money. That is one of the most potent reasons for the necessity of a general farm program.

Congress has been in session for more than 7 months. During all that time, President Roosevelt has frequently urged that farm legislation in keeping with the will of the people be enacted. Thus far we have failed to discharge our duty in this regard, when we should never have hesitated in the very beginning, nor at any time during the long period of this session to complete this most necessary work.

I personally am not only willing but anxious that Congress remain in session more months, if necessary, to bring forth a constructive, well-planned, and permanent farm program, thereby keeping faith with those who so confidently expect such accomplishment on our part.

EXTENSION OF REMARKS

Mr. KELLER. Mr. Speaker, I ask unanimous consent to insert in the RECORD a radio speech delivered by the gentleman from Texas, Mr. MCFARLANE.

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

There was no objection.

Mr. KENNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein certain quotations.

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

There was no objection.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 18. An act to establish a National Safety Standards Commission, to reduce the danger of accidents at highway grade crossings and drawbridges, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 371. An act for the relief of William R. Kellogg; to the Committee on Claims.

S. 667. An act for the relief of William E. Jones, Walter M. Marston, William Ellery, Richard P. Hallowell, 2d, and Malcolm Donald as executors under the will of Frank W. Hallowell; and Malcolm Donald as executor under the will of Gordon Donald; to the Committee on Claims.

S. 992. An act to make electricians licensed officers after an examination; to the Committee on Merchant Marine and Fisheries.

S. 1138. An act to amend the statutes providing punishment for transmitting threatening communications; to the Committee on the Post Office and Post Roads.

S. 1327. An act for the relief of certain purchasers of lots in Harding town site, Florida, and for the relief of the heirs of Lewis G. Norton; to the Committee on the Public Lands.

S. 1629. An act to amend the act entitled "An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes", approved July 1, 1902, to make it applicable to surgical ligatures and sutures; to the Committee on the District of Columbia.

S. 1691. An act to provide that residence requirements for judges shall not be held to apply to judges who have retired or resigned; to the Committee on the Judiciary.

S. 2022. An act for the relief of Lt. V. Balletto, and others; to the Committee on Claims.

S. 2113. An act to provide benefits on account of disability or death due to service in the armed forces of the United States in the event of war, and for other purposes; to the Committee on Military Affairs.

S. 2120. An act for the relief of Mrs. C. G. Eidnes; to the Committee on Claims.

S. 2229. An act to permit Members of Congress to enter into agreements under agricultural programs; to the Committee on Agriculture.

S. 2316. An act to authorize the award of a decoration under certain conditions to Lewis Hazard for distinguished conduct; to the Committee on Military Affairs.

S. 2338. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Naval Affairs.

S. 2339. An act to amend the act entitled "An act to provide for the construction of certain public buildings, and for other purposes", approved May 25, 1926 (44 Stat. 630), as amended; to the Committee on Public Buildings and Grounds.

S. 2403. An act to prohibit the transportation of certain persons in interstate or foreign commerce during labor controversies, and for other purposes; to the Committee on the Judiciary.

S. 2578. An act to authorize the Secretary of Commerce to continue the existing system of classification and pay of positions of lighthouse keepers; to the Committee on Civil Service.

S. 2580. An act to amend existing laws so as to promote safety at sea by requiring the proper design, construction, maintenance, inspection, and operation of ships; to give effect to the Convention for Promoting Safety of Life at Sea, 1929; and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 2638. 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; to the Committee on Flood Control.

S. 2688. An act to provide for preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on the watersheds of the Rio Grande and Pecos Rivers; to the Committee on Flood Control.

S. 2765. An act to grant recognition to distinguished military service; to the Committee on Military Affairs.

S. 2838. An act to establish a public airport in the vicinity of the National Capital; to the Committee on Military Affairs.

S. 2892. An act to amend section 798 of the Code of Law for the District of Columbia, relating to murder in the first degree; to the Committee on the District of Columbia.

S. 2893. An act to confer jurisdiction upon certain United States commissioners to try certain civil suits wherein the United States is plaintiff; to the Committee on the Judiciary.

S. 2918. An act to authorize the striking of an appropriate medal in commemoration of the one hundredth anniversary of the establishment of Chicago, Ill., as a city; to the Committee on Coinage, Weights, and Measures.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 413. An act to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects;

S. 1216. An act authorizing the Secretary of the Interior to convey certain land to the State of Montana to be used for the purposes of a public park and recreational site;

S. 1282. An act to amend Articles of War 50½ and 70;

S. 1551. An act to amend section 24 of the Judicial Code, as amended, with respect to the jurisdiction of the district courts of the United States over suits relating to the collection of State taxes;

S. 1696. An act to authorize the revision of the boundaries of the Snoqualmie National Forest, in the State of Washington;

S. 1816. An act to amend section 77 of the Judicial Code, as amended, to create a Brunswick division in the southern district of Georgia, with terms of court to be held at Brunswick;

S. 1889. An act authorizing the Secretary of the Interior to convey all right, title, and interest of the United States in certain lands to the State of New Mexico, and for other purposes;

S. 2249. An act providing for the manner of payment of taxes on gross production of minerals, including gas and oil, in Oklahoma;

S. 2401. An act for the relief of sergeant-instructors, National Guard, and for other purposes;

S. 2613. An act for the relief of certain applicants for oil and gas permits and leases;

S. 2614. An act authorizing the Secretary of the Interior to patent certain tracts of land to the State of New Mexico and Cordy Bramblet;

S. 2682. An act to authorize the Secretary of the Interior to issue patents to States under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), subject to prior leases issued under section 15 of the said act;

S. 2751. An act to authorize the transfer to the jurisdiction of the Secretary of the Treasury of portions of the property within the West Point Military Reservation, N. Y., for the construction thereon of certain public buildings, and for other purposes;

S. 2851. An act to authorize the reservation of minerals in future sales of lands of the Choctaw-Chickasaw Indians in Oklahoma;

S. 2882. An act to authorize the construction of bridges in Caddo Parish, La.; and

S. 2888. An act to authorize the Secretary of the Interior to lease or sell certain lands of the Agua Caliente or Palm Springs Reservation, Calif., for public airport use, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that the committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 854. An act for the relief of Robert Coates;

H. R. 1375. An act for the relief of Wayne M. Cotner;

H. R. 1767. An act for the relief of the Rowesville Oil Co.;

H. R. 2014. An act to amend an act entitled, "An act to provide for the establishment of the Everglades National Park in the State of Florida, and for other purposes", approved May 30, 1934;

H. R. 3406. An act for the relief of the Southeastern University of the Young Men's Christian Association of the District of Columbia;

H. R. 3426. An act for the relief of Rose McGirr;

H. R. 4489. An act for the relief of Stella Van Dewerker;

H. R. 4582. An act to amend the act, approved August 4, 1919, as amended, providing additional aid for the American Printing House for the Blind;

H. R. 5927. An act for the relief of Walter G. Anderson;

H. R. 6167. An act to provide a surcharge on certain air mail carried in Alaska;

H. R. 6762. An act to amend the act know nas the "Perishable Agricultural Commodities Act, 1930", approved June 10, 1930, as amended;

H. R. 7127. An act authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to be held May 14 to May 21, 1938;

H. R. 7172. An act for the relief of Jesse A. LaRue;

H. R. 7430. An act for the relief of Mary Lucia Haven;

H. R. 7949. An act to exempt State liquor-dispensing systems from the requirement of keeping certain records and rendering transcripts and summaries of entries with respect to distilled spirits;

H. R. 8174. An act to make available to each State which enacted in 1937 an approved unemployment-compensation law a portion of the proceeds from the Federal employers' tax in such State for the year 1936;

H. J. Res. 171. Joint resolution for the designation of certain streets or avenues in the Mall as Ohio, Missouri, Oklahoma, and Maine Avenues;

H. J. Res. 385. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the Oil World Exposition at Houston, Tex., to be held October 11 to 16, 1937, inclusive;

H. J. Res. 406. Joint resolution to establish the General Anthony Wayne Memorial Commission to formulate plans for the construction of a permanent memorial to the memory of Gen. Anthony Wayne; and

H. J. Res. 445. Joint resolution granting the consent of Congress to a compact between the States of New York and New Jersey providing for the creation of the Palisades Interstate Park Commission as a joint corporate municipal instrumentality of said States with appropriate rights, powers, duties, and immunities, for the transfer to said commission of certain functions, jurisdiction, rights, powers, and duties, together with the properites of the bodies politic now existing in each State known as "Commissioners of the Palisades Interstate Park", and for the continuance of the Palisades Interstate Park.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 15 minutes p. m.), the House (in accordance with its previous order) adjourned until tomorrow, Wednesday, August 18, 1937, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

804. A communication from the President of the United States, transmitting veto message on H. R. 1114, an act for the relief of Agnes Ewing Harter (H. Doc. No. 361); to the Committee on Claims and ordered to be printed.

805. A letter from the President of the United States Civil Service Commission, transmitting herewith the sixteenth annual report of the Board of Actuaries (H. Doc. No. 362); to the Committee on the Civil Service and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 317. Resolution providing for the consideration of S. 1722; without amendment (Rept. No. 1575). Referred to the House Calendar.

Mr. O'CONNOR of New York: Committee on Rules. House Concurrent Resolution 20. Concurrent resolution to provide for the creation of a Joint Committee on Hawaii; without amendment (Rept. No. 1576). Referred to the House Calendar.

Mr. LANHAM: Committee on Public Buildings and Grounds. S. 537. An act to provide suitable accommodations for the District Court of the United States at Glasgow, Mont.; with amendment (Rept. No. 1577). Referred to the Committee of the Whole House on the state of the Union.

Mr. MANSFIELD: Committee on Rivers and Harbors. Senate Joint Resolution 162. Joint resolution to permit the States of Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia to enter into a compact or agreement respecting the creation of a Potomac Valley conservancy district for the prevention or abatement of harmful pollution of the waters thereof; without amendment (Rept. No. 1578). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEAGALL: Committee on Banking and Currency. S. 2675. An act to amend certain sections of the Federal Credit Union Act, approved June 26, 1934 (Public, No. 467, 73d Cong.); without amendment (Rept. No. 1579. Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Illinois: Committee on Ways and Means. H. R. 1481. A bill to amend the Revenue Act of 1926, as amended, to exempt persons traveling between Puerto Rico and the continental United States from the payment of a stamp tax on steamship tickets; without amendment (Rept. No. 1580). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 320. Resolution providing for the consideration of S. 1685; without amendment (Rept. No. 1582). Referred to the House Calendar.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. STEAGALL: Committee on Banking and Currency. House Resolution 307. Resolution directing the Chairman of the Federal Home Loan Bank Board to transmit to the House the total number of mortgages and liens secured by the Home Owners' Loan Corporation in the State of Louisiana, and for other purposes (Rept. No. 1581). Ordered to be printed.

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. 8215) for the relief of the State of Missouri; Committee on Claims discharged, and referred to the Committee on the Judiciary.

A bill (H. R. 8021) for the relief of Mrs. George Orr; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. O'DAY (by request): A bill (H. R. 8259) to provide that religious views or philosophical opinions against war shall not debar aliens, otherwise qualified, from citizenship; to the Committee on Immigration and Naturalization.

By Mr. THOMPSON of Illinois: A bill (H. R. 8260) authorizing the city of Rock Island, Ill., or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Ill., and to a place at or near the city of Davenport, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. KNUTSON (by request): A bill (H. R. 8261) to provide for proportional representation and preferential voting in the election of Senators and Representatives in Congress; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. LUECKE of Michigan: A bill (H. R. 8262) to provide for promotion on a seniority basis of employees within a department or independent establishment of the Government; to the Committee on the Civil Service.

By Mr. BLAND: A bill (H. R. 8263) to amend section 6 of the act approved May 27, 1936 (49 Stat. L. 1380); to the Committee on Merchant Marine and Fisheries.

By Mr. PACE: A bill (H. R. 8264) to provide for the establishment and maintenance of a research laboratory or experiment station for the cultivation and fertilization of peanuts and other agricultural products, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 8265) to deny admittance into the United States to all immigrants and to deport all aliens; to the Committee on Immigration and Naturalization.

By Mr. SCHULTE: A bill (H. R. 8266) to amend the District of Columbia Traffic Act, as amended; to the Committee on the District of Columbia.

By Mrs. O'DAY: Resolution (H. Res. 318) providing for the appointment of Joseph W. Hanley as a messenger by the Doorkeeper of the House of Representatives; to the Committee on Accounts.

By Mr. ANDRESEN of Minnesota: Resolution (H. Res. 319) authorizing the appointment of a Select Committee to Investigate the Federal Land Bank System; to the Committee on Rules.

By Mr. DICKSTEIN: Joint resolution (H. J. Res. 488) authorizing the erection of a memorial to the late Guglielmo Marconi; to the Committee on the Library.

By Mr. SOMERS of New York: Joint resolution (H. J. Res. 489) authorizing the calling of an international monetary conference, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KOPPLEMANN: Joint resolution (H. J. Res. 490) to establish a Board of National Defense and define its purposes; to the Committee on Military Affairs.

By Mr. JONES: Joint resolution (H. J. Res. 491) to amend section 32, as amended, of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935, and for other purposes; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ATKINSON: A bill (H. R. 8267) for the relief of Mr. and Mrs. Joe T. Stephens; to the Committee on Claims.

By Mr. DIXON: A bill (H. R. 8268) for the relief of James W. Chaille; to the Committee on Naval Affairs.

By Mr. HEALEY: A bill (H. R. 8269) for the relief of Richard E. Mooney; to the Committee on Military Affairs.

Also, a bill (H. R. 8270) for the relief of Daniel F. Healey; to the Committee on Naval Affairs.

By Mr. KENNEDY of Maryland (by request): A bill (H. R. 8271) for the relief of Charles Recht, Horace S. Whitman, H. Rozier Dulany, Jr., William Lee Rawls, William L. Narbury, Jr., Victor A. Gartz, Rose Weiss, and Osmond K. Fraenkel; to the Committee on Claims.

By Mr. LUCKEY of Nebraska: A bill (H. R. 8272) granting a pension to Elvira M. Birkner; to the Committee on Pensions.

By Mr. SIMPSON: A bill (H. R. 8273) granting an increase of pension to Hannah Treece; to the Committee on Invalid Pensions.

By Mr. WITHROW: A bill (H. R. 8274) to confer citizenship on George Gray; to the Committee on Immigration and Naturalization.

By Mr. WHITE of Idaho: A bill (H. R. 8275) for the relief of Stanley Kolitzoff and Marie Kolitzoff; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3279. By Mr. CLASON: Petition of George A. Picard, Raymond A. Lyman, and Vincent B. Dignam, selectmen of the town of Easthampton, Mass., requesting Congress to consent to the ratification of the Connecticut River flood-control compact, as approved by the Legislatures of the States of Massachusetts, Vermont, Connecticut, and New Hampshire; to the Committee on Flood Control.

3280. By Mr. COFFEE of Washington: Petition of the Teachers' Federation of Pierce County, P. E. Drew, secretary, pointing out that the adult education program of the Works Progress Administration has performed an important educational function in the State of Washington during the past 2 years and therefore should be enlarged to meet the great demand for this type of education, and that steps should be taken to insure 12 months' tenure, and that workers' education should be placed under a separate Federal project, so as to more effectively meet the demand it was created for; to the Committee on Appropriations.

3281. Also, resolution in the form of a telegram of the International Woodworkers of America, Harold J. Pritchett, international president, pointing out that reduction of appropriations for National Labor Relations Board will have the effect of destroying efficiency of such Board and is a palpable attack upon labor itself, and therefore demanding the appropriation by the Congress to such Labor Relations Board in an amount as originally requested; to the Committee on Appropriations.

3282. Also, petition of the Washington State Federation of Teachers, B. M. Patten, secretary, pointing out that whereas an alarming portion of the population of the United States is inadequately housed; that this evil condition is not a current question only but one of long standing; and that because the Wagner-Steagall housing bill, now pending before Congress, seeks to eradicate some of the existing social ills in housing, it should be passed by the Congress of the United States; to the Committee on Banking and Currency.

3283. Also, petition of the Washington State Federation of Teachers, B. M. Patten, secretary, pointing out that peace is an impossibility so long as private munitions interests are allowed to ship arms abroad to warring nations or to noncombatant nations engaged in the resale of armaments and the continuation of a war, and that Congress should pass the proposal made by Senator GERALD NYE and Representative HAMILTON FISH, asking for legislation prohibiting the export of arms, ammunition, and implements of war to foreign countries during times of peace in this Nation; to the Committee on Foreign Affairs.

3284. Also, resolution in the form of a telegram of the executive board of the Washington Commonwealth Federation, Howard Costigan, executive secretary, insistently demanding there be no reduction in appropriation for the National Labor Relations Board; to the Committee on Appropriations.

3285. Also, resolution in the form of a telegram of the Committee for Industrial Organization, Richard Francis, regional director, opposing reduction in appropriation for Labor Relations Board and stating that the Labor Relations Board is the surest guarantee of peace and prosperity in industry; to the Committee on Appropriations.

3286. Also, resolution in the form of a telegram signed by Mary Lytle, outstanding Democratic leader, representing numerous liberal organizations, protesting reduction of appropriations of the National Labor Relations Board; to the Committee on Appropriations.

3287. Also, resolution in the form of a telegram of the Federal employees of Sixth Congressional District, demanding that the House of Representatives consider and vote favorably upon the wage and hour bill before adjourning; to the Committee on Labor.

3288. By Mr. CURLEY: Petition of Local 802, American Federation of Musicians, Associated Musicians of Greater New York, urging enactment of the Allen-Schwellenbach bill; to the Committee on Appropriations.

3289. Also, petition of the American Labor Party, New York State, urging enactment of the Wagner-Steagall housing bill as originally presented; to the Committee on Banking and Currency.

3290. By Mr. HEALEY: Petition of the Cooks and Stewards Division of the National Maritime Union of America, at their last regular business meeting, Friday, June 25, 1937, expressing their condolence and sympathy with the bereaved family of Congressman William P. Connery, late chairman of the House Committee on Labor, as it is the opinion of the membership that, in the death of William P. Connery, Congress has lost a valued and progressive Member and labor an irreplaceable proponent; to the Committee on Labor.

3291. By Mr. PETERSON of Georgia: Petition of citizens of Screven County, Ga., concerning the old-age pension bill (H. R. 2257); to the Committee on Ways and Means.

3292. By Mr. SADOWSKI: Petition of the Banana Belt Timber Co., Manistee, Mich., commending the United States forest supervisor and his staff on the able manner in which his office is conducted; to the Committee on Agriculture.

3293. Also, petition of the Board of Supervisors, Keweenaw County, Mich., urging the Federal Government to adopt some means whereby counties and townships in which national parks are incorporated be reimbursed for the financial loss sustained by the removal of such lands from the tax roll; to the Committee on the Public Lands.

3294. By Mr. TURNER: Petition of citizens of Perry County, Tenn., urging Congress to enact the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

SENATE

WEDNESDAY, AUGUST 18, 1937

(Legislative day of Monday, Aug. 16, 1937)

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

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, August 17, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I suggest 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	Copeland	King	Radcliffe
Andrews	Davis	La Follette	Schwartz
Ashurst	Donahey	Lee	Schwellenbach
Austin	Ellender	Lewis	Sheppard
Bankhead	Frazier	Lodge	Shipstead
Barkley	George	Logan	Smathers
Berry	Gerry	Lonergan	Smith
Bone	Gillette	Lundeen	Steiwer
Borah	Glass	McAdoo	Thomas, Okla.
Bridges	Green	McGill	Thomas, Utah
Brown, Mich.	Guffey	McKellar	Townsend
Brown, N. H.	Hale	Minton	Truman
Bulkley	Harrison	Moore	Tydings
Burke	Hatch	Murray	Van Nuys
Byrd	Herring	Neely	Wagner
Byrnes	Hitchcock	Nye	Walsh
Capper	Holt	Overton	Wheeler
Caraway	Hughes	Pepper	White
Chavez	Johnson, Calif.	Pitman	
Connally	Johnson, Colo.	Pope	

Mr. LEWIS. I announce that the Senator from Wisconsin [Mr. DUFFY] and the Senator from Georgia [Mr. RUSSELL] are absent on official duty as members of the committee appointed to attend the dedication of the battle monuments in France.

I further announce that the Senator from Mississippi [Mr. BILBO], the Senator from South Dakota [Mr. BULOW],