Frank J. Horak, Oconto.
Raymond A. Whitehead, Phelps.
John V. Nickodem, Princeton.
Irwin J. Rieck, Weyauwega.
Edwin F. Smith, Wisconsin Veterans' Home.

SENATE

MONDAY, MAY 16, 1938

(Legislative day of Wednesday, April 20, 1938)

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 Friday, May 13, 1938, was dispensed with, and the Journal was approved.

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	Dieterich	Johnson, Colo.	Pope
Andrews	Donahey	King	Radcliffe
Austin	Duffy	La Follette	Russell
Bailey	Ellender	Lewis	Schwartz
Bankhead	Frazier	Logan	Schwellenbach
Barkley	George	Lonergan	Sheppard
Berry	Gerry	Lundeen	Shipstead
Bilbo	Gibson	McAdoo	Smathers
Bone	Gillette	McCarran	Smith
Borah	Glass	McGill	Thomas, Okla.
Bridges	Green	McKellar	Thomas, Utah
Brown, Mich.	Hale	McNary	Townsend
Bulkley	Harrison	Maloney	Truman
Bulow	Hatch	Miller	Tydings
Burke	Hayden	Minton	Vandenberg
Byrd	Herring	Murray	Van Nuys
Byrnes	Hill	Neely	Walsh
Capper	Hitchcock	Norris	Wheeler
Caraway	Holt	O'Mahoney	White
Chavez	Hughes	Overton	
Copeland	Johnson, Calif.	Pittman	

Mr. LEWIS. I announce that the Senator from Arizona [Mr. ASHURST] and the Senator from Oregon [Mr. REAMES] are detained from the Senate because of illness.

The Senator from Oklahoma [Mr. LEE] is absent because of illness in his family.

The Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Texas [Mr. CONNALLY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Jersey [Mr. MILTON], the Senator from Florida [Mr. PEPPER], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from New York [Mr. WAGNER] are detained on important public business.

Mr. AUSTIN. I announce that the Senator from Pennsylvania [Mr. DAVIS] and the Senator from North Dakota [Mr. NYE] are necessarily absent from the Senate.

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

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 9218. An act to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes;

H. R. 9682. An act to provide revenue, equalize taxation, and for other purposes; and

H. R. 10216. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1939, and for other purposes.

AMENDMENT OF COMMUNICATIONS ACT OF 1934

The VICE PRESIDENT laid before the Senate a letter from the Acting Chairman of the Federal Communications Commission, transmitting a proposed amendment to the Communications Act of 1934, providing for the regulation of interstate and foreign radio communication and radio transmission of energy, which, with the accompanying paper, was referred to the Committee on Interstate Commerce.

DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate a letter from the Archivist of the United States, transmitting, pursuant to law, lists of papers on the files of the Department of the Navy, which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. GIBSON members of the committee on the part of the Senate.

LAWS OF MUNICIPAL COUNCIL OF ST. THOMAS AND ST. JOHN, VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting copies of laws passed by the Municipal Council of St. Thomas and St. John, and approved by the Governor of the Virgin Islands, which, with the accompanying papers, was referred to the Committee on Territories and Insular Affairs, as follows:

1. Amendment No. 4 to the budget for the municipality of St. Thomas and St. John for the fiscal year July 1, 1937, to June 30, 1938;
2. Amendment No. 5 to the budget for the municipality of St. Thomas and St. John for the fiscal year July 1, 1937, to June 30, 1938; and
3. Ordinance to amend the transshipment rates as provided in the ordinance concerning customhouse and ship dues in St. Thomas and St. John, as of August 16, 1914.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate papers in the nature of petitions from several citizens of the State of Washington, praying for the enactment of the President's proposed recovery program, which were referred to the Committee on Appropriations.

He also laid before the Senate a memorial of sundry citizens of Sapulpa, Okla., remonstrating against the President's proposed recovery program, which was referred to the Committee on Appropriations.

He also laid before the Senate a letter in the nature of a petition from the legislative committee of the Committee for Industrial Organization, New York City, N. Y., praying that the sum of $20,000 be appropriated for the purpose of investigating the alleged methods whereby the rights of labor have been nullified by American shipowners, which was referred to the Committee on Commerce.

He also laid before the Senate a letter in the nature of a petition from the legislative committee of the Committee for Industrial Organization, New York City, N. Y., praying for the enactment of the bill (S. 3390) to provide for guaranties of collective bargaining in contracts entered into, and in the grant or loan of funds by, the United States or any agency thereof, and for other purposes, which was referred to the Committee on Education and Labor.

He also laid before the Senate a telegram in the nature of a petition from the General Federation of Women's Clubs, in convention assembled in Kansas City, Mo., requesting the President of the United States to withdraw Executive Order No. 7869, giving the special Senate committee investigating lobbying activities the right to inspect and make public income-tax returns of any American citizen, which was referred to the Committee on Finance.

He also laid before the Senate resolutions adopted by the board of supervisors of the county of Alameda, Fla., and the county board of Price County, Wis., favoring the enactment of House bill 4199, the so-called General Welfare Act, which were referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the executive council of the Creek National Council, of Okmulgee,

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Okla., protesting against the enactment of the bill (S. 2689) to regulate the leasing of certain Indian lands for mining purposes, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a resolution adopted at Salt Lake City, Utah, by the District Conference of the Administrators of State Unemployment Compensation Laws of Arizona, Colorado, Idaho, Montana, Utah, and Wyoming, protesting against the enactment of the bill (S. 3772) to regulate interstate commerce by establishing an unemployment-insurance system for individuals employed by certain employers engaged in interstate commerce, and for other purposes, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate a paper in the nature of a memorial from F. H. Stevens, of Plainfield, N. J., remonstrating against the enactment of the so-called wage and hour bill, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the board of directors of the Philadelphia (Pa.) Bourse, protesting against the enactment of the so-called wage and hour bill, which was ordered to lie on the table.

He also laid before the Senate a letter in the nature of a petition from the legislative committee of the Committee for Industrial Organization, New York City, N. Y., praying for the adoption of the resolution (S. Res. 266) increasing the limit of expenditures for the investigation of violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively, which was ordered to lie on the table.

He also laid before the Senate a letter in the nature of a memorial from the legislative committee of the Committee for Industrial Organization, New York City, N. Y., protesting against the enactment of House bill 6391, providing for the deportation of persons charged with moral turpitude, which was ordered to lie on the table.

Mr. COPELAND presented a resolution adopted by Optical Workers Union, No. 18579, of Rochester, N. Y., favoring the enactment of the President's proposed recovery program, which was referred to the Committee on Appropriations.

He also presented a resolution adopted at Utica, N. Y., by the Empire Typographical Conference, favoring a congressional investigation of the newsprint-paper industry, which was referred to the Committee on Education and Labor.

He also presented a letter in the nature of a petition from Charles A. Schieren Unit, No. 52, Steuben Society of America, of Brooklyn, N. Y., praying for the enactment of the joint resolution (S. J. Res. 270) proposing an amendment to the Constitution of the United States for a referendum on war, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry members of Typographical Union, No. 6, being employees of the composing room of the Home News, of the Bronx, N. Y., remonstrating against the enactment of legislation to repeal or alter the copyright law, which was referred to the Committee on Patents.

He also presented a resolution adopted at Utica, N. Y., by the Empire Typographical Conference, protesting against the enactment of the bill (H. R. 9789) to provide for the recording of the proceedings in one of the courtrooms of the District Court of the United States for the District of Columbia by sound-recording equipment; and for the reproduction of the sounds of such proceedings, in whole or in part, in the District of Columbia Circuit Court of Appeals and in the Supreme Court of the United States upon the review of any such case, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted at Utica, N. Y., by the Empire Typographical Conference, favoring the enactment of legislation to provide for guaranties of collective bargaining in contracts entered into, and in the grant or loan of funds by, the United States or any agency thereof, and for other purposes, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by Optical Workers Union No. 18579, of Rochester, N. Y., favoring the enactment of the so-called wage and hour bill, which was ordered to lie on the table.

He also presented resolutions adopted by Cataract Lodge No. 639, of Niagara Falls, and F. H. Phillips Lodge No. 37, of Albany, both of the Brotherhood of Railroad Trainmen, in the State of New York, favoring the adoption of the resolution (S. Res. 266) increasing the limit of expenditures for the investigation of violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively, which were ordered to lie on the table.

Mr. VANDENBERG presented a petition of sundry citizens of the State of Michigan, which was ordered to lie on the table and to be printed in the RECORD, without the signatures, as follows:

CAMDEN, MICH., *May 12, 1938.*

To the Honorable ARTHUR H. VANDENBERG:

We, the legal voters of Michigan, petition you to do all in your power to repeal the Crop Control and Wagner Acts, and to defeat the hour and wage bill; also, we urge you to use your influence to bring about a tariff high enough on farm products to create for the United States of America a favorable balance of trade.

POINT PLEASANT (W. VA.) BATTLE MONUMENT PARK

Mr. HOLT presented a resolution adopted at Point Pleasant, W. Va., by the Col. Charles Lewis Chapter of the Daughters of the American Revolution, which was referred to the Committee on Public Lands and Surveys and ordered to be printed in the RECORD, as follows:

At a regular meeting of the Col. Charles Lewis Chapter, D. A. R., held in the city of Point Pleasant, W. Va., on the 6th day of May, 1938, the following is submitted for the consideration of Congress with the view of an evacuation and resettlement of that part of the city of Point Pleasant south of Sixth Street to Kanawha River, and then converting said lands into a memorial park to commemorate the first battle of the American Revolution.

After a discussion of the matter of the purchase by the Government of the United States of America of all lands lying between that portion of the city of Point Pleasant, beginning at the confluence of the Kanawha River on the east side, thence with the Ohio River to Sixth Street in Point Pleasant, thence southeast crossing the historic Crooked Creek to a point which from there projected will include all acreage or lots now used for residential purposes or otherwise, known as Kingtown, estimated to contain approximately 40 acres, to be, when acquired, made an extension of the Point Pleasant Battle Monument Park, now owned by the State of West Virginia, and to be included in a historic national park, commemorating that battle of the American Revolution fought October 10, 1774, between colonial troops of Virginia, commanded by Gen. Andrew Lewis,, and the great federated Indian tribes who were the allies of the English and commanded by their chief, Cornstalk.

This battle chronologically becomes the first battle of the American Revolution and was so recognized by the Congress of the United States as will appear from Senate bill No. 160, reported on the 17th of February, 1908, and passed by both Houses of Congress, in which an appropriation of $10,000 was made to assist in the erection of a monument to commemorate the "Battle of the Revolution."

A bill is now pending in both the Congress of the United States and the Legislature of the State of West Virginia to complete the monument and inscribe the names thereon.

That the Battle of Point Pleasant is the farthest reaching in results of any event of the American Continent, we refer you to the brochure issued by the State of West Virginia, 1936.

The addition of the park at Point Pleasant would not only be a great contribution to the State but of national significance.

We recognize the needs for, and approve the national policy of building a series of reservoirs and dams which is recommended by President Franklin D. Roosevelt, but since this plan would reduce the crest of the flood from 8 to 10 feet, that part of the city between Sixth Street and the Kanawha River would still be subject to the frequent floods which inundate it.

By the acquisition of this property by the United States Government, a great humanitarian service could be rendered the citizens residing in this community, many of whom after the flood of January 1937 were homeless and are now miserably located, and themselves without means of securing a comfortable home, and they could be moved to grounds not only above the flood area, but in close proximity to the best industrial sections of Point Pleasant, where they could be rehabilitated and employed.

We believe the territory for proposed additions to the Memorial Park could be purchased at a fair price and at much less expense than a flood-protecting wall; also being much more satisfactory to our people.

We urge that the old historic courthouse and clerk's office be preserved with the view of converting them into a museum.

We heartily endorse the plans submitted by the Kiwanis Club, the Rotary Club, the Merchants' Cooperative and Business Association, and other organizations of Point Pleasant now before you for consideration and pledge our organization's heartiest support in promulgating and maintaining the valuable significance of the historic Point Pleasant Battlefield.

Respectfully submitted.

LETA B. FOGLESONG (Mrs. J. M.),
Regent.
LOUISE ROUSH (Mrs. Olin),
Secretary,
ORA H. VAUGHT (Mrs. Wm. H.),
Chairman of Board of Directors,
Col. Charles Lewis Chapter, D. A. R.

AMENDMENT OF FEDERAL AID ROAD ACT—REPORT

Under authority of the order of the Senate of the 13th instant, Mr. HAYDEN, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 10140) to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes, reported it on May 14, 1938, with amendments and submitted a report (No. 1794) thereon.

Mr. HAYDEN submitted the minority views of Mr. BRIDGES and Mr. GIBSON on the foregoing bill, which were ordered to be printed in connection with Report No. 1794.

REPORT OF A COMMITTEE

Mr. CHAVEZ, from the Committee on Indian Affairs, to which was referred the bill (S. 3712) for the relief of certain Navajo Indians, and for other purposes, reported it with amendments and submitted a report (No. 1795) thereon.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. LOGAN, from the Committee on the Judiciary, reported favorably the nomination of Thomas A. Murphree, of Alabama, to be United States district judge for the northern district of Alabama.

Mr. McGILL, from the Committee on the Judiciary, reported favorably the following nominations:

Summerfield S. Alexander, of Kansas, to be United States attorney for the district of Kansas; and

Lon Warner, of Kansas, to be United States marshal for the district of Kansas.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Navy.

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of W. G. Henderson, of Alabama, to be State administrator in the Works Progress Administration for Alabama, vice A. P. Morgan, Jr.

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

The PRESIDING OFFICER (Mr. ELLENDER in the chair). The reports will be placed on the Executive Calendar.

BILLS INTRODUCED

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

By Mr. ADAMS:

A bill (S. 4027) providing that excess land provisions of Federal reclamation laws shall not apply to certain lands that will receive a supplemental water supply from the Colorado-Big Thompson project; to the Committee on Irrigation and Reclamation.

By Mr. WHITE:

A bill (S. 4028) granting an increase of pension to Addie F. Roberts; to the Committee on Pensions.

By Mr. KING:

A bill (S. 4029) to amend the District of Columbia Alley Dwelling Act, approved June 12, 1934, and for other purposes; to the Committee on the District of Columbia.

RELIEF AND WORK RELIEF APPROPRIATIONS—AMENDMENT

Mr. LOGAN submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 679) making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF RETIREMENT LAW

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (S. 3887) to amend the retirement law of April 23, 1904, which was referred to the Committee on Military Affairs and ordered to be printed.

EMPLOYEES OF NATIONAL LABOR RELATIONS BOARD

Mr. BRIDGES submitted the following resolution (S. Res. 277), which was ordered to lie on the table:

Resolved, That the President be requested to furnish the Senate at once the names and addresses of all persons now employed by the National Labor Relations Board, the age of each person so employed, the place of birth of each person, where last employed and by whom, the rate of pay received from the former employer, and the rate of pay now being received as an employee of the National Labor Relations Board.

EXTENSION OF SPECIAL COMMITTEE TO INVESTIGATE PRODUCTION, TRANSPORTATION, AND MARKETING OF WOOL

Mr. ADAMS, from the Special Committee to Investigate the Production, Transportation, and Marketing of Wool, reported a resolution (S. Res. 278), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That Senate Resolution 160, Seventy-fourth Congress, first session, agreed to July 10, 1935, authorizing a special committee to investigate the production, transportation, and marketing of wool, as extended, is hereby further extended and continued in full force and effect during the Seventy-sixth Congress; and the said committee hereby is authorized to expend from the contingent fund of the Senate the sum of $1,500, in addition to the amount heretofore authorized for such purpose; and, further, the said committee may report to the Senate at any time prior to the expiration of the Seventy-sixth Congress.

AIR-MAIL WEEK—ADDRESS BY SENATOR BARKLEY

[Mr. McKELLAR asked and obtained leave to have printed in the RECORD an address delivered today by Senator BARKLEY on the occasion of the celebration of the twentieth anniversary of the first regularly scheduled Air Mail Service, which appears in the Appendix.]

CEREMONIES IN HONOR OF GEN. WLADIMIR KRZYZANOWSKI—ADDRESS BY SENATOR DUFFY

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by Senator DUFFY on Saturday, May 14, in connection with ceremonies in honor of the Polish general, Wladimir Krzyzanowski, which appears in the Appendix.]

DEDICATION OF MONUMENT TO GEN. WLADIMIR B. KRZYZANOWSKI—ADDRESS BY HON. LOUIS JOHNSON

[Mr. DUFFY asked and obtained leave to have printed in the RECORD an address delivered by Hon. Louis Johnson, Assistant Secretary of War, on May 14 at Arlington National Cemetery on the occasion of the dedication of the monument to Gen. Wladimir B. Krzyzanowski, which appears in the Appendix.]

PAY ROLL OF NATIONAL BITUMINOUS COAL COMMISSION

[Mr. HOLT asked and obtained leave to have printed in the RECORD a letter addressed by him to a miner in Fairmont, W. Va., relative to the pay roll of the National Bituminous Coal Commission, which appears in the Appendix.]

AIR-MAIL WEEK—PRIZE ESSAY BY MISS MARY DAVIS

[Mr. McCARRAN asked and obtained leave to have printed in the RECORD the prize essay written by Miss Mary Davis, of the Pioche High School, Lincoln County, Nev., in the National Air-Mail Week contest, which appears in the Appendix.]

THE PRESIDENT'S ANTIMONOPOLY PROGRAM

[Mr. HILL asked and obtained leave to have printed in the RECORD an editorial entitled "Monopolies," published in the Baltimore Sun of May 1, 1938, which appears in the Appendix.]

A FREE PRESS IS NOT A PRIVILEGED CLASS—EDITORIAL FROM LOUISVILLE (KY.) COURIER-JOURNAL

[Mr. MINTON asked and obtained leave to have printed in the RECORD an editorial from the Louisville (Ky.) Courier-Journal of May 18, 1938, entitled "A Free Press Is Not a Privileged Class," which appears in the Appendix.]

SWEET DREAMS—EDITORIAL FROM ADIRONDACK DAILY ENTERPRISE

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial from the Adirondack Daily Enterprise of Tuesday, May 10, 1938, entitled "Sweet Dreams," which appears in the Appendix.]

RELIEF AND WORK-RELIEF APPROPRIATIONS

WHAT MIGHT HAPPEN TO OKLAHOMA?

Mr. THOMAS of Oklahoma. Mr. President, there is pending before the Congress House Joint Resolution 679, "making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects."

The joint resolution is a relief measure—not relief for one group or a few groups, but for all the people of our country. Some who are not in distress and who do not need relief are opposing the measure.

President Roosevelt has said that one-third of our people are "ill-housed, ill-clothed, and ill-fed." Our total population is 125,000,000, hence over 40,000,000 men, women, and children are homeless, clotheless, and hungry at this hour.

With one-third of our people without buying power and in distress, and with another third barely eking out an existence, it is plain that those who live off of the masses are suffering loss of business and are coming to Washington asking for loans, grants, and assistance.

We have already passed a bill providing loans and relief for the larger business concerns of the country, but the little fellow has not been provided for. This measure takes care of the little fellow. The policy of this administration is to help all who need assistance until we can work out of this world-wide depression.

I have supported all relief measures. I shall not rest content while the people of Oklahoma or the people of any State are unable to produce at a profit what we eat and wear, and while so many of our people are on the borderline of starvation.

Mr. President, I contend that sound prosperity is based upon the buying power of the masses of the people. The degree of prosperity depends upon the amount of buying power, and by "masses" I mean farmers, wage earners, and the small and average business and professional men and women of our country.

I contend that when farmers and producers have good prices and workers have jobs at fair wages business of all kinds is good, but when commodity prices are low and wage earners are unemployed business, big and little, is bad, and panics, depressions, and recessions are inevitable.

Recent history sustains this contention.

Today our problem is to get farm and commodity prices up and jobs for the unemployed.

Such is the purpose of the joint resolution now before the Congress to which I have referred. What does it provide?

It appropriates money to continue the Works Progress and the Public Works Administrations.

It provides money to continue the National Youth Administration.

It provides money to continue the Civilian Conservation Corps.

It provides money for highways, flood control, reclamation, public buildings, agriculture, and the Farm Security Administration.

The money appropriated will continue and expand the public-works program throughout the entire country. Jobs will be continued and increased and buying power will be placed in the pockets of the people.

Demand for food, clothing, and shelter will increase and the wheels of industry will begin to turn again.

Mr. President, there are at least five spokes in the wheel of industry:

First, the farmer who produces the raw products, and for such he should have the cost of production plus a reasonable profit.

Then there is the wage earner, who changes the raw product into the finished article. He also should have a fair share of the profits for his labor.

Third, there is the consumer, who should be allowed to purchase the commodity at a reasonable price.

Fourth, there is capital, which should be allowed a reasonable return upon the investment.

Fifth, there is the manager, who should receive a fair salary, but no more.

This is a simple program, a program to help both the producer and the consumer.

Give the farmer the cost of production for his commodity and he will buy.

Give the merchant an opportunity to make a profit and he will buy.

Give the old people an adequate pension and they will buy.

Give the laborer a fair wage and he will buy.

And when all of these buy the merchants will sell, and when the merchants sell the factories will hum and prosperity will be a reality.

The purpose of this bill is to place buying power in the hands of the masses of the people, thereby helping wage earners, farmers, and businessmen, merchants, wholesalers, and manufacturers, and through them to oil and grease and spin the wheels of industry.

Mr. President, this administration is not responsible for the depression which came upon the country in October of 1929.

The relief program of 1933 was not provided because we wanted to build and expand, but because something had to be done to tide our people through.

What might have happened had no loans or grants or work been provided for the people?

What might have happened in my State had not the Congress extended aid to the citizens of Oklahoma?

Mr. President, the following is a statement of the aid extended to my State:

Oklahoma—Recapitulation

Total loans made (includes $4,434,705 disbursed by R. F. C. prior to Mar. 4, 1933)	$185,158,703
Total payments made	352,757,806
Total loans insured	15,051,793
Grand total Federal benefits to State	552,968,302
Grand total Federal benefits to State, Mar. 4, 1933, to Dec. 31, 1937, excluding R. F. C. loans prior to Mar. 4, 1933	548,533,597

This tabulation is an approximation of all Federal expenditures, loans, and loans insured from new and emergency appropriations. Both agency and appropriation reports have been used and the totals have been adjusted to eliminate duplications.

The loans made in Oklahoma through the R. F. C., the Farm Credit, the Commodity Credit, the Resettlement, H. O. L. C., the Public Works, and Rural Electrification Administrations total $185,000,000.

The loans insured by the F. H. A. total $15,000,000.

The grants, allotments, obligations, and expenditures total $352,000,000.

Thus, according to the National Emergency Council, a grand total of over $550,000,000 has been provided for and expended in my State of Oklahoma.

What might have happened had not these sums been expended in Oklahoma and comparable sums expended in the other States of the Union?

What might have happened to the cities and towns, the railroads, the factories, the banks, the business establishments, and the people generally had not these sums been expended among the people?

Mr. President, what might happen if this relief measure should fail to pass?

What conditions make necessary the passage of this joint resolution?

I cannot speak with knowledge of conditions throughout the country, but I do know of conditions in my State.

In Oklahoma we have 62,651 working on W. P. A. projects.

We have 7,307 enrolled in N. Y. A. projects.

We have 13,563 receiving N. Y. A. student aid.

We have 13,269 enrolled in C. C. C. camps; and have 5,413 receiving aid and assistance from other Federal agencies.

Under the Resettlement Administration 3,519 have received loans or grants.

Under the social-security program we have had over 100,000 dependent children and aged and blind receiving benefits and assistance.

Again I ask, what might happen in Oklahoma if these 200,000 Oklahoma citizens should be denied further relief and assistance?

I answer by expressing the hope that we may never be called upon to experience the effects or to witness the picture.

Mr. President, so long as I remain a Senator, I shall demand cost of production, plus a reasonable profit for those who feed and clothe the people; I shall demand jobs at fair wages for the unemployed, and I shall demand that the Government aid, assist, and protect those who cannot protect themselves.

The bill recently passed authorizing the R. F. C. to make loans to business will help industry.

This relief measure will help the masses of the people, and the two measures operating together will tide our people through.

DEVELOPMENT AND REGULATION OF CIVIL AERONAUTICS

The Senate resumed the consideration of the bill (S. 3845) to create a civil aeronautics authority, and to promote the development and safety and to provide for the regulation of civil aeronautics.

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

Mr. McCARRAN. Mr. President, at this time I do not see the Senator from West Virginia [Mr. NEELY] in the Chamber. The Senator from West Virginia on last Friday offered an amendment. I asked, as a matter of courtesy, that he allow the amendment to go over until this morning, so that I might have an opportunity to study it.

The VICE PRESIDENT. The Chair is advised by the parliamentarian and Journal clerk that there is no amendment pending at the present time.

Mr. McCARRAN. Mr. President, there must be an error in that respect, because the RECORD shows on page 9029 the amendment offered by the Senator from West Virginia, which went over to be considered at this time. It is under the head of Experimental Air Service. I wish to say that there are a number of Senators interested in this matter and I only desire to have the amendment perfected.

The VICE PRESIDENT. The parliamentary situation is that the amendment went over—that is what happened—to be called up again. It is not now pending before the Senate.

Mr. McCARRAN. Very well.

Mr. McGILL. Mr. President, I send forward an amendment.

The VICE PRESIDENT. The amendment offered by the Senator from Kansas [Mr. McGILL] will be stated.

The LEGISLATIVE CLERK. On page 34, in the amendment heretofore agreed to, after the words "Postmaster General," it is proposed to strike out the words "to engage on April 15, 1938," and in lieu thereof to insert "prior to the effective date of this section to engage."

The VICE PRESIDENT. The Chair will suggest to the Senator that it will be necessary first to reconsider the vote whereby the amendment heretofore adopted by the Senate was agreed to. Without objection, the vote whereby the amendment was agreed to is reconsidered.

Mr. McGILL. Mr. President, the amendment which it is proposed to amend by this amendment appears, not in the bill itself, but on page 6767 of the RECORD of May 12. It is a matter which was discussed at the last session of the Senate. It is intended to protect, and I think will protect, the air-mail routes which have been proposed and for the establishment of which appropriations have heretofore been made by the Congress.

Mr. BORAH. Mr. President, I did not hear the amendment. What is it that is proposed?

Mr. McGILL. The amendment heretofore adopted, and which has been reconsidered, does not appear in the bill, but it should appear on page 34. The section which I propose to amend is found at page 6767 of the CONGRESSIONAL RECORD of May 12.

Mr. McCARRAN. Mr. President, may I ask a question of the Senator from Kansas?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Nevada?

Mr. McGILL. I yield.

Mr. McCARRAN. Does the Senator from Kansas propose to amend the amendment which is now in the bill?

Mr. McGILL. I do.

Mr. McCARRAN. Very well.

Mr. McGILL. About 2 years ago Congress passed an authorization act, and more recently it made an appropriation, for carrying air mail from Houston, Tex., to Brownsville, Tex.; from Tampa, Fla., to Memphis, Tenn.; from Detroit, Mich., to Sault Ste. Marie, Mich.; from Jacksonville, Fla., to New Orleans, La.; from Wichita, Kans., to Pueblo, Colo.; from Phoenix, Ariz., to Las Vegas, Nev.; an extension of the line from Grand Rapids, Mich., to Chicago, Ill., and from Yakima, Wash., to Portland, Oreg. It is the purpose of this amendment to place those proposed lines to carry air mail in the same class as the air-mail lines which have heretofore been established.

I may say, for the information of the Senate, that in the case of practically all if not all of the proposed routes, invitations for bids have been submitted by the Post Office Department to the various air-transportation companies, bids have been submitted, and are now under consideration by the legal division of the Department.

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

Mr. McGILL. I yield.

Mr. McKELLAR. In order that there may be no doubt about the situation, I offer as an amendment to the Senator's amendment, to come at the end of the amendment now under discussion, the matter which I send to the desk and ask to have stated. I hope the Senator from Nevada and the Senator from Kansas will accept it.

The VICE PRESIDENT. Without objection, the amendment offered by the Senator from Tennessee will be considered in order. Is there objection?

Mr. McGILL. Mr. President, I have read the amendment to my amendment proposed by the Senator from Tennessee and I am perfectly willing to accept it as a part of my amendment.

The VICE PRESIDENT. The Senator from Kansas modifies his amendment so as to include the matter proposed by the Senator from Tennessee.

Mr. KING. I should like to have the modification read.

Mr. McKELLAR. Let it be read.

The VICE PRESIDENT. The clerk will read the modification of the amendment.

The legislative clerk read as follows:

On page 34, line 1, in the amendment heretofore agreed to, it is proposed to insert the following:

"*And provided further*, That nothing in this act contained shall interfere in any way with the establishment of the air lines and extensions of air lines provided for in the act of Congress making appropriations for the Treasury and Post Office Departments, approved March 28, 1938, namely, the line from (1) Houston, Tex., to Brownsville, Tex.; (2) Tampa, Fla., to Memphis, Tenn.; (3) Detroit, Mich., to Sault Ste. Marie, Mich.; (4) Jacksonville, Fla., to New Orleans, La.; (5) Wichita, Kans., to Pueblo, Colo.; (6) Phoenix,

Ariz., to Las Vegas, Nev.; (7) an extension of the line Grand Rapids, Mich., to Chicago; and from Yakima, Wash., to Portland, Oreg.; but said lines shall be treated in all respects as lines already established and in existence."

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

Mr. McGILL. I yield.

Mr. KING. I inquire whether or not it is the plan to freeze and perpetuate these lines, some of which, perhaps, were temporary, so that in the future this organization may not change them, and they may be changed only by an act of Congress?

Mr. McGILL. It is the intention to place them in the same class that the air-mail lines now established will be in under this bill.

Mr. KING. Does that mean, then, that an act of Congress would be necessary to change any of these routes which may have been established?

Mr. McGILL. No.

Mr. KING. Is it conceded, then, that the authority set up under the pending measure will have power to abolish or change or modify any of these existing routes?

Mr. McGILL. It is the purpose of the amendment to see to it that they are placed in the same class that the lines now carrying air mail would be in under the bill.

Mr. KING. The rather offensive expression "pork barrel" has sometimes been applied to bills pending before Congress. I should not want this bill to be regarded as a "pork barrel" bill in allocating to various communities and various cities and towns and villages lines which will have to be indefinitely continued.

Mr. McCARRAN. Let me say to the Senator, if I may interrupt him, that these lines have been approved by the post-office authorities, and appropriations for their existence have been approved by the Appropriations Committee and by the Congress. Each line will be subject to the new authority when it comes into existence.

Mr. KING. Then the Senator does not mean to convey the idea that the appropriations which have been made under authority of Congress require indefinite continuation?

Mr. McCARRAN. Unless the authority recognizes the right of the line to such action.

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

Mr. McGILL. I yield.

Mr. BARKLEY. As I understand, there is nothing in the bill which attempts in any way to freeze air lines, or in any way to interfere with the establishment of future air lines.

Mr. McCARRAN. No, just the contrary is true.

Mr. BARKLEY. It is intended to encourage the establishment of air lines, but in no way adversely affects those which now exist?

Mr. McCARRAN. That is correct.

Mr. McGILL. The only object of the amendment is to give the lines to which reference is made in the proposal submitted by the Senator from Tennessee exactly the same position under the bill that existing lines would have.

The VICE PRESIDENT. The question is on agreeing to the modified amendment offered by the Senator from Kansas to the amendment proposed by the committee.

The amendment, as modified, to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 34, as amended.

The amendment, as amended, was agreed to.

Mr. McCARRAN. Mr. President, on last Friday the Senator from West Virginia [Mr. NEELY] offered an amendment. The amendment in all probability might have been adopted last Friday had I not asked the courtesy of the Senator from West Virginia that he allow it to go over until I could study it. I find that in the hasty drafting of the amendment an error was made in referring to the numbers of two sections of the pending measure. I ask that the Senator change his amendment so as to include the proper sections, with which change I will accept the amendment.

Mr. NEELY. Mr. President, I am very much obliged to the able Senator from Nevada for his courtesy, and I now modify my amendment by striking out "402 (n) and (o)" and inserting in lieu thereof "401 (l)" and "417 (b)" respectively.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent that the amendment be applied to the sections as he suggests them, and as the Senator from West Virginia [Mr. NEELY] states them. Is there objection? The Chair hears none; and, without objection, the amendment as modified is agreed to.

Mr. LA FOLLETTE. Mr. President, I should like to ask the Senator from Nevada a question. It relates to the provision on page 30, section 305, which provides that—

> No Federal funds, other than those expended by the Authority, shall be expended, other than for military purposes (whether or not in cooperation with State or other local governmental agencies), for the establishment, construction, alteration, repair, maintenance, or operation of any landing area, or for the establishment, construction, maintenance, or operation of air navigation facilties.

And so forth. I have not had an opportunity to study this provision, but it has been suggested that it would prevent the carrying on of certain projects for the establishment or the equipment of air fields through W. P. A. or through the P. W. A. I wish to ask the Senator if that construction of the language is correct.

Mr. McCARRAN. It is not correct. On the contrary, the one aim and object is, for instance, if P. W. A. or W. P. A. should seek to establish or do the work on an airport, such airport must be authorized, and the plans must be approved by the authority. When that has been done, then either W. P. A. or P. W. A. could go forward with the work. That is the object.

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

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

The PRESIDENT pro tempore. Without objection, the clerk will be authorized to renumber the sections where necessary, and correct the table of contents to conform with the amendments made in the bill.

APPROPRIATIONS FOR FEDERAL-AID HIGHWAYS

Mr. HAYDEN. Mr. President, I move that the Senate proceed to the consideration of House bill 10140, to amend the Federal Aid Road Act.

The motion was agreed to, and the Senate proceeded to consider the bill (H. R. 10140) to amend the Federal Aid Road Act approved July 11, 1916, as amended and supplemented, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. HAYDEN. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment, the committee amendments to be first considered.

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

PROPOSAL OF RAILROADS TO REDUCE WAGES OF EMPLOYEES

Mr. LA FOLLETTE. Mr. President, I ask the indulgence of the Senate to discuss briefly a matter which seems to me of very great importance. The railroads have announced their intention of moving to reduce by 15 percent the wages of their approximately 925,000 employees, the reduction to become effective July 1. This announcement comes at a time when there is pending in both the House of Representatives and in the Senate legislation designed to afford to the railroads substantial loans through the Reconstruction Finance Corporation.

The executive heads of the standard railway labor organizations have announced that they will vigorously resist the proposed wage reduction, and have stated their emphatic determination to make it a fight to the finish.

Through national mediation agreements the nonoperating employees obtained a 5-cent hourly increase last August, and those in train and engine service a 5½-cent increase last October. It was estimated at the time these increases were granted that they would raise the railroads' wage bill by something like $130,000,000 a year. However, through force reduction and further extension of part-time employment, the total railroad wage bill had fallen by the end of last year to less than the amount it was before these increases were granted to the employees.

Notwithstanding this fact, the railroads appeared before the Interstate Commerce Commission urging a 15-percent increase in freight rates, and pointed out that increased wages were one of the principal factors which necessitated higher freight rates. The Commission granted rate increases which were estimated to produce an additional $275,000,000 annually in revenue for the railroads.

Mr. President, in my judgment, the proposal to reduce the wages of employees at this time is not justified. In the first place, contrary to widespread propaganda, railroad wages are not high. In the second place, the railways cannot be saved either by increases in freight rates or by decreases in wages so long as their outmoded and indefensible debt structure remains unchanged. In my opinion, the railroads are not suffering from high wages, or from inadequate freight or passenger rates; primarily their difficulty results from their long practice of floating more and more bonds and from their failure to retire their bonds.

I should like to direct the attention of the Senate to some facts with regard to railway employees' wages. A few illustrations of actual hourly wages paid to railway employees will emphatically refute the propaganda now being circulated about high railroad wages.

On the Atlantic Coast Line track and roadway section men are paid 21¼ cents an hour, or $1.70 for an 8-hour day; on the Chicago, Burlington & Quincy track men are paid 27 cents an hour; on the Baltimore & Ohio, as low as 39 cents; on the Central of Georgia, 26 cents; on the Milwaukee, 35 cents; on the Rock Island, 32 cents; on the Denver & Salt Lake, 30 cents; on the Florida East Coast, 25 cents; on the Illinois Central, 30 cents; on the Missouri Pacific, 30 cents; on the Mississippi Central, 23 cents; on the Missouri, Kansas & Texas, 31 cents; on the Norfolk & Southern, 24 cents; on the St. Louis-San Francisco, 33 cents; and on the Southern Pacific, 30 cents.

According to wage-compensation records filed under oath by the carriers with the Interstate Commerce Commission, there were 159,000 railway employees in the year 1937 who earned $73 per month or less; there were 206,000, or 18.5 percent of all railway workers, who earned $80 per month or less; 236,000, or 21.2 percent of the total, who earned $90 per month or less; 291,000, or 26.1 percent of the total, who earned $100 per month or less; there were 585,000, or 52.5 percent of the total, who earned $150 per month or less; 879,000, or 79 percent of the total, who earned under $175 per month.

I think it is generally conceded that the railway maintenance-of-way employees are the lowest-paid group in the railway industry although they represent approximately 20 percent of all of the workers employed in the industry.

On a number of railroads the fixed charges are so high that the deficit in net income could not be wiped out if the entire wages of the low-paid group were returned to the railways. For example, the total wages paid this group of employees on the Chicago & Northwestern for the entire year 1937 amounted to $7,714,422. This road, in 1937, had fixed charges of $16,702,507, and a deficit in net income of $14,811,098. If this lower-paid group of railroad men had given their entire annual wages back to the railway, this donation would only have been sufficient to meet one-half of the Northwestern Railway's deficit because of its indefensible fixed charges.

If a similar contribution of their total annual wages was made by this low-paid group of men on the Central of Georgia, the Central of New Jersey, the Milwaukee, the Rock Island, the Soo Line, the Missouri Pacific, the St. Louis-San Francisco, and several other roads, the donation of their total yearly wages would not have been sufficient to meet the deficit in net income which resulted from the top-heavy indebtedness of the roads with their subsequent fixed charges.

I should like to point out that in contrast to the increasing productivity of the railway workers there has been a decrease in the productivity of the invested dollar in that industry. In its printed copy Ex parte 123, in the recent 15 percent freight rate case, the Interstate Commerce Commission (p. 65), stated in part:

> The effect of efficiency of operation, and better mechanical equipment has been to increase railroad productivity per worker. More traffic would make even a better showing of worker productivity.

Now I direct the Senate's attention to the statement made by the Commission with regard to capital investment, and the productivity per dollar of capital invested in the railroad plant. It had declined since 1916, stated the Commission, and added, "traffic units per dollar of investment averaged 27.4 in 1916 and 16.3 in 1936."

In this connection, a comparison of the trend of employees' compensation, with that of interest on funded and unfunded debt, reveals some startling facts. In 1920, the total compensation paid railway employees was $3,682,000,000. This had declined in 1936 to $1,848,000,000, or approximately one-half of what it was in 1920. Interest on funded and unfunded debt in 1920 was $476,000,000, in round figures. Instead of declining, as had wages in 1936, it had increased to $481,000,000.

In other words, for each dollar paid in interest in 1920 the employees were paid $7.73 in wages. This ratio in 1936 had dropped to $3.84. The ratio of employees' compensation to interest payments during this period had been reduced by more than one-half.

In 1920, when total operating revenues were a little over $6,000,000,000 and interest on funded and unfunded debt was $476,000,000, it will be noted that $7.70 was required for interest payments out of each $100 in total operating revenues; but, in 1936, when total operating revenues were about 35 percent less than in 1920 the interest on funded and unfunded debt was slightly more than in 1920, with the result that $11.87 was required for interest payments out of each $100 of total operating revenues. The percentage of revenues required for interest had increased 54.2 percent.

In 1920 the railroads had a funded debt of a little more than $9,645,000,000. This was a debt of $4,768 per employee. In 1935, the latest year for which the data are available, the funded debt per employee had increased to $10,369, an increase of funded debt per employee of 117.5 percent as compared with 1920.

For each dollar received by the employees in wages in 1920 the railroads had a funded debt of $2.62. This increased to $6.27 in 1935, an increase of 139 percent.

For every 1,000 revenue freight ton-miles handled in 1920 the railroads had a funded debt of $2.35, which increased to $3.66 in 1935, an increase of 55.7 percent.

It seems to me that these facts show conclusively that the railroad debt has become an increasingly heavy burden from the view point of the employee, from the viewpoint of the revenue freight hauled by the railroads, and from the viewpoint of the total operating revenues. In my opinion it is impossible to reduce wages sufficiently or to raise freight rates adequately to put the railroads on a sound financial basis so long as this debt burden with its interest requirements is permitted to stand. A reduction of railroad wages will not cure this condition and if it is cured, as it must eventually be cured, by putting the railroads through financial reorganization, then wage reductions will not be necessary.

From the viewpoint of railroad employees' productivity, substantial increases in the now-existing wages would appear

to be justified. In considering the productivity of railroad employees I hope the Senate will keep in mind that these employees had no part and no voice in the financial manipulations of the railroads to which I have already referred. Through their invested labor these employees produced railroad services out of which railroad revenues were received in part. A comparison of these services in 1936 with those of 1920 will indicate the increase in the productivity of invested labor during the same years when there was such a pronounced decrease in the productivity of the dollars invested in the railroad industry. During this period, railroad employment fell from more than 2,000,000 to less than 1,000,000, a decrease of 53 percent; total wages, or compensation, declined from $3,682,000,000 to $1,848,000,000, a decrease of slightly more than 50 percent; revenue freight ton-miles per dollar of employee compensation increased from 111.4 to 183.4, an increase of 64.6 percent.

Wages per 1,000 revenue freight ton-miles declined from $8.97 to $5.45, a decrease of 39.2 percent; gross ton-miles per dollar of employee compensation increased 95.5 percent; wages per 1,000 gross ton-miles fell by 48.8 percent; the average number of cars handled in each freight train increased 46.2 percent, and the average speed per hour of freight trains increased 53.4 percent. For every dollar received by the employees in compensation in the year 1920 the railways received a total operating revenue of $1.68. This increased to $2.19 in 1936, which was an increase in revenue received per dollar of employee compensation of 30.4 percent.

In pointing out the fact that the amount of total revenue required for wages declined 30.4 percent, it may be well to recall that during this same period the amount of revenues required for interest on funded and unfunded debt went up 54.2 percent.

Out of each dollar in operating revenue in 1920, 59.6 cents went for wages. Out of each dollar in operating revenue in 1936, 45.6 cents went for wages. It is clear from the facts which I have cited that the employees during this period of time have been receiving less and less for producing more and more in the railroad industry; while, on the other hand, the invested dollar has been receiving more and more for producing less and less.

As every Senator knows, when the services of an employee are no longer required, his pay is stopped. The investment of the bondholder, on the other hand, represented as it now is, in idle boxcars and other equipment, continues to draw its wages, so to speak. This means that the railroads are now paying a substantial dole to idle dollars at a time when many of their employees are obtaining relief from public-welfare agencies. It is, of course, impossible for the railroads to continue the payment of this dole to idle dollars with the present amount of business available; and therefore the employees, whose productivity has increased, are now being confronted by a demand for a wage reduction, and action by the railroads to reduce their wages.

Mr. HATCH. Mr. President, will the Senator yield? I do not wish to interrupt him if he would rather not be interrupted.

Mr. LA FOLLETTE. May I finish this sentence? In other words, the railroad employees are being asked to contribute, through a 15-percent wage reduction, an additional $250,000,000 annually.

I now yield to the Senator.

Mr. HATCH. The point about which I was going to ask the Senator is in line with what he has been saying about the reduction of wages. I am in hearty accord with what the Senator has said.

Another distressing situation in the case of some of the railroads of the West, according to reports I have received, is that at the very same time it is proposed to reduce wages, the railroads are even now continually laying off and discharging more and more employees, and the purchasing power of the employees whom they are now laying off is absolutely stopped.

Mr. LA FOLLETTE. I am very grateful to the Senator for interrupting me with that information. The information which I have received coincides with the information which has come to the attention of the Senator. So we are not only confronted with the proposition of reducing the wages of railway workers by 15 percent, but are also confronted with a continual reduction in the total number of persons employed in the industry.

Mr. HATCH. As the Senator has permitted one interruption, may I ask him another question? In company with many other Members of Congress, I have been anxious and desirous to assist the railroads in every way possible in their distress. That desire has been not only to assist the railroads but also to assist those who work for the railroads, to see that wages are not reduced, and that men are not discharged. Has any evidence come to the attention of the Senator that the railroad companies themselves are willing to cooperate with Government agencies along this line? If relief is granted to the railroads from the public credit, are the railroads willing to cooperate by increasing or maintaining the level of wages and by ceasing to discharge men?

Mr. LA FOLLETTE. Mr. President, the quality and character of their alleged cooperation in an effort to increase purchasing power is to be seen in the fact which I pointed out at the outset of my brief remarks; namely, that just so soon as there was reported from the two committees of the House and Senate legislation designed to permit the railroads to go to the Reconstruction Finance Corporation and obtain practically unlimited sums of money—for there is no limitation in either bill; there is only a limitation in the authorization which the Reconstruction Finance Corporation has recently received—the railroads announced that they were going to set in motion the machinery of the Railway Labor Act to reduce the wages of their employees 15 percent.

Mr. President, I should regard it as very unfortunate for the railroads to have announced the proposed wage reduction at this time, independent of any consideration of legislation for their assistance, but to have the action taken at a time when the Congress is being urged to provide public credit to prop up the crumbling debt and capital structure of the railroads, which is the incubus under which they have been weighed down, lo, these many years, it seems to me, is a matter which the Congress should take into consideration in deciding whether or not it will enact such legislation at a time when an industry of so great importance and magnitude is launching a wage-reduction campaign. I will say frankly to the Senator from New Mexico, and other Senators who do me the honor to listen to me today, that, so far as I am concerned, I am opposed to action on the proposed legislation, much as I am desirous of even temporarily avoiding the present crisis in the affairs of the railroad industry, if the railroads are determined to start a wage-cutting campaign which will affect not only the employees of the railroads but employees in every other industry. If the railroads are successful, in this highly organized industry, in securing a wage reduction of 15 percent, the wage standards in every industry in the United States will be reduced, and instead of any action being taken to increase purchasing power we shall wind up with the problem of a crisis within a crisis intensified.

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

Mr. LA FOLLETTE. I yield to the Senator from Missouri.

Mr. TRUMAN. I am very much interested in what the Senator is saying. I think he is entirely correct in his view. I wish to say to the Senate that if the railroads had informed the committee which worked on the legislation which is now pending that a wage reduction was part of the program the proposed legislation would not have been introduced.

A reduction in wages is not what the railroads need. Railroad wages are not too high. Railroad employees do not now receive enough wages.

As the Senator has pointed out, the majority of the employees of the railroads are underpaid. What the railroads need to do is to reduce rates and increase traffic. They have gone at the problem in the opposite way. They want to do the thing backward by raising rates and decreasing wages. The railroads will never prosper until they change their views on that question.

Mr. LA FOLLETTE. I very much appreciate the contribution of the junior Senator from Missouri, for he has been at work upon an investigation authorized by the Senate into the financial structure of the railroads; and I feel certain that the Senator agrees with the statement I have made, that the railroad problem cannot be solved by reducing wages. It is the financial structure of the railroads, the crumbling and ancient debt incubus, which is dragging down the railroads.

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

Mr. LA FOLLETTE. I yield.

Mr. MALONEY. I missed part of the discussion by the Senator from Wisconsin. I wonder if he will enlighten me to the extent of telling me to which railroad legislation he referred when he said he might be opposed to it under certain conditions? Does the Senator refer to the proposed $300,000,000 loan to the railroads?

Mr. LA FOLLETTE. As I understand—and I think I am correctly informed—no limit is proposed on the sum of money the railroads may borrow. If the bill now on the calendar, introduced by the Senator from New York, should pass, or if the bill which is pending on the House calendar should pass, there would be no limitation on the amount the railroads might borrow. The facilities of the Reconstruction Finance Corporation would be open to the railroads to come in, whether they are in receivership or not, and obtain loans to prop up their debt structure. As I said a few moments ago—perhaps before the Senator came into the Chamber—so far as I am personally concerned, I do not even regard this loan bill as a solution of the railroad problem.

It only puts in a few timbers temporarily to prop up the rotten timbers of their debt structure. It will not solve the problem. I did make the statement that I was willing to do that to avert the temporary crisis, but that I was not willing to support such legislation if the railroad industry, at the same time it was seeking assistance from the Government and the use of the taxpayers' money, was going to continue in its announced determination to reduce the wages of railroad employees at the same time.

Mr. MALONEY. I agree with the Senator. I merely desired information as to the bill to which he referred.

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

Mr. LA FOLLETTE. I yield.

Mr. HATCH. The Senator from Connecticut has asked about particular legislation, which brings to my mind a bill now pending before the Senate, the so-called Pettengill bill, which I have been urged to support upon the ground that its passage will remove certain discriminations against the railroads, and permit the railroads to employ more men and maintain a higher level of wages. However, in the face of the things which the Senator from Wisconsin has stated, have I any right to believe that if we should grant the railroads legislation such as is requested in the Pettengill bill, more men would be employed or wages would be maintained?

Mr. LA FOLLETTE. Mr. President, I think we have the answer, so far as the wages are concerned, in the formal announcement of the railroads invoking the machinery of the Railway Labor Act, and their determination to use that machinery to secure a 15-percent reduction in the wages of their employees. I think the Congress should not enact legislation to assist the railroads if that is to be their economic policy, and if they are to go forward in their determination to launch a wage-cutting campaign, which, if successful, will not be confined to the railroad industry, as I stated a few moments ago, but will spread all over the United States. The purchasing power, not only of railway employees but of employees in every other industry, will feel the economic impact of the reduction. If wages in this highly organized industry can be reduced it goes without saying that they can be much more easily reduced in the industries which are not so effectively organized.

Mr. President, it does not appeal to my sense of justice that the railway workers should be asked to contribute to the railroads a 15-percent wage reduction, or approximately $250,000,000 a year, at the very time when Congress is being asked to enact legislation to assist the railroads in propping up their indefensible and outworn debt structure. So far as I am concerned, Mr. President, if that is to be the policy of the railroads, I wish to say here and now that I shall oppose any extension of the credit of the people of the United States to prop up their crumbling debt and capital structure while they are officially and formally engaged in a program to take $250,000,000 out of the hides of the railway workers, many of whom are very greatly underpaid.

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

Mr. LA FOLLETTE. I yield to the Senator from Nevada.

Mr. McCARRAN. Following the expression of the Senator from Wisconsin, I may say that in his policy of opposition to legislation such as is now pending, unless assurance be given that the wage structure of this country will not be torn down, the Senator from Wisconsin will have much support in the Senate of the United States. For one, I propose to lend my efforts in every way to carrying out that very policy.

Let me say also in that respect, Mr. President, it has long been a statement well recognized as a truism that all taxes come from the brow of labor; taxes must of necessity come from labor. If it be that the railroads of this country propose to use the money of the taxpayers by way of loans to them, and, at the same time, destroy the very source of taxes itself, then what a fallacy there is presented here and how sound is the position of the Senator from Wisconsin when he says he will not support this pending legislation unless there be assurance of the maintenance of the wage structure?

Mr. LA FOLLETTE. I may say, Mr. President, that I very much appreciate the statement of the Senator from Nevada.

Mr. SHIPSTEAD. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. I desire to mention one point which does not seem to have been made very clear. This wage-cutting proposal is not to help the railroads. It is simply to divert a part of the railroads' earnings that now go to labor for the benefit of stockholders and bondholders who have purchased more of the railroad bonds and stocks that have been piled up for a hundred years than they ought to have bought. The farmers of this country have taken a loss in valuation of about $40,000,000,000 from the valuation of farm lands of $80,000,000,000 at the height of their inflation. It seems to me that the best thing that could be done for the railroads and for everybody concerned would be for the bondholders and the stockholders to wipe out at least 50 percent of the capitalization which has been piling up, instead, in the effort to bolster up this false capitalization of taking money from the mouths of men and the families of men who work upon the railroads. That is all that this wage-cutting proposal means, to take the money out of the pockets of men who make it possible for the railroads to operate and put it into the railroad treasuries so that something may be paid to bondholders and stockholders.

Mr. LA FOLLETTE. Mr. President, I thank the Senator from Minnesota for his statement.

In conclusion, I ask unanimous consent to have a table inserted in the RECORD at this point as part of my remarks.

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

Class I railroads

Year	Number of employees	Wages	Dividends and interest on funded debt		
			Dividends	Interest	Total
1920	2,022,832	$3,681,801,193	$271,731,669	$427,825,418	$699,557,087
1921	1,659,513	2,765,218,079	298,511,328	455,522,623	754,033,951
1922	1,626,834	2,640,817,005	271,573,751	457,893,803	729,467,554
1923	1,857,674	3,004,071,882	296,127,048	471,048,541	767,175,589
1924	1,751,362	2,825,775,181	320,429,767	504,674,448	825,104,215
1925	1,744,311	2,860,599,920	342,020,885	493,011,338	835,032,223
1926	1,779,275	2,946,114,354	399,243,963	496,454,791	891,698,754
1927	1,735,105	2,910,182,848	411,581,093	496,206,755	907,787,848
1928	1,656,411	2,826,590,471	430,677,138	495,451,716	926,128,854
1929	1,660,850	2,896,566,351	490,125,673	498,641,422	988,767,095
1930	1,487,839	2,550,788,519	497,024,912	496,264,358	993,299,270
1931	1,258,719	2,094,994,379	330,150,873	500,154,300	830,305,173
1932	1,031,703	1,512,816,147	92,354,322	500,036,354	592,390,676
1933	971,196	1,403,840,833	95,725,783	498,264,556	593,990,339
1934	1,007,702	1,519,351,725	133,418,896	481,923,683	615,342,579
1935	994,371	1,643,878,510	126,282,306	464,492,310	601,774,616
1936	1,065,624	1,848,635,804	169,829,290	446,178,756	616,008,046

NOTE.—The figures in this statement were taken from the Yearbook of Railroad Information prepared by the committee on public relations of the eastern railroads, with the exception of the interest amounts, which were taken from statement No. 33 of the Interstate Commerce Commission annual reports.

GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION ADMINISTRATION

Mr. ADAMS. Mr. President, I ask unanimous consent for the immediate consideration of House Joint Resolution 678, which is an emergency measure, to provide funds for the Social Security Board for distribution to the States in order that they may meet their pay rolls and expenses. They are running out of money, and I should like to have the measure considered at this time.

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

Mr. HAYDEN. Mr. President, I am familiar with the joint resolution to which the Senator refers. It is really an emergency measure, and I have no objection to its immediate consideration.

Mr. McNARY. Mr. President, when this matter was brought to the attention of the Senate on last Friday I objected because I thought it interfered with the orderly procedure, inasmuch as we were then considering the civil aviation bill. I have no objection to it being considered at this time.

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 678) making an additional appropriation for grants to States for unemployment-compensation administration, Social Security Board, for the fiscal year ending June 30, 1938, which had been reported from the Committee on Appropriations with an amendment, on page 1, line 4, after the words "the sum of", to strike out "$2,500,000" and insert "$4,000,000", so as to make the joint resolution read:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $4,000,000 as an additional amount for the fiscal year ending June 30, 1938, for grants to States for unemployment compensation administration, as authorized in title III of the Social Security Act, approved August 14, 1935, and under the limitations in the appropriation for this purpose in the Independent Offices Appropriation Act, 1938.

Mr. BORAH. Mr. President, I did not understand the amendment.

The CHIEF CLERK. On page 1, line 4, after the words "the sum of", it is proposed to strike out "$2,500,000" and to insert "$4,000,000."

Mr. BORAH. In order to prevent another emergency, should we not make it $6,000,000?

Mr. ADAMS. The original recommendation was for an appropriation of $7,000,000. That amount was reduced in the House to $2,500,000. The Appropriations Committee conducted a full hearing with the Social Security Board. The amount then requested was $4,500,000, and the Senate Appropriations Committee reduced it to $4,000,000. We concluded that it was quite essential that that amount be appropriated in order that the States might proceed with their social-security and unemployment work. The money is for distribution among the States, to carry the pay rolls of the unemployment service in the various States.

Mr. VANDENBERG. Will the Senator indicate what the total pay roll for this purpose is?

Mr. ADAMS. I cannot. However, I will say to the Senator from Michigan that the suggested appropriation would carry the pay rolls up to the beginning of the next fiscal year, so that the pay rolls run between $30,000,000 and $40,000,000 a year.

Mr. VANDENBERG. For the entire social-security administration, or for just this section of it?

Mr. ADAMS. For administration by State officials, who operate under the Social Security Board. The officials who administer the unemployment work in the States are State officials. They are not Federal officials, but the Federal Government furnishes funds for their compensation in the administration of that form of relief within the States.

Mr. VANDENBERG. Are the employees under civil service?

Mr. ADAMS. In my State they are. They are not under Federal civil service, but under State civil service. The administration differs in the various States.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 1, in line 4.

The amendment was agreed to.

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

The joint resolution was read the third time and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7158) to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended; asked a conference with the Senate on the disagreeing votes of the two House thereon, and that Mr. BLAND, Mr. SIROVICH, Mr. RAMSPECK, Mr. WELCH, and Mr. CULKIN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10315) to amend the Merchant Marine Act, 1936, to further promote the merchant marine policy therein declared, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BLAND, Mr. SIROVICH, Mr. RAMSPECK, Mr. KENNEDY of Maryland, Mr. CROSBY, Mr. WELCH, and Mr. CULKIN were appointed managers on the part of the House at the conference.

APPROPRIATIONS FOR FEDERAL-AID HIGHWAYS

The Senate resumed the consideration of the bill (H. R. 10140) to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. HAYDEN. Mr. President, the pending bill, as passed by the House of Representatives last week, contained authorizations for Federal aid for the fiscal years 1940 and 1941 in the same amounts as for the current fiscal year and the past fiscal year. Upon an examination of the measure and upon a study of the facts, the Committee on Post Offices and Post Roads recommends a reduction in the authorizations for the year 1940 of practically $110,000,000 and a slighter reduction of about $50,000,000 in the 1941 authorizations. This is done because of the fact that there will be on January 1, 1939, the date when the 1940 authorizations will be apportioned among the States, a carry-over of at least $150,000,000 from previous authorizations.

That carry-over came about in this way: During the past 5 years Congress has appropriated at the rate of about $200,000,000 a year or a little over a billion dollars in all for Federal aid to States without requiring that such funds be matched by the States. During the past 4 years, Congress has authorized an annual appropriation of $125,000,000 or a

total of a half billion dollars for Federal aid with the requirement that such funds be matched by the States.

Many of the States, being in financial distress, utilized the unmatched money first, and such appropriations are approaching exhaustion. But of the money that is authorized and available to the States to be matched, there is a lag of more than a year, on the average, throughout the United States. There are a few States that are almost current but the great majority of the States are behind to that extent.

The committee called upon the Chief of the Bureau of Public Roads, for further information in clarification of the statement he made to the House Committee on Roads that the authorizations for 1940 could be materially reduced in view of such carry-overs. We asked him for estimates as to what could be done without injury to the general program of carrying on road work in the States at practically its present level. As a result of that advice, your committee has recommended that instead of authorizing $125,000,000 to be appropriated for the fiscal year 1940, that sum be reduced to $75,000,000 and that for 1941 the authorization be $115,000,000 instead of $125,000,000.

The reduction in the regular Federal-aid authorization from $125,000,000 to $75,000,000 is principally to provide a year's time for the majority of the States to take up the lag now existing in previous authorizations. It is now estimated that on January 1, 1939, when the apportionment of the authorization for 1939 is made, there will be balances available in this fund of not less than $80,000,000, so that as a total the amount of Federal aid available for new projects even with this proposed decreased authorization, will be not less than $155,000,000. The accumulated balances are not distributed in the same ratio between the States. A few States will have utilized all nominal balances of previous apportionments, but in all except perhaps 8 or 10 States there will be available on January 1, 1939, from balances and the $75,000,000 authorization proposed an amount in excess of the apportionment from an authorization of $125,000,000. Adding the carry-over to the authorizations for the fiscal years 1940 and 1941 as proposed by the committee, the program that can be actually carried on during the 2 fiscal years will amount to a total of $270,000,000.

Reduction in the authorization for secondary roads from $25,000,000 to $10,000,000 is also for the purpose of providing time to take up the accumulated balances of previous authorizations. The Hayden-Cartwright Act of June 16, 1936, provided for the first time funds for secondary roads to be administered by the State highway departments. The lag in utilizing the authorization for this purpose has been principally due to the lack in most of the States of State legislation giving the State highway departments authority to extend their operations to secondary roads and to provide funds to match the Federal funds. This condition is being overcome and it is anticipated that during the coming year, when practically all of the State legislatures will be in session, provision will be made for necessary legal authority for the State highway departments to act and for funds to match the Federal-aid funds.

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

Mr. HAYDEN. I yield.

Mr. VANDENBERG. Knowing the Senator's well-recognized and incorrigible enthusiasm for good roads appropriations, may I ask whether his statement as to the program for 1940 and 1941 carries with it a promise that he will not be here a year hence or 2 years hence asking for further authorizations?

Mr. HAYDEN. No, sir. If there is anything necessary to be done with respect to highways, there will be no proposal from me for an authorization to be matched by the States. If the country should be in such desperate straits that extra road money must be appropriated, I would then advocate the appropriation of money unmatched. This bill, as I have stated, deals solely with the sums of money that must be matched by the States.

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

Mr. HAYDEN. I yield.

Mr. VANDENBERG. May I ask one or two further questions for information?

Mr. HAYDEN. Certainly.

Mr. VANDENBERG. Is there any relationship between road work and relief work? Is there anything in the relief bill for roads?

Mr. HAYDEN. Yes; there is an item of $425,000,000 in the relief bill earmarked for highways, roads, and streets.

Mr. VANDENBERG. Will the Senator inform me the page of the bill where that item appears?

Mr. HAYDEN. That sum appears on page 2 of the relief bill, in line 18.

Mr. McKELLAR. Mr. President, that is for roads other than roads appropriated for, authorized to be appropriated for in this bill. The roads herein authorized to be appropriated for are primary roads. As the Senator knows, the roads in the general relief bill are farm-to-market roads, or secondary roads, and not for the first-class roads known as Federal-aid roads herein authorized.

Mr. VANDENBERG. Who is to spend the $425,000,000 for roads under the relief bill?

Mr. McKELLAR. That is to be spent by Mr. Hopkins, the W. P. A. Administrator.

Mr. VANDENBERG. Why is the responsibility divided? Why do we not handle the roads altogether under one competent authority?

Mr. McKELLAR. Because the roads built by Mr. MacDonald, or under his supervision, are built by contract and the secondary roads built by Mr. Hopkins are built by relief labor entirely. That makes the difference; that is a very proper difference, and is a distinction that should be made.

Mr. VANDENBERG. Which is the item that the President so eloquently recommended to be reduced about 6 months ago?

Mr. McKELLAR. His message related to the 1939 appropriation. The 1940 authorization is $75,000,000 and 1941 authorization is $115,000,000. I will say to the Senator my recollection is that the amount appropriated for 1939, or authorized for 1939, and appropriated, was something like $238,000,000. If this bill passes, instead of being $238,000,000 as in 1939, the amount will be $128,500,000 for 1940, and $186,141,000 for 1941. That is all due, as the Senator from Arizona has just explained, to the fact that there are large unexpended balances in the hands of the Director of the Bureau of Roads which may be used, so that road work will go on substantially as it is now. I inquire of the Senator from Arizona if that is correctly stated?

Mr. HAYDEN. The Senator from Tennessee has correctly stated the facts. I might add, as a matter of detail, in response to the inquiry made by the Senator from Michigan, that I have here some figures showing how the Works Progress Administration is expending about an equivalent sum this year. About $13,000,000 was expended on the Federal-aid system generally in the building of shoulders and roadside improvements with W. P. A. labor; on farm-to-market and other secondary roads, about $117,000,000; on highway, road, and street projects of various types, about $120,000,000. Then when we come into the towns, which this bill does not affect except as a Federal-aid highway may pass through a city, on streets, and alleys the W. P. A. expended $92,000,000; on sidewalks, $13,000,000; and on bridges and viaducts, about $6,800,000.

The item in the relief bill is an earmarking by the House which makes it definite that not more than $425,000,000 may be expended for roads by the W. P. A.

Mr. VANDENBERG. Mr. President, this authorization for 1940 and 1941 has no relationship to the road appropriations to which the President referred when he was trying to get certain reductions?

Mr. HAYDEN. The only relationship is that on secondary roads—and they are the roads which are being built by the Works Progress Administration—out of this $425,000,000 at least $150,000,000 will be expended on farm-to-market or secondary roads. If that is the case, the committee could see no reason for increasing the amount of normal sec-

ondary road appropriations. Upon the contrary, the committee recommended a reduction to $10,000,000 a year for that purpose. If the Government is doing that kind of work with one agency, the work should not be duplicated by another.

Mr. McKELLAR. Mr. President, will the Senator permit an interruption?

Mr. HAYDEN. Yes.

Mr. McKELLAR. It does have this relation also to the President's message about the roads for 1939:

The Senator will recall that the allocations for 1939 had already been made under the law, and the amount had been very largely expended. The President withdrew his objection to it; but there is this relation between the two matters: The appropriation for 1939 was substantially $238,000,000 for the class of roads that we find set out on page 4 of the report. That amount has been reduced by $110,000,000 for 1940 because of balances which are now unexpended in the hands of the Director of Roads. It has been reduced by $52,000,000 for 1941, and for the same reason—that there will be enough carry-over to make the road program substantially as it is today. Many States have not yet taken up the amounts that they had allotted to them for roads, and the money is lying idle in the Treasury.

Mr. HAYDEN. Mr. President, I desire to point out the imperative necessity of enacting this bill at this session of the Congress. Forty-four State legislatures will meet next year. Forty of them meet only once in 2 years. It is absolutely necessary that the legislatures shall know well in advance exactly what they may anticipate by way of aid from the Federal Government. Many of the State highway budgets are prepared in the fall for consideration when the legislature meets in January; so we are following the usual custom, and there must be no question about the enactment of this legislation at this session of Congress.

The junior Senator from New Hampshire [Mr. BRIDGES] and the junior Senator from Vermont [Mr. GIBSON] have prepared a minority report on this bill which I should like very briefly to discuss. I frankly concede their right to make such a report, pointing out what appear to them to be inconsistencies in the attitude of the administration with respect to highway legislation. It is quite proper that they should do so, because they occupy the position which in the British Parliament is known as "His Majesty's loyal opposition"; and it is their duty to indicate any inconsistencies of which, in their opinion, the administration may be guilty.

Mr. VANDENBERG. Mr. President, to whom does the Senator refer as "His Majesty"? [Laughter.]

Mr. HAYDEN. I was referring to the British Parliament.

Mr. VANDENBERG. Oh, I am sorry.

Mr. HAYDEN. In making their report, however, the two Senators from Vermont and New Hampshire have fallen into the same error that was expressed by the Secretary of the Treasury when he discussed highway appropriations in an address delivered in New York, before the Academy of Political Sciences, on November 10, 1937. The Senators from Vermont and New Hampshire have adopted the same erroneous line of reasoning which was advanced by those who advised the President in the preparation of his message to Congress of November 27, 1937. The flaw in all these arguments is the failure to distinguish between an authorization made far in advance, so that the States may depend upon it with certainty, and the final payment in cash out of the Treasury pursuant to such authorizations, a payment which is always long delayed.

The Senators point out that according to their figure, the relief measure will carry four and one-half billion dollars, for purposes which are not as worthy as expenditures for good roads by the State highway departments, and they say in their report that the President is not consistent in asking for such large sums and at the same time suggesting economy in highway construction. Their report is premised on the very doubtful logic that the waste of money on poor projects can be cured by increased spending on good projects.

The difference between the relief bill and this bill is perfectly obvious. The terms of the relief bill itself provide that $1,250,000,000 of the four and a half billion dollars the Senators have listed shall be available only until the end of January of next year. It will all be gone by that time. The amount of about a billion dollars in the relief bill which goes to the Public Works Administration must be wholly expended by a year and a half from now, or by July 1, 1940. Not one cent will be paid out of the Federal Treasury as the result of the enactment of this legislation until after July 1, 1939, and much of the 1940 authorization will not yet have been spent on July 1, 1940.

I am sure the two Senators from Vermont and New Hampshire are just as anxious as I am to see the Federal Budget brought into balance. Obviously, the Budget cannot be balanced this year. We hope it may be balanced in 1940; if not in 1940, then in 1941. Would it be helpful in balancing the Budget in 1940 or 1941 to have Congress make an unnecessary authorization, a promise to the States which in the future Congress will be in honor bound to carry out? There is no probability that what I am about to mention will occur; but if the fondest hopes of the two Senators who signed the minority report should be realized, and the Republican Party should be in power in 1940, would it or would it not embarrass that party, in attempting to balance the Budget in 1940, to have outstanding $100,000,000 in commitments that are unnecessary?

Is it not better to meet a relief problem which was wholly unexpected by making emergency appropriations and to plan ahead for road construction in the orderly regular way by authorizing appropriations which will be ample to maintain the normal and regular rate of construction? The two situations are so utterly different that they should never be confused.

That is the distinction which must be borne in mind between the two bills; and that, it seems to me, is the flaw in the comparison the Senators make between what the President has asked to be done in a relief bill and what it is proposed to do in this bill 2 and 3 years from now. These expenditures cannot begin until July 1, 1939, and they will be carried on for 2 years beyond that time. The true situation is not at all comparable to that which the Senators have indicated in their report.

I point this situation out to emphasize to the Senate the fact that this bill is a mere authorization. It carries no appropriation whatever. The only reason for making the authorization so far in advance is that there are about 40 State legislatures which meet but once in 2 years, and they must know in advance exactly what taxes they will have to levy in order to meet Federal aid.

Mr. VANDENBERG. Mr. President, may I ask the Senator another question before he takes his seat?

Mr. HAYDEN. I yield.

Mr. VANDENBERG. Does the Senator think the rule of allocation for highway funds under which we normally proceed, and under which we would proceed under these authorizations, is a fair rule?

Mr. HAYDEN. Yes; I do. It is the only rule which could be devised that would be satisfactory to the entire country. It is based upon three factors: First, the population of the State, because the population has much to do with the number of automobiles and trucks which travel over the highways. Second, the area of the State, because that has to do with the number of miles of road that must be built within a State. The third factor—put in, perhaps, in the early days because it was desired to be sure that the act would be constitutional—is the mileage of post roads within the State. By "mileage of post roads" is meant the total number of miles of rural free-delivery routes and star routes. Many attempts were made to work out other plans, but this three-way rule has proven satisfactory for over two decades.

Mr. VANDENBERG. And this three-way rule, with this large body of satisfactory experience behind it, is the rule the Senator thinks should continue to apply in the distribution of Federal aid to highways?

Mr. HAYDEN. I have heard no suggestion from any State highway department in the United States that the rule should be changed.

Mr. VANDENBERG. Very well. Under what rule is the $425,000,000 in the relief bill for roads allocated?

Mr. HAYDEN. As I understand, it must follow the general rule adopted by Mr. Hopkins in the administration of the Works Progress Administration that relief should be extended to those who need it.

Mr. VANDENBERG. In other words, this fine, equitable rule of distribution, which the Senator has rightly applauded, disappears when it comes to the $425,000,000 for roads under the relief bill?

Mr. HAYDEN. The Senator forgets that a very great distinction must be made between an allocation which the Federal Government makes to a State and which the State must match, and which, in fact, the States do match at the ratio of about $2 of State funds for every dollar of Federal funds, and an obligation which the Congress has assumed in order that we will not see our people starve. We must feed the starving man or give him a job wherever he is. There is no connection between the two propositions.

Mr. McKELLAR. Mr. President, I think I can illustrate the matter to the Senator from Michigan. I have the figures in my office and will send for them and put them in the RECORD in just a moment.

In the State of Michigan last year or the year before, or any year since the relief program was adopted, much more money was expended for roads than in another State of the same size and comparatively the same population, for the reason that at that time more people were found to be unemployed in Michigan than in the other State. In other words, the money expended by Mr. Hopkins is expended for relief, and a State which has more men on relief gets a larger share than a State which has a lesser number on relief. The distribution is entirely different in different States. In one State the distribution is based upon normal conditions, and in the other it is based upon abnormal conditions of need.

Mr. VANDENBERG. Mr. President, I agree with the Senator from Tennessee, of course, that the relative amount of unemployment and the relative need for aid should be prime factors in the distribution of Federal aid for relief purposes. But why should not a rule asserting that purpose be set up by the Congress in connection with an appropriation, whether it is for relief or whether it is for straight road building?

Why are we constantly resisted when we ask for a rule set down in black and white to do precisely the thing which the Senator from Tennessee says ought to be done?

Mr. McKELLAR. I cannot answer that. I have never asked Mr. Hopkins for his rules. I think he has rules.

Mr. VANDENBERG. I am talking about congressional rules. Why should not Congress assert the rule?

Mr. McKELLAR. Because the necessity is subject to very great change. There has been a tremendous change, I understand, in the number on relief in my State, and in practically every other State.

Mr. VANDENBERG. What has that to do with the rule? If changes are needed under the rule, the allocation would change.

Mr. McKELLAR. If the number changes, there ought to be someone to make the decision.

Mr. VANDENBERG. I quite grant that, but I am inquiring why it is impossible to assert that $425,000,000 for highways, roads, and streets under a relief objective should be allocated under a congressionally announced rule?

Mr. McKELLAR. If the Congress saw fit to make such a rule, it would do it. My own judgment is that such a rule would be unwise and unnecessary, and I have heretofore voted against establishing such a rule, because I think those in charge of relief should have latitude so as to be able to do a good job, and they could not do a good job if they were bound down by congressional action in the way suggested.

Mr. VANDENBERG. So the Senator would resist a rule which required in black and white that the $425,000,000 of road appropriations for relief be distributed on a basis of unemployment and relief need?

Mr. McKELLAR. I would have to see the amendment, of course, before I could pass on it.

Mr. KING. Mr. President, I should like to ask the Senator from Arizona where Mr. Hopkins gets his authority to spend $400,000,000 for roads, and what are the limitations upon him in the selection of the roads, highways, and projects? In other words, do we give him four-hundred-and-some-odd million dollars to spend where he pleases, as he pleases, for whatever he pleases, without any limitations whatever?

Mr. HAYDEN. The last Congress gave to the Works Progress Administration, over which Mr. Hopkins presides, a billion five hundred million dollars, with no restrictions upon the type of projects he might undertake. The only restriction was that there must be a sponsor for each project. The amount the sponsor contributed varied in different States and in different situations. In proposing projects of one kind or another many communities said, "We would like to sponsor a road improvement. The county would like to improve a certain road, and if the Works Progress Administration will furnish the labor, we will furnish the material, whatever it may be." In that way last year about $400,000,000 worth of secondary road work and street work was done by the Works Progress Administration.

The House of Representatives has ascertained about what money was going to be needed for roads and streets, and has earmarked that sum. A sponsor is required who must contribute something toward the project. Beyond that, Mr. Hopkins is perfectly free to undertake the work or not as he sees fit.

Mr. KING. I should like to inquire of the Senator how long it was expected that $1,500,000,000 was to last.

Mr. HAYDEN. It was expected that it would last until the end of the present fiscal year but, as the Senator remembers, the situation changed, unemployment increased, and Congress has appropriated an additional $250,000,000 to carry on the activities of the Works Progress Administration until July 1. The bill to which I referred a few moments ago, and which is now pending before the Senate Committee on Appropriations, picks up the work on the 1st of July and carries it on until next January.

Mr. KING. Then Mr. Hopkins had allocated $1,750,000,000 for the one year?

Mr. HAYDEN. That is correct.

Mr. KING. Does that include all the appropriations that were expended by Mr. Hopkins?

Mr. HAYDEN. I am quite sure that is the total amount.

Mr. KING. There were no restrictions or limitations placed upon him in the expenditure of that stupendous sum?

Mr. HAYDEN. The appropriation was for relief and work relief.

Mr. GIBSON. Mr. President, the Senator from Tennessee referred to an unexpended balance, or a carry-over. What happens to that?

Mr. McKELLAR. Those funds are used. The result of the pending bill, if it were passed, would be to slow down the work on roads in some States and increase it in the greater number of States.

Mr. GIBSON. How are the carry-overs allocated?

Mr. McKELLAR. The method has just been explained by the Senator from Arizona. They are to be allocated just as they are now. There is to be no change in the allocation, as I understand.

Mr. President, I should now like to call the attention of the Senator from Michigan to the figures to which I referred a few moments ago. I can now give him the figures as to some of the allocations.

In Michigan there was allocated and expended for roads the sum of $72,000,000. In Missouri $54,000,000 were allocated, and I imagine Missouri is considerably larger than Michigan. But Michigan gets $72,000,000 and Missouri $54,000,000.

Mr. VANDENBERG. Mr. President, before the Senator leaves his statement permit me to say a word. I have not the population figures, but I notice that Missouri has 13 Members in the House of Representatives and Michigan 17.

Mr. McKELLAR. Then Michigan is the larger.

Mr. VANDENBERG. It is larger by about 25 percent, and the allocation is about 50 percent larger.

Mr. McKELLAR. Let us take the figure for Massachusetts, which is about the same size as Michigan. Massachusetts received $64,000,000, in round figures. So it is all along the line. The allocations are made according to the rule of unemployment, largely; and, to my mind, Mr. Hopkins has done a very excellent job in making the allocations.

I ask unanimous consent that there be printed in the RECORD table No. 15, found on pages 31 to 34 of the hearings before the subcommittee of the Committee on Appropriations of the House of Representatives on the Emergency Relief Appropriation Act of 1938, and the Public Works Administration Act of 1938.

The PRESIDING OFFICER. Is there objection?

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

TABLE 15.—*Estimated total cost of Works Progress Administration projects placed in operation, by States and by major types of projects, through Sept. 30, 1937*

[Subject to revision]

State	Total	Highways, roads, and streets		Public buildings		Recreational facilities		Conservation		Sewer systems and other utilities	
		Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Grand total	$4,690,134,316	$1,716,575,184	36.6	$509,616,389	10.9	$508,010,445	10.8	$222,484,482	4.7	$444,571,474	9.5
Continental United States	4,685,917,695	1,714,216,504	36.6	509,289,942	10.9	507,678,817	10.8	222,056,805	4.7	444,481,048	9.5
Alabama	49,039,432	18,753,647	38.2	6,662,240	13.6	1,632,880	3.3	726,359	1.5	5,137,723	10.5
Arizona	20,426,003	8,881,278	43.5	3,923,935	19.2	884,496	4.3	467,339	2.3	692,492	3.4
Arkansas	50,464,675	30,055,578	59.6	5,210,662	10.3	2,211,914	4.4	1,388,477	2.8	564,250	1.1
California	251,935,020	44,428,591	17.6	26,635,881	10.6	25,095,609	10.0	25,606,245	10.2	25,504,024	10.1
Colorado	56,507,469	21,369,077	37.8	5,219,469	9.2	3,128,626	5.5	5,472,919	9.7	4,015,831	7.1
Connecticut	54,258,014	17,711,097	32.7	5,742,405	10.6	6,109,661	11.3	2,088,510	3.8	7,761,446	14.3
Delaware	4,357,558	419,336	9.6	299,777	6.9	370,037	8.5	86,268	2.0	847,970	19.4
District of Columbia	20,352,166	3,656,334	18.0	1,717,593	8.4	1,301,143	6.4	21,569	.1	3,013,660	14.8
Florida	44,012,953	14,240,516	32.4	7,037,821	16.0	1,938,679	4.4	1,125,748	2.5	3,889,744	8.8
Georgia	55,877,548	17,100,786	30.6	7,470,605	13.4	1,547,565	2.8	410,472	.7	8,224,995	14.7
Idaho	16,671,204	4,654,218	27.9	1,491,613	9.0	584,975	3.5	4,414,880	26.5	1,461,908	8.8
Illinois	315,749,320	130,562,326	41.4	25,484,952	8.1	47,200,096	15.0	11,480,569	3.6	27,574,247	8.7
Indiana	149,257,693	68,917,439	46.2	14,395,610	9.7	15,415,849	10.3	15,576,143	10.4	8,152,093	5.5
Iowa	47,230,739	21,786,415	46.1	2,605,543	5.5	3,789,074	8.0	2,906,152	6.2	5,143,668	10.9
Kansas	67,429,239	24,204,396	35.9	4,721,715	7.0	7,497,375	11.1	11,790,001	17.5	2,694,647	4.0
Kentucky	68,071,936	39,048,960	57.4	8,616,099	12.7	1,673,625	2.5	424,410	.6	4,084,658	6.0
Louisiana	57,397,856	15,517,643	27.0	8,128,533	14.2	15,918,417	27.7	781,726	1.4	4,242,118	7.4
Maine	12,730,858	5,771,179	45.3	377,229	3.0	820,803	6.4	309,514	2.4	1,269,450	10.0
Maryland	28,393,120	9,235,183	32.5	4,314,037	15.2	2,510,476	8.9	499,788	1.8	5,687,091	20.0
Massachusetts	223,359,657	64,932,788	29.1	26,555,379	11.9	14,605,289	6.5	6,815,225	3.0	24,316,777	10.9
Michigan	154,784,809	72,003,589	46.5	13,869,731	8.9	9,239,972	6.0	8,103,679	5.2	24,261,232	15.7
Minnesota	116,512,912	45,983,364	39.5	16,289,568	14.0	14,861,093	12.7	5,189,779	4.5	7,400,407	6.3
Mississippi	34,644,888	12,447,758	35.9	5,078,798	14.7	642,190	1.9	621,751	1.8	1,015,455	2.9
Missouri	130,354,825	54,717,303	42.0	10,596,963	8.1	6,898,908	5.3	12,355,277	9.5	11,537,030	8.8
Montana	28,269,781	11,545,022	40.8	2,271,073	8.0	2,094,841	7.4	3,253,874	11.5	1,496,404	5.3
Nebraska	44,546,490	20,161,338	45.2	2,885,147	6.5	3,149,744	7.1	2,483,817	5.6	4,055,192	9.1
Nevada	4,859,148	1,104,544	22.7	242,969	5.0	788,626	16.2	516,771	10.6	177,034	3.6
New Hampshire	15,537,937	4,164,425	26.8	764,010	4.9	1,902,997	12.3	192,172	1.2	3,791,162	24.4
New Jersey	184,909,935	62,052,557	33.5	23,786,339	12.9	23,835,737	12.9	4,953,564	2.7	22,223,346	12.0
New Mexico	20,788,075	7,720,257	37.1	4,864,575	23.4	1,053,977	5.1	1,502,704	7.2	846,361	4.1
New York	801,399,783	167,371,092	20.9	128,585,501	16.0	172,912,508	21.6	6,189,222	.8	96,866,594	12.1
North Carolina	36,177,088	6,972,704	19.3	4,595,944	12.7	1,990,336	5.5	907,649	2.5	2,474,523	6.8
North Dakota	46,910,476	23,054,252	49.2	4,193,390	8.9	2,165,523	4.6	8,208,523	17.5	2,010,063	4.3
Ohio	298,268,113	127,254,988	42.7	28,369,348	9.5	28,726,681	9.6	14,140,988	4.7	34,967,430	11.7
Oklahoma	83,087,858	40,300,685	48.1	11,637,483	13.9	2,532,822	3.0	5,850,829	7.0	4,858,825	5.8
Oregon	33,574,114	14,090,585	42.0	1,651,997	4.9	2,481,621	7.4	3,260,543	9.7	1,575,868	4.7
Pennsylvania	472,356,675	267,631,698	56.6	31,147,579	6.6	28,603,155	6.1	18,192,553	3.9	31,637,331	6.7
Rhode Island	31,119,719	9,282,632	29.8	3,631,909	11.7	3,868,451	12.4	210,454	.7	4,512,927	14.5
South Carolina	31,534,210	6,147,796	19.5	5,523,030	17.5	945,829	3.0	394,902	1.3	981,107	3.1
South Dakota	40,771,234	20,843,811	51.1	2,243,961	5.5	992,830	2.4	6,406,148	15.7	1,561,915	3.8
Tennessee	52,445,489	22,624,370	43.1	3,867,246	7.4	1,690,954	3.2	885,005	1.7	1,587,465	3.0
Texas	102,509,648	43,210,287	42.2	7,723,935	7.5	4,904,556	4.8	3,370,628	3.3	5,803,294	5.7
Utah	23,603,881	4,829,422	20.5	3,793,976	16.1	1,284,442	5.4	2,123,988	9.0	2,320,287	9.8
Vermont	7,569,544	3,394,926	44.8	400,864	5.3	230,111	3.0	47,625	.6	989,097	13.1
Virginia	31,756,154	8,168,376	25.7	2,908,951	9.2	1,744,565	5.5	231,099	.7	2,515,600	7.9
Washington	62,061,821	18,002,000	29.0	4,015,988	6.5	7,671,191	12.4	7,016,080	11.3	7,541,103	12.1
West Virginia	61,790,970	39,245,316	63.5	3,798,442	6.1	1,104,223	1.8	800,569	1.3	2,852,968	4.6
Wisconsin	130,205,450	35,603,348	27.4	12,989,187	10.0	24,532,794	18.8	11,274,762	8.7	17,851,042	13.7
Wyoming	9,444,268	3,041,272	32.2	950,940	10.1	591,551	6.3	979,535	10.4	491,194	5.2
Alaska	7,999										
Hawaii	4,204,616	2,358,680	56.1	326,447	7.8	331,628	7.9	427,677	10.2	90,426	2.1
Virgin Islands	4,006										

State	Airports and other transportation		White collar		Sewing and other goods		Sanitation and health		Miscellaneous	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
(1)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
Grand total	$130,780,400	2.8	$490,874,467	10.5	$408,251,358	8.7	$123,960,594	2.6	$135,009,523	2.9
Continental United States	130,459,053	2.8	490,677,828	10.5	408,113,297	8.7	123,960,594	2.6	134,983,807	2.9
Alabama	1,258,970	2.6	4,203,758	8.6	6,637,513	13.5	2,174,860	4.4	1,851,482	3.8
Arizona	266,161	1.3	1,789,531	8.8	1,861,540	9.1	846,932	4.1	812,299	4.0
Arkansas	252,458	.5	2,822,657	5.6	3,634,427	7.2	2,334,135	4.6	1,990,116	3.9
California	11,438,364	4.5	43,782,535	17.4	37,851,313	15.0	1,844,876	.7	9,747,582	3.9
Colorado	937,999	1.7	4,144,943	7.3	8,251,709	14.8	1,132,054	2.0	2,734,842	4.9
Connecticut	2,753,922	5.1	6,578,024	12.1	2,708,550	5.0	2,241,661	4.1	562,738	1.0
Delaware	213,495	4.9	524,936	12.0	808,841	18.6	670,129	15.4	116,769	2.7
District of Columbia	130,672	.6	6,748,309	33.2	2,195,225	10.8	105,767	.5	1,463,894	7.2

TABLE 15.—*Estimated total cost of Works Progress Administration projects placed in operation, by States and by major types of projects, through Sept. 30, 1937*—Continued

State	Airports and other transportation		White collar		Sewing and other goods		Sanitation and health		Miscellaneous	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
(1)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
Florida	$3,072,258	7.0	$5,207,027	11.8	$4,962,473	11.3	$1,107,393	2.5	$1,431,294	3.3
Georgia	1,951,832	3.5	5,622,234	10.1	8,503,984	15.2	2,647,495	4.7	2,397,580	4.3
Idaho	336,515	2.0	757,687	4.5	1,596,335	9.6	817,928	4.9	555,145	3.3
Illinois	3,694,913	1.2	35,434,421	11.2	15,284,226	4.8	10,784,998	3.4	8,248,572	2.6
Indiana	2,423,124	1.6	7,220,047	4.8	10,311,901	6.9	3,770,698	2.5	3,074,789	2.1
Iowa	224,494	.5	3,873,569	8.2	4,838,511	10.3	443,174	.9	1,620,139	3.4
Kansas	355,581	.5	4,003,303	5.9	8,222,311	12.2	2,597,815	3.9	1,342,095	2.0
Kentucky	142,792	.2	3,500,720	5.1	5,482,468	8.0	2,428,347	3.6	2,669,857	3.9
Louisiana	466,154	.8	5,517,810	9.6	3,319,018	5.8	1,268,671	2.2	2,237,766	3.9
Maine	1,199,733	9.4	1,051,666	8.3	1,580,714	12.4	76,703	.6	273,867	2.2
Maryland	661,979	2.3	2,669,765	9.4	1,762,423	6.2	359,948	1.3	692,430	2.4
Massachusetts	5,923,661	2.6	32,804,071	14.7	34,735,294	15.6	2,153,145	1.0	10,518,028	4.7
Michigan	6,276,471	4.1	10,795,030	7.0	6,324,125	4.1	30,162	(1)	3,880,818	2.5
Minnesota	2,171,422	1.9	12,524,504	10.7	8,861,986	7.6	653,124	.6	2,577,665	2.2
Mississippi	1,258,115	3.6	4,025,533	11.6	4,380,239	12.7	2,707,874	7.8	2,467,175	7.1
Missouri	783,368	.6	5,334,517	4.1	18,988,377	14.6	6,110,198	4.7	3,032,884	2.3
Montana	505,703	1.8	1,518,274	5.4	3,716,554	13.2	1,177,841	4.2	690,195	2.4
Nebraska	1,502,178	3.4	3,634,451	8.1	4,302,332	9.7	1,070,474	2.4	1,301,817	2.9
Nevada	198,024	4.1	420,604	8.7	464,508	9.6	345,978	7.1	600,090	12.4
New Hampshire	778,519	5.0	1,280,393	8.2	2,279,441	14.7	2,937	(1)	381,881	2.5
New Jersey	6,244,681	3.4	21,386,365	11.6	12,959,627	7.0	2,785,409	1.5	4,682,310	2.5
New Mexico	741,397	3.6	1,247,464	6.0	1,212,420	5.8	1,044,574	5.0	554,346	2.7
New York	32,294,770	4.0	130,357,302	16.3	32,077,898	4.0	13,076,768	1.6	21,668,128	2.7
North Carolina	1,585,636	4.4	3,427,625	9.5	8,540,007	23.6	3,633,440	10.0	2,049,224	5.7
North Dakota	193,566	.4	2,092,429	4.5	2,217,835	4.7	1,890,648	4.0	884,247	1.9
Ohio	6,917,145	2.3	20,443,430	6.9	22,427,778	7.5	7,118,653	2.4	7,901,672	2.7
Oklahoma	411,202	.5	3,290,736	3.9	7,857,551	9.4	5,064,571	6.1	1,883,154	2.3
Oregon	2,450,539	7.3	2,762,254	8.2	3,498,464	10.4	825,077	2.5	977,166	2.9
Pennsylvania	14,180,344	3.0	34,122,125	7.2	32,991,882	7.0	7,927,044	1.7	5,922,964	1.2
Rhode Island	171,229	.6	2,679,195	8.6	4,635,070	14.9	1,595,965	5.1	531,887	1.7
South Carolina	1,670,920	5.3	3,731,115	11.8	5,432,332	17.2	4,062,069	12.9	2,645,110	8.4
South Dakota	305,984	.8	2,114,596	5.2	5,095,831	12.5	413,451	1.0	792,707	2.0
Tennessee	4,073,191	7.8	2,751,529	5.2	5,656,994	10.8	7,384,983	14.1	1,923,752	3.7
Texas	870,109	.8	11,865,574	11.6	17,558,574	17.1	4,656,474	4.5	2,546,217	2.5
Utah	1,700,189	7.2	2,503,020	10.6	1,901,363	8.1	2,071,393	8.8	1,075,801	4.5
Vermont	255,081	3.4	848,052	11.2	1,116,827	14.8			286,961	3.8
Virginia	532,303	1.7	5,080,093	16.0	4,865,140	15.3	2,807,679	8.9	2,902,348	9.1
Washington	2,282,427	3.7	6,372,077	10.3	5,860,757	9.4	619,138	1.0	2,681,060	4.3
West Virginia	810,087	1.3	2,986,014	4.8	4,907,248	8.0	3,709,175	6.0	1,576,928	2.6
Wisconsin	1,348,962	1.0	11,926,576	9.2	12,019,666	9.2	930,751	.7	1,728,362	1.3
Wyoming	240,414	2.5	899,938	9.5	1,315,695	13.9	438,014	4.6	495,654	5.3
Alaska			7,999	100.0						
Hawaii	321,347	7.6	184,634	4.4	138,061	3.3			25,716	.6
Virgin Islands			4,006	100.0						

[1] Less than 0.05 percent.

Source: Tabulations based on copies of Statement of Project Estimate Detail, Works Progress Administration Form 701-R, giving the estimated cost of projects from their inception through completion.

Mr. BRIDGES obtained the floor.

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

Mr. BRIDGES. I yield.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Dieterich	Johnson, Colo.	Pope
Andrews	Donahey	King	Radcliffe
Austin	Duffy	La Follette	Russell
Bailey	Ellender	Lewis	Schwartz
Bankhead	Frazier	Logan	Sheppard
Barkley	George	Lonergan	Shipstead
Berry	Gerry	Lundeen	Smathers
Bilbo	Gibson	McAdoo	Smith
Bone	Gillette	McCarran	Thomas, Okla.
Borah	Glass	McGill	Thomas, Utah
Bridges	Green	McKellar	Townsend
Brown, Mich.	Hale	McNary	Truman
Bulkley	Harrison	Maloney	Tydings
Bulow	Hatch	Miller	Vandenberg
Burke	Hayden	Minton	Van Nuys
Byrd	Herring	Murray	Walsh
Byrnes	Hill	Neely	Wheeler
Capper	Hitchcock	Norris	White
Caraway	Holt	O'Mahoney	
Chavez	Hughes	Overton	
Copeland	Johnson, Calif.	Pittman	

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

Mr. BRIDGES. Mr. President, on November 30 of last year the President of the United States sent a message to the Congress calling for a twofold program with respect to Federal highway aid. The first part of that program favored a reduction in the interest of economy of money to be contracted for for the fiscal year ending 1940 and the year ending 1948.

The second part of the program consisted in raising objection to the mandatory provisions of the law whereby Congress, which appropriates the money, sets up the standards by which the money should be distributed.

Mr. President, I was puzzled for sometime as to why the President of the United States should be troubled by economy, but I could understand, from his past record, why he should be troubled by the mandatory provisions of the measure providing for mandatory distribution of Federal aid to highways according to a set-up by Congress which has been in force for the last 21 years.

The distinguished Senator from Arizona [Mr. HAYDEN] has very clearly explained the majority report on Federal highway aid. I think he has been fair in his presentation. I like his reference to the minority opposition in this case. He has treated the minority very courteously. I feel it is only fair, however, that the minority should present its views to the Senate today.

Mr. President, I should be the last person on the Senate floor to raise my voice against the majority report if the present administration were at all consistent or sincere in its desire for economy, but I cannot conceive how, on the one hand, the administration can come to the Congress and call for economy in the matter of highway funds, and on the other hand ask for four and one-half billion dollars—forty-five hundred millions—for pump priming. The two requests hardly seem to hitch.

In considering the bill before us today I should like to discuss it just briefly from all its angles and what it means.

On the one hand the President asks for economy of a reduction of one hundred and sixty-one-million-and-odd dollars on one particular phase of public works—roads—and on the other hand he asks for an expenditure of some four and one-half billion dollars in a new spending program.

In considering the measure to curtail authorization of funds for highways at this time, I think I shall waive the discussion of the so-called relief or pump-priming measure, and discuss it when it comes before the Senate for consideration. However, I do wish to point out today somewhat the unfairness of the particular measure now before us.

In the first place, what are the users of our highways, or highway users, contributing to the Federal Government? I shall give figures from the report of the hearings before the committee of the House of Representatives. The highway users contributed in gasoline taxes $204,000,000. They contributed $33,300,000 in lubricating-oil taxes. In taxes on tires and tubes contributed $37,000,000. In taxes on passenger cars and motorcycles they contributed $58,200,000. On trucks they contributed $8,100,000, and on accessories and parts $9,300,000, or a total of $349,900,000.

It is generally conceded that the highway users should not be taxed more than sufficient to maintain the highways. For one, I believe that when the Federal Government stepped into the picture of levying gasoline taxes it went too far. That it went into a field of taxation that has been in the past exclusively a State field of taxation.

I believe that the Federal Government should get out of the field of gasoline taxes and leave the field of the gasoline tax to the States. However, as long as we continue levying excessive taxes on our highway users, I believe our highway expenditures should be somewhat in proportion to the amount collected in taxes.

What is the situation among our highway users? In 1900 approximately 8,000 automobiles were registered in this country. In 1936 approximately 28,000,000 were registered, and probably at the present time nearly 30,000,000 automobiles are registered in the United States. The increase has occurred in 37 years.

Let us look for just a moment at some of the implications in this situation. We have farm-to-market roads. Outside our cities nearly two-thirds of all the road mileage in the United States, or about 2,000,000 miles, is unimproved. That is, the roads are dusty in dry weather and muddy in wet weather. Everyone who uses the roads is paying a heavy toll for the trips he takes. These have been measured by our rural mail carriers. For example, there are some 33,000 rural mail carriers, and they travel 1,747,000 miles per day. It is estimated that on a road which is wholly unimproved, travel costs about 8 cents a mile; on a gravel road, about 5 cents per mile; and on an improved hard-surfaced road, about 3½ cents per mile.

Let us consider for a moment what the 2,000,000 miles of unimproved roads cost the country. Let us look at the farm-to-market road situation. Much has been said in Congress and by the administration about helping to develop the marketing facilities of our farmers. A fair and equitable manner of procedure is through the farm-to-market roads.

Another angle to the problem is the elimination of railroad grade crossings. The Federal Government has rarely taken part in a more worthy field in this country than in the elimination of hazards at railroad grade crossings. It is very evident that in their present financial condition the railroads can contribute very little to the elimination of highway hazards at grade crossings. However, I believe that the great bulk of American people who travel on our highways are entitled to protection of life and limb at railroad grade crossings, and therefore, that that phase of the bill is very worthy, and should not be curtailed.

It has been estimated that some 90 percent of every highway dollar spent eventually finds its way into the pockets of the American workingman in some way or other. It has been estimated that about $3.15 in wages and trade develops from each dollar of highway expenditure made. The Federal-aid highway dollar is a very worth-while dollar. It is spent in a fair and equitable manner.

There are many other angles to this particular situation. We find that about 6,000,000 people are engaged, in one way or another, in connection with the use of our highways, or one out of seven persons in the country who are gainfully employed. We find that one out of seven of the loads of freight handled by the railroads consists of automobile products or supplies. We find that every fifth retail dollar which crosses the counters of the Main Street shops throughout the country is involved in an automobile purchase of some kind. More than 465,000,000 establishments throughout the country are engaged in automobile sales, service, and for-hire transportation. These establishments are in the smallest as well as in the largest communities. The outlets give employment to 412,000 proprietors, and 1,000,000 full and part-time employees. The pay rolls amount to about $1,078,000,000 a year, and the sales to $8,264,000,000 per year. Here is a vast empire of business and employment, spreading into the largest and smallest communities in our country.

The distinguished Senator from Arizona [Mr. HAYDEN] has made the statement that the proposed expenditures will not occur until 1940 or 1941. The first expenditure will start on July 1, 1939, and the expenditure will be completed on June 30, 1940, only a few months away. Under an intelligent highway planning development, the Federal and State highway engineers must proceed to the development of definite plans for a cooperative highway program. Therefore it is not too early to plan ahead in this respect.

Let us look for just a moment at what the President of the United States has had to say about the use of funds for highway purposes. The distinguished Senator from Arizona has pointed out that there will be a carry-over of money previously appropriated, and not utilized. He has pointed out that in the coming relief bill there will be a huge sum of money to be used for highway purposes.

Why is it that Mr. Roosevelt, the President of the United States, is so anxious to have money spent under the relief bill for highway purposes and objects to its being spent under the proper procedure that has been in effect for the last 21 years? Under the 21-year practice governing the expenditure of funds for public roads Congress, which appropriates the money, lays down the method of expenditure and distribution. It is mandatory. Politics cannot be played with it, nor can favorites be played. On the other hand, under relief expenditures the appropriations are placed as the President desires, and it is possible to play favorites and it is possible to play politics. There is a distinct difference between an appropriation made under the Federal Highway Act and under the relief appropriations.

Now let us see what Mr. Roosevelt has had to to say about that. I quote from a message he sent to the Legislature of New York when he was Governor of that State in February 1932:

> The most important action which you have taken with respect to the executive budget is in connection with the construction and reconstruction of highways. I submitted to your honorable bodies recommendations totaling $39,842,000 for proposed construction and reconstruction and maintenance of highways and bridges. You have cut from this amount almost one-third, $11,338,000. This cut will result in reducing the number of men employed in highway construction work by 13,345.
>
> Last September your honorable bodies cooperated with the Governor in appropriating $20,000,000 in a bill which set forth the definite principle that half must be spent on work projects. We could not find a worse time than the present in which to repudiate the sound and humane policy of doing everything we can to provide honest work for honest citizens who want to do constructive work.
>
> The money, if appropriated and spent in the regular and orderly program of the Department of Public Roads, will be spent carefully and efficiently, so that the State will get 100 cents of value for each dollar expended, but when spent in emergency relief the State receives either only a small percentage or absolutely nothing for its money. It is not humane, just, nor decent to turn thousands of our citizens out of employment where they can make an honest living and then later try to take care of them as objects of charity.

Those are the words of the President of the United States in a special message to the Legislature of the State of New York. Now we find he has reversed his position. We have heard much about economy. In 1932 the President said:

For 3 long years I have been going up and down this country, preaching that government costs too much. I shall not stop that preaching.

Further he said:

I propose to you, my friends, that government be made solvent and that the example be set by the President of the United States and his Cabinet.

And in a radio program he further said in 1932:

Let us have the courage to stop borrowing to meet continuing deficits. Stop the deficits.

Then again he said in 1932:

Any government, like any family, can for a year spend a little more than it earns. But you and I know that a continuation of that habit means the poorhouse.

He further said in 1932:

If the Nation is living within its income, its credit is good. * * * But if, like a spendthrift, it throws discretion to the winds * * * extends its taxing to the limit of the people's power to pay, and continues to pile up deficits, it is on the road to bankruptcy.

Those are some of the President's statements on economy. So with that background of his statements on economy, I was not surprised when he came before the American Congress in November 1937 and proposed a change in our highway policy. That change was, first, in the interest of economy, to cut the fund. If he really meant what he said on economy, I would have agreed with him and so would the minority members of the committee. But, more important and significant, he said, in effect, that we must eliminate this mandatory set-up in the distribution of road funds. We come now to the crux of the situation, and that is that for economy when we reduce highway funds that must be distributed under the mandatory provisions of the law as laid down by the Congress, and that he wants larger appropriations for highway purposes under a relief bill so that he may distribute the money where and when and to whom he pleases and that he may "play favorites" and play politics if he chooses. Therefore, I believe there is a fundamental issue at stake in this particular Federal-aid highway bill.

I think that the majority of the committee have very graciously prepared their case, and I have no quarrel with the majority of the committee; but I have a quarrel, and so do the minority members of the committee, with an administration that is so vastly inconsistent that, on the one hand, it recommends economy in these expenditures and at the same time goes forward with a huge spending program amounting to four and one-half billion dollars.

Roads are probably the most useful public works that can be undertaken. They afford a great amount of labor; they add to our national assets; they provide for the national defense, and so on. They are one of the finest ways, if we are going to spend money to stimulate business and employment, and probably one of the most equitable ways in which we can proceed along that line.

The distinguished Senator from Arizona has said that the minority has "failed to click" because the funds under this bill would not be available until after the relief funds shall have been expended. I pointed out that if highways are to be constructed under this bill, plans will have to be made.

I notice that the distinguished Senator from Arizona has said that he is a little disturbed because, even though we cannot balance the Budget in 1939, we might balance it in 1940 or 1941. Certainly if we are going to balance the Budget in 1940 or 1941, the administration will have to change. Either it will be necessary to have a Republican in the White House or else there will have to be a different kind of Democratic administration from that of Mr. Roosevelt, because we will never have a balanced Budget, in my judgment, under the present administrative set-up, certainly if it continues to proceed along the road it is proceeding today, which is further away than ever from Budget balancing, and along the road to big spending.

I, therefore, must feel it my duty to oppose the majority views and the report of the majority of the committee which have been so ably stated by the distinguished Senator from Arizona and to join that small group in which he has so graciously put me, "his majesty's" opposition.

Mr. BRIDGES subsequently said: I ask that the minority views of two members of the committee, and the special message of the President dated November 30, be inserted in the RECORD as part of my remarks.

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

MINORITY VIEWS

The undersigned, members of the Committee on Post Offices and Post Roads, submit the following minority views:

We, the undersigned members of this committee, do hereby disagree with the committee report on H. R. 10140, as amended by the committee.

Good roads are inseparably linked with the progress of the American Nation. To stimulate that progress, the Federal Government, 21 years ago, conceived and adopted the policy and principles of Federal aid for highways in the form of special grants to the various States that were, in turn, to be matched by the States in equal amounts.

According to the Annual Report of the Secretary of the Treasury, a detrimental situation now exists where the United States Government is receiving from the highway users of this Nation more money in motor-vehicle transportation revenue than is, in turn, being expended by the Federal Government on the construction of much-needed good and safe roads throughout the 48 States.

The following amounts have already been recorded in the official report of the hearings on the bill in question before the Committee on Roads of the House of Representatives:

Gasoline	$204,000,000
Lubricating oil	33,300,000
Tires and tubes	37,000,000
Passenger cars and motorcycles	58,200,000
Trucks	8,100,000
Accessories and parts	9,300,000
Total	349,900,000

H. R. 10140, as it now stands amended, proposes the expenditure of only $128,500,000 for Federal aid for highways for the fiscal year 1940, and only the slightly larger amount of $186,000,000 for the fiscal year 1941. This amount in itself constitutes a diversion of funds collected for highway purposes, a practice which has already been condemned as unfair and unjust by the Congress of the United States by its passage of the Hayden-Cartwright Road Act of 1934.

Yet the President of the United States, realizing that the highway users of America, as stockholders in the national highway system, are entitled to good roads as the return on their investment, stressed the following two points in his special message to Congress last November 27 concerning Federal aid for highways:

First. The curtailment of the current appropriation.

Second. The changing of the procedure of Federal-aid authorizations so that he, the President, will control the purse strings and not we, the Congress.

Now, the minority is for economy, and if the President was consistent in his policy for economy we would be the first to actively support him. But roads have been singled out as the only item for the application of economy just at a time when the President comes forth with a request for the expenditure of $4,500,000,000 for his so-called pump-priming program. Such a program is absolutely unsound. If we are going to spend money and if the Federal Government is going to participate in the endeavor and in some degree render assistance to the States, then the best form of public works is road building in cooperation with the 48 States under the rules and regulations of the Bureau of Public Roads of the United States Department of Agriculture.

It has been estimated by recognized authorities that highways supply the foundation for one-seventh of the national economy. Regardless of the accuracy of this estimate, it can be said that no other industry, per Federal dollar expended, has such a far-reaching and vital influence upon our social and economic structure.

During 1936 highway transportation in all its phases provided employment for one-seventh of all persons gainfully employed in the entire United States. Over 6,000,000 jobs were provided by the highway industry and other allied industries dependent upon our highway transportation system.

In addition to the large volume of employment provided by highway expenditures our social and economic structure is directly benefited in many other respects.

An adequate highway system is a distinct national asset which promotes agricultural and industrial expansion, fosters social values, and provides an adjunct vital to adequate national defense.

Of equal significance is the fact that all of social and economic values are created without cost to the Federal Government.

While economy in Federal expenditures is most desirable, nevertheless, we are unalterably opposed to a proposal which seeks to curtail a Federal-aid road program when less desirable forms of public works are being contemplated on a wholesale basis. We, therefore, cannot concur with any such inconsistency.

E. W. GIBSON.
H. STYLES BRIDGES.

[Message from the President of the United States transmitting a recommendation for a reduction in Federal-aid highway projects]

To the Congress:

By the act of June 16, 1936, the Congress authorized appropriations totaling $216,500,000, for each of the fiscal years 1938 and 1939, for Federal-aid highways, secondary or feeder roads, elimination of grade crossings, forest highways, roads and trails, and highways across public lands, to be administered by the Department of Agriculture. This act also authorized appropriations totaling $21,500,000, for each of the fiscal years 1938 and 1939, for roads and trails within national parks, for parkways to give access to national parks and form connecting sections of a national parkway plan, and for Indian reservation roads, to be administered by the Department of the Interior. Under the first category there has been appropriated to date on account of the authorizations for the fiscal year 1938 a total of $24,500,000 and under the second category a total of $13,500,000, or a grand total of $38,000,000, leaving $200,000,000 still to be appropriated for that fiscal year. To meet obligations under this $200,000,000 of outstanding authorizations, I propose to include an estimate of appropriation of approximately $100,000,000 in the Budget for the fiscal year 1939, with the balance to be provided for 1940. This takes care of the authorizations for the fiscal year 1938 and leaves for consideration the authorizations of $238,000,000 for the fiscal year 1939.

In view of the large amounts which have been contributed by the Federal Government, particularly during the past 5 years, for the construction of public roads, and because of the necessity for taking definite steps to reduce expenditures for the purpose of securing a balanced Budget, I recommend that the Congress adopt the following policies:

1. Provide for the cancelation of the 1939 authorizations prior to January 1, 1938, by which date the Secretary of Agriculture is required to apportion to the various States $214,000,000 of such authorizations.

2. Limit to not more than $125,000,000 per annum all public roads authorizations for the fiscal year 1940 and for each of the next few succeeding years.

Since the enactment of the first Federal-Aid Highway Act in 1916, there has been appropriated for public highways, including allotments from emergency appropriations, more than $3,100,000,000, of which amount $1,490,000,000 has been made available during the last 5 years. This annual average for the past 5 years of $298,000,000 contrasts with an annual average of less than $100,000,000 for the 5-year period preceding the depression.

There is another provision of the existing law relating to public roads which should receive consideration in this connection. The Secretary of Agriculture is required to apportion to the States the annual amount authorized for appropriation, and to approve projects of proposed State expenditures thereunder which shall constitute contractual obligations of the Federal Government, regardless of the availability of appropriations for their payment and of the fiscal outlook of the Treasury. This mandatory provision completely ties the hands of the Executive as to the amount of road funds to be included in the Budget for any fiscal year. While I do not object to the apportionment among the States of such amounts as may be authorized for appropriation, I do most strenuously object to the mandatory incurrence of obligations by the Federal Government under such apportionments without regard to its ability to finance them from its revenues. I, therefore, recommend that the Congress take the necessary action permanently to eliminate this provision of our public roads law.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *November 27, 1937.*

The PRESIDING OFFICER. The clerk will proceed to state the amendments reported by the committee.

The first amendment of the Committee on Post Offices and Post Roads was, in section 1, page 1, line 11, after the word "amended", to insert the words "and supplemented"; at the beginning of line 1, on page 2, to strike out "$125,000,000" and insert "$75,000,000"; and on page 2, line 2, after the words "sum of", to strike out "$125,000,000" and insert "$115,000,000", so as to make the paragraph read:

That for the purpose of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat. 355), and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to be expended according to the provisions of such act as amended and supplemented: The sum of $75,000,000 for the fiscal year ending June 30, 1940, and the sum of $115,000,000 for the fiscal year ending June 30, 1941.

The amendment was agreed to.

Mr. McADOO. Mr. President, I should like to ask the Senator from Arizona how this bill would affect California. I should like to know whether or not there is any discrimination insofar as the State of California is concerned. I do not assume that there is any, but I have not had time to read the bill carefully, and apparently there has been allocated to the State less, perhaps, than the amount to which we think we are entitled.

Mr. HAYDEN. Mr. President, the Senator from California can take pride in the fact that the State of California is nearer to the expenditure of the sums of Federal aid allocated to that State than is any other State in the Union. Being further advanced in highway construction, the Senator might reasonably assume that any slowing down in construction would have a quicker effect in California than in any other State. But there is, in fact, no discrimination. The rule of allocation applies to California the same as to any other State.

California has been enterprising; California has her roads built ahead of some other States, and California will proportionately lose nothing in future appropriations for Federal aid. There is no change in the apportionment. If there could be any basis for criticism, let me point out to the Senator that under an appropriation of $10,000,000 which has been available during the past 2 years and which is continued in this bill at the rate of $8,000,000, there has recently been allocated in the State of California nearly $2,000,000 of unmatched funds to repair the flood damages recently done to highways in that State.

So I am quite sure that the California State Highway Department will be entirely satisfied with the enactment of this measure, particularly in view of the fact that it maintains the principle of advance notice to the State of what money it may obtain.

Mr. McADOO. I thank the Senator.

The PRESIDING OFFICER. The clerk will state the next amendment reported by the committee.

The next amendment was, in section 1, paragraph (a), page 2, at the beginning of line 11, to strike out "State" and insert "Stat.", so as to make the paragraph read:

(a) All sums herein or hereafter authorized and apportioned to the States shall be available for expenditure for 1 year after the close of the fiscal year for which said sums, respectively, are authorized, and any sum remaining unexpended at the end of the period during which it is available for expenditure shall be reapportioned among the States as provided in section 21 of the Federal Highway Act (42 Stat. 217).

The amendment was agreed to.

The next amendment was, in the same section, paragraph (b), on page 3, line 3, after the word "construction", to strike out "and maintenance", so as to make the paragraph read:

(b) Beginning with the fiscal year ending June 30, 1940, the District of Columbia shall be entitled to share in all sums herein or hereafter authorized and apportioned to the States, upon the same terms and conditions as any of the several States, and the District of Columbia shall be included in the calculations to determine the basis of apportionment of such funds: *Provided*, That the system of roads on which Federal-aid apportionments to the District of Columbia shall be expended may be determined and agreed upon by the highway department of the said District and the Secretary of Agriculture without regard to the limitations in section 6 of the Federal Highway Act (42 Stat. 213) respecting the selection and designation of such system of roads; and, when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction of such additions.

The amendment was agreed to.

The next amendment was, in section 2, page 4, at the beginning of line 25, to strike out "$25,000,000" and insert "$10,000,000", and on page 5, line 1, after the words "sum of", to strike out "$25,000,000" and insert "$10,000,000", so as to make the section read:

SEC. 2. For the purpose of continuing the provisions of section 7 of the act of June 16, 1936 (49 Stat. 1521), there is hereby authorized to be appropriated the sum of $10,000,000 for the fiscal year

ending June 30, 1940, and the sum of $10,000,000 for the fiscal year ending June 30, 1941; said sums to be expended on secondary or feeder roads, including farm-to-market roads, rural-free-delivery mail roads, and public-school bus routes.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 7, after the word "crossings", to strike out "on the Federal Aid Highway System"; at the beginning of line 25, on the same page, to strike out "$50,000,000" and insert "$20,000,000"; and on page 6, line 1, after the words "sum of", to strike out "$50,000,000" and insert "$30,000,000", so as to make the section read:

SEC. 3. For the elimination of hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, there is hereby authorized to be appropriated, to be apportioned on or before the 1st day of January of each year preceding the fiscal year for which it is authorized among the several States in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, except that such apportionment shall be one-half on population as shown by the latest decennial census, one-fourth on the mileage of the Federal-aid highway system as determined by the Secretary of Agriculture, and one-fourth on the railroad mileage as determined by the Interstate Commerce Commission, and to be expended in accordance with said Federal Highway Act, as amended and supplemented, except that no part of such funds apportioned to any State need be matched by the State: The sum of $20,000,000 for the fiscal year ending June 30, 1940, and the sum of $30,000,000 for the fiscal year ending June 30, 1941.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 22, after the words "sum of", to strike out "$14,000,000" and insert "$10,000,000"; and in line 23, after the words "sum of", to strike out "$14,000,000" and insert "$13,000,000", so as to make the section read:

SEC. 5. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), there is hereby authorized to be appropriated for forest highways, roads, and trails the following sums, to be available until expended in accordance with the provisions of said section 23: The sum of $10,000,000 for the fiscal year ending June 30, 1940, and the sum of $13,000,000 for the fiscal year ending June 30, 1941: *Provided*, That the apportionment for forest highways in Alaska shall be $500,000 for each of the fiscal years, and that such additional amount as otherwise would have been apportioned to Alaska for each of said fiscal years shall be apportioned by the Secretary of Agriculture among those States, including Puerto Rico, whose forest highway apportionment for such fiscal year otherwise would be less than 1 percent of the entire apportionment for forest highways for that fiscal year: *Provided further*, That the Secretary of Agriculture may make apportionments among those States, including Puerto Rico, whose forest highway apportionments for such fiscal year otherwise would be less than 1 percent of the entire apportionment for forest highways for that fiscal year without regard to the provisions of said section 23 relating to apportionments, but in no case shall the Secretary of Agriculture make apportionment to any State under this provision in excess of 20 percent of the total of funds affected hereby.

The amendment was agreed to.

The next amendment was, in section 6, page 7, line 25, after the words "sum of", to strike out "$2,500,000" and insert "$1,000,000"; and on page 8, line 1, after the words "sum of", to strike out "$2,500,000" and insert "$2,000,000", so as to make the section read:

SEC. 6. For the purpose of carrying out the provisions of section 3 of the Federal Highway Act (42 Stat. 212), as amended by the act of June 24, 1930 (46 Stat. 805), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations the sum of $1,000,000 for the fiscal year ending June 30, 1940, and the sum of $2,000,000 for the fiscal year ending June 30, 1941, to remain available until expended.

The amendment was agreed to.

The next amendment was, in section 7, page 8, line 12, after the words "sum of", to strike out "$7,500,000" and insert "$4,000,000"; and in line 13, after the words "sum of", to strike out "$7,500,000" and insert "$5,000,000", so as to make the section read:

SEC. 7. For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of $4,000,000 for the fiscal year ending June 30, 1940, and the sum of $5,000,000 for the fiscal year ending June 30, 1941.

The amendment was agreed to.

The next amendment was, in section 8, page 8, line 20, after the words "sum of", to strike out "$10,000,000" and insert "$6,000,000"; in line 22, after the words "sum of", to strike out "$10,000,000" and insert "$8,000,000"; and in line 23, after the word "That", to insert "hereafter", so as to make the section read:

SEC. 8. For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of $6,000,000 for the fiscal year ending June 30, 1940, and the sum of $8,000,000 for the fiscal year ending June 30, 1941: *Provided*, That hereafter the location of such parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service.

The amendment was agreed to.

The next amendment was, in section 9, page 9, line 6, after the words "sum of", to strike out "$4,000,000" and insert "$2,500,000"; and in line 7, after the words "sum of", to strike out "$4,000,000" and insert "$3,000,000", so as to make the section read:

SEC. 9. For construction and improvement of Indian reservation roads under the provisions of the act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of $2,500,000 for the fiscal year ending June 30, 1940, and the sum of $3,000,000 for the fiscal year ending June 30, 1941.

The amendment was agreed to.

The next amendment was, in section 11, page 9, line 21, after the words "(48 Stat. 995)", to strike out "are hereby authorized to be made available for reapportionment" and insert "shall be reapportioned", so as to make the section read:

SEC. 11. Any sums heretofore or hereafter withheld from the Federal-aid road funds apportioned to any State as a penalty for diversion of road-user taxes under the provisions of section 12 of the act approved June 18, 1934 (48 Stat. 995), shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available for expenditure, in accordance with the provisions of section 21 of the Federal Highway Act (42 Stat. 217).

The amendment was agreed to.

The next amendment was, on page 10, after line 2, to insert:

Section 12 of the act approved June 18, 1934 (48 Stat. 995), is hereby amended to read as follows:

"SEC. 12. Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended, under such regulations as the Secretary of Agriculture shall promulgate from time to time, only to those States which the Secretary of Agriculture shall find provide by law (1) that the proceeds of all State motor-vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds, less such amounts thereof as were pledged or authorized for nonhighway purposes by laws in effect on June 18, 1934, shall be applied to the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, and (2) that the proceeds of such revenues applied to highway purposes shall be applied in such manner that the percentage of such proceeds available to the State highway departments shall not be less than the percentage available to the State highway departments under laws in effect on June 18, 1934: *Provided*, That in no case shall the provisions of this section operate to deprive any State of more than one-third of the amount to which that State would be entitled under any apportionment hereafter made, for the fiscal year for which the apportionment is made."

The amendment was agreed to.

The next amendment was, on page 11, after line 11, to insert:

SEC. 14. That the Secretary of Agriculture, in cooperation with the State highway departments, shall determine and fix standards of design which shall control and be applied in the construction and reconstruction of highways and bridges which are a part of the

system of Federal-aid highways and shall determine for each such standard its traffic capacity. After having determined and fixed such standards the Secretary of Agriculture shall not approve any project submitted by any State for the construction or reconstruction of any such highway or bridge for which, considering the traffic to be carried, the type, width, thickness, strength, kinds of materials, and character of surface are for lower standards. After such standards of design shall have been determined and fixed by the Secretary of Agriculture in cooperation with the State highway departments, they shall be controlling upon all agencies of the Federal Government charged by law with any duty pertaining to the regulation of traffic upon the highways as definitely establishing in all respects the traffic capacity of any road or bridge constructed or reconstructed in accordance therewith on the system of Federal-aid highways: *Provided*, That the Secretary of Agriculture may approve the construction of substandard highways as a progress stage toward the ultimate development of a highway of adequate standard, where in his judgment such approval is justified.

The amendment was agreed to.

The next amendment was, on page 12, after line 12, to insert:

SEC. 15. The Chief of the Bureau of Public Roads is hereby directed to investigate and make a report of his findings and recommend to the Congress not later than February 1, 1939, with respect to the feasibility of building, and cost of, superhighways not exceeding three in number, running in a general direction from the eastern to the western portion of the United States, and not exceeding three in number, running in a general direction from the northern to the southern portion of the United States, including the feasibility of a toll system on such roads.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. HAYDEN. Mr. President, I have conferred with some members of the committee, and inasmuch as the appropriations for forest highways were reduced by the committee amendment, it is recommended that on page 7, line 1, the allocation to Alaska be reduced from $500,000 to $400,000. I therefore offer that amendment. The sum of $400,000 is the amount which was originally approved by the House Committee on Roads.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 7, line 1, it is proposed to strike out "$500,000" and to insert in lieu thereof "$400,000."

The amendment was agreed to.

Mr. HAYDEN. Mr. President, in view of the adoption of the amendment which relates to superhighways, after conferring with the chairman of the committee I desire to offer a revision of section 10 as it appears in the bill on page 9. The effect of the amendment will be to permit the 1½ percent which may be allocated for investigations to be expended in the discretion of the Secretary of Agriculture without being matched by the States.

I offer the amendment which I send to the desk and ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert, in lieu of section 10 as printed in the bill, the following:

SEC. 10. One and one-half percent of the amount apportioned for any fiscal year to any State under sections 1, 2, and 3 of this act, or so much thereof as in the opinion of the Secretary of Agriculture shall be necessary, shall be used for surveys, plans, engineering, and economic investigations of projects for future consideration in such State, either on the Federal-aid highway system and extensions thereof, or on secondary or feeder roads, or grade-crossing eliminations: *Provided*, That said 1½ percent of the amount apportioned to any State for any fiscal year, or such part thereof as the Secretary of Agriculture may determine, shall be available for the purposes of this section without being matched by the State.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, members of the committee will remember that Representative SABATH, of Illinois, appeared before our committee with respect to section 12 of the House bill, and suggested some slight revision of its terms. The committee requested Representative SABATH to confer with the Chief of the Bureau of Public Roads to ascertain how the section could be properly modified.

In line with that understanding, I offer the amendment which I send to the desk, which is recommended by the Chief of the Bureau of Public Roads.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend section 12, on page 11, line 8, by striking out "plans, specifications, and methods" and inserting in lieu thereof "methods of bidding and such plans and specifications."

Mr. BRIDGES. Mr. President, am I to understand that that amendment has the approval of the head of the Bureau of Public Roads?

Mr. HAYDEN. Yes; the amendment was given to me as drafted by Mr. MacDonald.

Mr. BRIDGES. Does the Senator from Arizona think the Bureau of Public Roads now would have authority to do that?

Mr. HAYDEN. A question was raised in the House as to whether or not the Bureau of Public Roads had this authority; and, to make it certain, the House adopted this provision. The way it is to be changed the effect is practically the same, but the meaning is made clearer.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, it is much easier to refer to a measure with a short title. I therefore offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to add a new section, as follows:

SEC. 16. This act may be cited as the Federal Aid Highway Act, 1938.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment was agreed to.

The CHIEF CLERK. It is also proposed to renumber the sections.

The PRESIDING OFFICER. Without objection, that order will be made.

The bill is still open to amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes."

Mr. HAYDEN subsequently said: Mr. President, I ask unanimous consent that there be inserted in the RECORD, as a part of my remarks on the highway bill, certain tables and letters.

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

Comparisons of estimated balances Jan. 1, 1939, with apportionment of $125,000,000

State	$75,000,000 Federal aid	Carry-over Jan. 1, 1939	Total available Jan. 1, 1939	Apportionment of $125,000,000
Alabama	$1,552,000	$3,600,000	$5,152,000	$2,587,000
Arizona	1,067,000	1,000,000	2,067,000	1,779,000
Arkansas	1,273,000	2,400,000	3,673,000	2,122,000
California	2,826,000	200,000	3,026,000	4,710,000
Colorado	1,357,000	2,100,000	3,457,000	2,262,000
Connecticut	469,000	1,200,000	1,669,000	781,000
Delaware	365,000	1,000,000	1,365,000	609,000
Florida	997,000	3,100,000	4,097,000	1,661,000
Georgia	1,884,000	4,800,000	6,684,000	3,139,000
Idaho	919,000	700,000	1,619,000	1,532,000
Illinois	3,040,000	700,000	3,740,000	5,066,000
Indiana	1,828,000	2,000,000	3,828,000	3,047,000
Iowa	1,911,000	100,000	2,011,000	3,185,000
Kansas	1,961,000	3,900,000	5,861,000	3,268,000
Kentucky	1,372,000	1,800,000	3,172,000	2,287,000
Louisiana	1,069,000	1,400,000	2,469,000	1,782,000
Maine	651,000	500,000	1,151,000	1,084,000
Maryland	607,000	1,700,000	2,307,000	1,012,000
Massachusetts	1,028,000	1,100,000	2,128,000	1,714,000

Comparisons of estimated balances Jan. 1, 1939, with apportionment of $125,000,000—Continued

State	$75,000,000 Federal aid	Carry-over Jan. 1, 1939	Total available Jan. 1, 1939	Apportionment of $125,000,000
Michigan	$2,258,000	$1,600,000	$3,858,000	$3,763,000
Minnesota	2,032,000	300,000	2,332,000	3,386,000
Mississippi	1,312,000	2,900,000	4,212,000	2,186,000
Missouri	2,254,000	1,600,000	3,854,000	3,756,000
Montana	1,526,000	2,800,000	4,326,000	2,543,000
Nebraska	1,540,000	1,700,000	3,240,000	2,567,000
Nevada	951,000	700,000	1,651,000	1,584,000
New Hampshire	365,000	700,000	1,065,000	609,000
New Jersey	991,000	1,500,000	2,491,000	1,651,000
New Mexico	1,191,000	200,000	1,391,000	1,985,000
New York	3,640,000	800,000	4,440,000	6,066,000
North Carolina	1,742,000	1,200,000	2,942,000	2,904,000
North Dakota	1,159,000	1,000,000	2,159,000	1,931,000
Ohio	2,695,000	4,600,000	7,295,000	4,492,000
Oklahoma	1,749,000	3,000,000	4,749,000	2,915,000
Oregon	1,223,000	900,000	2,123,000	2,039,000
Pennsylvania	3,155,000	2,200,000	5,355,000	5,259,000
Rhode Island	365,000	600,000	965,000	609,000
South Carolina	998,000	700,000	1,698,000	1,663,000
South Dakota	1,213,000	2,000,000	3,213,000	2,021,000
Tennessee	1,562,000	3,500,000	5,062,000	2,603,000
Texas	4,650,000	5,700,000	10,350,000	7,750,000
Utah	843,000	600,000	1,443,000	1,405,000
Vermont	365,000	100,000	465,000	609,000
Virginia	1,355,000	1,000,000	2,355,000	2,258,000
Washington	1,168,000	800,000	1,968,000	1,947,000
West Virginia	811,000	1,100,000	1,911,000	1,351,000
Wisconsin	1,809,000	600,000	2,409,000	3,015,000
Wyoming	932,000	600,000	1,532,000	1,554,000
District of Columbia	365,000	100,000	465,000	609,000
Hawaii	365,000	1,000,000	1,365,000	609,000
Puerto Rico	365,000	600,000	965,000	609,000

Emergency flood relief allocated to States, as provided by sec. 3 of the act of June 18, 1934, as of May 12, 1938

California:	
1937	$966,674.00
1938	884,420.00
Colorado, 1935	467,063.82
Kansas, 1935	604,999.15
Kentucky, 1937	82,110.00
Maine, 1936	66,545.73
Maryland, 1936	500,000.00
Missouri, 1937	273,764.00
Nebraska, 1935	276,000.00
New Hampshire, 1936	106,750.00
New York:	
1935	554,500.00
1936	79,750.00
Ohio, 1937	2,116,000.00
Oklahoma, 1937	3,441.02
Texas, 1935	378,500.00
Vermont, 1936	97,500.00
Virginia, 1936	187,500.00
West Virginia:	
1936	250,000.00
1937	100,000.00
Total	7,995,517.72

BREAK-DOWN OF AUTHORIZATIONS

Following is a tabulation of the authorizations for the fiscal years 1940 and 1941, together with the unobligated or unappropriated balances which will be available for the several purposes on January 1, 1939:

	1940	1941	Carry-over	Total
Federal aid	$75,000,000	$115,000,000	$80,000,000	$270,000,000
Secondary roads	10,000,000	10,000,000	20,000,000	40,000,000
Grade crossings	20,000,000	30,000,000	30,000,000	80,000,000
Forest roads	10,000,000	13,000,000	4,000,000	27,000,000
Public-land roads	1,000,000	2,000,000	1,000,000	4,000,000
National parks	4,000,000	5,000,000	4,000,000	13,000,000
National parkways	6,000,000	8,000,000	9,000,000	23,000,000
Indian roads	2,500,000	3,000,000	2,000,000	7,500,000
Total	128,500,000	186,000,000	150,000,000	464,500,000
Emergency authorization				8,000,000
Total				472,500,000
Average for each year				236,250,000

LETTER FROM THE AMERICAN MOTORISTS ASSOCIATION, WASHINGTON, D. C., MAY 14, 1938

Hon. CARL HAYDEN,
United States Senate, Washington, D. C.

MY DEAR SENATOR HAYDEN: The United States has been engaged in six major wars, totaling something like 15 years in duration, since 1776.

In those wars the number of soldiers who were killed or died of wounds reached the sum of 244,357. In the past 15 years (1923–37) the sum of those killed on our highways was 441,912. There was some show of reason for the casualties of war, but there is none for the casualties on the highway.

Safety authorities recognize three elements in every traffic accident—the road, the vehicle, and the driver of the vehicle. In recent years the vehicle can be blamed for less than 10 percent of the accidents, the driver and the road for the balance. Education may improve the driving facility over a long period of time, but, basically, any long-range program for developing highway safety must begin with the highway. In it must be incorporated every known factor of safety and every factor that derives from continuing experience.

Every hour the average motorist operates his automobile he pays a toll in Federal, State, and municipal taxes of 14 to 17 cents.

A study of usage shows that the average life span of an automobile is 8½ years, and that the average usage is about 2 weeks of 24-hour days each year, or a total life of from 2,500 to 3,000 operating hours.

The mean annual tax bill, it is further calculated, approximates $50. Thus in 8½ years, or for 2,500 to 3,000 operating hours, the motorist pays $425 in taxes, or 14 to 17 cents an hour.

How motor taxes have pyramided is illustrated even more graphically in the fact that in 1900—the "horse and buggy" era—all tax-collecting agencies, Federal, State, and local, collected about $1,300,000,000. In 1937, taxes levied on highway transportation alone, in one form or another, exceeded that figure by some $200,000,000.

The motorist of the United States pays and pays and pays. He complains but little when the burden of taxes he carries is used for services and public improvements that are beneficial to him as a motorist. But he is getting mighty weary of having his taxes used for other purposes—and he will rise soon in his weariness and wrath and stop this growing practice of diversion.

Respectfully yours,

THOMAS J. KEEFE,
General Manager.

ASSOCIATION OF AMERICAN RAILROADS,
TRANSPORTATION BUILDING,
Washington, D. C., April 14, 1938.

The Honorable CARL HAYDEN,
United States Senate, Washington, D. C.

DEAR SENATOR HAYDEN: With reference to the matter which I mentioned to you briefly today, this is merely to make a written record of what I was talking about.

In the act approved June 16, 1936, entitled "An act to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes," in section 8 it is said:

"For the elimination of hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade-crossing structures, and the relocation of highways to eliminate grade crossings, there is hereby authorized to be appropriated, etc."

The amount in the 1936 act was $50,000,000 for each of the 2 years. This was in every way a very satisfactory law.

In H. R. 10140, reported to the House on April 5, 1938, the thing we are discussing is found in section 3 on page 5. There it is said:

"For the elimination of hazards to life at railroad grade crossings on the Federal-aid highway system, including the separation of or protection of grades at crossings, etc."

The bill carries $50,000,000 for the fiscal year ending June 30, 1940, and a similar sum for the year ending June 30, 1941.

What the railroads object to is the inclusion of the words "on the Federal-aid highway system." It is our view that the State authorities, acting in conjunction with the Federal Bureau of Public Roads, should be allowed to allocate the sums wherever they may be needed and not confine the expenditure to the Federal-aid highway system. My understanding is that it often happens that the public interest would be improved by eliminating grade crossings on some State highways and city streets. My further information is that the Bureau of Public Roads is not in favor of the change which is found in the House bill.

I shall greatly appreciate your giving some attention to the matter when the bill reaches the Senate.

Very truly yours,

R. V. FLETCHER.

ACQUISITION OF PAPERS OF CHARLES COTESWORTH PINCKNEY

Mr. BARKLEY. Mr. President, I ask unanimous consent for the present consideration of Senate bill 3699, being Calendar No. 1877.

This bill, which has been reported from the Committee on the Library, authorizes the purchase for the Congressional Library of certain important papers in the collection of Charles Cotesworth Pinckney in connection with the Revolution and the Constitutional Convention. The committee held a hearing on the bill. Dr. Putnam, the Librarian, strongly recommended the purchase of these documents, and the committee unanimously reported the bill. In order that the bill may be considered in the House, with Members of which I have taken it up, I desire to have the bill acted on, if possible, at this time.

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

There being no objection, the Senate proceeded to consider the bill (S. 3699) authorizing tthe Library of Congress to acquire by purchase, or otherwise, the whole, or any part, of the Charles Cotesworth Pinckney Papers, now in the possession of Harry Stone, of New York City, which had been reported from the Committee on the Library with an amendment, on page 1, after line 5, to strike out "now in the possession of Harry Stone, at 24 East Fifty-eighth Street, New York, N. Y., and there is hereby authorized to be appropriated to the Library of Congress for that purpose not to exceed the sum of $——" and to insert "and Thomas Pinckney, including therewith a group of documents relating to the Constitutional Convention of 1787, now in the possession of Harry Stone, of 24 East Fifty-eighth Street, New York, N. Y., and there is hereby authorized to be appropriated to the Library of Congress for that purpose not to exceed the sum of $37,500", so as to make the bill read:

Be it enacted, etc., That the Library of Congress is hereby authorized and empowered to acquire by purchase, or otherwise, the whole, or any part, of the papers of Charles Cotesworth Pinckney and Thomas Pinckney, including therewith a group of documents relating to the Constitutional Convention of 1787, now in the possession of Harry Stone, of 24 East Fifty-eighth Street, New York, N. Y., and there is hereby authorized to be appropriated to the Library of Congress for that purpose not to exceed the sum of $37,500.

The amendment was agreed to.

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

The title was amended so as to read: "A bill authorizing the Library of Congress to acquire by purchase, or otherwise, the whole, or any part, of the papers of Charles Cotesworth Pinckney and Thomas Pinckney, including therewith a group of documents relating to the Constitutional Convention of 1787, now in the possession of Harry Stone, of New York City."

REGULATION OF YACHTS, TUGS, AND TOWBOATS—CONFERENCE

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 7158) to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. COPELAND. I move that the Senate insist upon its amendment, 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 Presiding Officer appointed Mr. COPELAND, Mr. SHEPPARD, Mr. BAILEY, Mr. JOHNSON of California, and Mr. WHITE conferees on the part of the Senate.

CALL OF THE ROLL

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. BARKLEY. Mr. President, the Senator from North Carolina [Mr. BAILEY] spoke to me about a motion to reconsider a bill in which the Senator from Indiana [Mr. MINTON] is interested. I think we had better have a quorum call; so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Byrd	Glass	Lewis
Andrews	Byrnes	Green	Logan
Austin	Capper	Hale	Lonergan
Bailey	Caraway	Harrison	Lundeen
Bankhead	Chavez	Hatch	McAdoo
Barkley	Copeland	Hayden	McCarran
Berry	Dieterich	Herring	McGill
Bilbo	Donahey	Hill	McKellar
Bone	Duffy	Hitchcock	McNary
Borah	Ellender	Holt	Maloney
Bridges	Frazier	Hughes	Miller
Brown, Mich.	George	Johnson, Calif.	Minton
Bulkley	Gerry	Johnson, Colo.	Murray
Bulow	Gibson	King	Neely
Burke	Gillette	La Follette	Norris
O'Mahoney	Schwartz	Thomas, Utah	Walsh
Overton	Sheppard	Townsend	Wheeler
Pittman	Shipstead	Truman	White
Pope	Smathers	Tydings	
Radcliffe	Smith	Vandenberg	
Russell	Thomas, Okla.	Van Nuys	

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

EMPLOYEES OF NATIONAL LABOR RELATIONS BOARD

Mr. BRIDGES. Mr. President, I ask unanimous consent that Senate Resolution 277, submitted by me this morning, be read at this time and taken up for consideration.

The PRESIDING OFFICER. The clerk will read the resolution for the information of the Senate.

The CHIEF CLERK. Senate Resolution 277, offered by the Senator from New Hampshire:

Resolved, That the President be requested to furnish the Senate at once the names and addresses of all persons now employed by the National Labor Relations Board, the age of each person so employed, the place of birth of each person, where last employed and by whom, the rate of pay received from the former employer, and the rate of pay now being received as an employee of the National Labor Relations Board.

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

Mr. BARKLEY. Mr. President, the resolution has just been submitted today, and I cannot consent that it be considered at the present time.

The PRESIDING OFFICER. Objection is heard.

REHEARINGS AND COURT REVIEWS UNDER FEDERAL POWER ACT

Mr. BAILEY. Mr. President, reference to the calendar for today, page 23, under "Motions for reconsideration," will disclose that a bill introduced by me, which was passed at the last call of the calendar, has been placed on the calendar under "Motion for reconsideration" upon motion of the Senator from Indiana [Mr. MINTON]. I wish to bring that matter up now and explain the bill, and, of course, await a fully reasonable time for any discussion, and at the proper time, after full discussion, and without intention of cutting anyone off, move to lay the motion to reconsider on the table. With a view to that course I ask now that the Senate proceed to consider the motion of the Senator from Indiana to reconsider the vote by which Senate bill 3793 was passed, the bill now being found on the calendar under the hearing, "Motions for reconsideration."

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

There being no objection, the Senate proceeded to consider Mr. MINTON's motion to reconsider the vote by which the Senate passed the bill (S. 3793) to amend section 313 of the Federal Power Act with respect to rehearings and court review of orders or findings made under such act.

Mr. BAILEY. Mr. President, I shall now make a statement as to the purpose of the bill the subject of the motion, and, of course, give abundant opportunity for discussion, and at the appropriate time I shall make a motion to lay the pending motion on the table.

The bill referred to, Senate bill 3793, is entitled "A bill to amend section 313 of the Federal Power Act with respect to rehearings and court review of orders or findings made under such act." The whole purpose of the bill is to provide that a State—and in this particular instance the State of North Carolina—or that any other party aggrieved, shall have opportunity to appeal to the courts from a finding of fact by the Power Commission when such finding of fact amounts to an order under the statute.

The underlying facts are as follows: A corporation in North Carolina, I think under the name of the Carolina Aluminum Co., a subsidiary of and I think wholly owned by the Aluminum Co. of America—I am not sure of that fact, but I am willing that it shall be assumed—owned a site on the Yadkin River in the State of North Carolina. It desired to build a dam on that site. It gave notice to the Power Commission of its desire.

Proceeding under the law known as the Power Act, which governs the Power Commission, the presumption was that an

order would be made, and that from the order there would be opportunity for appeal, as appears on the face of the act. However, it further appears on the face of the act that a finding of fact may be made, and there is some question, there is considerable doubt, whether there can be an appeal under such circumstances.

Mr. President, the fact was found by the Power Commission that the Yadkin River was a navigable river, and upon that finding the State of North Carolina was powerless to appeal, and the corporation wishing to build a dam was powerless to appeal. The title to the bed of the river passed at once from the adjoining landowners. The river has three times been held by the Supreme Court of North Carolina to be a nonnavigable river and property rights were established accordingly. But upon this simple finding of fact by an administrative board in Washington all those rights passed, and, what is more, the right of the State of North Carolina to the control of that stream passed.

Effort was made to appeal, and the Power Commission has resisted the appeal, and resisted the right of the State of North Carolina to appear, on the ground that the finding of fact by the Power Commission is conclusive, and that there is no remedy whatever. That affects the State absolutely, and of course, if it is law, and if the law stands as it is, unamended, every State in the United States will lose its right to the control of its streams on a mere finding of fact by a commission in Washington that the streams are navigable. The right of the State to be heard in court is absolutely excluded.

So far as the private corporation is concerned, it was at once informed that it must take a license under the Federal Government and comply with the terms of the license, and among the other terms of the license is a clause requiring the company building the dam to submit itself to a recapture clause, whereby the entire property would be taken over at the end of 50 years on a certain basis, mainly the original cost plus depreciation, which, over a term of 50 years, would probably extinguish the investment. Those are the facts.

Mr. President, I had the bill prepared by the legislative counsel, and the whole purpose, the entire effect of it, is to provide that when the Power Commission finds as a fact that a river is navigable any party aggrieved, State or corporation, may have the right to go to the circuit court of the United States and test the validity of the finding.

I conferred with the Senator from Nebraska on two or more occasions in regard to this subject. I did so out of great respect for him and out of courtesy, because of his great interest in power legislation and because I knew he had been the author of a great deal of it.

After talking with him I introduced a bill in the Senate. It was referred to the Committee on the Judiciary, and by the chairman of the Committee on the Judiciary was referred to a subcommittee consisting of the Senator from Nebraska [Mr. NORRIS], the Senator from Nebraska [Mr. BURKE], and the Senator from Indiana [Mr. VAN NUYS]. I believe I shall take the liberty to say that I requested the chairman of the Committee on the Judiciary to place the Senator from Nebraska [Mr. NORRIS] on the subcommittee. I wished the matter to be thoroughly considered. I had no question of its merits. I had no question of its righteousness. I had no question of its soundness as a matter of public policy. I have no question of the duty of the Congress, and especially the duty of the Senate, being a Senate of States and not of men, whenever the Federal Government impinges or attempts to impinge in any degree upon a right of a property or a Commonwealth to see to it that the Commonwealth shall have the opportunity to be heard in a court of justice, and shall not be excluded from a hearing and deprived of its rights by the mere act of an administrative board.

Mr. President, I was disappointed that the motion to reconsider was made. However, I cannot complain. I think the Senator who made it had a perfect right to make it. But I was disappointed that the passage of the measure was interrupted by the motion to reconsider. I am prepared to urge the Senate very earnestly to consider the matter not merely as a local matter, not by any means as a trivial matter, but one that goes to the heart of things at this time in our country.

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

Mr. BAILEY. I yield.

Mr. BARKLEY. A moment ago the Senator made a statement which might lead to the conclusion that the only effect of the amendment of the present law would be to permit the State of North Carolina or any other State similarly situated——

Mr. BAILEY. No, Mr. President; I said "or any party aggrieved."

Mr. BARKLEY. Yes. It would permit a State or a party aggrieved to appeal not only from an order but a finding of fact by the Federal Power Commission.

Mr. BAILEY. They have a right now to appeal from an order, but what we are considering is a finding of fact which amounts to an order, and their right is denied on the ground that it is a finding of fact.

Mr. BARKLEY. My impression has been that the provision is not limited to a finding of fact as to the navigability or nonnavigability of a stream, but any finding of fact that might be made by the Federal Power Commission. Is that correct?

Mr. BAILEY. I think the only finding of fact involved in the bill, and the only one that could be involved, is the finding of fact of navigability or nonnavigability. The language might appear to be general, but in light of the amendment of section 313, it is specific upon that point.

Mr. BARKLEY. Of course, it makes a considerable amount of difference, as a matter of policy if not of principle, whether the amendment authorizes an appeal from any finding of fact that the Federal Power Commission may make, or merely a finding of fact as to the navigability or nonnavigability of a stream.

Mr. BAILEY. If the Senator will read section 313 (a)——

Mr. BARKLEY. I do not have the Federal Power Act before me. Therefore it is difficult to read the proposed language into the act as it would be amended.

Mr. BAILEY. Will the Senator allow me to read it?

Mr. BARKLEY. I should not mind if the Senator should read it.

Mr. BAILEY. Section 313 (a) reads:

> Any person, State, municipality, or State commission aggrieved by an order issued by the Commission in a proceeding under this act to which such person, State, municipality, or State commission is a party may apply for a rehearing within 30 days after the issuance of such order.

Senators, get the point. That is all we want. But if Congress provides that the finding shall be the finding of a fact amounting to an order, or the finding of a fact which excludes the person or the State from a right by act of law——

Mr. BARKLEY. The point I make——

Mr. BAILEY. I am making a statement for the purpose of clearing the situation.

Mr. BARKLEY. The point I make is that the language in the act which the Senator seeks to amend does not limit the finding of fact, as I understand, to the question of the navigability of a stream. It may apply to any finding of fact which the Commission makes, and if that is true it might authorize a court to go into all the detailed circumstances that resulted in a finding of fact as well as the order itself.

Mr. BAILEY. I shall reach an agreement with the Senator in a moment on that. If the Senator wishes the amendment to read:

> Any finding of fact of navigability or nonnavigability of a stream—

I shall confine the amendment to that language, and I shall be very glad if the Senator will offer it or let me offer it. I am satisfied that is all that is in contemplation, and all that could be involved, but to make it definite I shall make the language read:

> Any finding of fact as to navigability or nonnavigability of a stream.

If the Senator will agree to that, I shall be entirely satisfied.

Mr. BARKLEY. I do not object to inserting that language, but I wish to study it a little further.

Mr. BAILEY. If that was the Senator's objection to my amendment I was going to meet his objection.

Mr. BARKLEY. I wish to study the language of the bill itself a little further before agreeing to that.

Mr. BAILEY. Very well.

Mr. President, that is all that is involved. Let us see how far that goes. As the law is now construed by the Federal Power Commission, the question may arise as to the navigability of any stream in America, however small the stream may be, and whether it affects navigation directly or indirectly. If the Federal Power Commission should find as a fact that a little stream in Vermont, or Nebraska, or Washington, or California, affects navigation, immediately every right the State ever had passes out of existence, and likewise immediately every right which every private owner ever had to the middle of the stream, passes away. I do not think it was ever intended that such rights as that, not only the rights of individuals but the rights of States, should be allowed to be terminated upon a mere finding of the fact by an administrative body.

I have always understood that the rights of States and the rights of men were justiciable questions. We have a great Department of government, the judiciary, the courts, in which those rights are protected. But as the Federal Power Act stands, and as the facts were developed in the particular case I have referred to, and as the situation exists at this moment, the Federal Power Commission can deprive any State in the Union of every right it ever had to any water, by a mere finding of fact, and can deprive any man in America of any right he ever had to his line in a river or a creek by the mere means of saying, "In our opinion we find, as a fact, that this is a navigable stream, or it affects the navigability of some stream down below."

In the particular case I mentioned, the Supreme Court of North Carolina has three times held that the river is nonnavigable. As a matter of fact, it is not navigable. There are three great dams in the river, below the dam in question, and one above it. There is no way on earth to use the river for boats. The Federal Power Commission by a mere finding of fact held that the river affected navigation in North Carolina.

Mr. BARKLEY. Has the Senator considered his bill in connection with the definition of navigability of waters contained in the act itself?

Mr. BAILEY. I have not for this reason: That is not left to us at all. What good would it do to consider it? The law says that the Federal Power Commission can find that a river is nonnavigable, or it affects navigation, and that ends the controversy regardless of the definition, because there is no court to which one can appeal.

Mr. BARKLEY. The Federal Power Act undertakes to describe what are navigable waters, and, if it will not interrupt the Senator, I shall read that description:

> "Navigable waters" means those parts of streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, and which either in their natural or improved condition, notwithstanding interruptions between the navigable parts of such streams or waters by falls, shallows, or rapids compelling land carriage, are used or suitable for use for the transportation of persons or property in interstate or foreign commerce, including therein all such interrupting falls, shallows, or rapids; together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority.

That would, of course, include not only streams that are actually navigable but that are capable of navigation.

Mr. BAILEY. That is just what I said, Mr. President. It gives the Federal Power Commission absolute power to find that a little creek up in the mountains affects navigation 300 miles away, and immediately the right of the State and the right of the owner passes. I am not saying that that should not be done. I am not objecting to that. But I am saying that when it is done, a State or an individual ought to have an opportunity to go to a court of justice and have the question tried. If I am wrong about that, then I have a total misconception of the entire American system. That is all I am asking.

I shall now take my seat, and if there is any opposition I shall be glad to hear it.

Mr. MINTON. Mr. President, the filing of the declaration of intention by the Carolina Aluminum Co. to build a dam upon the Yadkin River in North Carolina invoked the jurisdiction of the Federal Power Commission. Under the law it was the duty of the Federal Power Commission, on the filing of the declaration of intention, to hold a hearing and make an investigation. The Federal Power Commission conducted its investigation and held a hearing. The State of North Carolina was represented at the hearing by its attorney general, and the State of South Carolina was represented by its attorney general. The Aluminum Co. was represented by counsel. The Power Commission went into the question fully, and determined that building the dam upon the Yadkin River would affect interstate and foreign commerce. It never found that the Yadkin River was navigable.

I read from the findings of the Commission, inserted in the RECORD by me of December 14, 1937, at page 1423. The Commission said:

> From the evidence in the record the Commission concludes that the proposed Tuckertown project would cause serious fluctuations in the stage of the Pee Dee River from Cheraw downstream; that such fluctuations in stage will alter and modify the conditions and capacity of the navigable channel of the Pee Dee River and affect the interests of interstate or foreign commerce.

The Pee Dee River is the Yadkin River down in South Carolina. Up in North Carolina it is known as the Yadkin River, but when it gets over into South Carolina it is known as the Pee Dee River. The Commission found only that the building of the dam on the Yadkin River in North Carolina would interfere with interstate and foreign commerce by changing the flow in the stream and affecting the navigability of the Pee Dee River in South Carolina, which had been found to be a navigable stream, I think, by the Supreme Court of the United States itself.

So, as I said a while ago, the finding did not establish the navigability of the Yadkin River. It simply said that the building of another dam, which, as the Senator has said, is in addition to three or four other dams on the river, would so retard the flow of the water from the mountains in North Carolina as to lower the level of the water in the Pee Dee River in South Carolina and affect interstate and foreign commerce by affecting the navigability, not of the Yadkin River up in North Carolina but of the Pee Dee River down in South Carolina.

Such was the finding of the board. It did all it was authorized to do upon the filing of a declaration of intention by the Carolina Aluminum Co. At the hearing the State of North Carolina was heard. Although it was not an adversary proceeding in which one may become a party by intervention, as in a lawsuit where he is not made a party by the complaining party, the State of North Carolina was represented, and was heard, and, as I said, the State of South Carolina was represented and was heard.

Upon the finding by the Commission the duty then devolved upon the Aluminum Co. to decide what course it should pursue—whether it should build its dam or not build it. With such a finding the Aluminum Co. could not build the dam unless it got a license from the Federal Power Commission. That matter required another hearing before the Federal Power Commission to determine whether or not a license should be issued to the Carolina Aluminum Co. to build a dam upon the Yadkin River. In that proceeding, as in the other, the State of North Carolina could come in and be heard. The State of South Carolina could come in and be heard; and if they went to the Federal Power Commission nobody could deny them the right, on the application for a license, to come in and be heard. So when the Senator says that the State of North Carolina cannot be heard he is not stating my understanding of the law; and I am sure a reading of the statute will convince anybody that what the Senator states is not what the statute provides.

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

Mr. MINTON. I yield.

Mr. BURKE. When the Senator says the State of North Carolina and the State of South Carolina had an opportunity to be heard, he does not mean to say that they had an opportunity to be heard in court, does he?

Mr. MINTON. Oh, no.

Mr. BURKE. They had an opportunity to appear before the Federal Power Commission. What the State of North Carolina is asking is an opportunity to be heard in a court of justice.

Mr. MINTON. The Senator knows, or ought to know, that most of the administrative business of the Federal Government is not done by courts, never has been, and never will be, because everybody knows that when one goes into a court he becomes bogged down and tangled in the machinations of court procedure until nothing is accomplished in court except delay; and that is very successfully accomplished.

So we have set up administrative agencies in Washington, and every State in the Union has set up administrative agencies, to keep out of the courts, and in order that the work may be accomplished and not tied up in the rigamarole and technicalities of courts.

However, there is always an appeal from administrative bodies to a court. The appeal has always been from the order. The present statute provides for an appeal from the order. The Senator's amendment would change the law and make the appeal lie not only from the order but from the finding of the Commission, as well as the order. In other words, one could go into a court and try the matter on the record de novo, after an administrative body had heard the case, although the law in such matters, affecting administrative bodies of this kind, has always been that no court has a right to inquire into or set aside the finding of an administrative body so long as the finding supports the order, and so long as the finding rests upon substantial evidence. That is the law. It always has been the law. The Senator's amendment would change the procedure and permit the courts of the country to look into every finding of the Federal Power Commission, not only as affects navigability, as the Senator from Kentucky pointed out, but everything else that may be found by the Commission, although the Senator from North Carolina says he is willing to limit it to navigability.

So we see that the purpose of the amendment offered by the Senator from North Carolina is, first, to provide that anybody who is aggrieved, or adversely affected by the order, may appeal to the circuit court of appeals. The words of the statute now are to the effect that "anyone aggrieved" by an order may appeal to the circuit court of appeals. I think the courts have held that "anyone aggrieved" by an order means one whose interests were under consideration in a particular case from which an appeal is taken. But I do not think the words "adversely affected" add anything to the word "aggrieved."

Striking out certain words in the statute, to wit, "to which such person, State, municipality, or State commission is a party," and throwing it wide open to anybody, whether he was a party to the proceeding or not, to come in and challenge the finding of a commission, throws the door wide open to entirely new procedure. Under the provisions of the Senator's amendment, if it were adopted, one would have the right to appeal not only from an order but also from a finding, which would enable the court to go into the matter and try the case all over again in court, although on the record as made.

Striking out the words to which I have alluded would have the effect of making it possible for anyone, whether a party to the proceeding or not, to come in after the matter had been litigated. After the matter had been litigated by A and B, C could then relitigate it if he felt that he himself was affected or aggrieved by the finding or order, although he had not been a party to the proceeding.

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

Mr. MINTON. I yield.

Mr. BAILEY. The Senator will agree that the language is "any party aggrieved" and not "any party." The language means any party whose rights are affected.

Mr. MINTON. That is correct; any party who is affected by or aggrieved by the order, whether he be a party to the proceeding or not.

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

Mr. MINTON. I yield.

Mr. BARKLEY. Subsection (a) of section 313, which the first part of the bill seeks to amend, provides that:

> Any person, State, municipality, or State commission aggrieved by an order issued by the Commission in a proceeding under this act to which such person, State, municipality, or State commission is a party may apply for a rehearing.

The act further states that under certain circumstances, if the application for rehearing has not been acted upon in 30 days, it shall be considered as having been denied.

The subsection continues:

> No proceeding to review any order of the Commission shall be brought by any person unless such person shall have made application to the Commission for a rehearing thereon.

Of course, that language obviously means any person, State, municipality, or State commission, because at the beginning of the subsection all of them are given authority to come in and be heard, and any one of them may petition for a rehearing.

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

Mr. MINTON. I yield.

Mr. BAILEY. Any one of them may petition for a rehearing under an order.

Mr. BARKLEY. I realize that.

Mr. BAILEY. That is just the point. The language does not extend to the findings of fact, which amount to an order in the very fullest degree.

Mr. BARKLEY. The object is not necessarily to include any more parties to the litigation, because they are already provided for, but the real object, as the amendment is drawn, is to permit any individual to appeal to the circuit court of appeals on a finding of fact with respect to any matter concerning which the Commission has power to make a finding of fact. Subsection (b) of the statute provides:

> Any party to a proceeding under this act aggrieved by an order—

What the Senator wants to do is to insert there the words "or finding."

Mr. BAILEY. Yes; so as to read "order or finding."

Mr. BARKLEY. "Issued by the Commission."

Mr. BAILEY. In order to clear the Senator's mind, and get rid of this portion of the controversy, I will offer a further amendment to the act. The amendment would read:

> SEC. 3. This act is limited to findings that streams or dams or structures thereon affect directly or indirectly commerce between the States and foreign countries.

I limit it particularly to the point of view of the objection.

Mr. BARKLEY. I am not sure, I will say to the Senator, that clears up the difficulty in my mind, because under its power to regulate commerce the Congress has jurisdiction to declare what is actually a navigable stream or what sort of stream or body of water may affect commerce, and in all power legislation and in all stream-pollution legislation that has been considered the Congress has not only undertaken to assume jurisdiction under the Constitution over streams that are actually navigable but streams that are tributary to navigable streams, the treatment of which might affect navigation and thereby affect commerce. Even with the suggested amendment of the Senator from North Carolina, I am wondering how it synchronizes with the definition of "navigable waters," to which I called attention a while ago.

I do not wish to take the time of the Senator from Indiana, except further to emphasize the fact that what the Senator from North Carolina is seeking, as I understand, regardless of language, is to allow any of the parties to appeal to the circuit court of appeals from a finding of fact, that is, a find-

ing of fact under his proposed limitation as to the navigability of a stream. Yet I am wondering whether that is a wise limitation, in view of the unlimited power that Congress has to deal, not only with navigable streams but whatever may affect navigable streams.

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

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

Mr. BURKE. As I understand, the effect of this amendment would not be to limit at all the power of Congress to declare what is a navigable stream. All laws passed or hereafter passed on that subject would be in force, but the effect of this amendment would merely be to say that an aggrieved person would have the right to have a court of justice pass finally upon the question whether the particular thing was in violation of or in accord with an act of Congress, instead of having the matter settled once and for all by a commission set up by the Government without any right at all to go into court regarding it. It would not affect the definition of navigability or the power of Congress to declare waters navigable.

Mr. MINTON. I think that is true. It would not affect the right of Congress so far as the declaring what is and what is not a navigable stream, but the amendment would be a very definite departure from all proceedings followed by the commissions heretofore set up by Congress.

Nothing can be done under a mere finding. And that is all there has been in the North Carolina case to which the Senator has alluded. There has been an investigation and a mere finding. From that, I venture to say, there could be no appeal, and I think the Senator will agree with that statement; but he wants to provide by this proposed amendment that from a mere finding, as well as an order, an appeal may be taken to the court. For what purpose? In order that the court may try de novo just exactly what the Commission has already found as facts. The Senate can see what that would mean.

Under such a statute no proceeding under any finding that the Federal Power Commission may make would ever be final. It would always be appealable to a court that would try the matter de novo although on the record. That would be a clear departure from any procedure that has ever been known in this country.

Mr. MILLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Arkansas?

Mr. MINTON. I yield.

Mr. MILLER. A finding of fact by the Commission is necessary, of course, in the first instance so that an order may be predicated upon it. Is not that so?

Mr. MINTON. In this instance, the specific instance, I will say to the Senator the finding of fact is a prelude to the filing of an application for a license.

Mr. MILLER. Yes, that is what I had in mind. I do not have any desire to rearrange the Government's procedure, but I am just wondering if a provision which I notice in the act is found in most of the acts under which the Government is operating? I notice on page 47 of this compilation the act says:

> The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive.

That is, "conclusive" upon the court. In other words, it is the old rule of conclusiveness by a verdict of a jury.

Is the same provision contained in most of our statutes with reference to appeal or certiorari from orders of Government commissions?

Mr. MINTON. That is the rule.

Mr. MILLER. That is the uniform rule?

Mr. MINTON. That is the uniform rule. This would be an exception.

Mr. MILLER. In order really to accomplish what the Senator from North Carolina seeks to do, to carry the matter through to its final and logical conclusion, we should change the rule, or change that provision of the statute so as to prevent findings of fact being binding upon the court upon review. In other words, give the court the right to try the case de novo to determine the facts.

Mr. MINTON. Does the Senator mean as to all other commissions?

Mr. MILLER. In this particular instance would it not be necessary?

Mr. MINTON. I do not believe it would be, but I think if the amendment of the Senator from North Carolina were adopted that would be its effect. It would permit an appeal, and the higher court could then go into the question as to whether or not the finding of the Commission was warranted by the evidence.

Mr. MILLER. That is the point exactly. If the amendment were adopted it would be necessary to change the "substantial evidence" rule. That would be the result.

Mr. MINTON. I think that would be the result, and it would be a change of practice with reference to the Federal Power Commission and leave all other commissions to go forward under the old procedure.

Section 2 of the bill as introduced by the Senator from North Carolina, as I understand, would give a retroactive effect to the bill back to August 26, 1935.

Mr. BARKLEY. Mr. President, before the Senator gets away from the point the Senator from Arkansas is trying to make by his inquiry, let me say that, as I understood, the Senator from Arkansas was taking the position that if the rule is to be changed with respect to the Power Commission, then, if it is logically followed out, it should be and would have to be changed as to all the commissions whose findings of fact today are conclusive. I did not know whether the Senator from Indiana caught the point the Senator from Arkansas was trying to make.

Mr. MINTON. I thought I replied to that point—that this case was unique.

Mr. BARKLEY. This would create a unique situation as to the Power Commission, but it would take entirely different legislation from this to change the situation as to all the other commissions that are now in existence.

Mr. MINTON. That is correct. This bill is limited only to the Power Commission itself; and the bill would work a departure in the usual procedure before commissions and administrative bodies because, as I have said, on appeal the only question that is appealed from is the order, and the only point that is considered on appeal is whether or not the findings support the order; and the only question as to whether or not the findings support the order is whether or not there is substantial evidence upon which to base the findings. That is the practice today, but if the Senator's amendment were adopted as to the Power Commission—not as to any other commission, but as to the Power Commission—the procedure would be changed and the court would be enabled to review the findings and try the case de novo, not only at the behest of the parties who were before the Commission below but at the behest of anybody else who might feel himself affected or aggrieved by the order, whether or not he was a party to the case.

As I said a moment ago, section 2 of the bill would make this bill retroactive to August 26, 1935. The effect of that would be that every order that had not been conclusively acted upon by the parties, every order that was pending and had not been executed by the parties, could be opened up in the courts under the proceeding provided by this proposed statute. So the many orders—I do not know how many there are, but there must be hundreds of them—of the Federal Power Commission upon questions that are pertinent before it would all be opened up by this amendment and would be triable de novo in the courts.

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

Mr. MINTON. I yield to the Senator from Kentucky.

Mr. BARKLEY. As the amendment is drawn, I interpret it to mean that an appeal could be taken by anybody adversely affected from any finding of any fact that the Commission had power to find. The Senator from North Carolina

has suggested that it be limited to the question of the navigability of a stream. What is the Senator's reaction to that? To what extent does that remove the objection the Senator has to the language of the amendment?

Mr. MINTON. It would merely limit the scope of the amendment. That is all it would do. It would apply the amendment to specific cases in which the Commission is passing upon the question of navigability, or the effect upon the navigability of action taken by an applicant with reference to a stream.

Mr. BARKLEY. Of course, the navigability of a stream which is actually navigable is one thing. Doing something in a tributary which itself is not navigable, but which might affect the navigability of the main stream, is another. That, of course, is a question upon which the Commission has power to make a finding of fact and upon which Congress has the right to act.

In the case referred to, if the Senator's amendment should be adopted, limited as he suggests to the navigability or nonnavigability of the stream, an application would be filed; there might be a preliminary application upon which there would be a hearing as to the facts; and the Commission, after hearing the testimony, would make a finding which might determine the ability of the applicant to get a license to build a dam and conduct a power plant.

Suppose the stream is not actually navigable, and never has been declared by Congress actually or theoretically or potentially navigable, but that it is of sufficient importance—and it seems to me that any stream upon which a dam would be of much value might affect the stream below into which it would run: The Commission would hold a hearing and make a finding that the stream is or is not navigable, and that it does or does not affect the river below into which it flows. That is a question of fact; not of law. If this amendment should be adopted, an appeal might be taken from the findings of fact, and the court above would go into the whole question as to whether the dam would affect the river below and affect navigation in any way at all; which, of course, would be a trial de novo. It would have to have the same witnesses, I suppose, and go into the same evidence.

While one isolated case of that sort might not make any difference, if it were practiced generally over the country in regard to these findings of fact it might result in unusual delay in obtaining final action upon the applications.

I am just thinking as I go along. I have not looked into the matter in detail. Is my deduction susceptible of being justified, or not?

Mr. MINTON. I think the Senator's deduction is absolutely correct. I think that is the only deduction which could be made from the amendment of the Senator from North Carolina, and that is the only purpose of it—to provide, within the limit which he prescribes by his amendment, an entirely different procedure than would be followed in any other matter which might come before that Commission, or in any matter which might come before any other commission. So, as the Senator from Kentucky has pointed out, the Commission would make its finding; then there would be an appeal to the court, and the court would try the matter de novo on the record and make a finding as to whether or not building the dam, we will say, would affect interstate or foreign commerce, because that is all that would be involved.

Mr. BARKLEY. I thank the Senator.

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

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

Mr. MINTON. Yes; I yield to the Senator.

Mr. POPE. If the right to ask for a rehearing is extended clear on beyond any of the parties to the original action, does not the word "aggrieved" become very important?

I am wondering just what the Senator understands by the use of the term "aggrieved." Does it mean "dissatisfied," or does it mean the invasion of a property right or a legal right? I can see that one might be aggrieved at a decision in which he would have no property interest and no legal rights. I am wondering what the term "aggrieved" means if the limit is removed as to the right of a party to the original action to have a rehearing.

Mr. BAILEY. Mr. President, is the Senator asking me the question?

Mr. POPE. I shall be glad to address my question to the Senator from North Carolina, if the Senator from Indiana will yield for that purpose.

Mr. MINTON. Certainly.

Mr. BAILEY. I am very glad to explain that in the use of the word "aggrieved" we simply repeated the language already in the act.

Section 313 (a) now provides:

> Any person, State, municipality, or State commission aggrieved by an order—

That is taking the language of the act as drawn. It is not going beyond it. I take it that the legislative assistant who prepared the amendment felt it his duty to follow precisely the language already in the act; and the amendment merely extends that right to the person aggrieved, as it now exists with respect to an order, to a finding of fact which amounts to an order. That is the whole size of it.

Mr. POPE. But this is the point as I see it: So long as the right is limited to the parties to a proceeding, there would be some basis for determining what "aggrieved" meant; but if there is no limit in that respect, and any person aggrieved, whether or not he has ever had any part in the proceeding, has a right to ask for a rehearing, I should like to know how far the matter would go.

Mr. BAILEY. Those words are not important to me. They are repeated because they were in the original act, and we did not care to change the original act.

Mr. POPE. But using the term "aggrieved" in connection with a party to the proceeding distinctly limits it.

Mr. BAILEY. That complaint should have been made when the original act was passed. If we did not wish a person aggrieved to have the right to take an appeal, the thing to do was to amend the act. I will support the amendment if the Senator will offer it. That does not trouble me at all, because the words "any person, State, municipality, or State commission" take in everybody.

Mr. POPE. If an application for a rehearing involves certain parties who are interested, so long as the term "aggrieved" is limited to those parties, it does not present any difficulty to me; but if we get outside of the parties to the hearing, and say that any person aggrieved may demand a rehearing and may take an appeal to the courts later on, it raises a serious question in my mind. If it is limited to those interested in the original hearing, the word "aggrieved" does not assume much importance; but if we get outside of those parties, how far would it go? How broad a meaning would the Senator give to it?

Mr. BAILEY. I say to the Senator that that is a question raised by the act itself, not by my amendment. If the Senator wishes to strike that word out of the act, if he wishes to put the change in my amendment, I will agree to it.

Mr. MINTON. Mr. President, let me say to the Senator from Idaho that the words "aggrieved by an order" are now in the statute; but the words which are added by the Senator's amendment are "adversely affected or."

Mr. BAILEY. I will explain that. "Adversely affected" is a very specific legal term. "Aggrieved" is general. If I am adversely affected by an order, a right of mine is affected. That is a legal term of very clear definition. I imagine it was put in by the legislative assistant in order to be specific, and probably to define the word "aggrieved" as the Senator wishes it to be done.

Mr. MINTON. I do not think it is very material that the words "adversely affected" were added to the words "aggrieved by an order." The important thing is that the amendment seeks to strike out the words "to which such person, State, municipality, or State commission is a party," and thereby enable a person, State, municipality, or State

commission which may feel itself affected or aggrieved, whether a party to the suit or not, to come in and appeal. That would be the effect of the Senator's amendment, and that is the important thing—that whether or not you are a party to the proceeding, if you feel that you are affected or aggrieved, you may appeal to the Circuit Court of Appeals and have the matter tried over again there, whether the original party to the proceeding wants it tried there or not. All you have to do is to appeal, and show that you are affected or aggrieved by what has been done, and the appeal goes.

As I said a while ago, section 2 of the act makes it retroactive to August 26, 1935. I am informed that about 1,800 orders have been promulgated by the Commission since August 1935. I do not know how many of them would be encompassed in the amendment which the Senator now proposes as an amendment to his amendment, limiting it only to those orders which affect navigability; but if the amendment were to be adopted as the Senator drafted it, it would open up 1,800 orders which the Commission has already entered.

Mr. BAILEY. Mr. President, the Senator now is talking about orders. This amendment does not relate to orders. I say the act is very good as to orders. There may have been 1,800 orders. My amendment, as the Senator will agree, since I have offered my second amendment, relates wholly to the findings of fact with respect to a stream or an obstruction thereon affecting directly or indirectly commerce between the States or with foreign nations.

The Senator from Indiana is not going to get orders confused with findings of fact. He said, "Eighteen hundred orders." If there are 1,800 orders, the right of appeal already exists in every one of them. That right is exhausted, but there are not 1,800 findings of fact as to a stream, or an obstruction thereon affecting commerce between the States or with foreign nations.

Mr. MINTON. Mr. President, the Senator from North Carolina must know that an order must be based upon a finding; otherwise, it is no good. Therefore, if you open up 1,800 orders, you open up 1,800 findings.

Mr. BAILEY. Yes; but the appeal would be from the order, and the right of appeal already exists in the act. There is not any question about that.

Mr. MINTON. Yes; but if the Senator's amendment should be adopted, you could appeal from the finding, and that is what I am talking about. The fact that each and every one of the 1,800 order is based upon a finding of fact does not amount to anything in the way of a right to appeal, but under the Senator's amendment you could appeal from the finding, and you would be able to appeal from 1,800 findings as well as 1,800 orders.

Mr. BAILEY. Mr. President, let me suggest to the Senator, as a matter of law and of fact and of experience, that the right now existing to appeal from an order always did imply the right to attack the facts on which the order rested. That forecloses the whole statement the Senator made.

Mr. MINTON. Only to a very limited extent. As I pointed out at least twice, on an appeal from an order the only thing the Court does with reference to the finding is to determine whether or not the finding supports the order and whether or not there is any substantial evidence to support the finding. That is all they do. They do not try the case de novo, as the Senator would have them do if his measure were adopted.

Since the Senator is interested in having States intervene in proceedings of this kind or be heard, I may say that I pointed out a while ago that if a preliminary finding is made, then there must be another step taken—that is, an application for a license—and upon that application for license any State, any commission, any municipality may intervene in the proceeding and be heard. So there is a law today on the statute books which would enable the State of North Carolina, if this matter is pursued further before the Commission, to come in before the Commission as an intervening petitioner and be thoroughly heard as to whether or not a license should be granted to the Carolina Aluminum Co. to build a dam upon the Yadkin River.

Of course, if the Commission finds that a license should not issue, those parties who are on the record may appeal, if they feel themselves aggrieved, under the present statute, and I think the courts have always held they are aggrieved if the decision is against them and would have a right to appeal. So they would have a right to appeal today from the order which the Commission would enter, but not from the finding. The finding would remain binding upon the court under existing law unless it were not supported by substantial evidence.

Mr. BAILEY. Mr. President, if the Senator will permit me, on page 31 of the reprint of the act it is provided that—

> If upon investigation it shall find—

That is, if the Commission shall find—

> that the interests of interstate or foreign commerce would be affected by such proposed construction, such person, association, corporation, State, or municipality shall not construct, maintain, or operate such dam or other project works until it shall have applied for and shall have received a license under the provisions of this act.

There is the order raised by the force of the statute itself upon the finding of fact. It really is an order in law, is it not? It is an order to take a license; it is an order to build a dam.

Mr. MINTON. No; it is a finding that if they want to build a dam they must come in before the Commission and have a hearing, because on these proceedings they cannot issue an order.

Mr. BAILEY. It is an order that they must take a license.

Mr. MINTON. No.

Mr. BAILEY. Let me read it.

> If upon investigation it shall find that the interests of interstate or foreign commerce would be affected by such proposed construction, such person, association, corporation, State, or municipality shall not construct, maintain, or operate such dam or other project works until it shall have applied for and shall have received a license under the provisions of this act.

The finding of fact requires either that you do not build, that is, an order not to build, or you take a license, and it is an order to take a license. The order arises on the finding of fact. An appeal lies from all other orders, but there is not an appeal from that sort of order, and the effect of my measure is to provide for an appeal from that sort of order.

Mr. MINTON. That is no more an order than was appealed from in the case of Shanahan against the United States, decided by the Supreme Court on the 4th of April 1938. In that case the National Mediation Board requested the Interstate Commerce Commission to determine whether the Chicago, South Shore & South Bend Railroad Co. came within the exemption from the scope of the Railway Labor Act of 1934. After hearing and argument the Interstate Commerce Commission made its report and the following determination:

> We find that the line of the Chicago, South Shore & South Bend Railroad is not a street or interurban or urban electric railway within the meaning of the exemption proviso of the act. * * * It is, therefore, subject to the provisions of the act.

Mr. Justice Brandeis in handing down the opinion of the Supreme Court stated:

> The function of the Commission is limited to the determination of a fact. Its decision is not even in form an order.

The Senator from North Carolina has been talking about that kind of a finding being an order in form or an order in fact, or a finding that amounts to an order.

Mr. BAILEY. If the Senator will permit me, it is an order by statute. Unquestionably the statute says you must not build, or, if you do build, you must take a license. It is an order not to do, or, affirmatively, to do, an order predicated by the statute upon the finding of fact. I do not think that can be disputed.

Mr. MINTON. I continue reading from the opinion of the Supreme Court in the Shanahan case:

> It had no characteristic of an order, affirmative or negative, but even if this difficulty is overlooked, others are insuperable. The decision neither commands nor directs anything to be done. It was merely preparation for possible action in some proceeding which may be instituted in the future.

That is just what this proceeding is. There is a finding by the Commission which looks to some future proceeding which has no potency or power itself. I read further from the opinion of the Supreme Court:

> The determination is thus not enforceable by the Commission. The only action which could ever be taken on it would be by some other body. It is as clearly negative as orders by which the Commission refuses to take requested action.

Mr. BAILEY. Let me ask the Senator, in this instance, the fact having been found, suppose the Aluminum Co. should proceed to build. What would be the consequence?

Mr. MINTON. I think the Aluminum Co. could be enjoined.

Mr. BAILEY. Exactly. Then by force of the statute there is an order not to build without a license.

Mr. MINTON. But it is not enforcing the order of the Commission. That would be only a fact in the bill of complaint. It would be one of the material facts.

Mr. BAILEY. It would be enforcing the statute which the finding of fact invoked. That is just the point.

Mr. MINTON. Yes; but it would not be enforcing an order; it would be enforcing a statute. The Senator is correct.

Mr. BAILEY. The statute is an order which arises and goes into effect upon a finding of fact.

Mr. MINTON. But it would not be enforcing an order; it would be enforcing a statute. On a similar argument in the Shanahan case the Supreme Court said "the risk to which the railroad was left subject did not come from the order, but from the statute which contained the prohibition and provided a penalty."

Mr. BAILEY. It all depends on whether we are thinking about an order which the Commission issues or an order which arises by force of law. There must be two kinds of order.

Mr. MINTON. It would never be an order at all; it would be only the effect of the statute, if it could be considered at all, and that would not be an order, but that would be a statute.

Mr. President, the effect of the measure, if enacted, would be to change the whole proceeding before the Federal Power Commission. If limited as the Senator proposes to amend his bill, it would be anomalous, so far as the proceeding is concerned, and would be entirely different from any other action before a commission. Further than that, by section 2 it would open up all the proceedings which have gone before back to August 1935.

Therefore, I think that unless we want to seriously cripple the Federal Power Commission, or place upon it a burden which is not placed upon any other commission, the measure should not be passed.

Mr. NORRIS. Mr. President, I take the floor with a little embarrassment, in fact with considerable embarrassment, for the statement I am about to make may and perhaps should cast some reflection upon me, because it is possible that it will be an admission that I have not performed my duty as it should have been performed.

I was under the impression from the beginning that the effect of the bill was to remedy what was apparently an error or a wrong in the existing statute. I conferred with the Senator from North Carolina. I received from him a very able letter written by the attorney general of North Carolina. I was a member of the subcommittee to which the bill was referred, but I did not attend the meeting when the bill was taken up, if it was taken up, as I assume it was. I do not now remember why I was not present at the meeting.

Mr. BAILEY. Mr. President, permit me to say to the Senator, in order to clear that matter up, that I was present with the attorney general of North Carolina in the office of one of the Senators, the Senator from Indiana [Mr. VAN NUYS], the chairman of the subcommittee, and all of us were very anxious to have the Senator from Nebraska with us, and waited for him, and telephoned his office. I am satisfied the Senator had a perfectly good reason for being absent, but I want him to know that the subcommittee was very anxious to have him present, and I wish now that he had been there.

Mr. NORRIS. I am glad to hear that statement, and I have no doubt whatever that it is 100-percent accurate. Nevertheless, I do not remember now why I was not present. Believing as I did that the object of the bill was to remedy an apparent error in existing law, an important error, I did not anticipate there would be any objection to the bill.

Mr. President, it is true that within the last few weeks the subcommittees of the Committee on the Judiciary have been very much overworked. Often in the morning I receive notice that two subcommittees of the Committee on the Judiciary are meeting at the same hour. I have received such notice at a time when the subcommittee of another committee, of which I am a member, was meeting, making three subcommittees in all meeting at the same hour.

Mr. President, I do not know whether any of the things referred to occurred. I have no recollection of them. I have listened to all the debate on this matter today. Up to this hour I have never read the bill itself. However, from the debate which has occurred today I have derived a vastly different idea what the bill is about than I have had heretofore. It seems to me the bill is of such importance that we ought not to pass on it by unanimous consent. It may be that the bill ought to pass, especially in some amended form. If there is something wrong which this bill will make right, the bill ought to become law, but from the statement made by the Senator from Indiana [Mr. MINTON] it appears that the bill will do vastly more than I anticipated it would. Therefore, it seems to me that the Senator from North Carolina himself should let the bill go back to the committee for further investigation. It seems to me the Federal Power Commission ought to be heard, if it wishes to be heard, in regard to the matter. Perhaps the Attorney General ought to receive an invitation to be heard.

Mr. President, I am a firm believer that every litigant ought to have his day in court, and that an appeal should be allowed from all rulings by an administrative body on all questions of law. However, I think that findings of fact ought to be final, unless they are not supported by substantial evidence. If they are not, then the questions ought to be sent back for hearing by the administrative body.

Mr. President, although the record on its face shows that I am friendly to the bill—and I was, Mr. President—I shall vote for reconsideration. From my understanding of the bill I was friendly to it. I am charging no one with any misrepresentation being made to me. I think my conception of the bill rests with me entirely. So far as I am concerned, I shoulder all the responsibility individually for my feeling with regard to the bill. However, under the circumstances I shall vote for reconsideration of the measure. I shall support the motion to reconsider the vote by which the bill was passed, and then I shall vote for a motion that the bill be recommitted to the committee, and let the committee make a proper investigation.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the bill was passed.

Mr. BURKE. Mr. President, I desire to say a word or two only by reason of the fact that I was a member of the subcommittee which acted upon this measure. I was convinced of the need for the proposed legislation at the hearing held by the subcommittee before which appeared the gentleman who was then the assistant attorney general of North Carolina, but who has since that time become the attorney general of North Carolina. He appeared before the subcommittee and made his statement, which is incorporated in the report on the bill, and I was then convinced, and I am now convinced, that this is a very meritorious measure. I believe the point can be brought out as clearly by reading a part of what the attorney general of North Carolina had to say as in any other manner.

I wish to make one statement in reference to what my colleague from Nebraska [Mr. NORRIS] has said in reference to his absence from the subcommittee meeting. The meeting was called and I believe there was another subcommittee meeting that morning. The other subcommittee was con-

sidering the administrative court bill, and my colleague and I were both members of that subcommittee also, but the witness who was to have appeared before that subcommittee did not appear, so I went to the other subcommittee meeting, but in some way my colleague did not appear. Later, however, a report was made to the full Committee on the Judiciary, and at that time the matter was explained just as the Senator from North Carolina has explained it today. The opinion of the attorney general of North Carolina was before the members of the committee at that time and the committee unanimously reported the bill.

The gist of the matter is set out on page 2 of the report of the committee, which, after reciting the circumstances in connection with the hearing, sets out the facts that the Federal Power Commission did invite the State of North Carolina to appear, and that it appeared at the hearing, and thereafter the State of North Carolina filed a petition for rehearing on the adverse finding of the Federal Power Commission. This petition was promptly denied. Then there follows this statement, which explains the whole heart of the matter:

> The Carolina Aluminum Co. has appealed the case under section 313 (a) of the Federal Power Act to the Circuit Court of Appeals of the Fourth Circuit.

Mr. President, as my colleague has said, the litigant ought to be entitled to a day in court. So the Carolina Aluminum Co. appealed the case under section 313 (a) of the Federal Power Act to the Circuit Court of Appeals of the Fourth Circuit. This is the attorney general of North Carolina speaking:

> On this appeal we are met with the contention on the part of the Federal Power Commission that their action and finding, that the interests of interstate and foreign commerce would be affected by the proposed construction, is a "finding" and not an "order" and that no appeal to any court lies therefrom. It is contended in the brief filed by the Power Commission that in making such finding they acted in quasi-legislative capacity and that their finding could not be reviewed by any judicial body.

The effect of that contention is that unless such an amendment as the Senator from North Carolina offers is adopted, the parties affected adversely by the Commission's ruling will never have a day in court at all; and all that the Senator's proposal would do, particularly as limited by the further amendment offered today by the Senator from North Carolina, as I understand it, would be to give this company, which wants to spend six million or eight million dollars in North Carolina, the opportunity of going into court to see whether it will have a right to do that under the only terms on which they are willing to spend the money.

Of course, it may be said that the company which wants to place a great many people at work in North Carolina in building the dam and carrying on the other work can go ahead and file its application for a license with the Federal Power Commission and then proceed. The company does not care to do that.

If the finding of the Federal Power Commission that the stream is a navigable stream or that building a dam in the midst of all the other dams on the river would affect interstate and foreign commerce is supported by substantial evidence, so that the only way the company can proceed is under a license granted by the Federal Power Commission, the company does not care to proceed at all.

So we have that matter, important to North Carolina, decided by an administrative body without any chance of having a court pass on it at all.

The effect of the amendment, as I see it, would not of necessity mean a trial de novo of the question in the circuit court of appeals. If the finding of the Federal Power Commission that the building of the dam would affect interstate and foreign commerce is sustained by substantial evidence, then I think the circuit court of appeals would uphold the finding of the Federal Power Commission. The attorney general of North Carolina, in the statement he made when he appeared before us, and in his letter, was very sure that any court in the land would hold that the finding made by the Federal Power Commission fell far short of being supported by substantial evidence. If the court so found, then the pending project could be proceeded with.

I feel that the effect of the Federal Power Commission's proceeding is that under what amounts to a subterfuge, that which in reality, although not in the words of the statute, is an order, is put out under the guise of a finding, and thus an appeal is effectively denied.

Practically all the amendment would do would be to provide that a finding of this kind, which has all the force and effect of an order, lays the foundation for an appeal, so that an aggrieved party may go into court.

I think the motion for reconsideration ought to be voted down, and that the measure should be enacted.

Mr. BAILEY. Mr. President, I shall undertake to conclude with a very brief statement.

Much has been said regarding appeal. I should like to remind Senators that no appeal is provided in the bill other than the same character of appeal already provided in the act. The appeal would not be de novo, as has been suggested. I read the language of the act:

> A copy of such petition shall forthwith be served upon any member of the Commission and thereupon the Commission shall certify and file with the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission in the application for rehearing unless there is reasonable ground for failure so to do. The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceedings before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file with the court such modified or new findings which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order.

So, under the procedure with respect to this peculiar type of finding of fact, so far from having a hearing de novo, the case would go up on the transcript of the record made in the hearing before the Commission.

Mr. President, I do not care further to extend the debate. I wish to express to the Senator from Nebraska [Mr. NORRIS] my regret that I cannot comply with his suggestion. Ordinarily I should do so; but we are very near the end of the session. I suspect that if the bill should be recommitted to the Committee on the Judiciary—without reflecting on the committee in the slightest degree—in view of the fact that we are now somewhere near the prospect of an end of the session, with many matters yet to come before us, the bill would not again be heard from. So I intend to press for a vote on the motion to lay on the table the motion to reconsider.

In conclusion, I wish to say that I have brought this matter to the attention of the Senate at the request of the Commonwealth of North Carolina, from which I hold my commission.

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

Mr. BAILEY. I yield.

Mr. MINTON. Has the Senator made a motion to table the motion to reconsider?

Mr. BAILEY. I have given notice of my intention to do so at the conclusion of the debate. I assure the Senator that I shall not deprive him or any other Senator of the opportunity to be heard. The only way satisfactorily to dispose of the motion is the way I have suggested. However, I do not intend to take advantage of any Senator.

I wish to make it perfectly clear to the Senate that I have brought up this matter at the request of the Governor and the attorney general of the State of North Carolina, which State I represent as one of its Senators. The Governor and

the attorney general of the State of North Carolina are very greatly concerned and very greatly aggrieved about the matter. They have found the Power Commission of the United States taking away the rights of the State to its streams; and tomorrow every other Senator will find himself in the same position.

The Governor and the attorney general of North Carolina do not ask that the Congress shall not assert its power, but they do ask the Congress to provide them with the right of appeal in a matter in which their rights and the rights of our citizens are directly affected.

Senators may make many arguments, but no Senator can make a reasonable argument that the Congress of the United States or any commission has the right to take the property of anybody without recourse to the courts.

"Due process of law" means something more than a statute; something more than arbitrary actions, even by the legislative body. As matters stand, not only the Yadkin River but every other stream of the United States is involved. The right of every man whose property borders on a stream is involved. The right of every State to control its waters is involved. Moreover, as the Chief Justice of the United States said last week in a public address, we have been developing a very great body of administrative law and passing over to boards, no one of which, so far as I know, was ever elected by the people and no one of which is accountable to the people. We are accountable for them; the Senate confirms them—the powers of the Congress, and in this instance, powers of the courts and powers of juries to find facts.

I am saying that we are going to reach an end to that sooner or later. I do not know how far we are going, Mr. President, along the general trend in which we and all the other nations of the world have been moving for 8 or 10 years; but I know we will come to an end of that movement. All the American people are not going to lose their vision of this country; they are not going to lose their sense that this is a republic; they are not going to lose their memory of the great inheritance they have from the mother country, the English-speaking people. We are proceeding now in the direction of centralization and of arbitrary power. I hope we may now arrest that movement a little, not by way of impairing the power of Congress or by way of impairing the national procedure or structure, but merely by way of providing that one of the Commonwealths that constitute the United States, from whose loins in part the Republic sprang, one of the Thirteen Original States, may now have the right to go into a court and have reviewed a finding of fact by men foreign to her, to whose appointment she was no party, and in whose elevation to power her people had no voice; that, at any rate, their actions may be reviewed for the purpose of seeing whether or not they are arbitrary.

I hope we shall not fail; but, if we should fail, I would not be without hope, because my faith in the American people is not so easily extinguished. This may not be the day of reckoning; but the moment the American people realize what is going on here there will be one, and I shall rejoice in that day.

Mr. President, I move to lay on the table the motion of the Senator from Indiana to reconsider the vote by which the bill was passed.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina.

Mr. BAILEY. Mr. President, I will ask for the yeas and nays on that motion.

Mr. BARKLEY. I think we had better have a quorum, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Bone	Dieterich	Hitchcock
Austin	Bridges	Ellender	Johnson, Colo.
Bailey	Bulow	Frazier	King
Bankhead	Burke	Gerry	La Follette
Barkley	Byrd	Green	Lewis
Berry	Capper	Hale	Logan
Bilbo	Copeland	Hill	Lundeen
McCarran	Norris	Schwellenbach	Van Nuys
McGill	Overton	Sheppard	Wagner
Miller	Pittman	Shipstead	Wheeler
Minton	Pope	Thomas, Utah.	
Murray	Radcliffe	Townsend	
Neely	Schwartz	Truman	

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from North Carolina [Mr. BAILEY] to lay on the table the motion of the Senator from Indiana [Mr. MINTON] to reconsider the vote by which Senate bill 3793 was passed. On that question the yeas and nays have been demanded. Is the demand seconded?

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

The roll call was concluded.

Mr. LOGAN. I have a pair with the senior Senator from Pennsylvania [Mr. DAVIS]. I transfer that pair to the senior Senator from New Hampshire [Mr. BROWN] and will vote. I vote "nay."

Mr. SHIPSTEAD. I have a general pair with the Senator from Virginia [Mr. GLASS]. I find that I can transfer my pair with him to the junior Senator from North Dakota [Mr. NYE]. I do so, and will vote. I vote "nay."

Mr. FRAZIER. My colleague [Mr. NYE] is absent. He is paired on this question with the Senator from Virginia [Mr. GLASS]. If my colleague were present, he would vote "nay."

Mr. MINTON. The Senator from Mississippi [Mr. HARRISON] is detained in one of the Government Departments. He has a general pair with the Senator from Oregon [Mr. McNARY].

Mr. TOWNSEND (after having voted in the affirmative). I transfer my pair with the Senator from Tennessee [Mr. McKELLAR] to the Senator from Vermont [Mr. GIBSON] who would vote "yea" if present, and will allow my vote to stand.

Mr. LEWIS. I announce that the Senator from Arizona [Mr. ASHURST], the Senator from Delaware [Mr. HUGHES], and the Senator from Oregon [Mr. REAMES] are detained from the Senate because of illness.

The Senator from Oklahoma [Mr. LEE] is absent because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. BULKLEY], the Senator from Arkansas [Mrs. CARAWAY], the Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH], the Senator from Georgia [Mr. GEORGE], the Senators from Iowa [Mr. GILLETTE and Mr. HERRING], and the Senator from New Jersey [Mr. SMATHERS] are detained in Government Departments.

I further announce that the Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Texas [Mr. CONNALLY], the Senator from Ohio [Mr. DONAHEY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Jersey [Mr. MILTON], the Senator from Florida [Mr. PEPPER], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are detained on important public business.

The Senator from South Carolina [Mr. BYRNES], the Senator from Wisconsin [Mr. DUFFY], the Senator from Virginia [Mr. GLASS], the Senator from Arizona [Mr. HAYDEN], the Senator from California [Mr. McADOO], the Senator from Tennessee [Mr. McKELLAR], the Senator from Georgia [Mr. RUSSELL], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained in important committee meetings.

The Senator from West Virginia [Mr. HOLT] and the Senator from Wyoming [Mr. O'MAHONEY] are unavoidably detained.

The Senators from Connecticut [Mr. LONERGAN and Mr. MALONEY] are detained on matters pertaining to their State.

The Senator from Massachusetts [Mr. WALSH] is detained in a meeting of the Committee on Naval Affairs.

Mr. AUSTIN. My colleague [Mr. GIBSON], the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. McNARY], the Senator from Michigan [Mr. VANDEN-

BERG], and the Senator from Maine [Mr. WHITE] are detained on official business.

The result was announced—yeas 14, nays 35, as follows:

YEAS—14

Austin	Bulow	Gerry	Townsend
Bailey	Burke	Hale	Van Nuys
Berry	Byrd	King	
Bridges	Copeland	McCarran	

NAYS—35

Adams	Green	Miller	Schwartz
Bankhead	Hill	Minton	Schwellenbach
Barkley	Hitchcock	Murray	Sheppard
Bilbo	Johnson, Colo.	Neely	Shipstead
Bone	La Follette	Norris	Thomas, Utah
Capper	Lewis	Overton	Truman
Dieterich	Logan	Pittman	Wagner
Ellender	Lundeen	Pope	Wheeler
Frazier	McGill	Radcliffe	

NOT VOTING—47

Andrews	Donahey	Hughes	Pepper
Ashurst	Duffy	Johnson, Calif.	Reames
Borah	George	Lee	Reynolds
Brown, Mich.	Gibson	Lodge	Russell
Brown, N. H.	Gillette	Lonergan	Smathers
Bulkley	Glass	McAdoo	Smith
Byrnes	Guffey	McKellar	Thomas, Okla.
Caraway	Harrison	McNary	Tydings
Chavez	Hatch	Maloney	Vandenberg
Clark	Hayden	Milton	Walsh
Connally	Herring	Nye	White.
Davis	Holt	O'Mahoney	

So Mr. BAILEY's motion to lay on the table the motion of Mr. MINTON to reconsider the vote by which Senate bill 3793 was passed was rejected.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana [Mr. MINTON] to reconsider the vote by which Senate bill 3793 was passed.

The motion to reconsider was agreed to.

Mr. BURKE. Mr. President, as a member of the subcommittee which considered this measure, I move that Senate bill 3793 be recommitted to the Committee on the Judiciary.

The motion was agreed to.

PENNSYLVANIA PRIMARY

Mr. BRIDGES. Mr. President, I have before me a copy of the Washington Evening Star for today, which contains an interesting article appearing on the front page. Tomorrow a great primary election will occur in the State of Pennsylvania. There are contests in both party primaries. I should like to say just a word about the Democratic Party primary in Pennsylvania tomorrow. First, I wish to read a statement from the Washington Evening Star of today, by a gentleman by the name of Mr. James Farley. I quote:

I have been asked for a statement on the Pennsylvania primaries tomorrow and this is how I feel about the situation: In making public my views on the Pennsylvania primaries, I am violating my own rule about interfering in State primaries, but I feel that the situation in Pennsylvania imperils the success of the Democratic Party in the November election.

For approximately three-quarters of a century, Pennsylvania has been a Republican State, but through the influence of President Roosevelt and his great social program, the people of that State elected George Earle, a Democrat, in 1934, and sent JOE GUFFEY to the United States Senate. They continued their support of President Roosevelt and in a substantial manner gave him the electoral votes of that State in 1936.

Unfortunately, this great triumph for the Democratic Party is now threatened by factional quarreling. This quarreling has reached the point where it may endanger the success of the Democratic ticket in Pennsylvania, and the loser in that event would be the people of the Keystone State.

Therefore, in my judgment, the only way to protect the interests of the people of that State would be to nominate Tom Kennedy for Governor and George Earle for the Senate in tomorrow's primaries. This will not be a complete victory for either faction, yet I am convinced that it is the only solution of the present situation that will make possible a united party in the November election and thus assure a Democratic victory.

Again let me say that this is not a precedent. I intend to keep hands off primaries in other States. Ordinarily, it is bad judgment for a national chairman to indicate his interest in a primary contest in a State other than that in which he, himself, is a voter. The people resent it, and justly so. However, in this instance, the eyes of the Nation are on Pennsylvania. I am voicing my opinion simply in the hope that the voters of that State will do what is best for Pennsylvania and best for the United States.

I recall that in 1936 certain contributions were made to the Democratic National Committee and the Democratic national cause. The contributions amounted to some $500,000. The contributions to the Democratic cause were made by C. I. O. affiliates, headed by Mr. John L. Lewis.

In addition, I recall that a loan of some $50,000 was made by these same C. I. O. affiliates, headed by Mr. Lewis, to the cause of the Democratic Party or to the Democratic National Committee.

I am wondering at this time why Mr. Farley, in a Democratic contest in Pennsylvania which has been going nip and tuck for the past few weeks, and has become increasingly bitter, should throw aside his position of neutrality in Pennsylvania and step in and endorse Mr. Kennedy, who is backed by Mr. Lewis and the C. I. O. Why break the precedent in Pennsylvania of all States? I am wondering if it has anything to do with the contribution made in 1936, or whether it has anything to do with the loan of $50,000 made in 1936. I am wondering whether, by any coincidence, the loan has been called. I am wondering just what has happened to cause Mr. Farley to take the unprecedented step of interfering in a Democratic State primary. I hope, for Mr. Farley's sake, that the situation will not prove to be similar to that which occurred in the campaign for mayor of New York City. Mr. Farley went up to New York City, not in a primary, but in an election campaign, and boosted and was wholeheartedly behind Mr. Mahoney, who was a candidate for mayor. Mr. Ickes, another member of the President's Cabinet, went to New York City and took the part of Mr. LaGuardia. I hope, for Mr. Farley's sake, he is not getting into the same kind of a box.

It is a rather peculiar circumstance that Pennsylvania is the one primary for which Mr. Farley breaks his precedent. It is very interesting to note that Mr. Kennedy is the man whom he endorses. I think the people of Pennsylvania and the people of the country will be particularly interested in this move. I believe that two and two still make four.

DECISION OF SUPREME COURT IN CASE OF NATIONAL LABOR RELATIONS BOARD *v.* MACKAY RADIO & TELEGRAPH CO.

Mr. THOMAS of Utah. Mr. President, Senators will be interested that the Supreme Court of the United States today decided a case which, in fairness, ought to be given our rather careful attention.

We have read many statements attacking the procedure followed by the National Labor Relations Board, and much capital has been made of judicial findings to the effect that the Board's procedure was faulty. Then when the Board itself showed a willingness to conform to every nicety of a judicial point of law that might have been called to their attention in a decision, some have even chosen to deride the Board for this. I do not speak now to hold any brief for the Board, but as chairman of the Committee on Education and Labor I have, of course, received some correspondence, much of which has expressed impatience with the Board's procedure, an impatience undoubtedly arising out of comment based upon past judicial findings.

Therefore the case against the Mackay Radio Co., decided today, is at least interesting, for it appears to settle for all time any doubt concerning the propriety or the legality of the procedure followed by the Labor Board in going into a cause. As one who has asked officially that the Board be let alone until it prove itself or disprove itself, I am heartened by the knowledge, called to my attention by its spokesmen, to the effect that it has won every one of its cases in the Supreme Court; that is, 10 cases out of 10. This makes the eleventh.

The Mackay case turned, it appears, on the question whether an intermediate report should have been filed by the trial examiner who heard the case. This is the very point that has been argued in the public prints pro and con for the past fortnight or longer, the general assumption always having been that the Labor Board's procedure was in error. But this is not the law today, and there is no error,

and there has been no valuable right of the respondent violated.

The feeling was intensified probably by a misunderstanding of the Morgan case, decided 2 weeks ago, revolving around a hearing before a representative of the Secretary of Agriculture respecting livestock commission rates. That the Morgan case has grown in public understanding quite beyond the Supreme Court's own understanding is evident in the Mackay case, a part of the decision in which I now quote:

The respondent now asserts that the failure of the Board to follow its usual practice of the submission of a tentative report by the trial examiner and a hearing on exceptions to that report deprived the respondent of opportunity to call to the Board's attention the alleged fatal variance between the allegations of the complaint and the Board's findings. What we have said sufficiently indicates that the issues and contentions of the parties were clearly defined, and as no other detriment or disadvantage is claimed to have ensued from the Board's procedure the matter is not one calling for a reversal of the order. The fifth amendment guarantees no particular form of procedure; it protects substantial rights. Compare *Morgan v. United States* (298 U. S. 468, 478). The contention that the respondent was denied a full and adequate hearing must be rejected.

Mr. WAGNER. Mr. President, I ask leave to have printed in the RECORD the opinion rendered today by the Supreme Court of the United States in the case of National Labor Relations Board against Mackay Radio & Telegraph Co., just referred to in the interesting remarks of the distinguished Senator from Utah. This marks the eleventh straight victory for the Labor Board in the Supreme Court, and the seventh in which that Court reversed a circuit court of appeals decision adverse to the Board.

The Board's orders have now been upheld in 33 out of 39 cases reviewed by the courts.

The Supreme Court opinion just handed down is particularly important at this time because it reaffirms the validity of the Board's procedure in a case where the Board departed from its usual practice and did not call for a trial examiner's report.

In two prior decisions the Court had upheld the basic procedure of the act in unequivocal language, as follows:

The act establishes standards to which the Board must conform. There must be complaint, notice, and hearing. The Board must receive evidence and make findings. The finding as to the facts are to be conclusive, but only if supported by evidence. The order of the Board is subject to review by the designated court, and only when sustained by the court may the order be enforced. Upon that review all questions of the jurisdiction of the Board and the regularity of its proceedings, all questions of constitutional right or statutory authority are open to examination by the court. We construe the procedural provisions as affording adequate opportunity to secure judicial protection against arbitrary action in accordance with the well-settled rules applicable to administrative agencies set up by Congress to aid in the enforcement of valid legislation.

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

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

[Supreme Court of the United States. No. 706. October term, 1937]

National Labor Relations Board, petitioner, v. *Mackay Radio & Telegraph Company.* On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit

[May 16, 1938]

Mr. Justice Roberts delivered the opinion of the Court.

The circuit court of appeals refused[1] to decree enforcement of an order of the National Labor Relations Board.[2] We granted certiorari because of an asserted conflict of decision.[3]

The respondent, a California corporation, is engaged in the transmission and receipt of telegraph, radio, cable, and other messages between points in California and points in other States and foreign countries. It maintains an office in San Francisco for the transaction of its business, wherein it employs upward of 60 supervisors, operators, and clerks, many of whom are members of Local No. 3 of the American Radio Telegraphists Association, a national labor organization, the membership of the local comprising "point-to-point" or land operators employed by respondent at San Francisco. Affiliated with the national organization also were locals whose members are exclusively marine operators who work upon ocean-going vessels. The respondent, at its San Francisco office, dealt with committees of Local No. 3; and its parent company, whose headquarters were in New York, dealt with representatives of the national organization. Demand was made by the latter for the execution of agreements respecting terms and conditions of employment of marine and point-to-point operators. On several occasions when representatives of the union conferred with officers of the respondent and its parent company the latter requested postponement of discussion of the proposed agreements and the union acceded to the requests. In September 1935 the union pressed for immediate execution of agreements and took the position that no contract would be concluded by the one class of operators unless an agreement were simultaneously made with the other. Local No. 3 sent a representative to New York to be in touch with the negotiations, and he kept its officers advised as to what there occurred. The local adopted a resolution to the effect that if satisfactory terms were not obtained by Sepember 23 a strike of the San Francisco point-to-point operators should be called. The national officers determined on a general strike in view of the unsatisfactory state of the negotiations. This fact was communicated to Local No. 3 by its representative in New York, and the local officers called out the employees of the San Francisco office. At midnight, Friday, October 4, 1935, all the men there employed went on strike. The respondent, in order to maintain service, brought employees from its Los Angeles office and others from the New York and Chicago offices of the parent company to fill the strikers' places.

Although none of the San Francisco strikers returned to work Saturday, Sunday, or Monday, the strike proved unsuccessful in other parts of the country, and by Monday evening, October 7, a number of the men became convinced that it would fail and that they had better return to work before their places were filled with new employees. One of them telephoned the respondent's traffic supervisor Monday evening to inquire whether the men might return. He was told that the respondent would take them back and it was arranged that the official should meet the employees at a downtown hotel and make a statement to them. Before leaving the company's office for this purpose the supervisor consulted with his superior, who told him that the men might return to work in their former positions, but that, as the company had promised 11 men brought to San Francisco they might remain if they so desired, the supervisor would have to handle the return of the striking employees in such fashion as not to displace any of the new men who desired to continue in San Francisco. A little later the supervisor met two of the striking employees and gave them a list of all the strikers, together with their address and the telephone numbers of those who had telephones, and it was arranged that these two employees should telephone the strikers to come to a meeting at the Hotel Bellevue in the early hours of Tuesday, October 8. In furnishing this list the supervisor stated that the men could return to work in a body, but he checked off the names of 11 strikers who he said would have to file applications for reinstatement, which applications would be subject to the approval of an executive of the company in New York. Because of this statement the two employees, in notifying the strikers of the proposed meeting, with the knowledge of the supervisor, omitted to communicate with the 11 men whose names had been checked off. Thirty-six men attended the meeting. Some of the 11 in question heard of it and attended. The supervisor appeared at the meeting and reiterated his statement that the men could go back to work at once, but read from a list the names of the 11 who would be required to file applications for reinstatement to be passed upon in New York. Those present at the meeting voted on the question of immediately returning to work and the proposition was carried. Most of the men left the meeting and went to the respondent's office Tuesday morning, October 8, where on that day they resumed their usual duties. Then or shortly thereafter 6 of the 11 in question took their places and resumed their work without challenge. It turned out that only five of the new men brought to San Francisco desired to stay.

Five strikers who were prominent in the activities of the union and in connection with the strike, whose names appeared upon the list of 11, reported at the office at various times between Tuesday and Thursday. Each of them was told that he would have to fill out an application for employment; that the roll of employees was complete, and that his application would be considered in connection with any vacancy that might thereafter occur. These men not having been reinstated in the course of 3 weeks the secretary of Local No. 3 presented a charge to the National Labor Relations Board that the respondent had violated section 8 (1) and (3) of the National Labor Relations Act.[4] Thereupon the Board filed a complaint charging that the respondent

[1] 87 F. (2d) 611; 92 F. (2d) 761.

[2] 1 N. L. R. B. 201.

[3] See *Jeffery-DeWitt Insulator Co.* v. *National Labor Relations Board* (91 F. (2d) 134); *National Labor Relations Board* v. *Bell Oil & Gas Co.* (91 F. (2d) 509); *National Labor Relations Board* v. *Carlisle Lumber Co.* (94 F. (2d) 138); *Black Diamond S. S. Corp.* v. *National Labor Relations Board* (94 F. (2d) 875).

[4] U. S. C., Supp. II, title 29, sec. 158 (1) and (3).

had discharged and was refusing to employ the five men who had not been reinstated to their positions for the reason that they had joined and assisted the labor organization known as Local No. 3 and had engaged in concerted activities with other employees of the respondent for the purpose of collective bargaining and other mutual aid and protection; that by such discharge respondent had interfered with, restrained, and coerced the employees in the exercise of their rights guaranteed by section 7[5] of the National Labor Relations Act and so had been guilty of an unfair labor practice within the meaning of section 8 (1) of the act. The complaint further alleged that the discharge of these men was a discrimination in respect of their hire and tenure of employment and a discouragement of membership in Local No. 3, and thus an unfair labor practice within the meaning of section 8 (3) of the act.

The respondent filed an answer denying the allegations of the complaint, and moved to dismiss the proceeding on the ground that the act is unconstitutional. The motion was taken under advisement by the Board's examiner and the case proceeded to hearing. After the completion of its testimony the Board filed an amended complaint to comport with the evidence, in which it charged that the respondent had refused to reemploy the five operators for the reason that they had joined and assisted the labor organization known as local No. 3 and engaged with other employees in concerted activities for the purpose of collective bargaining and other mutual aid and protection; that the refusal to reemploy them restrained and coerced the employees in the exercise of rights guaranteed by section 7 and so constituted an unfair labor practice within section 8 (1) of the act. The amended complaint further asserted that the refusal to reemploy the men discriminated in regard to their hire and tenure of employment and discouraged membership in local No. 3 and thus amounted to an unfair labor practice under section 8 (3) of the act. The respondent entered a general denial to the amended complaint and presented its evidence. At the conclusion of the testimony the Board transferred the cause for further hearing before the members of the Board at Washington and after oral argument and the filing of a brief, made its findings of fact.

The subsidiary or evidentiary facts were found in great detail and, upon the footing of them, the Board reached conclusions of fact to the effect that Local No. 3 is a labor organization within the meaning of the act; that "by refusing to reinstate to employment" the five men in question, "thereby discharging said employees," the respondent by "each of said discharges," discriminated in regard to tenure of employment and thereby discouraged membership in the labor organization known as Local No. 3, and, by the described acts "has interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed by section 7 of the National Labor Relations Act." As conclusions of law the Board found that the respondent had engaged in unfair labor practices affecting commerce within the meaning of section 8, subsections (1) and (3), and section 2, subsections (6) and (7)[6] of the act. It entered an order that respondent cease and desist from discharging, or threatening to discharge, any of its employees for the reason that they had joined or assisted Local No. 3 or otherwise engaged in union activities; from interfering with, restraining, or coercing its employees in the exercise of the rights guaranteed by section 7 of the act; offer the five men immediate and full reinstatement to their former positions, without prejudice to rights and privileges previously enjoyed, and make each of them whole for any loss of wages due to their discharge; post notices that the respondent would not discharge or discriminate against members of, or those desiring to become members of, the union, and keep the notices posted for 30 days.

As permitted by the act, the Board filed in the circuit court of appeals a transcript of the record of its proceeding, and a petition for enforcement of its order. In its answer the respondent denied the jurisdiction of the court on the ground that the act violated article III, and the fifth, seventh, and tenth amendments, of the Constitution; that the order amounted to an abuse of discretion because arbitrary and capricious, and was not supported by the evidence; that the trial examiner erred in his rulings on evidence; that the Board erred in overruling exceptions to his rulings, and that the Board's findings of fact and conclusions of law were erroneous.

Upon the hearing before the circuit court of appeals one judge held that the action of the Board was within the power sought to be conferred upon it by the statute but that the grant of power violated the due process clause of the fifth amendment and the award of back pay to the employees, without a jury trial, violated the seventh amendment. Another judge held that as the statute defined employees to include a person whose work had ceased "as a consequence of, or in connection with, any current labor dispute", and since there was no allegation, evidence, or finding as to such a dispute, the strikers had ceased to be employees within the meaning of the act and the respondent's treatment of them could not violate the act. One judge dissented, holding that the Board's order was within its statutory authority and did not violate the Constitution. A petition and supplemental petition for rehearing were granted and, after argument, the court reaffirmed its former decision. The judge who had previously declared the Board's action within the terms of the statute, but unconstitutional, construed the act as not intended to work the unconstitutional result of compelling an employer to enter into a contract of employment against his will and, hence, as requiring only that the strikers be reinstated to the postion of applicants for employment rather than employees. The other judges adhered to the views they had previously expressed.

The petitioner contends the court erred in holding that men who struck because of a failure of negotiations concerning wages and terms of employment ceased to be employees within the meaning of the statute; erred in not holding it an unfair labor practice, forbidden by the statute, for an employer to discriminate because of union activities in the reinstatement of men who have gone on strike because of a failure of negotiations concerning wages and terms of employment; erred in failing to hold that the act authorizes the Board to order reinstatement of persons thus discriminated against; and one of the judges erred in holding that the act, if construed to authorize the Board to require such reinstatement, violates the fifth amendment.

On the other hand, the respondent insists that it was not accorded due process of law because the unfair labor practice charged in the original complaint was abandoned and the action of the Board was based upon a conclusion of fact not within the issues presented; that there is no basis for the Board's order because there is no finding that the strikers ceased work as a consequence of, or in connection with, any labor dispute, as defined in the statute; that the act does not empower the Board to compel an employer to reemploy or reinstate those who have abandoned negotiations and gone on strike prior to any unfair labor practice, where the employer, after the strike is effective, and before committing any unfair labor practice, has permanently employed others in place of the strikers; that, if the act be held to authorize the Board's order, it violates the fifth amendment; that article III of the Constitution requires that the court render its independent judgment upon the quasi-jurisdictional facts upon which the Board's order was based; that the Board's order was, in the light of the facts, so arbitrary and capricious as to warrant the court's refusal to enforce it; and that the case is not properly before us because certiorari was not sought within the time fixed by law.

We hold that we have jurisdiction; that the Board's order is within its competence and does not contravene any provision of the Constitution.

First. Within the 30 days prescribed by the rules of the circuit court of appeals the petitioner moved for a rehearing and for leave, if deemed appropriate, to take further evidence and add the same to the record before the Board. While this application was pending a supplemental petition for rehearing was presented. During the term the court entertained both petitions and granted a rehearing and, after oral argument and submission of briefs, wrote further opinions based upon the petitions for rehearing. We think the court had not lost jurisdiction of the cause; that its final judgment was the order entered upon the petitions for rehearing and that the 3 months within which the petitioner must apply for certiorari ran from the date of the order dismissing the petition for rehearing and confirming the original order.

Second. Under the findings the strike was a consequence of, or in connection with, a current labor dispute as defined in section 2 (9) of the act. That there were pending negotiations for the execution of a contract touching wages and terms and conditions of employment of point-to-point operators cannot be denied. But it is said the record fails to disclose what caused these negotiations to fail or to show that the respondent was in anywise in fault in failing to comply with the union's demands; and, therefore, for all that appears, the strike was not called by reason of fault of the respondent. The argument confuses a current labor dispute with an unfair labor practice defined in section 8 of the act. True there is no evidence that respondent had been guilty of any unfair labor practice prior to the strike but within the intent of the act there was an existing labor dispute in connection with which the strike was called. The finding is that the strike was deemed "advisable in view of the unsatisfactory state of the negotiations" in New York. It was unnecessary for the Board to find what was in fact the state of the negotiations in New York when the strike was called, or in so many words that a labor dispute as defined by the act existed. The wisdom or unwisdom of the men, their justification or lack of it, in attributing to respondent an unreasonable or arbitrary attitude in connection with the negotiations, cannot determine whether, when they struck, they did so as a consequence of or in connection with a current labor dispute.

Third. The strikers remained employees under section 2 (3) of the act which provides: "The term 'employee' shall include * * * any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, * * *." Within this definition the strikers remained employees for the purpose of the act and were protected against the unfair labor practices denounced by it.

[5] U. S. C., Supp. II, title 29, sec. 157.
[6] U. S. C., Supp. II, title 29, sec. 152 (6) (7).

Fourth. It is contended that the Board lacked jurisdiction because respondent was at no time guilty of any unfair labor practice. Section 8 of the act denominates as such practice action by an employer to interfere with, restrain, or coerce employees in the exercise of their rights to organize, to form, join, or assist labor organizations, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or "by discrimination in regard to * * * tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization:" * * * There is no evidence and no finding that the respondent was guilty of any unfair labor practice in connection with the negotiations in New York. On the contrary, it affirmatively appears that the respondent was negotiating with the authorized representatives of the union. Nor was it an unfair labor practice to replace the striking employees with others in an effort to carry on the business. Although section 13 provides, "Nothing in this act shall be construed so as to interfere with or impede or diminish in any way the right to strike," it does not follow that an employer, guilty of no act denounced by the statute, has lost the right to protect and continue his business by supplying places left vacant by strikers. And he is not bound to discharge those hired to fill the places of strikers, upon the election of the latter to resume their employment, in order to create places for them.[7] The assurance by respondent to those who accepted employment during the strike that if they so desired their places might be permanent was not an unfair labor practice nor was it such to reinstate only so many of the strikers as there were vacant places to be filled. But the claim put forward is that the unfair labor practice indulged by the respondent was discrimination in reinstating employees by keeping out certain of them for the sole reason that they had been active in the union. As we have said, the strikers retained, under the act, the status of employees. Any such discrimination in putting them back to work is, therefore, prohibited by section 8.

Fifth. The Board's findings as to discrimination are supported by evidence. We shall not attempt a discussion of the conflicting claims as to the proper conclusions to be drawn from the testimony. There was evidence, which the Board credited, that several of the five men in question were told that their union activities made them undesirable to their employer; and that some of them did not return to work with the great body of the men at 6 o'clock on Tuesday morning because they understood they would not be allowed to go to work until the superior officials had passed upon their applications. When they did apply at times between Tuesday morning and Thursday they were each told that the quota was full and that their applications could not be granted in any event until a vacancy occurred. This was on the ground that 5 of the 11 new men remained at work in San Francisco. On the other hand, 6 of the 11 strikers listed for separate treatment who reported for work early Tuesday morning, or within the next day or so, were permitted to go back to work and were not compelled to await the approval of their applications. It appears that all of the men who had been on strike signed applications for reemployment shortly after their resumption of work. The Board found, and we cannot say that its finding is unsupported, that, in taking back 6 of the 11 men and excluding 5 who were active union men, the respondent's officials discriminated against the latter on account of their union activities and that the excuse given that they did not apply until after the quota was full was an afterthought and not the true reason for the discrimination against them.

As we have said, the respondent was not bound to displace men hired to take the strikers' places in order to provide positions for them. It might have refused reinstatement on the grounds of skill or ability but the Board found that it did not do so. It might have resorted to any one of a number of methods of determining which of its striking employees would have to wait because five men had taken permanent positions during the strike but it is found that the preparation and use of the list, and the action taken by respondent, was with the purpose to discriminate against those most active in the union. There is evidence to support these findings.

Sixth. The Board's order does not violate the fifth amendment. The respondent insists that the relation of employer and employee ceased at the inception of the strike. The plain meaning of the act is that if men strike in connection with a current labor dispute their action is not to be construed as a renunciation of the employment relation and they remain employees for the remedial purposes specified in the act. We have held that, in the exercise of the commerce power, Congress may impose upon contractual relationships reasonable regulations calculated to protect commerce against threatened industrial strife. *National Labor Relations Board* v. *Jones & Laughlin Steel Corporation* (301 U. S. 1, 48). The Board's order there sustained required the reinstatement of discharged employees. The requirement interfered with freedom of contract which the employer would have enjoyed except for the mandate of the statute. The provision of the act continuing the relationship of employer and employee in the case of a strike as a consequence of, or in connection with, a current labor dispute is a regulation of the same sort and within the principle of our decision.

Seventh. The affirmative relief ordered by the Board was within its powers and its order was not arbitrary or capricious.

As we have held in *National Labor Relations Board* v. *Pennsylvania Greyhound Lines, Inc.*, No. 413, October term 1937, the relief which the statute empowers the Board to grant is to be adapted to the situation which calls for redress. On the basis of the findings, five men who took part in the strike were discriminated against in connection with a blanket offer to reinstate striking employees. The Board enjoined further discrimination against employees by reason of union affiliation but it could not grant complete relief in respect of the five men short of ordering that the discrimination be neutralized by their being given their former positions and reimbursed for the loss due to their lack of employment consequent upon the respondent's discrimination. The order is criticized as arbitrary in that it is said to award back pay to date of reinstatement with deductions only for what was earned to the date of the order. We do not so read it, and the Board admits that credit must be given for all sums earned to date of reinstatement, and so construes the order. It is further said that the order arbitrarily and unreasonably requires the notices to be posted to state that respondent will not discharge its reinstated employees for any reason whatever. This clause of the order is inartificially drawn, and counsel for the Board admit that it should be read in connection with the remainder of the order forbidding discharge on the ground of union activity.

8. The respondent was not denied a hearing with respect to the offense found by the Board. The respondent says that it was summoned to answer a complaint that it discriminated by discharging the five men and that, after all the evidence was in, this complaint was withdrawn and a new one presented asserting that its refusal to reemploy the five men was the head and front of its offending. Then it is said that when the Board came to make its findings it reverted to the position that what the respondent did had not been a failure to employ but a wrongful discharge. Thus the respondent claims that it is found guilty of an unfair labor practice which was not within the issues upon which the case was tried. The position is highly technical. All parties to the proceeding knew from the outset that the thing complained of was discrimination against certain men by reason of their alleged union activities. If there was a current labor dispute the men were still employees by virtue of section 2 (3), and the refusal to let them work was a discharge. The respondent says that as the Board failed to find, in so many words, that there was a current labor dispute its conclusion of fact that the men were discharged has no basis. But the Board found that the strike was called because the strikers were informed that the negotiations for a working agreement in New York were not proceeding satisfactorily. We think its action cannot be overturned for the mere reason that it failed to characterize the situation as a current labor dispute. The respondent further urges that, when the amended complaint was filed and the original one withdrawn, the charge it had to meet was a refusal to reemploy; that the phrase "reemploy" means "employ anew;" that if the Board had found a failure to employ the five men because of discrimination forbidden by the act, the findings would have followed the complaint, whereas the Board, in its conclusions of fact, referred to respondent's action as "refusal to reinstate to employment" and as a discharge; and the argument is that the findings do not follow the pleadings.

A review of the record shows that at no time during the hearings was there any misunderstanding as to what was the basis of the Board's complaint. The entire evidence, pro and con, was directed to the question whether, when the strike failed and the men desired to come back and were told that the strike would be forgotten and that they might come back in a body save for 11 men who were singled out for different treatment, 6 of whom, however, were treated like everyone else, the respondent did in fact discriminate against the remaining 5 because of union activity. While the respondent was entitled to know the basis of the complaint against it, and to explain its conduct, in an effort to meet that complaint, we find from the record that it understood the issue and was afforded full opportunity to justify the action of its officers as innocent rather than discriminatory.

At the conclusion of the testimony, and prior to oral argument before the examiner, the Board transferred the proceeding to Washington to be further heard before the Board. It denied respondent's motion to resubmit the cause to the trial examiner with directions to prepare and file an intermediate report. In the circuit court of appeals the respondent assigned error to this ruling. It appears that oral argument was had and a brief was filed with the Board after which it made its findings of fact and conclusions of law. The respondent now asserts that the failure of the Board to follow its usual practice of the submission of a tentative report by the trial examiner and a hearing on exceptions to that report deprived the respondent of opportunity to call to the Board's attention the alleged fatal variance between the allegations of the complaint and the Board's findings. What we have said sufficiently indicates that the issues and contentions of the parties were clearly defined and as no other

[7] Compare *National Labor Relations Board* v. *Bell Oil & Gas Co.*, 91 F. (2d) 509.

detriment or disadvantage is claimed to have ensued from the Board's procedure the matter is not one calling for a reversal of the order. The fifth amendment guarantees no particular form of procedure; it protects substantial rights. Compare *Morgan* v. *United States* (298 U. S. 468, 478). The contention that the respondent was denied a full and adequate hearing must be rejected.

Ninth. The other contentions of the respondent are overruled because foreclosed by earlier decisions of this Court.

The judgment of the circuit court of appeals is reversed and the cause is remanded to that court for further proceedings in conformity with this opinion.

So ordered.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.), the Senate took a recess until tomorrow, Tuesday, May 17, 1938, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, MAY 16, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Dear Lord and Father of mankind, speak and may we listen. Thou who art the ancient of days, yet ever new, bless us with Thy presence. Forgive our feverish ways; breathe through the heats of our desires Thy coolness and Thy balm; let us all forgive as we hope to be forgiven. We pray that we may be brave and fruitful in the performance of duty and that everything may be supplanted by a passion to serve. That the Congress may think and work for the common good, clothe our Speaker and all Members with increased devotion and understanding. Mercifully remember our land. We pray that the poor and needy may be ministered unto and that the ignorant have light and knowledge brought unto them. Oh, spare our people from all false judgments. Bring them all into one family without divisions, hatreds, and contentions. May all live in peace in the salvation of our God. Let that glorious spiritual life begin which shall never terminate until the throne of the Almighty One itself crumbles. In the name of our living Savior. Amen.

The Journal of the proceedings of Thursday, May 12, 1938, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, 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 bill (H. R. 9218) entitled "An act to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes."

PERMISSION TO ADDRESS THE HOUSE

Mr. TARVER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. TARVER. Mr. Speaker, I have been furnished by Dr. Stanley, of the Bureau of Home Economics, with a statement containing certain statistics with reference to the size of families in different sections of the country. This statement has particular reference to farm families. The information is of interest in connection with the question as to the payment of wages of W. P. A. workers, illustrating, as it does, the fact that farm families located in the South and the average sizes of families generally are very much larger, as a rule, than those in other sections of the country. It further shows the injustice of discriminatory wage rates which have been in force with regard to W. P. A. workers in the South.

Mr. Speaker, I ask unanimous consent to insert these statistics in the RECORD in connection with my remarks, together with a letter attached thereto from Dr. Stanley.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objecion.

The matter referred to is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF HOME ECONOMICS,
Washington, D. C., May 12, 1938.

Hon. MALCOLM C. TARVER,
House of Representatives, Washington, D. C.

DEAR MR. TARVER: I have read with much interest your remarks in the CONGRESSIONAL RECORD on the differences existing in W. P. A. rates between North and South. We sent you this afternoon a report of the W. P. A.—on living costs in different cities. It has occurred to me that you might be interested, also, in the fact that families are somewhat larger in the South than in other regions, thus making family support on the wage provided even more difficult. This is especially true in farm areas where there are a large number of youths still dependent on their families and facing unemployment, who should be reached by N. Y. A. and C. C. C. funds.

The attached tables show average size of families included in the consumer purchases study that had received relief during the year the investigation was made. You will note that the farm families in the Southeastern States are larger than those in other States studied. In the farm counties of North and South Carolina they are twice the size of farm families on relief in southern California. Even where the size differential is not so marked, the farm families of these Southeastern States are more than 10 percent larger than those of the northern area.

Very truly yours,

LOUISE STANLEY, *Chief.*

Family size—Average size of farm families in specified localities, 1935–36

[Families that include husband and wife, both native-born]

Locality [1]	Number of families [2]	Average number of persons per family		
		All families [2]	Relief families	Nonrelief families [3]
New England: White operators:				
Vermont	543	4.2	4.7	4.2
Central: White operators:				
New Jersey	861	4.1	5.0	4.0
Pennsylvania	2,096	4.7	5.3	4.7
Ohio	836	3.9	5.3	3.9
Michigan	810	3.7	5.2	3.7
Wisconsin	795	4.5	6.7	4.5
Illinois	857	3.9	5.7	3.9
Iowa	748	3.9	4.8	3.9
Mountain and Plains: White operators:				
Kansas	695	4.4	5.3	4.2
North Dakota	1,106	4.7	5.5	4.5
Colorado, Montana, and South Dakota	1,088	4.1	4.9	3.9
Pacific: White operators:				
Central California	281	3.6	3.2	3.6
Southern California	1,159	3.4	3.4	3.4
Oregon, full-time farm operators	1,781	3.9	4.4	3.8
Oregon, part-time farm operators	646	3.8	4.2	3.7
Washington	830	3.8	4.2	3.7
Southeast: [4]				
North Carolina:				
White operators	460	5.4	6.8	5.4
White sharecroppers	300	5.2	6.9	5.2
White self-sufficing farm operators	1,294	5.4	5.7	5.2
Negro operators	129	6.5	10.0	6.5
Negro sharecroppers	398	6.5	5.3	6.5
South Carolina:				
White operators	2,310	5.3	5.8	5.2
White sharecroppers	274	5.4	6.5	5.1
Negro operators	488	6.8	6.3	6.8
Negro sharecroppers	293	5.9	6.8	5.8

[1] See FS 2-7 for number and names of counties studied.
[2] This column represents all relief and nonrelief families studied.
[3] Nonrelief families include families with positive net incomes and families whose farm expense exceeded income, resulting in a net loss.
[4] Because of the economic and social significance of the system of farm tenancy in the Southeast, these data have been tabulated separately for each type of tenure; hence no justifiable comparisons can be made between any one group in this region and white operators in other regions. Negro farm families were studied only in the Southeast.

Family size—Average size of farm families in specified localities, 1935–36—Continued

Locality	Number of families	Average number of persons per family		
		All families	Relief families	Nonrelief families
Southeast—Continued.				
Georgia:				
White operators	847	4.7	5.6	4.5
White sharecroppers	248	5.4	5.8	5.3
Negro operators	249	5.2	5.7	5.1
Negro sharecroppers	296	5.4	6.3	5.4
Mississippi:				
White operators	552	4.6	5.0	4.6
White sharecroppers	347	4.8	5.2	4.7
Negro operators	277	4.5	9.1	4.4
Negro sharecroppers	958	4.2	5.1	4.2

Average size of family in specified cities, 1935–36

[Native white families including both husband and wife]

Locality	Number of families[1]	Average number of persons per family		
		All families	Nonrelief families[2]	Relief families
New England:				
Westbrook, Maine	927	3.8	3.7	5.1
Greenfield, Mass	658	3.5	3.5	3.6
Central:				
Mount Vernon, Ohio	313	3.9	3.7	4.6
New Philadelphia, Ohio	753	3.7	3.5	4.5
Beaver Dam, Wis	453	3.6	3.4	4.9
Lincoln, Ill	511	3.8	3.6	4.3
Boone, Iowa	494	3.9	3.7	4.5
Moberly, Mo	1,030	3.5	3.4	4.3
Columbia, Mo	1,309	3.7	3.6	4.1
Mountain and Plains:				
Dodge City, Kans	1,013	3.8	3.6	4.5
Greeley, Colo	637	3.5	3.4	4.1
Logan, Utah	1,013	4.5	4.5	4.8
Provo, Utah	751	4.4	4.3	4.6
Pacific:				
Astoria, Oreg	381	3.2	3.2	3.4
Eugene, Oreg	2,408	3.4	3.3	4.1
Klamath Falls, Oreg	772	3.4	3.4	3.9
Olympia, Wash	1,062	3.4	3.3	3.9
Southeast (white families only):				
Griffin, Ga	741	4.0	3.9	4.7
Sumter, S. C	815	4.1	4.0	4.7
Southeast (Negro families only):				
Griffin, Ga	349	3.9	3.8	4.4
Sumter, S. C	636	3.9	3.9	4.1

[1] The figures in this column represent the total number of families studied, both relief and nonrelief.

[2] A few families are not included whose business expenses and losses exceeded their incomes.

Average size of family in specified village units, 1935–36

[Families that include husband and wife, both native-born[1]]

Numbers and locality of villages[2]	Number of families[3]	Average number of persons per family		
		All families	Nonrelief families[4]	Relief families
New England:				
14 Vermont and Massachusetts villages	2,005	3.9	3.8	4.6
Central:				
13 Pennsylvania and Ohio villages	2,079	3.7	3.6	4.3
14 Michigan and Wisconsin villages	1,978	3.7	3.5	4.3
19 Illinois and Iowa villages	2,404	3.8	3.5	4.4
Mountain and Plains:				
15 Kansas and North Dakota villages	1,465	4.1	3.8	4.8
7 Colorado, Montana, and South Dakota villages	1,036	3.7	3.6	4.4
Pacific:				
12 California villages	1,846	3.5	3.4	3.8
12 Oregon and Washington villages	2,315	3.6	3.4	4.2
Southeast (white families only):				
15 Georgia and South Carolina villages	2,675	4.0	3.9	4.5
18 North Carolina and Mississippi villages	1,816	4.0	3.9	4.4
Southeast (Negro families only):				
15 Georgia and South Carolina villages	1,299	4.0	4.0	4.1
19 North Carolina and Mississippi villages	1,726	3.6	3.5	3.8

[1] Only native-born white families are included in all regions except the Southeast; in that region, native-born Negro families were studied separately.

[2] See Form VS 2-7 for names of villages studied.

[3] The figures in this column represent the total number of families studied, both relief and nonrelief.

[4] A few families are not included whose business expenses and losses exceeded their incomes.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that after the disposition of business on the Speaker's table and at the conclusion of the calendar business in order for today I may be permitted to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EXTENSION OF REMARKS

Mr. DIES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein some proposed amendments to the wage and hour bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to pay tribute to the gentleman from Missouri [Mr. SHANNON].

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HON. JOSEPH B. SHANNON

Mr. ASHBROOK. Mr. Speaker, I am sure that every Member of this body will regret to learn that our distinguished friend, the genial gentleman from Missouri [Mr. SHANNON], will retire from service here at the conclusion of the Seventy-fifth Congress. We will all miss his cordial greeting, his hearty handclasp and wise counsel, and will wish him well. Our colleague has reached the allotted three score and ten years, but I know all of you will join me in the fervent hope that at least another score of years of good health and happiness are in store for him, that he may review and enjoy his eventful life and the companionship of his many admiring friends under less strenuous conditions.

Mr. Speaker, when we approach the sunset days and sit down by the fireside in the quiet of our own home and reflect upon the years that have passed, it is not always the major achievements of our lives which bring us the most joy and satisfaction but more often the unselfish things, the good deeds, the cups of cold water, which stand to our credit. If the entire life of our lovable friend is reflected by his service here, as I suspect it is, his last days will be his best, his happiest days.

Mr. Speaker, at the moment I wish to call to your attention and to the House one of the many gracious and unselfish deeds of the gentleman from Missouri [Mr. SHANNON]. It has been his custom each year to invite our faithful page boys who serve us so faithfully and well to be his guests, not to a ham-sandwich lunch, but a regal banquet. These page boys are not his constituents. There is no greater responsibility upon his shoulders than upon yours and upon mine and yet annually, good foster father that he is, he has made these boys his guests at a sumptuous feast. Last night he gave a farewell banquet at the Mayflower Hotel to our pages and by so doing let these boys know that while most of them are far from the influence of home and parents, there is someone here in this great Capital City who cares.

These page boys, as evidence of their affection and appreciation for this good man for his many kindnesses to them, adopted resolutions expressing their lasting gratitude and good will for the gentleman from Missouri. They affixed their several names to these resolutions and had the same beautifully printed and transcribed, which they presented to our retiring colleague at their farewell feast. They requested me to have a copy of the same preserved in the CONGRESSIONAL RECORD, and I therefore ask unanimous consent that their wish be gratified. May God bless and tenderly care for good Uncle Joe and may his days be long and end in peace.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein the resolutions to which I have referred.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolutions are as follows:

[Seventy-fifth Congress, third session, resolution]

IN THE CLOAKROOMS OF THE HOUSE OF REPRESENTATIVES

Mr. SHANNON, of Missouri, introduced the following resolution, which was referred to the Pages of the House of Representatives and ordered to be printed.

Resolution to provide for the sixth annual dinner of the Pages of the House of Representatives

Resolved by the Pages of the House of Representatives of the United States of America in the cloakrooms assembled, That whereas the third session of the Seventy-fifth Congress is drawing to a close; and

Whereas it has been the long-respected custom of JOSEPH B. SHANNON to be host to the Pages of the House of Representatives at an annual dinner;

Now, therefore, Sunday, the 15th day of May 1938 is designated as the day; the Pan American room of the Mayflower Hotel, Washington, D. C., as the place; and 7 o'clock p. m. as the time, when and where each and every Page of the House of Representatives shall meet and assemble, in jovial and hungry mood, for their sixth annual dinner as the guests of Mr. SHANNON.

Adopted unanimously by the Pages of the House of Representatives.

JOHN MCCABE,
PAUL R. ASHBROOK,
Chief Pages.

[House Pages' Resolution 1938, passed May 15, 1938]

SEVENTY-FIFTH CONGRESS OF THE UNITED STATES OF AMERICA, AT THE SIXTH SESSION

Assembly of the Pages of the House of Representatives begun and held at the Mayflower Hotel in the city of Washington on Sunday, the 15th day of May 1938.

Resolution expressing the gratitude of the Pages of the House of Representatives to the Honorable JOSEPH B. SHANNON

Resolved, That the Pages of the House of Representatives express their deep and heartfelt appreciation of the many kindnesses and favors shown them by their gracious and distinguished host, the Honorable JOSEPH B. SHANNON. On this occasion, the sixth annual banquet, they extend their best wishes to Congressman SHANNON for a life of peace and continued happiness after his retirement, enriched by many memories of a long and meritorious service in the House of Representatives. We, the undersigned, do wholeheartedly endorse this resolution.

Attest:

John McCabe (Indiana), Chief Page; Paul R. Ashbrook (Ohio), Chief Page; Lewis Allen (Ohio); Thomas E. Beatty (New Jersey); Robert C. Blake (Ohio); Rodney Bowman (Ohio); James Brooks (Georgia); Harmon Burns, Jr. (Maryland); George Catlett (Kentucky); Cullen Collinsworth (Tennessee); Owen C. Deatrick (Michigan); Braswell Deen, Jr. (Georgia); John Dingell, Jr. (Michigan); Eugene Dingler (Pennsylvania); Daniel B. Ellis (Alabama); C. H. Emerson (Tennessee); H. M. Gardner, Jr. (Georgia); Peter J. Green, Jr. (Illinois); Charles G. Harris (Virginia); Oren Hill (Georgia); Harry J. Joachim (Mississippi); Fred Johnson, Jr. (Wyoming); James R. Johnson (Indiana); John Jurgensen (New York); Homer E. LeGrand (North Carolina); Edi Lewin (California); Albert C. Losche (Indiana); Edward McCormick (Pennsylvania); Charles McEnerney, Jr. (District of Columbia); J. Rutledge McGhee, Jr. (South Carolina); William F. McLaughlin (Ohio); Carl Martin (Illinois); Robert B. Martin (California); Earl C. Morgan (Alabama); Walter Morgan (Alabama); H. H. Morris (Kentucky); Stephen Pace, Jr. (Georgia); Robert M. Parrish (Indiana); Earl Robinson (Florida); Aubrey Russell (Kentucky); Fred Schatzman (New Jersey); George J. Smith (Pennsylvania); William Smith (Pennsylvania); Alvin Smuzynski (Michigan); John R. Stacy (Georgia); Antonio Suazo (New Mexico); Arthur J. Sutton (Michigan); James M. Teagle (Ohio); W. K. Walker (South Carolina); Edmond E. Walsh (District of Columbia).

Mr. KITCHENS. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. KITCHENS. Mr. Speaker, in a few days there will be brought before the House for consideration what is known as the wage and hour bill. I have received a letter from the secretary of the State organization of labor in my State, to which I have replied.

I ask unanimous consent to include a copy of that letter and my reply at this point in the RECORD in connection with my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The letter is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 14, 1938.

Mr. H. M. THACKREY,
Secretary-Treasurer, Arkansas State Federation of Labor, Little Rock, Ark.

DEAR MR. THACKREY: With further reference to your letter regarding wage and hour bill, I desire to state:

I have given a great deal of thought to this proposal. The ostensible objectives of the bill meet my wholehearted approval. As a matter of fact, it is my sincere wish to help labor receive a larger wage than this bill permits. I feel this bill will do more harm than good. I believe in labor unions and in collective bargaining with protective laws to enable them to function for protection of their rights.

However, the proposed bill has most far-reaching implications of injustice and discrimination to southern labor and industry. In fact, it is directed against southern, western, and mid-western labor and industry. We have very little interstate industry in Arkansas. We are just beginning to obtain some industry for our labor. Our great trouble is lack of industry and jobs. There can be no jobs nor wages without industry.

In the second place, Arkansas, east Texas, and Oklahoma have highest freight rates of any States in the Union. Where it costs industry in the Northeastern States $1 to transport products, for the same products shipped out of Arkansas for the same distance the shipper has to pay $1.50 to $1.79. In other words, northeastern industry has an advantage in freight rates over my State and other States. If they can hold this advantage and force same wage, our industry cannot compete nor exist.

In all seriousness, I ask how industry in Arkansas can ship its products to a market and pay $1.79 per hundred for freight rate, while industry in New England States can ship the same products the same distance, over same line, for $1 per hundred? It does not require a mathematician nor economist, much less a banker, industrialist, or laborer, to know it cannot be done. Such requirement will cripple, if not destroy, present southern and western industry and absolutely foreclose the acquisition of new industry. Probably you will say equalize freight rates and place same on a parity all over the country. Then I agree with you. I insist this be done before the destruction of our labor, jobs, and industry in the South and West. That is what I am exerting all efforts to do, but the New England States oppose this.

Only recently, representatives from various Southern States met at Birmingham, Ala., and appeared before the Interstate Commerce Commission at a hearing there to bring about more nearly a parity of freight rates for the South. The New England States and Governors of those States had a great number of lawyers at Birmingham vigorously opposing fair or parity freight rates for the South. So one needs to watch reformers as they loll on their tongues, parrot-like, the expressions, "slave labor," "sweatshops," etc. When I hear the voice of Jacob and see the hand of Esau, I know enough to beware.

The New England States have been getting the benefit of tariff for many years at the cost of the South and West. We have been paying that tariff on the fabricated products of the East in order to help eastern labor and industry. The result is most industry, as well as capital, is centralized in that section. I might mention also in this connection that the industry in the Northeast imported for years alien labor, exploited that labor for many years at the expense of southern and western labor, and now is willing and anxious to further sacrifice southern industry, southern labor and consumers for their benefit.

I wish to call your attention to the Fifteenth United States Census of Manufactures. This census shows there are something over 200,000 small factories in the United States, and about 20,000 large factories. That census shows a laborer in a factory which produces products annually of the value of $1,000,000 or more, by use of machinery, greater capital, larger purchases, and greater coordination of effort, produces from two to four times as much as a man doing the same kind of work in a small factory with an output amounting to $50,000 or less per year. I ask then how a small plant can pay the same wages as a million-dollar plant, and then, in addition, pay higher freight rates? It occurs to me the only plants that can survive will be the large plants.

The President recently sent a message to Congress on monopolies, and requested legislation to prevent monopolies. This bill, in my opinion, will create, centralize, and sectionalize industry in the New England States, and further protect and foster monopolies. I hear Members on the floor of the House and in the cloakrooms say that all small businesses, if unable to pay what they call a "living wage," should be destroyed. But, they lose sight of the fact that what is a living wage in one section is not in another. What is a living wage? This bill purports to define it, but I disagree with the definition. It falls far too short. They prefer that he receive no wage at all unless he receives the same

wages as paid by a large million-dollar factory. By their votes and their efforts, they are against all southern, western, and midwestern labor and industry, and favor monopolies and million-dollar corporations. They are against the farmers and the consumers likewise, because any aid to the large industrial corporations, or advantage to them given, and to their labor, will be at the expense of farmers and other laborers and consumers.

It is well known that the large industrial corporations and monopolies exist mostly in the New England States. No telegram comes to any Member of Congress from them opposing this bill; no, not one. All monopolists, by their silence, favor it and are not openly advocating it because fear of arousing some to a sense of its selfishness and injustice. They agree with certain Members of Congress who say, "Let the small industrial plants perish." I do not blame monopolists and large mechanized factories for not opposing this bill. There is method in their inaction and silence, and we see no telegrams flooding Congressmen's offices.

On May 4, Congressman FISH, of New York, on the floor of the House, stated, "I am not blaming my friends from Tennessee and Kentucky; I am not blaming Democrats of the South who may have different issues in those States confronting them. I admit that every northern Democrat from an industrial city will vote for this bill." Mr. FISH then added, "I have heard no demand from capital or industry against it; I do not know a single big industrial corporation in America that is opposing this bill." Mr. FISH then begged all Republican Congressmen to support the bill.

This bill will destroy jobs because large industrial corporations with millions of capital will use more and more machinery. This cannot happen in small factories. High-speed machines in large factories will be further mechanized for replacement of men. To be sure, no new jobs will be created by this bill. The only real effect of same will be to destroy jobs in great sections of our country and increase jobs in new and large monopolistic industries and centers in New England. After all, I know that one section of our great country cannot prosper on the ruins of labor and industry in other sections.

The large pulp mills, oil companies, and railroads are not affected by this bill. The bill also excludes from its protection farmers, retail clerks, horticulturists, livestock raisers, poultry people, packers of agricultural products of different kinds, outside salesmen, seamen on merchants' ships, those engaged in taking fish and sea foods. In fact, the bill excludes every worker in intrastate business of all kinds, such as work in laundries and other local factories and business not doing an interstate business. Why burden all these people with excess cost of their needs by fixing a set wage and lesser hours accruing to benefit of large industrial establishments and their labor in New England States? This bill singles out interstate laborers as a class to give them higher wages and shorter hours. All intrastate laborers are given nothing whatever. They are left with the same wage, same hours, and are forced to help bear the burdens of increased wages, etc., of laborers in interstate commerce.

We pay no million-dollar bonuses to capitalists and industrialists in the South. Our industry is all of small capital. We pay no $100,000, $250,000, $500,000, and $1,000,000 salaries in the South. We know that such salaries and bonuses are paid in hundreds and hundreds of these concerns in the North and East. This bill will enable such concerns to maintain and increase such salaries at the expense of southern and western industry and labor.

Pay rolls are met with money from bank deposits. They cannot be met without money. These pay rolls are met from demand deposits in our banks. The State of New York has around $750 demand deposits for each man, woman, and child in that State. In our State, and many other Southern, Western, and Midwestern States, we have around $50 in demand deposits per capita. In other words, in New York State there is available for labor 15 times as much money per capita as there is in Arkansas. In the State of New Jersey there is seven times as much money available for labor in demand deposits as in Arkansas. In Connecticut, where the population is 250,000 less than in Arkansas, the demand deposits are two and a half times that of Arkansas.

No Southern State has attained anywhere near as high per capita demand deposits as these New England industrial States. American wages must, of necessity, vary widely from State to State because of this great difference in available money for pay rolls. Wages are governed by the amount of money available and by the conditions existing at the particular plant. These discriminations and inequalities cannot be put upon the same basis, and a uniform wage, if attempted, will be impractical.

The shoes and socks on your feet, hat on your head, clothing you wear, belt around your body, buckle, watch, chain, tie, knife in your pocket, fountain pen you use, pencil with which you write, glasses, if any, you wear, are almost all made in the East and North. Go into your home, look at the glass windows, carpets, or rugs on the floors; sewing machine, radio, electric light fixtures, lamps, clock on the mantel, trunks in the corner, bedsprings, bedsteads, chairs, telephone, stove, gas heaters, electrical equipment, tables, kitchen utensils, knives, forks, plates, linens of all kinds, gun in the rack, shells therefor, fishing rods, cabinets, books in the library, auto in garage and see if any of them are made in Arkansas or in your State. The same would apply to the tools, harness, equipment, and machinery of the farmer. In truth the same applies to all the machinery and equipment of the few factories we have.

In Arkansas we have coal, gas, oil, water power, manpower, and electrical power in great abundance. We have great forests with fine timbers. We have finest clays in America, bauxite, other minerals, and raw materials. We produce a million and a half bales of cotton per year and manufacture less than 5,000 of it. We have some of the finest labor, eager and anxious for a job.

I am just wondering why one should vote to raise the price of what farmers, laborers, and other southern and western consumers have to buy in order to further help New England capital, monopolies, and large industrial corporations and their labor in the New England States. Why should one vote to further handicap, if not destroy, labor and industry of his own section to build up and further centralize and monopolize industry in the North and East? Why vote to further cripple his schools in obtaining revenues? Why vote to foreclose all chance to obtain new industries for our southern and western labor?

The children in New England and certain Northern States receive on an average $75 each per year for school purposes; while in the South, due to lack of taxes on industry, our children have an average of about $25. Why should one vote against giving his own people a fair opportunity to get an education and obtain jobs in factories and increase school facilities of children of the people he represents? Why should one vote to impose further burdens and excess cost of manufactured products upon the fathers and mothers of these children in order to aid the capitalists, monopolists, and large industrial corporations in the New England States?

After all, why deceive labor? Why put him in, restrict, and accustom him to this low wage and hour scale? If he has a family, a laborer cannot live in a large city on 25 cents per hour. Certainly he cannot have any of the conveniences and luxuries of modern inventions anywhere on such a wage. Why not show some courage and give him a wage that will enable him to have not only the necessities but some of the luxuries? Furthermore, in some cities and sections rents and living expenses are higher than in other sections. In some cities educational and other advantages are more and better than in others. In some cities workers are compelled to pay transportation to reach their work. Under this bill, instead of decentralizing industry and scattering it over the country so that all may have a chance, it will centralize industry. Electricity is the motive power of industry today and can be transmitted to where the raw materials, resources, and laborers are instead of transporting the raw material. Under this bill laborers will be forced to emigrate in large numbers to the large industrial cities where frightful labor conditions already exist, and then I hesitate to contemplate the result.

Again, this fixing of labor's wage cannot but please great capitalists and financiers of America. They control these large industrial plants, railroads, and monopolies. They control the banking facilities. I can assure you that at one meeting and one stroke of the pen these financiers can make 25 cents an hour equal in purchasing power to 15 cents. They can make 40 cents per hour equal 25 cents. This can result by changing the purchasing power of the dollar. The slightest lowering of the discount rate by the bankers can lower and destroy this fixed wage. The lowering of bank-reserve requirements will have the same tendency and effect. The slightest expansion of the currency or credit will lower this fixed wage. Nothing will please the great financiers of America more than to place the American laborer in a strait jacket of a fixed wage, variable at their will.

There is no stability in the value of a dollar, nor of its purchasing power, in America today. Until such purchasing power of the dollar be more nearly stabilized there can be no fixed wage. In truth, this bill turns over to the great northern capitalists, financiers, and industrialists the fixing of labor's wage through their control of credit and money. This bill and the principle involved surrender to the financiers and large industrialists labor's rights to contract and bargain. Why not remedy first the fundamental cause of our economic troubles? Our whole trouble is caused by undue expansion or contraction of money and credit, instability of purchasing and debt-paying power of the dollar.

I submit, if we are going to fix a minimum wage for some laborers, then fix minimum wage or price for the farmer and his products. Why not help him and his family, because his sweatshop requires as much hard work, perspiration, and longer hours than any other sweatshop in this country? If the farmer be given a fair price, the industrial laborer will prosper. If Congress, under this law, can fix minimum wage, it can fix maximum wage and price on all things in interstate commerce or having to do with interstate commerce. If Congress can fix minimum or maximum wage under this bill, then it can fix minimum or maximum salaries for all business in the United States. I submit that when all this great business is turned over to some bureau or secretary in Washington to manage, to define what is and is not interstate commerce, then we have destroyed individual rights, collective rights, State rights, constitutional rights, and substituted the dictates of man for law and the Constitution.

In some sections of this country we have droughts, floods, calamities, and other sectional crop failures and disasters. Yet under this bill, as to wages, no relief can be given. The same wage must be paid as in the great, rich industrial sections of North and East. When it comes to W. P. A. or P. W. A. jobs or relief in the South, what is the attitude of these humanitarians who shed glycerin tears so copiously for southern labor? Well, they give him just about one-half. Various advocates of this bill argue in effect that a southern laborer out of a job and hungry is less hungry than a New York or Pennsylvania laborer, and that the one should receive $21 per month, while the other $40 to $55 per month. They argue

that it is a kind of dole or charity out of Federal Treasury anyway, and we will penalize him because of his helplessness. This bill now before us contemplates a worse discrimination even than that.

It is my opinion that the title of this bill should read: "A bill for an act in the interest of and to help create more monopolies, aid the financiers and controllers of large industry, place labor and its fixed wage under their control through control of money and credit, regiment labor and industry, take away from labor the right to contract individually or collectively, cripple, if not destroy, present southern labor and industry, prevent further industry locating in South, West, or Midwest, deprive citizens in four-fifths of the country of jobs and opportunities for jobs, further deprive the children of southern, western, and midwestern parents of educational advantages, fair share of industrial taxes and wealth, occupational opportunities, and for other discriminatory purposes."

Arkansas already has one of the best child-labor laws in the Union, as well as protective laws for women in industry.

The real remedy for our labor situation, for industry, for farmers, and all the people is to bring down the value of the gold dollar to the purchasing value of the dollar of 1926, and to maintain that parity or basis. The currencies of other nations are disorganized, disarranged, out of kelter, and we suffer because still tied to gold on an unfair ratio or basis as to dollar value.

There are other serious matters in connection with this bill to which I would like to call your attention, but space will not permit. It is impossible to pass a fair, honest, and nondiscriminatory labor bill in this Congress now. Such a bill I would support.

Sincerely,

WADE KITCHENS.

EXTENSION OF REMARKS

Mr. GEHRMANN. Mr. Speaker, last Thursday I received the permission of the House to insert in the RECORD a speech or an address by Governor La Follette. I have received an estimate from the Printer stating it will overrun the allowable two pages of the RECORD and that it will be between three and four pages. I ask unanimous consent that, notwithstanding that fact, I may be permitted to include this address by Governor La Follette in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LEMKE asked and was given permission to extend his own remarks in the RECORD.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of our reciprocal-trade agreements and include therein a short radio address on the same subject.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OF MERCHANT MARINE ACT, 1936

Mr. BLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10315) to amend the Merchant Marine Act, 1936, to further promote the merchant marine policy therein declared, and for other purposes, with Senate amendments thereto, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia.

Mr. COCHRAN. Mr. Speaker, I reserve the right to object to call to the attention of the gentleman from Virginia the language used by Senator RADCLIFFE when he offered his amendment, the ship-mortgage feature, in the Senate. The Senator said he was offering the identical bill that was passed by the House. In this he was in error, as he offered the bill as reported by the committee, not the bill as passed by the House. I hope the gentleman will remember the action of the House in adopting my amendment to this bill.

Mr. BLAND. The conferees will feel obliged to pursue the action of the House.

Mr. COCHRAN. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection and the Chair appointed the following conferees: Mr. BLAND, Mr. SIROVICH, Mr. RAMSPECK, Mr. KENNEDY of Maryland, Mr. CROSBY, Mr. WELCH, and Mr. CULKIN.

EXCEPTION OF YACHTS, TUGS, TOWBOATS, AND UNRIGGED VESSELS FROM CERTAIN PROVISIONS OF THE ACT OF JUNE 25, 1936, AS AMENDED

Mr. BLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7158, to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. BLAND, SIROVICH, RAMSPECK, WELCH, and CULKIN.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the setting of coal prices by the Bituminous Coal Commission and to include therein correspondence between myself and the chairman, Mr. Tetlow, on that subject.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ERADICATION OF TENT CATERPILLARS

Mr. LORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LORD. Mr. Speaker, for the past 3 years in New York and some other States we have had a great scourge of tent caterpillars. These caterpillars eat the leaves off fruit trees and in many places have destroyed the trees. As soon as the leaves come out in the springtime the caterpillars eat them off, and when the leaves start out again the caterpillars again eat them off, and many of the trees die.

Mr. Speaker, I have here a resolution from my board of supervisors in Broome County asking that the C. C. C. camp boys be allowed to help in destroying these pests. On the 24th of March I introduced a resolution which had for its purpose using the C. C. C. boys to do this work. So far I have not been able to get any consideration for this measure because the time of the committee is being taken up with labor legislation. This is a very serious question in the Northeast and we very much need some help from the C. C. C. camp boys to save our fruit trees. I hope we may get action on my resolution.

I have taken this up with the C. C. C. Administrator, with the Forest Service that deals with forest insects and with the Department of Agriculture.

They all seem sympathetic and the Forest Service has sent Mr. J. V. Shoffner to make an inspection. According to a newspaper article he doubts immediate action and in the meantime the worms are destroying the trees. This is the same old story of lack of business in Government. The time has passed for spraying. What is needed is a pole with a cloth tied on the end of it, some gasoline, and a boy on the other end to wipe the nests out of the trees. This would be a very short job taking only a few minutes to care for a tree and save it from destruction. What we need is action. Will we ever get it in Government?

Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short resolution from the board of supervisors.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

LANDS ALLOTTED TO INDIANS

The Clerk called the first bill on the Consent Calendar, H. R. 2534, to authorize the Secretary of the Interior to investigate and report on the loss of title to or the encumbrance of lands allotted to Indians.

Mr. COCHRAN, Mr. CHURCH, and Mr. COSTELLO objected.

WESTERN BANDS OF THE SHOSHONE NATION OF INDIANS

The Clerk called the next bill, S. 68, authorizing the Western Bands of the Shoshone Nation of Indians to sue in the Court of Claims.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, this is another Indian claim bill. I wish to call the attention of the House to two decisions of the Supreme Court during the last 10 days. As a result of the passage of two bills amending jurisdictional acts the taxpayers of this country are now required to pay almost $10,000,000 to two Indian tribes. If the two bills had not passed the House, changing the jurisdictional act, the taxpayers of this country would not have been required to pay approximately $4,500,000 in each case. Here is additional evidence the House as a whole should carefully consider Indian claim bills. The changing of a few words in a jurisdictional act always cost the taxpayers millions. Time and again Members interested in Indian bills claim the Indians never recover from the Government. I have always challenged such statements. The decisions just referred to confirm my statement.

Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

INDIANS ALLOTTED ON THE QUINAIELT RESERVATION, STATE OF WASHINGTON

The Clerk called the next bill, S. 1517, authorizing the payment of attorney fees contracted to be paid by certain Indians allotted on the Quinaielt Reservation, State of Washington, and for other purposes.

Mr. COCHRAN. Mr. Speaker, there is another bill on this same subject that has been reported by the committee, and therefore I object to the present consideration of this bill.

AMENDMENT OF WISCONSIN CHIPPEWA JURISDICTIONAL ACT

The Clerk called the next bill, H. R. 8502, to amend the Wisconsin Chippewa Jurisdictional Act of August 30, 1935 (49 Stat. L. 1049).

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CLAIMS OF THE SIOUX INDIANS

The Clerk called the joint resolution (H. J. Res. 438) restoring the right of appeal to the Supreme Court in certain cases involving claims of the Sioux Indians.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the joint resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PUBLIC-SCHOOL BUILDING IN MASON COUNTY, STATE OF WASHINGTON

The Clerk called the next bill, H. R. 6970, to provide funds for cooperation with School District No. 2, Mason County, State of Washington, in the construction of a public-school building to be available to both white and Indian children.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PENSIONS FOR SERVICE IN THE WAR WITH SPAIN, THE PHILIPPINE INSURRECTION, AND THE CHINA RELIEF EXPEDITION

The Clerk called the next bill, H. R. 6289, granting a pension to certain soldiers, sailors, and marines for service in the War with Spain, the Philippine Insurrection, and the China Relief Expedition.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any soldier, sailor, or marine, a citizen of the United States and 80 years old, who served 1 year or more on foreign soil in the service of the United States in the War with Spain, the Philippine Insurrection, or the China Relief Expedition, during the period from the beginning of the War with Spain in 1898 to and including the year 1901, and who was honorably discharged from the service of the United States, disabled by reason of disease contracted while in line of duty during such service, shall be paid a monthly pension of $100. The said pension shall begin from the date of filing application.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

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.

CLAIMS OF GRAIN ELEVATORS AND GRAIN FIRMS

The Clerk called the joint resolution (H. J. Res. 421) authorizing and directing the Comptroller General of the United States to certify for payment certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920 as per a certain contract authorized by the President.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the joint resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT OF POSTMASTERS

The Clerk called the next bill, H. R. 8037, to amend the law relating to appointment of postmasters.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CLAIMS OF INDIANS OF CALIFORNIA

The Clerk called the next bill, S. 1651, to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California," approved May 18, 1928 (45 Stat. 602).

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent that this bill be referred back to the Committee on Indian Affairs.

The Speaker. The gentleman from California asks unanimous consent that the bill be rereferred to the Committee on Indian Affairs. Is there objection?

There was no objection.

CLAIMS OF THE SEMINOLE INDIANS

The Clerk called the next bill, H. R. 7271, authorizing the District Court of the United States for the Eastern District of Oklahoma to hear and determine certain claims of the Seminole Nation or Tribe of Indians.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LOSS OF CROPS BY HAILSTORMS

The Clerk called the joint resolution (S. J. Res. 201) for the relief of certain persons conducting farming operations whose crops were destroyed by hailstorms.

Mr. WOLCOTT. Mr. Speaker, this joint resolution covers a class of catastrophe which is covered by Public, No. 5, of the Seventy-fifth Congress. It will be recalled we provided

$20,000,000 to the Disaster Loan Corporation to be made available for this purpose. It is my opinion that hailstorms constitute a disaster which would come within the terms of that act, and we amended the act to include disasters of 1937, and with this in mind I ask unanimous consent that the joint resolution be passed over without prejudice.

Mr. FULMER. Mr. Speaker, reserving the right to object, may I say to my colleague that when we had the Consent Calendar up before the only objection appeared to be that this was a local matter and did not apply to other States that might want to come within the scope of the bill, and referring to the statement made by the gentleman, if it had been possible for these people whose crops were really destroyed by hailstorms, to have received any benefits under the bill referred to they would have been taken care of. I have an amendment which I propose to offer, eliminating any definite amount whatsoever and leaving it with the Secretary of Agriculture to determine the amount, and the bill as amended will apply to any State where farmers have suffered from hailstorm or drought, and I hope the gentleman will accept such an amendment. It may be there will be very little money, if any, paid out, but if so it will apply to farmers in any State where they have had hail or drought damages to crops in 1937 and where they can comply with the rules and regulations set forth by the Secretary of Agriculture governing such cases.

Mr. WOLCOTT. I may say that this joint resolution would constitute an exception to the general act authorizing loans by the Disaster Loan Corporation and it would establish a precedent whereby anything which might be considered as a local disaster might be hereafter covered by a separate bill. When the Disaster Loan Corporation bill was up for consideration attention was called to numerous local conditions. In one case I remember a frost destroyed the peach crop in Michigan. Because we were convinced that that would be considered a disaster, under that act, the Representatives from Michigan withdrew their amendment so that we would share and share alike with all the other States of the Union. We have windstorms out in Kansas which may not only destroy crops but may tear roofs off of buildings. This is a disaster so far as that locality is concerned, and we made the language of the Disaster Loan Corporation Act general enough to include all such local disasters. For this reason I do not believe we should establish by specific act this relief which will be in conflict with the general procedure, and this is the reason I have asked that the bill go over without prejudice.

Mr. FULMER. May I say to my colleague, that is exactly what I am trying to get around; instead of making it a local matter, to make it general, without even setting forth any amount. There will be no additional appropriation, and the purpose of the bill is to take care of these special disasters of 1937. I am sure, if any of these cases could have come under the general act referred to by the gentleman, they would have been taken care of. I would like to have read by the Clerk for the information of the gentleman the amendment I am proposing.

Mr. WOLCOTT. May I say to the gentleman that if he makes this joint resolution general, then he does exactly the same thing that is already provided by law in Public, No. 5, of the Seventy-fifth Congress, and Public, No. 4, of the Seventy-fifth Congress, and I would like to call the attention of the House to the language of that act, wherein we provide that—

There is hereby created a Disaster Loan Corporation with nonassessable capital stock in an amount not to exceed $20,000,000. The Reconstruction Finance Corporation is authorized and directed to subscribe for such stock and to make payment therefor from time to time as called out of the unexpended balance of the $50,000,000 which the Reconstruction Finance Corporation was authorized to lend for catastrophe relief by section 1 of the act of April 17, 1936 (Public, No. 525, 74th Cong.). Such Disaster Loan Corporation shall be managed by officers and agents to be appointed by the Reconstruction Finance Corporation under such rules and regulations as its board of directors may prescribe.

Then in the succeeding sections they are authorized to make, upon terms and conditions established by the Board, loans for catastrophes for 1937.

We later amended the act at the instance of the New England States, as I recall, to cover like catastrophes which had occurred in 1936.

I really think it is a dangerous precedent to start legislating specifically for all conditions which might be considered catastrophes throughout the United States. There is no reason why we should generalize on the gentleman's bill, because if we do we put his bill in direct competition with the agency which we have already set up to give this relief.

Mr. FULMER. May I state that the bill referred to by the gentleman was to take care of damages caused by a severe flood and the amount of the money available under such act has been expended. This joint resolution is fair and covers such damages in any and all of the States in the Union. I hope the gentleman will not object to the joint resolution.

Mr. WOLCOTT. Mr. Speaker, I feel under the circumstances that we should give at least some more time to it. I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. FULMER. Mr. Speaker, I object.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. WOLCOTT. Mr. Speaker, I object.

Mr. FULMER. Mr. Speaker, I ask unanimous consent to include in the RECORD at this point an amendment which I had proposed to offer to this Senate joint resolution.

The SPEAKER. Is there objection?

There was no objection.

The amendment referred to is as follows:

Strike out line 1 and down to and including line 15 and insert in lieu thereof, the following:

"*Resolved, etc.*, That the Secretary of Agriculture is authorized to make grants through the Resettlement Administration, out of any sums allocated by the President to the Resettlement Administration from the sums appropriated by the Emergency Relief Appropriation Act of 1937, to those farm operators in the United States whose crops were destroyed by hailstorms and droughts during the summer of 1927, and who shall be found by the Secretary to be in need or to have had their credit so impaired as a result of such destruction as to be unable to continue independent farming operations without securing financial assistance."

COMPOSITION OF UNITED STATES NAVY

The Clerk called the bill (H. R. 7777) to further amend section 3 of the act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limit prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes," approved March 27, 1934 (48 Stat. 505), as amended by the act of June 25, 1936 (49 Stat. 1926; 34 U. S. C., sec. 496).

The SPEAKER. Is there objection?

Mr. TOBEY. Mr. Speaker, I object.

Mr. UMSTEAD. Mr. Speaker, I object.

CLAIMS OF DELAWARE INDIANS

The Clerk called the bill (S. 2326) to amend the act, as amended, entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States," approved February 7, 1925.

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

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

THIRD PAN AMERICAN HIGHWAY CONFERENCE

The Clerk called House Joint Resolution 659, to authorize an appropriation for the expenses of participation by the United States in the Third Pan American Highway Conference.

The SPEAKER. Is there objection?

There was no objection.

Mr. COSTELLO. Mr. Speaker, there is a similar Senate joint resolution on the calendar and I ask unanimous consent that the Senate Joint Resolution 284 be substituted for the House joint resolution.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read Senate Joint Resolution 284, 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 Third Pan American Highway Conference, to be held in Chile during the fiscal year 1939, 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; entertainment; local transportation; 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.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider the vote by which the Senate joint resolution was agreed to was laid on the table.

A House joint resolution (H. J. Res. 659) was ordered to lie on the table.

INTERNATIONAL UNION OF GEODESY AND GEOPHYSICS

The Clerk called House Joint Resolution 660, to authorize and request the President of the United States to invite the International Union of Geodesy and Geophysics to hold its seventh general assembly in the United States during the calendar year 1939, and to invite foreign governments to participate in that general assembly; and to authorize an appropriation to assist in meeting the expenses necessary for participation by the United States in the meeting.

The SPEAKER. Is there objection?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that a similar Senate joint resolution (No. 285) be substituted for the House joint resolution.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate joint resolution as follows:

Resolved, etc., That the President be, and is hereby, authorized and requested to invite the International Union of Geodesy and Geophysics to hold its seventh general assembly in the United States during the calendar year 1939, and to invite foreign governments to participate in that general assembly.

SEC. 2. That the sum of $5,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of organizing and holding the seventh general assembly of the International Union of Geodesy and Geophysics, including personal services in the District of Columbia and elsewhere without regard to the Classification Act of 1923, as amended; communication services; stenographic and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); travel expenses; local transportation; hire of motor-propelled passenger-carrying vehicles; rent in the District of Columbia and elsewhere; printing and binding; entertainment; official cards; purchase of newspapers and periodicals; necessary books and documents; stationery; membership badges; and such other expenses as may be actually and necessarily incurred by the Government of the United States by reason of observance of appropriate courtesies in connection therewith, and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments have been made for any of the purposes herein specified.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider the vote by which the Senate joint resolution was agreed to was ordered to lie on the table.

A House joint resolution (H. J. Res. 660) was ordered to lie on the table.

CHOCTAW INDIANS OF MISSISSIPPI

The Clerk called the bill (S. 1478) conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi.

The SPEAKER. Is there objection?

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

TO PREVENT ALIENS FISHING IN THE WATERS OF ALASKA

The Clerk called the bill (H. R. 10432) to amend an act approved June 14, 1906 (34 Stat. 263), entitled "An act to prevent aliens from fishing in the waters of Alaska."

There being no objection the Clerk read the bill as follows:

Be it enacted, etc., That section 1 of the act of Congress approved June 14, 1906 (34 Stat. 263), entitled "An act to prevent aliens from fishing in the waters of Alaska", is amended to read as follows:

"That it shall be unlawful for any person not a citizen of the United States, or who has declared his intention to become a citizen of the United States, and is not a bona fide resident therein, or for any company, corporation, or association not organized or authorized to transact business under the laws of any State, Territory, or District thereof, or for any person not a native of Alaska, to catch or kill, or attempt to catch or kill, except with rod, spear, or gaff, any fish of any kind or species whatsoever in any of the waters of Alaska under the jurisdiction of the United States: *Provided, however*, That nothing contained in this act shall prevent those lawfully taking fish in the said waters from selling the same, fresh or cured, in Alaska or in Alaskan waters, to any alien person, company, or vessel then being lawfully in said waters: *Provided further*, That nothing contained in this act shall prevent any person, firm, corporation, or association lawfully entitled to fish in the waters of Alaska from employing as laborers any aliens who can now be lawfully employed under the existing laws of the United States, either at stated wages or by piecework, or both, in connection with the canning, salting, or otherwise preserving of fish: *And provided further*, That any person who is a bona fide resident of Alaska and has been such a resident for the period of 3 consecutive years prior to the date of approval of this act, and who during such 3-year period has been continuously or seasonally engaged in fishing in the waters of Alaska for commercial purposes, may continue to engage in fishing in the waters of Alaska for commercial purposes for the period of 3 years after the date of the approval of this act, although not a citizen of the United States."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

TOWER CLOCK, ESCAMBIA COUNTY COURTHOUSE, FLORIDA

The Clerk called the bill (S. 3220) to authorize the Secretary of the Treasury to transfer the title and all other interests in the old tower clock from the Escambia County Courthouse Building, acquired by the Government by deed, to the Pensacola Historical Society of Pensacola, Escambia County, Fla.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to permit the removal of the old tower clock in its entirety from the Escambia County Courthouse Building, Pensacola, Fla., which was acquired by the Government from the county of Escambia, Fla., by deed of May 22, 1937, in exchange for the old post-office building, the title and all other interests in said tower clock to be given into the custody of the Pensacola Historical Society of Pensacola, Escambia County, Fla.: *Provided*, That the removal of the clock shall be without expense to the Government.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RAILROAD EMPLOYERS' LIABILITY

The Clerk called the next bill, H. R. 10296, to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases" approved April 22, 1908, as amended (U. S. C., title 45, ch. 2).

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, will the author of the bill explain its purpose?

Mr. HEALEY. I shall be very happy to do so. The bill is almost self-explanatory, I may say to the gentleman from Michigan. It merely removes from the Employers Liability Act, the act which affects all railroad employees, any rule or regulation which in any way interferes with the right of a fellow employee voluntarily to give information to the next of kin or persons in interest of any employee who is injured or killed in the scope of his employment, and makes it a crime for anyone to intimidate or put him in fear of discharge for giving such information.

Mr. WOLCOTT. Then, as I understand it, this bill will facilitate the hearing of claims of employees against the railroads by making information which the railroads have available to the employee himself or to his next of kin in case of death.

Mr. HEALEY. It makes it possible for the widow of a man who is killed, or the children of a man who is killed to get some information and facts relative to his death. This information is made available also to persons in interest of a man who has been injured; it makes it possible for them to get some evidence.

As I understand it at the present time no employee is willing, for fear of losing his job, to give this evidence in the case of a man who is injured or killed while he is working at his job.

Mr. WOLCOTT. For fear of retaliation.

Mr. HEALEY. Yes.

Mr. WOLCOTT. I think the gentleman has a very fine bill.

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

Mr. LAMNECK. Mr. Speaker, I object.

Mr. HEALEY. I do not think the gentleman ought to object to this particular bill because it is only just and reasonable that the surviving widow, children, or kin of a railroad employee killed or injured in line of duty get evidence as to the cause of his death or his injury. I hope the gentleman will withdraw his objection.

Mr. LAMNECK. Mr. Speaker, I object.

HERMAN P. KRAFFT

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on Claims be discharged from consideration of the bill (S. 3040) for the relief of Herman P. Krafft, and the bill rereferred to the Committee on Naval Affairs.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ARMY MULES

The Clerk called the next bill, H. R. 9848, to require that horses and mules belonging to the United States which have become unfit for service be destroyed or put to pasture.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, what is the purpose of this bill? As I understand the bill, it prohibits the Department from selling mules which have become unfit for Government service. Why should we not authorize the Department to sell these mules if we can get a little money out of them rather than destroy them?

Mr. COCHRAN. The bill was introduced by the gentleman from Ohio [Mr. HARLAN]; and at the request of about 150 Members of the House the committee considered the bill and authorized me to report it.

The Department in making its report on this bill says that it is today doing exactly what the bill provides. The humane societies from various sections of the country approve the bill.

Mr. CRAWFORD. Mr. Speaker, reserving the right to object, I am not familiar with the bill at all. Will the gentleman tell me what it does? Does this bill prohibit the War Department from selling mules?

Mr. COCHRAN. It does. It requires they be destroyed or placed on pasture.

Mr. WOLCOTT. The Association for the Prevention of Cruelty to Animals apparently is very much concerned that after these mules are sold to private individuals they will not be treated with as much kindness or furnished with as comfortable quarters as they enjoy in the Army service. I have no particular objection to the bill. I want to see these mules and horses properly taken care of in their old age just as Members of Congress should be taken care of in their old age. I just wanted the gentleman to explain what the purpose of the bill was.

Mr. CRAWFORD. Under my reservation of objection, Mr. Speaker, I may say that I am quite familiar with mules and have a little knowledge as to what farmers do with their mules. I am not in favor of this bill and shall object to it.

Mr. BOILEAU. Mr. Speaker, will the gentleman withhold his objection?

Mr. CRAWFORD. Mr. Speaker, I withhold my objection to permit the gentleman to make a statement.

Mr. BOILEAU. I call the gentleman's attention to the fact that this bill does not provide that when the Government is through using the horse or mule it must be disposed of. It says when the horse or mule is unfit for service. It does not say "unfit for service in the Army or Government," but when a horse is unfit that it shall not be sold to a junk man or someone who will abuse the horse. The horse might be unfit for military service in the Army but it still may be sold and disposed of. The gentleman from New York suggests that is what it means, but the language of the bill does not so provide. I think with that understanding the bill ought to pass.

Mr. CRAWFORD. The whole thing resolves itself down to what you mean by "unfit for service."

Mr. BOILEAU. It does not say "unfit for service in the Government Department." It means if a horse or mule is so crippled or has other disabilities it shall not be sold to some junk man for ten or fifteen dollars.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. CRAWFORD. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Certain people have made a very careful investigation of this matter and they say that many of these mules have been sold and actually abused. The mules that are unfit for service are the ones to be protected. Of course, they will not be dismissed or released from the service if they are fit for use. I hope the gentleman will not object.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. May I call the gentleman's attention to the Army report on this bill, which points out that it is the policy of the War Department at the present time to follow substantially this principle, but the proposed bill would make it mandatory. It also points out that the average age of condemned horses and mules sold during the calendar years 1936 and 1937 was approximately 11 years. Anyone who knows anything about horses and mules knows that many animals 11 years old still have useful years and should not be put to death. I do not think it is humane to destroy an 11-year-old horse just because the Army is through with him. The bill should be amended or else should be objected to.

Mr. DIES. Will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Texas.

Mr. DIES. If this bill should pass, is there any danger it will be used as a precedent in the future treatment of Members of Congress?

Mr. CRAWFORD. It might be.

The SPEAKER. Is it the intention of the gentleman from Michigan [Mr. CRAWFORD] to object to the bill?

Mr. CRAWFORD. Mr. Speaker, I object.

Mr. HARLAN. Will the gentleman withhold his objection?

Mr. CRAWFORD. I reserve the objection.

Mr. HARLAN. Mr. Speaker, this is my bill and I just came into the Chamber. I think there might be a few things I may say that will be helpful.

The letter of the Secretary of War attached to the report simply covers the War Department horses and to that extent he is correct. But that is not our problem. Here is the situation with reference to these animals owned by the Government. First, the War Department uses them and then after about 11 years of service on the average the War Department does one of three things. It either shoots the

horse, it puts him out to pasture, or sells and transfers him to another agency. Secretary Woodring is absolutely right in his report. We are not interested in those horses, but we are interested in the horses that pass from the War Department to another governmental agency. He is correct in saying that so far as the War Department is concerned there is no need for this legislation because they protect all the horses worth saving that they do not turn over to another agency.

The thing that brought this proposition to the surface was the sale of five horses here in Washington. Some of them came from the Industrial School. I do not know where the others came from. But they were engaged in some kind of work and were from 19 to 21 years of age. Those horses fortunately were purchased by the humane society here with the exception of one. They were crippled.

The humane society has repeatedly taken this up with the Attorney General and the War Department. The Attorney General has given opinions that they cannot do anything but sell these horses and mules because under the section which we seek to amend here a horse has some value, and under the statute they have to sell the horse. After the War Department has used these horses and mules from 8 to 11 years and after some other department has then used 5 or 6 years more out of the horse or mule, it gives that agency control over those horses when they are tottering, comparable to a man 70 years of age in condition of the body. It gives them the privilege of shooting those horses or putting them out to pasture.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. HARLAN. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I call the gentleman's attention to the report of the War Department which says that at the present time they are providing for the destruction of animals when they think that is the proper thing to do. But they point out this legislation, if passed, would become mandatory and would preclude any deviation from that course. An animal that is 11 years of age may be fit for further use, but if deemed not fit for further Army use, the War Department, under this bill, could do nothing else but shoot the horse or put him out to pasture. I would not object to the pasture part, but many an old horse might prefer to do a little occasional work to being shot. Why not let the Army have a little discretion in the matter?

Mr. HARLAN. Under the law, they have to turn them over to the Procurement Division.

Mr. CASE of South Dakota. And the Procurement Division can either sell him or transfer him to some other agency—under present law but not if we pass this bill worded as it now is.

Mr. DIES. I agree with the gentleman that these mules should not be sold to junk dealers, but may I call the gentleman's attention to the fact that so far as I am concerned I have seen a good many mules much older than 11 years that were strong, hearty, and doing good work?

Mr. HARLAN. Certainly. The Government uses every year's service there is in the horse as long as they can get the value of the food out of these animals. They continue to work them. The Procurement Division tells me that they dispose every year of somewhat less than 100 horses, and this includes the entire United States, Alaska, and in all the different departments. This proceeding, Mr. Speaker, will cost the Government almost nothing. In every one of our municipalities if they take the horses that are destroyed to a reduction plant and kill them there they can get $10 for the horse right there for his hide.

Mr. DIES. This is not a Townsend old-age pension plan for mules, is it?

Mr. HARLAN. No.

Mr. MAVERICK. I may say to the gentleman that when I was on the farm we got an old army mule that had defective eyesight and her name was Beck. This mule was worked for 11 years, despite its bad eyesight, which was only in one eye.

I rise to memorialize some of these mules. Must we shoot or retire a mule because of military service? Why, such a rule would retire half of us soldiers here in Congress.

I cannot see any reason for this measure.

The gentleman states that an age of 11 years in a mule's life is comparable to 70 years in a man. We have put Justice Van Devanter, of the Supreme Court, to work since he passed that age and quite the Supreme Court. He does light work in lower courts.

No; there is no reason why these old mules should not do some work, nor that they should be destroyed—I mean, shot. The Army has a right to use their discretion now; let them continue.

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

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMMITTEE ON PURCHASES OF BLIND-MADE PRODUCTS

The Clerk called the next bill, S. 2819, to create a Committee on Purchases of Blind-made Products, and for other purposes.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

INVESTIGATION AND CONTROL OF VENEREAL DISEASES

The Clerk called the next bill, S. 3290, to impose additional duties upon the United States Public Health Service in connection with the investigation and control of the venereal diseases.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That the act approved July 9, 1918, is hereby amended by adding, after section 4 of chapter XV (40 Stat. 886; U. S. C., title 42, sec. 25), sections 4a, 4b, 4c, 4d, and 4e, to read as follows:

"(a) For the purpose of assisting States, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate measures for the prevention, treatment, and control of the venereal diseases; for the purpose of making studies, investigations, and demonstrations to develop more effective measures of prevention, treatment, and control of the venereal diseases, including the training of personnel; for the pay, allowances, and traveling expenses of commissioned officers and other personnel assigned to duties in carrying out the purposes of this act in the District of Columbia and elsewhere; and for the printing of reports, documents, and other material relating thereto, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1939, the sum of $3,000,000; for the fiscal year ending June 30, 1940, the sum of $5,000,000; for the fiscal year ending June 30, 1941, the sum of $7,000,000; and for each of the 10 fiscal years thereafter such sum as may be needed to carry out the purposes of this act.

"(b) Prior to the beginning of each fiscal year the Surgeon General of the Public Health Service shall determine, out of the appropriations made pursuant to section 4 (a), the sum to be allotted to the several States, including the District of Columbia, Alaska, Puerto Rico, and Hawaii. The Surgeon General shall then allot such sum to the several States upon the basis of (1) the population (2) the extent of the venereal-disease problem, and (3) the financial needs of the respective States. Upon making such allotments he shall certify the amounts thereof to the Secretary of the Treasury. The amount of an allotment to any State for any fiscal year remaining unpaid at the end of such fiscal year shall be available for allotment to the States for the succeeding fiscal year in addition to the amount appropriated and available for such fiscal year.

"(c) Prior to the beginning of each quarter of the fiscal year the Surgeon General of the Public Health Service shall determine the amount to be paid to each State for such quarter from the allotment to such State, and shall certify the amount so determined to the Secretary of the Treasury. Upon receipt of such certification, the Secretary of the Treasury shall, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay in accordance with such certification. The moneys so paid to any State shall be expended in carrying out the purposes specified in section 4 (a), and in accordance with plans presented by the health authority of such State and approved by the Surgeon General of the Public Health Service.

"(d) With the approval of the Secretary of the Treasury and after consultation with a conference of State and Territorial health

officers, the Surgeon General of the Public Health Service is authorized to prescribe the rules and regulations necessary to carry out the purposes of this act.

"(e) This act shall not be construed as superseding or limiting the functions, under any other act, of the Public Health Service relating to the prevention, treatment, and control of venereal diseases, or the expenditure of money therefor."

With the following committee amendments:

Page 1, line 7, strike out "(a)" and insert "Sec. 4a."

Page 2, line 6, after the word "purposes", insert "of sections 4a to 4e, inclusive."

Page 2, line 10, after the figures, insert "not exceeding."

Page 2, line 12, after the figures, insert "not exceeding."

Page 2, line 13, after the figures, insert "not exceeding."

Page 2, line 14, strike out "of the 10 fiscal years" and insert "fiscal year."

Page 2, line 15, strike out the word "needed" and insert "deemed necessary."

Page 2, line 16, after the word "purposes", insert "of sections 4a to 4e, inclusive."

Page 2, line 18, strike out "(b)" and insert "Sec. 4b."

Page 2, line 21, strike out "4 (a)" and insert "4a."

Page 2, line 22, after "Puerto Rico", insert "Virgin Islands."

Page 3, line 9, strike out "(c)" and insert "Sec. 4c."

Page 3, line 20, strike out "4 (a)" and insert "4a."

Page 3, line 23, strike out "(d)" and insert "Sec. 4d."

Page 4, line 2, after the word "purposes", insert " of sections 4a to 4e, inclusive."

Page 4, line 4, strike out "(c) This act" and insert "Sec. 4e. Sections 4a and 4e, inclusive, of this act."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LONGEVITY PAY OF WARRANT OFFICERS

The Clerk called the next bill, H. R. 3618, to reestablish the longevity pay of warrant officers.

Mr. TABER. Reserving the right to object, Mr. Speaker, I wonder if whoever has charge of this bill will tell us something about what it will cost?

Mr. EDMISTON. Mr. Speaker, I shall be glad to explain to the gentleman. This bill puts the warrant officers of the Army on the same longevity-pay basis as similar officers of the Navy and Marine Corps and equalizes the longevity pay of warrant officers in the three branches of the service.

Mr. TABER. Have not they had this pay before?

Mr. EDMISTON. They had it before, but it was taken away from them by a previous act, the date of which I cannot recall.

Mr. TABER. How much will it cost?

Mr. EDMISTON. Seven hundred and forty-eight thousand dollars.

Mr. TABER. A year?

Mr. EDMISTON. Yes. I may say to the gentleman that to my mind officers of the same grade in the services should be on an equal-pay basis. I do not see why the warrant officers of the Army should be paid less than warrant officers of the Navy or Marine Corps who perform the same functions. The fairness of this measure is the reason the committee reported it out.

Mr. TABER. Is it actually true that warrant officers in the Army receive less than warrant officers in the Navy?

Mr. EDMISTON. Yes. They are of exactly the same grade but are getting less pay.

Mr. TABER. The War Department does not recommend the bill. In the Secretary's letter it is stated—

For the foregoing reasons the War Department does not recommend that H. R. 3618 be enacted into law.

Mr. EDMISTON. I may say to the gentleman that an official of the War Department admitted before the Committee on Military Affairs that these warrant officers are most valuable to the service, and he thought the existing rate of pay is unfair to them.

Mr. TABER. Mr. Speaker, under the circumstances, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

MONUMENT TO GEN. PETER GABRIEL MUHLENBERG

The Clerk called the resolution (H. J. Res. 631) to provide for the erection of a monument to the memory of Gen. Peter Gabriel Muhlenberg.

Mr. MAVERICK. Reserving the right to object, Mr. Speaker, I ask that the gentleman explain this bill, for the reason that the other day we were asked to provide for the erection of a monument to the memory of Newton Baker, who has been dead only a few months.

If we adopt the policy of having monuments built all over this country by the Federal Government, we will eventually spend hundreds of millions of dollars on monuments. The question is whether or not it is a wise policy for this Government to go in the monument-building business, especially in a haphazard way of each Congressman asking for such appropriations.

Mr. ROBERTSON. I shall be pleased to explain this measure to the gentleman from Texas.

This resolution authorizes the appropriation of $25,000 to erect a monument to the memory of Gen. Peter Gabriel Muhlenberg at Woodstock, Va.

It has the endorsement of the Fine Arts Commission, under which the project, if authorized, will be carried out. It has the endorsement of the Daughters of the American Revolution. It has the endorsement of the Lutheran Church of America, of which he was one of its most distinguished members. It has the endorsement of a large number of people who like myself have been more or less surprised and somewhat disappointed to find that of all of the native-born American patriots who distinguished themselves in the Revolutionary War, a personal and individual monument by this Government has been erected to only two, General Washington and General Greene. We did erect a monument to our distinguished friend from France, General Lafayette, to Pulaski, to De Kalb, and to several others, but only to two American generals, and General Muhlenberg was one of the most distinguished. He came down to Virginia when he was only 25 years old, where he soon attracted attention as a preacher in a small community.

I say he came from Pennsylvania to Virginia and we sent him to our general assembly before he was 28 years old, where he attracted the attention of Washington; and Washington, when hostilities were declared, gave him a commission as a colonel in the Continental Army. Muhlenberg's soul was fired with love of religious freedom and its handmaiden, political freedom, and on a famous Sunday morning in his little church at Woodstock he preached a stirring sermon on freedom, and at the conclusion of that message threw aside his clerical robes and disclosed the uniform of a colonel of the Continental Army. He said, "There is a time to pray and a time to fight, and the time has come to fight," and he called upon the members of his church and of his community to follow him, and they did follow him. They had no uniforms except their coonskin caps and leather breeches; no arms except their squirrel rifles, but behind those rifles was burning patriotism and indomitable courage. He took them to Sullivans Island, to Brandywine, to Germantown, to Valley Forge, to Monmouth, and to Stony Point. He took them to Yorktown where he rendered service in the defeat of Cornwallis, second only to that of Lafayette.

Mr. MAVERICK. Mr. Speaker, will the gentleman yield?

Mr. ROBERTSON. I yield.

Mr. MAVERICK. I do not doubt all the things the gentleman has said from a sentimental viewpoint and a historical viewpoint. I do not know the details, but I know Mulenberg was a great patriot. Perhaps he has been dead long enough for Congress to spend some money on a monument; no doubt the purpose is quite laudable. But what does the gentleman think about the general tendency of the Federal Government in buying monuments and putting them up all over the United States? I could make the same speech for Sam Houston and several other Texas heroes. Sam Houston was born in Rockbridge County, Va., near where this monument is sought to be placed. But how are we to proceed, to determine, and finally do justice to all our heroes?

Mr. ROBERTSON. I may say to my friend from Texas that I want as many people of this Nation as possible to have the experience I had Saturday when I visited the cradle of American independence, the home of Paul Revere, and Christ Church, where the lanterns were displayed to indicate the British were approaching Boston by sea; the Bunker Hill Monument; the commons at the little town of Lexington, where the British in an unprovoked way fired upon the soldiers gathered there and to whose memory loving hands have erected a monument on which they have inscribed:

Sacred to liberty and the rights of mankind,
The freedom and independence of America,
Sealed and defended with the blood of her sons.

I would like for them to go to the Old North Bridge where the Minute Men repulsed a superior British force and see the monument on which has been inscribed:

By the rude bridge that arched the flood,
Their flag to April's breeze unfurled,
Here once the embattled farmers stood
And fired the shot heard round the world.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ROBERTSON. The gentleman asked me to answer a question.

Mr. MAVERICK. The reason I want to pass this bill over is because I do not believe this Chamber realizes the policy we are embarking upon. Let us take time to think this over. What are we doing? We are embarking upon a monument-building policy.

We have got three of these bills on one page—one for Newton Baker, who is hardly cold in his grave, and it is proposed we build a monument to him.

Mr. ROBERTSON. Will the gentleman let me finish my answer to his question, please?

Mr. MAVERICK. I want to make that request at the end of the gentleman's statement.

Mr. ROBERTSON. Will the gentleman be kind enough to let me finish answering his first question before he cuts off debate?

Mr. MAVERICK. Of course.

Mr. ROBERTSON. Mr. Speaker, the gentleman from Texas asked me why we should build monuments to our Revolutionary heroes.

Mr. Speaker, our fundamental institutions are under attack in this Nation today. If there ever was a time when we need to bring home to the people of the country the need for patriotism, it is now. There will not be so many of these shrines built because we never have had enough national heroes to bankrupt the Treasury in doing honor to them; and I say further to my friend from Texas [Mr. MAVERICK] that in truth it is said that the generation that does not honor the memory of the great men that preceded it will leave little by which it will be remembered by succeeding generations. The shot that was fired at the old North Bridge might not have been heard around the world, but it was heard in Virginia. Patrick Henry heard it and exclaimed in St. John's Church in Richmond that each breath from the North brings to our ears the clash of resounding arms, and this young Lutheran preacher heard it and he responded to that call, and, as I say, took his men to Washington's command and fought with them through the whole war. He was then elected to this body. His brother was our first Speaker. He was elected to the Senate and Pennsylvania placed a statue of him in the Hall of Fame.

Mr. MAVERICK. Mr. Speaker, will the gentleman yield?

Mr. ROBERTSON. I yield.

Mr. MAVERICK. Then his niche in the Hall of Fame, plus the name that cannot be wiped out, ought to be enough. But I am not going to make any statement about passing this over or otherwise. However, I believe this House ought to begin considering the subject of building monuments here and there over the country.

Why, I repeat, I have a half dozen monuments that I would like to have built in a beautiful spot in Texas, most of them in my district, of course. I am not going to object, but I think this House ought to consider the fact that we are not going to do any good by this constant building of monuments here and there.

If we are to do so, we ought to have an accepted way of accomplishing it. Sometime ago I introduced a bill for the preservation of historic sites, which was passed; it is a commission under the Department of the Interior, and is supposed to pass on such matters. This, however, is not for preservation, but for building something new—so they have no jurisdiction.

In all justice, we have many, many heroes. Should we build a statue for one, because a Congressman is very active, and neglect another hero? I think not; and moreover, it is a very difficult question. I know many men who were killed in battle, real heroes, and no monument rises to them.

Mr. ROBERTSON. I say to my friend from Texas that whenever he introduces a bill to erect a monument to a patriot of the type of Muhlenberg he will have my hearty support in the undertaking. We should make a reality of the symbolism of the flag that General Muhlenberg helped to bring into being, of the loyalty of the blue background, of the courage of the red stripes, of the purity of the white bars—a reality of the unity that those 48 stars symbolize, a great nation stretching from ocean to ocean. We are proud of that flag. There was a time, and may the recording angel blot it out with a tear, when, as Webster predicted, our land was drenched in fraternal blood. But men from the Valley of Virginia, under the leadership of a great patriot from Pennsylvania, helped to raise that flag above the snows of Valley Forge. They served under John Paul Jones when it flew from his masthead, and disputed on equal terms with the cross of St. George its ancient lordship of the seas; they followed Scott when he carried it to the heights of Montezuma in the Mexican War; and when the call came in 1917 to again bear arms in defense of an ideal of government, the sons of those who had worn the gray and the sons of those who had worn the blue were united in the khaki of the American Expeditionary Forces. Taking that flag that now bore its full complement of 48 stars, they carried it, for the first time, upon an European battlefield, where it there received, as its baptism of fire, a salute from the arsenals of hell. Never was the country more united than it was in the undertaking to win the World War, but now our country is pulling apart when the need for unity is even greater than in 1917. Now the patriotism of the youth of the land is waning, although the economic war has as great need for patriots as did the World War. There is as much need today for Virginia, Pennsylvania, and Massachusetts to be united in saving the Union as it was for them to be united in winning our freedom from the British. General Muhlenberg and his copatriots, through unity of spirit and purpose, laid the foundation for constitutional American liberty. Upon it we should endeavor to erect a superstructure of democratic institutions that will be the wonder and the envy of the world. For such an undertaking, we must have patriotic manhood, sterling character. How better can we inculcate such qualities in the youth of the present generation than by honoring a man who exemplified them in the highest degree?

Mr. BEITER. Mr. Speaker, if the gentleman will permit, I believe the gentleman from Texas [Mr. MAVERICK] is going to withdraw his request that the bill go over without prejudice.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be passed over without prejudice.

Mr. MAVERICK. Mr. Speaker, Mr. ROBERTSON, our friend from Virginia, has made an eloquent appeal. He is to be complimented for his sentiments, and likewise for his desire to have such a monument.

And since I dislike making objection or of setting myself up as a censor, I am not going to object. But I insist we

should establish some policy; let us determine whether we really want to be building these individual monuments on individual appeals of individual Congressmen. Possibly it would be better to honor our heroes by really solving our economic ills, or at least trying a little harder. Should we decide to build monuments, let us have some accepted method, rather than the present haphazard system.

I withdraw my objection, but I do not promise to do so in similar circumstances in the future.

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

Mr. WADSWORTH. Mr. Speaker, I object.

MEMORIAL TO THE LATE NEWTON D. BAKER

The Clerk called the joint resolution (H. J. Res. 656) to provide for the erection of a memorial to the memory of Newton D. Baker.

The SPEAKER. Is there objection?

Mr. MAVERICK. Mr. Speaker, I reserve the right to object. It seems to me that if we are not going to build a monument to General Muhlenburg, who has been dead about 150 years, then we ought not to build a monument to a man who is hardly cold in his grave.

I would like to see some justification for our erecting a monument to Newton D. Baker at this time. The other day we refused to erect a monument in memory of Gen. Frederick Funston, a more spectacular man and probably a greater one than Mr. Baker, although I do not want to argue about either one of them.

If we are going into the policy of building monuments, then I think the matter ought to be passed on by some proper committee after we have adopted the policy.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. MAVERICK. I yield to my good friend from West Virginia.

Mr. RANDOLPH. The resolution presented by the gentleman from Virginia [Mr. ROBERTSON] and the resolution of my own now before the House, were passed on by the Library Committee, and the Republicans [Mr. TREADWAY and Mr. LORD], as well as the Democratic members of the committee, joined in a unanimous report on the resolutions.

Mr. MAVERICK. Mr. Speaker, if I do not object, a Republican will, for I see a hungry look on one of their faces. I hate to do it, because if any man is unselfish and works day and night for his district it is Mr. RANDOLPH. He works day and night for his people, on the ground, under the ground, and up in the air. Besides, he is a distinguished Member, recognized over the country. But I cannot bring myself to think that we should now use Federal moneys to memorialize a man who is hardly cold in his grave. I therefore regretfully object to the bill sponsored by my energetic friend [Mr. RANDOLPH].

REFUNDING CERTAIN SUMS PAID BY RAILROADS

The Clerk called the bill (S. 3526) to provide for reimbursing certain railroads for sums paid into the Treasury of the United States under an unconstitutional act of Congress.

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

REFUNDING OF INVALIDATED TAXES

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, this bill should not be passed without there being called to the attention of the House just what is being done. I was a member of the subcommittee that considered the bill. I did not object to the reporting of the bill, and I shall not object to its passage, but I feel that the House should know exactly what is being done. Members will get letters from farmers in their territory wanting to know why they passed the bill to refund to the railroads taxes collected under an invalidated tax law and did not pass legislation that is proposed to refund the hog processing taxes to the farmers, under a simlarly invalidated tax. The principle involved is the same.

Mr. ANDRESEN of Minnesota. Will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. ANDRESEN of Minnesota. The bill to which the gentleman refers, about the refunding of the processing taxes to farmers, on the processing of hogs, has been reported favorably by the subcommittee of the Committee on Agriculture and is now before the full committee.

Mr. CASE of South Dakota. I hope the full committee will report it to the House promptly.

The pending bill provides a refund of approximately $138,000 to railroads which was paid by them under protest, into the railroad retirement trust fund under the first retirement act. Subsequently the law was invalidated by the Supreme Court. There remains in the Treasury about $12,000 of the tax that was collected. So this refund will cost the Treasury approximately $126,000. The claims of the railroads range from a very few dollars up to $12,000. Most of them are relatively small claims, because over 150 railroad companies and express companies are involved. The principle, however, is that of refunding a tax collected under a law which was subsequently invalidated.

Dr. Black, of the Department of Agriculture, has found that the farmers paid the hog processing tax. If we pass this bill, we have a perfect precedent for the passage of the bill refunding hog processing taxes to the hog raisers. I hope the Committee on Agriculture will promptly report that bill.

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

Mr. SHEPPARD. Mr. Speaker, I object.

ARMY MULES

Mr. HARLAN. Mr. Speaker, since Calendar No. 698, the bill relating to army mules and horses was passed, an amendment to the bill has been agreed upon which I think is acceptable to all concerned. I, therefore, ask unanimous consent to return to the bill H. R. 9848, Calendar No. 698, for consideration and amendment.

Mr. COSTELLO. Mr. Speaker, reserving the right to object, if we return to one bill on the calendar it would seem to me we would have to return to other bills that had been passed over if any Member requested it. I do not think the request should be made during the call of the calendar, or until the end of the calendar is reached. For that reason I shall object at the present time.

The SPEAKER. Objection is heard to returning to this bill at this time.

CAMP MERRITT, N. J.

The Clerk called the next bill, H. R. 71, to provide for the establishment of a national monument on the site of Camp Merritt, N. J.

Mr. WOLCOTT. Mr. Speaker, I make a point of order against the consideration of this bill on the Consent Calendar, and if the Chair holds with me on the point of order, the bill should be stricken from the calendar.

This bill was objected to and stricken from the Consent Calendar on April 4, 1938. The Chair, of course, will take judicial notice of the fact that that was during the same session of the Congress in which we are now sitting. The rule provides:

> Should objection be made to the consideration of any bill so called it shall be carried over on the calendar without prejudice to the next day when the Consent Calendar is again called, and if objected to by three or more Members, it shall be immediately stricken from the calendar and shall not thereafter during the same session of that Congress be placed thereon.

Mr. Speaker, I contend that the placing of this bill back upon the Consent Calendar is in violation of this rule.

The SPEAKER. The Chair is informed that the RECORD will show that on May 3 on motion of Mr. MCLEAN, by unanimous consent, the bill was restored to the Consent Calendar. Under these circumstances the Chair feels, the action having been taken by unanimous consent of the House, that the point of order is not well taken.

Mr. WOLCOTT. I may say to the Chair that I was not advised that it had been restored by unanimous consent. I withdraw my point of order.

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

Mr. WOLCOTT. Mr. Speaker, I object.

The SPEAKER. The Chair is of opinion that under the circumstances three objections would be required to stop consideration of the bill.

Mr. WOLCOTT, Mr. TABER, and Mr. CHURCH objected.

BRIDGE ACROSS DELAWARE RIVER, PORT JERVIS, N. Y.

The Clerk called the next bill, S. 3149, authorizing the Interstate Bridge Commission of the State of New York and the Commonwealth of Pennsylvania to reconstruct, maintain, and operate a free highway bridge across the Delaware River between points in the city of Port Jervis, Orange County, N. Y., and the Borough of Matamoras, Pike County, Pa.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Interstate Bridge Commission of the State of New York and the Commonwealth of Pennsylvania be, and is hereby, authorized to reconstruct, maintain, and operate a free highway bridge and approaches thereto across the Delaware River between points in the city of Port Jervis, Orange County, N. Y., and the Borough of Matamoras, Pike County, Pa., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Interstate Bridge Commission of the State of New York and the Commonwealth of Pennsylvania all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

TOLL BRIDGE ACROSS COLUMBIA RIVER AT ASTORIA, OREG.

The Clerk called the next bill, S. 3213, to amend the act entitled "An act authorizing the Oregon-Washington Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg.," approved June 13, 1934, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the last sentence of the first section of the act entitled "An act authorizing the Oregon-Washington Bridge Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg.," approved June 13, 1934, as amended, is amended to read as follows: "Said board of trustees is hereby granted the power to issue bonds or other securities payable from and secured by bridge revenues for the purpose of financing the construction of the said bridge and the right to assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF TIME FOR COMMENCING AND COMPLETING CONSTRUCTION OF BRIDGE ACROSS THE MISSOURI RIVER (RANDOLPH, MO.)

The Clerk called the next bill, S. 3532, to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Missouri River at or near Randolph, Mo., authorized to be built by The Kansas City Southern Railway Co., its successors and assigns, by an act of Congress approved May 24, 1928, heretofore extended by acts of Congress approved March 1, 1929, May 14, 1930, February 6, 1931, May 6, 1932, January 19, 1933, April 9, 1934, and April 10, 1936, are hereby further extended 2 and 4 years, respectively, from May 24, 1938.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO EXTEND THE TIMES FOR COMMENCING AND COMPLETING THE CONSTRUCTION OF A BRIDGE OVER LAKE SABINE (PORT ARTHUR, TEX.)

The Clerk called the next bill, H. R. 9975, to extend the times for commencing and completing the construction of a bridge over Lake Sabine at or near Port Arthur, Tex.

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

Mr. BEITER. Mr. Speaker, the author of the bill is present and I would like to have him explain it.

Mr. DIES. Mr. Speaker, there is a project pending before the Public Works Administration for the construction of a bridge across Lake Sabine. All we are asking is that the time for commencement may be postponed in order that we may secure funds from a new appropriation.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge over Lake Sabine, at or near Port Arthur, Tex., authorized to be built by the city of Port Arthur, Tex., or the Port Arthur Bridge Authority and its successors, by an act of Congress approved June 18, 1934 (48 Stat. 1008), and heretofore amended and extended by acts of Congress approved April 10, 1936, and August 12, 1937, are hereby further extended 1 and 3 years, respectively, from August 12, 1938.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 6, strike out "authority" and insert the word "Commission."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER FROM GREENVILLE, MISS., TO LAKE VILLAGE, ARK.

The Clerk called the next bill, H. R. 9983, authorizing the city of Greenville, Miss., and Washington County, Miss., singly or jointly, to construct, maintain, and operate a toll bridge across the Mississippi River from a point at or near the city of Greenville, Washington County, Miss., to a point at or near Lake Village, Chicot County, Ark.

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

Mr. KITCHENS. Mr. Speaker, reserving the right to object, may I ask the gentleman from Mississippi [Mr. WHITTINGTON] a question? As I understand it, this meets the approval of the Arkansas authorities and the Mississippi authorities who have been working on this proposition for some time?

Mr. WHITTINGTON. That is my understanding.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the city of Greenville, Miss., and Washington County, Miss., singly or jointly, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, from or near Greenville, Washington County, Miss., to a point at or near Lake Village, Chicot County, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the city of Greenville, Miss., and Washington County, Miss., acting singly or jointly, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge

and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said city of Greenville, Miss., and Washington County, Miss., acting singly or jointly, be, and are hereby, authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed 40 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 3, line 14, strike out all after the word "tolls", and lines 15, 16, 17, and "ment" in line 18.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF TIME FOR COMMENCING AND COMPLETING CONSTRUCTION OF A BRIDGE ACROSS MISSOURI RIVER AT OR NEAR BROWNVILLE, NEBR.

The Clerk called the next bill, H. R. 10075, to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Missouri River, at or near Brownville, Nebr., authorized to be built by the county of Atchison, State of Missouri, and the county of Nemaha, State of Nebraska, singly or jointly, by section 18 of the act of Congress approved August 30, 1935, heretofore extended by act of Congress approved March 10, 1937, are hereby extended 1 and 3 years, respectively, from June 19, 1938.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 1, strike out "act" and insert in lieu thereof "acts", and after the word "approved" insert "June 19, 1936."

Page 2, line 2, before the word "March" insert the word "and."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS NAVIGABLE WATERS IN SUFFOLK COUNTY, N. Y.

The Clerk called the next bill, H. R. 10117, granting the consent of Congress to construct, maintain, and operate a toll brige, known as the Smith Point Bridge, across navigable waters at or near Mastic, southerly to Fire Island, Suffolk County, N. Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Suffolk, State of New York, or to any public instrumentality created or provided for under the laws of the State of New York, to construct, maintain, and operate a bridge and approaches thereto across navigable waters in the county of Suffolk, State of New York, separating the strip of land known as Fire Island from the southerly side of Long Island at a point near Mastic, known as Smith Point southerly to the said strip of land known as Fire Island, in said county of Suffolk, State of New York, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 40 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, after the word "York", strike out the remainder of line 4, all of line 5, and the words "of New York" in line 6.

Page 2, line 19, after the word "tolls", strike out the remainder of the line and all of lines 20, 21, 22, down to and including the word "management" in line 23.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TOLL BRIDGE ACROSS NAVIGABLE WATERS IN SUFFOLK COUNTY, N. Y.

The Clerk called the next bill, H. R. 10118, granting the consent of Congress to construct, maintain, and operate toll bridges, known as the Long Island Loop Bridges, across navigable waters at or near East Marion to Shelter Island, and Shelter Island to North Haven, Suffolk County, N. Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Suffolk, State of New York, or to any public instrumentality created or provided for under the laws of the State of New York, to construct, maintain, and operate a bridge and approaches thereto across navigable waters in the county of Suffolk, State of New York, lying between the northerly side of Shelter Island and the southerly side of the north fluke of Long Island, at a point near East Marion, known as Cleaves Point, southerly to Hay Beach Point, Shelter Island, and a bridge and approaches thereto across navigable waters in the county of Suffolk, State of New York, separating the southerly portion of Shelter Island from the northerly portion of North Haven at a point from the southerly side of Shelter Island, known as South Ferry southerly to North Haven, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridges, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridges and their approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridges and their approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 40 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridges shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridges and their approaches under economical management. An accurate record of the costs of the bridges and their approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, after the word "York", strike out the remainder of line 4 and all of line 5 down to and including the words "New York" in line 6.

Page 3, line 1, after the word "tolls", strike out the balance of line 1 and all of lines 2, 3, and 4 down to and including the word "management."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL STAFF CORPS

The Clerk called the next bill, H. R. 10317, to remove certain inequitable requirements for eligibility for detail as a member of the General Staff Corps.

Mr. WOLCOTT. Mr. Speaker, this seems to be a very important bill. I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

INLAND WATERWAYS CORPORATION

The Clerk called the next bill, H. R. 10464, to amend the Inland Waterways Corporation Act, approved June 3, 1924, as amended, authorizing the Secretary of War to extend the services and operations of the Inland Waterways Corporation to the Cape Fear River and connecting waterways.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SEVENTY-FIFTH ANNIVERSARY OF THE BATTLES OF CHICKAMAUGA, GA., LOOKOUT MOUNTAIN, TENN., AND MISSIONARY RIDGE, TENN.

The Clerk called the joint resolution (H. J. Res. 667) to authorize an appropriation to aid in defraying the expenses of the observance of the seventy-fifth anniversary of the Battles of Chickamauga, Ga., Lookout Mountain, Tenn., and Missionary Ridge, Tenn.; and to commemorate the one hundredth anniversary of the removal from Tennessee of the Cherokee Indians, at Chattanooga, Tenn., and at Chickamauga, Ga., from September 18 to 24, 1938, inclusive; and for other purposes.

There being no objection, the Clerk read the joint resolution, as follows:

Whereas September 18 to 24, 1938, inclusive, marks the seventy-fifth anniversary of the crucial Battles of Chickamauga, Lookout Mountain, and Missionary Ridge, in the War between the States, and the one hundredth anniversary of peace between the Cherokee Indians and the pioneers of Tennessee, Georgia, and Alabama; and

Whereas 16,000 sons of 28 of the sovereign States of the Nation gave their lives upon the battlefields; and

Whereas the consequence of their supreme sacrifice was the preservation of a Union of States that has grown greater and stronger with the passing of the years; and

Whereas these sons of the 28 States who gave their all that this Nation might remain forever one people lie buried in beautiful Chickamauga-Chattanooga National Cemetery; and

Whereas these heroes who gave their lives to the end that their sons and daughters might have the blessings of liberty and freedom that only a united Nation could preserve and sustain have descendants living today in every State of the Union; and

Whereas the Governors of the 28 States whose sons lie buried in Chickamauga-Chattanooga National Cemetery have expressed a desire to give to the people of these respective States an opportunity to make a pilgrimage to this national shrine under appropriate auspices; and

Whereas the peoples of Georgia, Alabama, and Tennessee by action of the Governors of those States have expressed a willingness and a desire to cooperate with the National Government in giving to the people of the several States an opportunity to make this pilgrimage on the seventy-fifth anniversary of the Battles of Chickamauga, Lookout Mountain, and Missionary Ridge; and

Whereas it is fitting that a Nation that has grown great in the strength of a unity preserved and bequeathed to it by those who sacrificed their all should pause to pay homage to its heroic dead; and

Whereas it is fitting that the Nation by appropriate ceremonies should commemorate the one hundredth anniversary of peace between the pioneers and the Indians of the Cherokee race: Therefore be it

Resolved, etc., That the President of the United States is hereby authorized to appoint a commission for the commemoration of the seventy-fifth anniversary of the Battles of Chickamauga, Lookout Mountain, Chattanooga, and Missionary Ridge (hereinafter called the commission).

SEC. 2. The commission shall be composed of three members, all of whom shall be residents of Chattanooga, Tenn. It shall be the duty of the commission to arrange for, supervise, and carry out appropriate observance of the said anniversary. The commission shall elect a chairman and a treasurer from among its members, and is authorized to adopt such rules and regulations for the conduct of its business as it may deem proper.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $35,000, or so much thereof as may be necessary, for use by the commission in defraying expenses necessary for and incident to said observance. Any sums appropriated pursuant to the provisions of this act shall be paid over to the treasurer of the commission by the Treasury of the United States for use by the commission as herein provided. All expenditures made by the commission shall be upon vouchers submitted by the treasurer of the commission and approved by its chairman. On or before the 1st day of January 1939 the commission shall make an accounting of all its expenditures, and a report of its activities to the chairman of the Military Affairs Committee of the House of Representatives.

With the following committee amendments:

Page 3, line 10, after the word "Tennessee" insert "and who shall serve without compensation."

Page 4, line 7, after the word "to", strike out the remainder of line 7, all of line 8, and the word "Representatives" in line 9, and insert the word "Congress."

The committee amendments were agreed to.

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

A motion to reconsider was laid on the table.

MEMORIAL TO MAJ. GEN. GEORGE W. GOETHALS

The Clerk called the next bill, S. 2676, to amend the act approved August 24, 1935, entitled "An act to authorize the erection of a suitable memorial to Maj. Gen. George W. Goethals within the Canal Zone."

Mr. MAVERICK. Reserving the right to object, Mr. Speaker, will the gentleman explain if this bill is in a different category from the rest of the bills providing for the erection of monuments? I know General Goethals is a very great man and ought to have a monument to his memory. His sanitary and medical measures were a great contribution to mankind. But we ought to know why we spend more for a monument to him.

Mr. BLAND. I may say to the gentleman a commission was appointed and this commission reported in favor of a memorial. In the last Congress a bill was passed authorizing a memorial, the amount being limited to $75,000.

Mr. MAVERICK. Will the gentleman explain what kind of commission this was, because if we can follow that procedure in the future perhaps we can do these things without objection.

Mr. BLAND. It was a commission of approximately five officers. General Pershing was at the head of the commission. Senator SHEPPARD, of Texas, was one of the members. I believe the Secretary of War was on the commission, as well as several other officers. There were about five or six members.

Mr. MAVERICK. Who appointed the commission?

Mr. BLAND. I believe they were appointed by the President. I may say to the gentleman the commission determined the character of the memorial, and after it reported to the President he approved the particular memorial that is to be erected. It is at the mole at the entrance to the Canal Zone, at Cristobal. It was found that after constructing this mole there was left only about $10,000. The President himself has been very greatly interested in getting through at this time this bill providing for an increased amount, and has taken the matter up with me, as has General Pershing. This is the minimum amount with which it is believed the memorial can be erected.

May I say further that this is not a monument to General Goethals alone. A marble shaft is to be erected. I call attention to the language of Senator SHEPPARD, to the effect that this memorial is to be not only in honor of the builder of the Canal, but a tribute to the entire organization which performed this gigantic feat of construction. The statement was made in a report to the President by General Pershing that the memorial "must be dignified and impressive; and such dignity and impressiveness cannot be obtained within the sum fixed," referring to the amount of $75,000 fixed in the existing legislation.

Mr. MAVERICK. I thank the gentleman; but insofar as I am concerned, I repeat, a fixed policy should be adopted in the building of monuments. No doubt this and others are meritorious.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act to authorize the erection of a suitable memorial to Maj. Gen. George W. Goethals within the Canal Zone, approved August 24, 1935, be, and the same is hereby, amended as follows: Strike out the figures "$75,000" where they occur in said section and insert in lieu thereof "$160,000" so that section 2 as amended will read: "There is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, a sum not to exceed $160,000 for every object connected with the purposes of this act, including site development and any essential approach work."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ENLISTED MEN OF THE COAST GUARD

The Clerk called the next bill, H. R. 10190, to equalize certain allowances for quarters and subsistence of enlisted men of the Coast Guard with those of the Army, Navy, and Marine Corps.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act approved June 20, 1936 (49 Stat. 1545; U. S. C., Supp. III, title 34, sec. 914), is hereby amended, effective as of June 20, 1936, by inserting in line 15 thereof, after the word "Navy," the words "Coast Guard," and by inserting in line 17 thereof, after the words "Marine Corps Band," the words "Coast Guard Academy Band."

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.

CLEVELAND NATIONAL FOREST, SAN DIEGO COUNTY, CALIF.

The Clerk called the next bill, H. R. 10379, to facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the Cleveland National Forest in San Diego County, Calif.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Cleveland National Forest in the county of San Diego, State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from those proportions of the entire receipts from the sale of natural resources or occupancy of public land within the Cleveland National Forest which are equal to the proportion of the net areas of said forest which are within the county of San Diego, State of California, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: *Provided*, That so long as said receipts are used in the manner herein authorized, the provisions of the act approved May 23, 1908 (U. S. C., title 16, sec. 500), shall not be applicable to said county of San Diego.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

THE 4-H CLUBS

The Clerk called the next bill, H. R. 10482, to prohibit the unauthorized use of the name or insignia of the 4-H clubs, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person falsely and with intent to defraud to hold himself out as or represent or pretend himself to be a member of, associated with, or an agent or representative for the 4-H clubs, an organization established by the Extension Service of the United States Department of Agriculture and the land-grant colleges, for any purpose whatsoever; or for any person with intent to defraud to wear or display the sign or emblem of said 4-H clubs or any insignia in colorable imitation thereof for the purpose of inducing the belief that he is a member of, associated with, or an agent or representative for said 4-H clubs. It shall be unlawful for any person other than said 4-H clubs, and those duly authorized by them, the representatives of the United States Department of Agriculture, the land-grant colleges, and persons authorized by the Secretary of Agriculture, to use within the territory of the United States of America and its exterior possessions, for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business or charitable purpose, the recognized emblem of said 4-H clubs, consisting of a green four-leaf clover with stem and the letter H in white or gold on each leaflet, or any sign, insignia, or symbol in colorable imitation thereof, or the words "4-H Club" or "4-H Clubs" or any combination of these or other words or characters in colorable imitation thereof. If any person violates any provision of this act, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $300 or imprisoned not more than 6 months, or both, for each and every offense.

SEC. 2. The term "person" includes individuals, partnerships, corporations, and associations.

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.

PERSONS ERRONEOUSLY CONVICTED IN COURTS OF THE UNITED STATES

The Clerk called the next bill, S. 750, to grant relief to persons erroneously convicted in courts of the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any person who, having been convicted of any crime or offense against the United States, shall hereafter, on appeal from the judgment of conviction or on the retrial or rehearing of his case, be found to have been innocent of the crime with which he was charged and not guilty of any other offense against the United States, or who after inquiry by the Executive has received a pardon on the ground of innocence, may, under the conditions hereinafter mentioned, apply by petition for indemnification for the pecuniary injury he has sustained through his erroneous conviction and/or imprisonment.

SEC. 2. That the claimant may, within 6 months after he has been finally acquitted or pardoned on the ground of innocence, petition the Court of Claims for the relief granted in this act.

SEC. 3. That the court is hereby authorized to make all needful rules and regulations, consistent with the law, for executing the provisions hereof.

SEC. 4. That the claimant shall have the burden of proving his innocence, in that he must show that the act with which he was charged was not committed at all, or, if committed, was not committed by the accused.

SEC. 5. That the claimant must show that he has not, either intentionally or by willful misconduct or negligence, contributed to bring about his arrest or conviction.

SEC. 6. That the Court of Claims shall examine the validity and amount of all claims included within the terms of this act; they shall receive all suitable testimony on oath or affirmation and all other proper evidence; and they shall report all such conclusions of fact and law as in their judgment may affect the right to relief.

SEC. 7. That upon proof satisfactory to the Court of Claims that the claim is prima facie meritorious and that the claimant is unable to advance the costs of court and of process, the cost of obtaining and printing the record of the original proceedings and of securing the attendance of such witnesses as the chief justice or the presiding judge of the Court of Claims shall certify to be necessary, and the service of all notices required by this act shall be paid out of any unappropriated funds in the Treasury, on presentation to the Secretary of the Treasury of a duly authenticated order, certified by the clerk of the Court of Claims and signed by the chief justice or, in his absence, by the presiding judge of said court.

SEC. 8. That the court shall cause notice of all petitions presented under this act to be served on the Attorney General of the United States, who shall be authorized, by himself or his assistant, to examine witnesses, to cause testimony to be taken, to have access to all testimony taken under this act, and to be heard by the court. He shall resist all claims presented under this act by all proper legal defenses.

SEC. 9. That the Court of Claims in granting or refusing the relief demanded shall take into consideration all the circumstances of the case which may defeat or in any other way affect the right to and the amount of the relief herein provided for, but in no case shall the relief granted exceed $5,000.

SEC. 10. That in all cases of final judgments by the Court of Claims the sum due thereby shall be paid out of any general or special appropriation made by law for the payment and satisfaction of private claims on presentation to Congress and to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of the Court of Claims, and signed by the chief justice or, in his absence, by the presiding judge of said court.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That any person who, having been convicted of any crime or offense against the United States and having been sentenced to imprisonment and having served all or any part of his sentence,

shall hereafter, on appeal or on a new trial or rehearing, be found not guilty of the crime of which he was convicted or shall hereafter receive a pardon on the ground of innocence, if it shall appear that such person did not commit any of the acts with which he was charged or that his conduct in connection with such charge did not constitute a crime or offense against the United States or any State, Territory, or possession of the United States or the District of Columbia, in which the offense or acts are alleged to have been committed, and that he has not, either intentionally or by willful misconduct or negligence, contributed to bring about his arrest or conviction, may, subject to the limitations and conditions hereinafter stated, and in accordance with the provisions of the Judicial Code, maintain suit against the United States in the Court of Claims for damages sustained by him as a result of such conviction and imprisonment.

"SEC. 2. The only evidence admissible on the issue of innocence of the plaintiff shall be a certificate of the court in which such person was adjudged not guilty or a pardon or certified copy of a pardon, and such certificate of the court, pardon, or certified copy of a pardon shall contain recitals or findings that—

"(a) Claimant did not commit any of the acts with which he was charged; or

"(b) That his conduct in connection with such charge did not constitute a crime or offense against the United States or any State, Territory, or possession of the United States or the District of Columbia, in which the offense or acts are alleged to have been committed; and

"(c) That he has not, either intentionally or by willful misconduct or negligence, contributed to bring about his arrest or conviction.

"SEC. 3. No pardon or certified copy of a pardon shall be filed with the Court of Claims unless it contains recitals that the pardon was granted after applicant had exhausted all recourse to the courts and, further, that the time for any court to exercise its jurisdiction had expired.

"SEC. 4. Upon a showing satisfactory to it, the court may permit the plaintiff to prosecute such action in forma pauperis. In the event that the court shall render judgment for the plaintiff, the amount of damages awarded shall not exceed the sum of $5,000."

The committee amendment was agreed to.

Mr. CHURCH. Mr. Speaker, on page 5, line 16, the word "committee" is used instead of the word "committed." I believe the report is right and the bill should be corrected accordingly. I offer an amendment to that effect.

The Clerk read as follows:

Amendment offered by Mr. CHURCH: On page 5, line 16, strike out the word "committee" and insert the word "committed."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FOREIGN COMMERCE SERVICE OF THE UNITED STATES

The Clerk called the next bill, S. 988, to amend an act entitled "An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a Foreign Commerce Service of the United States, and for other purposes," approved March 3, 1927, as amended.

Mr. LAMBERT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

INTEREST RATE ON LAND-BANK AND COMMISSIONER LOANS

The Clerk called the next bill, H. R. 10530, to extend for 2 additional years the 3½-percent interest rate on certain Federal land-bank loans, and to provide for a 4-percent interest rate on Land Bank Commissioner's loans until July 1, 1940.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) effective July 1, 1935, the first sentence of paragraph "Twelfth" of section 12 of the Federal Farm Loan Act, as amended (relating to reduction in interest rates on certain Federal land-bank loans), is amended by striking out the following: "occurring within a period of 3 years, commencing July 1, 1935, and shall not exceed 4 percent per annum for all interest payable on installment dates occurring within a period of 1 year commencing July 1, 1938," and inserting in lieu thereof the following: "occurring within a period of 5 years, commencing July 1, 1935."

(b) The fourth sentence of such paragraph "Twelfth" (relating to the time limit on payments made by the United States to land banks on account of such interest reduction) is amended to read as follows: "No payments shall be made to a bank with respect to any period after June 30, 1940."

SEC. 2. The last paragraph of section 32 of the Emergency Farm Mortgage Act, as amended (relating to reduction in the interest rate on loans by the Land Bank Commissioner), is amended to read as follows:

"Notwithstanding the foregoing provisions of this section, the rate of interest on loans made under this section shall not exceed 4 percent per annum for all interest payable on installment dates occurring on or after July 22, 1937, and prior to July 1, 1940."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REGULATION OF OVER-THE-COUNTER MARKETS

The Clerk called the next bill, S. 3255, to provide for the establishment of a mechanism of regulation among over-the-counter brokers and dealers operating in interstate and foreign commerce or through the mails, to prevent acts and practices inconsistent with just and equitable principles of trade, and for other purposes.

Mr. EICHER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

FOREIGN AIR-MAIL CONTRACTS

The Clerk called the joint resolution (H. J. Res. 650) to authorize the extension of existing foreign air-mail contracts for a period not exceeding 1 year in each case.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, if this joint resolution does not become law, what will be the situation with respect to these air-mail contracts?

Mr. ROMJUE. I may say that the House is now considering the Lea aviation bill, and, of course, the Post Office Department is very anxious to have this legislation passed. Some of the contracts on some of these routes begin expiring the first of next year, and, of course, some little time is required to advertise, and even after the contract is awarded whoever gets the contract usually requires some little time to make arrangements for equipment, and so forth; and in view of the fact the Department cannot tell what legislation is going to be enacted this session they feel they ought to be granted permission to extend the time of the present contracts, if necessary, for 1 more year.

Mr. WOLCOTT. That would be true at any session of Congress at which an air-mail bill might be introduced. There would be uncertainty as to the outcome of the legislation and in this way they could continue the air-mail contracts.

Mr. ROMJUE. That would not necessarily be true because the bills could be so framed as not to affect the situation, but the legislation that is sponsored by the gentleman from California [Mr. LEA] somewhat complicates the matter, and there certainly will not be any injury done by granting permission to allow the contracts to go on until such time as may be necessary to advertise and obtain new contracts.

Mr. WOLCOTT. If this legislation is not passed, the Postmaster General would be required to ask for bids on new contracts?

Mr. ROMJUE. That is, if the pending legislation is not passed.

Mr. WOLCOTT. Is there anything in the law that requires that these new contracts should be let for any particular length of time?

Mr. ROMJUE. I do not recall now, but I think there is a limitation.

Mr. WOLCOTT. This is in anticipation of the passage of the Lea bill?

Mr. ROMJUE. Yes.

Mr. WOLCOTT. Why could not the Postmaster General let the contracts for only 1 year instead of continuing the present contracts?

Mr. ROMJUE. The extension would be for another year.

Mr. WOLCOTT. It seems to me, to control the situation and to safeguard the present set-up whereby they must bid on these air-mail contracts, the Postmaster General should be compelled to ask for bids instead of being given the

prerogative, if he so desires and when he so desires, to extend these contracts. He has quite a lot of authority as it is with respect to these contracts and the extension of rural routes and star routes, and so forth.

Mr. ROMJUE. If he calls for bids now, however, and undertakes to award contracts under existing law, the passage of the Lea bill might alter the situation considerably and, of course, then they would have to go to work and be tied up with contracts.

Mr. WOLCOTT. When do a majority of these contracts expire?

Mr. ROMJUE. There are about six routes involved and they begin expiring on January 1 next.

Mr. WOLCOTT. That is just before the convening of the next Congress, so the Postmaster General will know when we adjourn here what has been done with the so-called Lea bill and that will give him from the time the Congress adjourns until January 1 to receive bids on new contracts or to comply with the Lea bill, if that has been passed.

Mr. ROMJUE. Of course, if the Lea bill fails to pass——

Mr. WOLCOTT. If the Lea bill fails to pass, then they would have to ask for new bids and he will have from the adjournment of Congress until the present contract expires some time in January to receive the new bids.

Mr. ROMJUE. That is right.

Mr. WOLCOTT. If the Lea bill does pass, he likewise has from the adjournment of Congress to the termination of the contract to adjust conditions to meet the conditions of the Lea bill, and, therefore, I cannot see any necessity for the bill.

Mr. ROMJUE. It takes considerable time.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS COLUMBIA RIVER, OREG.

The Clerk called the bill (H. R. 10351) to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg., authorized to be built by the Oregon-Washington Bridge Board of Trustees by an act of Congress approved June 13, 1934, as heretofore extended by acts of Congress approved August 30, 1935, January 27, 1936, and August 5, 1937, are further extended 1 and 3 years, respectively, from June 13, 1938.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

VALIDATING CONVEYANCES MADE BY WISCONSIN

The Clerk called House Joint Resolution 281, to validate certain conveyances made by the State of Wisconsin, notwithstanding certain provisions in the act of August 22, 1912 (37 Stat. 324).

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That notwithstanding the restrictions and limitations in the act of August 22, 1912 (37 Stat. 324), entitled "An act granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes," the conveyance by the State of Wisconsin to William F. Sell of an unsurveyed island in Lake George containing approximately 0.46 acre and described in a deed executed August 20, 1935, and recorded September 10, 1935, in volume 79 of deeds on page 440 in the records of Vilas County, Wis., is hereby validated and the State of Wisconsin is hereby authorized to convey to E. H. Neef an unsurveyed island in Connors Lake containing approximately 1.15 acres located northwesterly of lot 4, section 27, township 38 north, range 3 west, fourth principal meridian, Wisconsin: *Provided*, That the land acquired by the State of Wisconsin in lieu of the islands herein described or either of them shall be devoted to the same general purposes as the islands granted to the State by said act of August 22, 1912.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That notwithstanding the restrictions and limitations in the act of August 22, 1912 (37 Stat. 324), entitled "An act granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes," the State of Wisconsin is hereby authorized to sell or exchange any of the islands granted to it by the said act of August 22, 1912, which are not valuable for forestry purposes, on condition that the proceeds from any such sale or that the land acquired by the State in any such exchange shall be devoted to State forestry purposes."

The amendment was agreed to; and the joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended to read: "Joint resolution to authorize sales and exchanges by the State of Wisconsin notwithstanding certain provisions in the act of August 22, 1912 (37 Stat. 324)."

TO AMEND AGRICULTURAL ADJUSTMENT ACT OF 1938

The Clerk called the bill (S. 3949) to amend the Agricultural Adjustment Act of 1938.

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

Mr. GILCHRIST. Mr. Speaker, I reserve the right to object. I understand that the gentleman from Minnesota [Mr. ANDRESEN] desires to make inquiry as to the parliamentary status of the bill. I hope that he will consent that the bill go over without prejudice, because, if not, I shall have to object.

Mr. ANDRESEN of Minnesota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDRESEN of Minnesota. On Tuesday last this bill was brought up under unanimous consent. The bill was read. No objection was raised to the consideration of the bill. The bill was read as amended by the Committee on Agriculture. Debate was had upon it and I offered an amendment at the conclusion of the reading of the bill. Debate was had upon my amendment. The chairman of the Committee on Agriculture, the gentleman from Texas [Mr. JONES] stated at the conclusion of the debate upon my amendment:

I would much rather withdraw the request, and I will notify the gentleman before it is called up.

He further said:

Mr. Speaker, I withdraw the request.

But the RECORD does not show that the gentleman from Texas asked unanimous consent to withdraw the bill from further consideration of the House. My parliamentary inquiry is as to whether or not the bill is now the unfinished business on the Speaker's desk and requires no further action here as far as objection is concerned and that it comes up automatically.

The SPEAKER. In reply to the parliamentary inquiry of the gentleman from Minnesota [Mr. ANDRESEN], it is the recollection of the Chair that the gentleman from Texas [Mr. JONES] asked unanimous consent for the consideration of the bill and that the gentleman from Minnesota did offer an amendment and debated it, whereupon the gentleman from Texas rose in his place and said that rather than have the matter pressed to an issue on the amendment which the gentleman from Minnesota proposed, he would prefer to withdraw his request for consideration of the bill. The amendment was not acted upon by the House. The Chair is of opinion that under rule XVI, section 2, the gentleman from Texas [Mr. JONES] could withdraw the consideration of the bill without unanimous consent. The Chair, therefore, is of opinion that the matter is not unfinished business on the Speaker's desk.

Mr. GILCHRIST. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

MEDITERRANEAN FRUITFLY

The Clerk called the bill (H. R. 2001) to provide for an investigation and report of losses resulting from the campaign for the eradication of the Mediterranean fruitfly by the Department of Agriculture.

The SPEAKER. Is there objection?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that a similar bill, S. 842, be substituted for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That a board is hereby created, to be known as the Mediterranean Fruitfly Board, to be composed of five individuals to be appointed by the Secretary of Agriculture. Any vacancy occurring in the Board shall be filled in the same manner as the original appointment. Each member of the Board, other than members holding office under the State or Federal Government, shall receive compensation at the rate of $10 per day while actually employed on the business of the Board. The Board shall cease to exist upon transmitting its report under section 2 of this act.

SEC. 2. The Board is authorized and directed to conduct a complete investigation and survey of all losses sustained by growers and farmers in the State of Florida resulting from the campaign to eradicate the Mediterranean fruitfly in such State and transmit to the Secretary of Agriculture not later than December 31, 1937, a full report of the results of such investigation and survey: *Provided*, That such report shall serve as information only and shall not be construed as imposing any legal or moral obligation upon the Government of the United States. The Secretary of Agriculture shall, not later than January 10, 1938, transmit such report of survey to Congress, together with such recommendations as he may, in his judgment, deem advisable.

SEC. 3. With the approval of the Secretary of Agriculture, the Board may (1) without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States employ and fix the compensation and duties of such employees as may be necessary to carry out the purposes of this act; but the compensation of such employees shall correspond, so far as may be practicable, to the rates established by the Classification Act of 1923, as amended; and may (2) make such expenditures, including expenditures for travel and subsistence expense, for personal services at the seat of government and elsewhere, and for printing and binding, as are necessary for the efficient execution of its functions under this act.

SEC. 4. That there is hereby authorized to be appropriated the sum of $10,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act.

Mr. COSTELLO. Mr. Speaker, I offer the following committee amendments.

The Clerk read as follows:

Page 2, line 8, after the word "than", strike out "December 31, 1937" and insert "March 15, 1939."

Line 13, after the word "shall", strike out "not later than January 10, 1938" and insert "as soon thereafter as practicable."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was ordered to lie on the table.

ABSAROKA AND GALLATIN NATIONAL FORESTS

The Clerk called the next bill, H. R. 4548, to repeal the proviso of, and amend, the act of May 18, 1928 (ch. 626, 45 Stat. 603), making additions to the Absaroka and Gallatin National Forests and improving and extending the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes.

Mr. COSTELLO. I ask unanimous consent that H. R. 4548 be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEAVE WITH PAY TO SUBSTITUTES IN POSTAL SERVICE

The Clerk called the next bill, H. R. 2690, granting annual and sick leave with pay to substitutes in the Postal Service.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all substitute postal employees in the classified civil service shall be granted the annual and sick leaves with pay granted other postal employees and under the same conditions.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That hereafter substitutes in the Postal Service shall be rated as employees, and after serving 4,896 hours (whether before or after the enactment of this act) as a substitute shall be given the same rights and benefits with respect to annual and sick leave that accrue to regular employees, in proportion to the time actually employed."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MEAT INSPECTION

The Clerk called the next bill, H. R. 8047, to amend the Meat Inspection Act of March 4, 1907, as amended and extended, with respect to its application to farmers, retail butchers, and retail dealers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Meat Inspection Act of March 4, 1907, as amended and extended, is amended by substituting for the concluding paragraph thereof the following:

"That within the meaning of this act—

"(a) A 'farmer' means any person or partnership chiefly engaged in producing agricultural products on whose farm the number of cattle, calves, sheep, lambs, swine, or goats is in keeping with the size of the farm or with the volume or character of the agricultural products produced thereon, but does not mean any person or partnership engaged in producing agricultural products who—

"(1) actively engages in buying or trading in cattle, calves, sheep, lambs, swine, or goats; or

"(2) actively engages, directly or indirectly, in conducting a business which includes the slaughter of cattle, calves, sheep, lambs, swine, or goats for food purposes; or

"(3) actively engages, directly or indirectly, in buying or selling meat or meat food products other than those prepared by any farmer on the farm; or

"(4) actively engages, directly or indirectly, in salting, curing, or canning meat, or in preparing sausage, lard, or other meat food products; or

"(5) slaughters, or permits any person to slaughter, on his or their farm cattle, calves, sheep, lambs, swine, or goats which are not actually owned by him or them.

"(b) A 'retail butcher' means any person, partnership, association, or corporation chiefly engaged in selling meat or meat food products to consumers only, except that the Secretary of Agriculture, at his discretion, may permit any retail butcher to transport in interstate or foreign commerce to consumers and meat retailers in any one week not more than 5 carcasses of cattle, 25 carcasses of calves, 20 carcasses of sheep, 25 carcasses of lambs, 10 carcasses of swine, 20 carcasses of goats, or 25 carcasses of goat kids, or the equivalent of fresh meat therefrom, and to transport in interstate or foreign commerce to consumers only meat and meat food products which have been salted, cured, canned, or prepared as sausage, lard, or other meat food products, and which have not been inspected, examined, and marked as 'Inspected and passed' in accordance with the terms of the Meat Inspection Act of March 4, 1907, and acts supplemental thereto, and with the rules and regulations prescribed by the Secretary of Agriculture.

"(c) A 'retail dealer' means any person, partnership, association, or corporation chiefly engaged in selling meat or meat food products to consumers only except that the Secretary of Agriculture, at his discretion, may permit any retail dealer to transport in interstate trade or foreign commerce to consumers and meat retailers in any one week not more than 5 carcasses of cattle, 25 carcasses of calves, 20 carcasses of sheep, 25 carcasses of lambs, 10 carcasses of swine, 20 carcasses of goats, or 25 carcasses of goat kids, or the equivalent of fresh meat therefrom, and to transport in interstate or foreign commerce to consumers only meat and meat food products which have been salted, cured, canned, or prepared as sausage, lard, or other meat food products which have not been inspected, examined, and marked as 'Inspected and passed' in accordance with the terms of the Meat Inspection Act of March 4, 1907, and acts supplemental thereto, and with the rules and regulations prescribed by the Secretary of Agriculture.

"That the provisions of the Meat Inspection Act of March 4, 1907, requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported in interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: *Provided*, That all meat and meat food products derived from animals slaughtered by any farmer on the farm which are salted, cured, canned,

or prepared into sausage, lard, or other meat food products at any place other than by the farmer on the farm upon which the animals were slaughtered shall not be transported in interstate or foreign commerce under the farmers' exemption herein provided, and all fresh meat and all farm-cured or prepared meat and meat food products derived from animals slaughtered by any farmer on the farm which are to be used in interstate or foreign commerce shall be clearly marked with the name and address of the farmer on whose farm the animals were slaughtered: *Provided further*, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $1,000 or by imprisonment for a period of not exceeding 1 year, or by both such fine and imprisonment: *And provided further*, That the Secretary of Agriculture is authorized to maintain the inspection in this act provided for at any slaughtering, meat canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of this act shall apply notwithstanding this exception."

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.

LOCAL DELIVERY RATE ON CERTAIN FIRST-CLASS MAIL MATTER

The Clerk called the next bill (H. R. 2716) to provide for the local delivery rate on certain first-class mail matter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the proviso in section 1001 of the Revenue Act of 1932 (relating to postal rates) is amended to read as follows: "*Provided*, That such additional rate shall not apply on or after July 1, 1937, to first-class matter mailed for local delivery or for delivery wholly within a county the population of which exceeds 1,000,000, provided said county is entirely within a corporate city."

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the proviso in section 1001 (a) of the Revenue Act of 1932 (relating to postal rates) is amended by inserting before the period at the end of such proviso a comma and the following: 'or, after the date of enactment of this amendatory clause, to first-class matter mailed for delivery wholly within a county the population of which exceeds 1,000,000, provided said county is entirely within a corporate city.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECONCENTRATION OF COTTON

The Clerk called the next bill, S. 3836, relating to the manner of securing written consent for the reconcentration of cotton under section 383 (b) of the Agricultural Adjustment Act of 1938.

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

Mr. THOMAS of Texas. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PURCHASE AND DISTRIBUTION OF PRODUCTS OF FISHING INDUSTRY

The Clerk called the next bill, S. 3595, to authorize the purchase and distribution of products of the fishing industry.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, out of any funds available to the Federal Surplus Commodities Corporation, not to exceed a sum equal to the difference between $1,000,000 and the sum expended by such Corporation in carrying out the provisions of the joint resolution entitled "Joint resolution to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry," approved April 12, 1937, may be used by such Corporation for the purpose of diverting surplus fish (including shellfish) and the products thereof from the normal channels of trade and commerce by acquiring them and providing for their distribution through Federal, State, and private relief channels. The provisions of law relating to the acquisition of materials or supplies for the United States shall not apply to the acquisition of commodities under this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. COLMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COLMER. Mr. Speaker, I am very much interested in the bill under consideration (S. 3595), which has passed the Senate and has been favorably reported by the House Merchant Marine and Fisheries Committee. My interest is explained by the fact that the seafood industry is very important on the Mississippi Gulf Coast, in my congressional district, and they are now facing a great loss unless they can secure assistance from the Federal Government by having the Federal Surplus Commodities Corporation purchase the surplus of canned oysters and other canned seafood now on hand. On April 1, 1937, there were 122,857 cases of unsold oysters in the hands of the packers. On May 11, the close of the season, there were 139,952 cases, and on January 1, 1938, there were 55,000 cases, all figured on a 48/5-ounce basis.

The oyster packing season during 1937 commenced on January 1, and continued through May 11. Inasmuch as they had a carry-over of some 55,000 cases, only two of the plants commenced operations in January, the other plants not starting operation until February or April. Therefore, it developed that the 1938 oyster pack is the smallest in history. However, with the carry-over from last season and the pack for this year exceeding the demand for these products, it is imperative that these packers secure a market for the surplus seafood now on hand. It is to be hoped, therefore, that this bill will pass the House today so that the Federal Surplus Commodity Corporation will be given authority to purchase this surplus.

I should like it understood that paragraph 2 of the report on Senate bill 3595 means that section 32 funds of Public 320, as transferred to the Federal Surplus Commodities Corporation by the Secretary of Agriculture are available for the purposes of this bill.

If these packers cannot secure this assistance it will mean that several hundred fishermen and other employees of the industry will be unemployed—or at best only partly employed—in my congressional district, and I am sure that this same condition is prevalent in other sections of the country where the fishing industry plays a prominent part.

OCEAN-MAIL CONTRACT CLAIMS

The Clerk called the next bill, H. R. 9577, to amend section 402 of the Merchant Marine Act, 1936, to further provide for the settlement of ocean-mail contract claims.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 402 of the Merchant Marine Act, 1936, be hereby amended by adding thereto a new subsection (d) to read as follows:

"(d) Notwithstanding the provisions of the acts making appropriation for the Treasury and Post Office Departments for the fiscal years ending June 30, 1934, June 30, 1935, June 30, 1936, and June 30, 1937, which were approved, respectively, March 3, 1933 (47 U. S. Stat. L. 1510), March 15, 1934 (48 U. S. Stat. L. 239), and June 23, 1936 (49 U. S. Stat. L. 1850), as soon as practicable after the enactment of this subsection, and within 6 months after its enactment, the Commission shall proceed to attempt to adjust all differences with the holder of any contract alleged to have been made by the Postmaster General pursuant to the provisions of the Merchant Marine Act of 1928 for the carriage of mail, in cases where a suit, pending in the Court of Claims at the time of the enactment of this subsection and based upon the alleged termination or breach of such contract, had been filed by such contractor prior to July 1, 1937, including any claims of the contractor against the United States and any claims of the United States against such contractor, arising out of said contract. In adjusting such differences and claims the Commission shall not take into consideration any prospective or speculative future profits, but shall consider any and all payments theretofore made by the United States pursuant to such mail contract, and the profits realized as a result thereof, and the interest paid and the interest due according to law on construction loans, and all other facts deemed pertinent. If the contractor shall be willing to accept such determination and receive payment for the amount

determined by the Commission to be a fair adjustment of such differences, the Commission is authorized and directed, concurrently with the dismissal of any suit based upon the alleged termination or breach of such contract filed by such contractor with prejudice and without costs, to enter into and execute a settlement agreement with such contractor, wherein such contractor shall release the United States from any and all claims arising from such contractor's mail contract: *Provided*, That the Attorney General of the United States shall review such settlement agreement, and if he is dissatisfied with such finding shall notify the Commission and the contractor in writing within 60 days and upon such notice the settlement agreement shall become null and void; otherwise the contractor shall be paid any sum of money due him under such settlement agreement from any funds controlled by the Commission or hereafter appropriated for that purpose: *Provided*, That if any sum of money is payable to the contractor under the terms of any settlement agreement made pursuant to this subsection, such sums shall be applied (a) as a credit upon any amount owing by the contractor to the United States on any loan agreement entered into under section 11 of the Merchant Marine Act of 1920, as amended, or upon unpaid ship sales mortgage notes, (b) Federal taxes of the contractor due or to become due for the taxable year in which the settlement is made, and (c) on any other indebtedness of the contractor to the United States. If any such sums are applied as a credit as aforesaid, then the Comptroller General of the United States shall execute a discharge of the amount of such debts satisfied thereby. Nothing herein shall affect any right which such contractor may now have to maintain a suit arising out of such contract against the United States in the Court of Claims unless such suit is dismissed as provided herein."

With the following committee amendments:

(1) Page 2, line 1, strike out the figures "239" and insert in lieu thereof the figures "446."

(2) Page 2, line 1, strike out the word "and" and insert in lieu thereof "May 14, 1935 (49 U. S. Stat. L. 239), and."

(3) Page 2, line 4, strike out the word "shall" and insert in lieu thereof a comma and the following: "in its discretion, may."

Page 3, lines 13 and 14, strike out the words "from any funds controlled by the Commission or hereafter appropriated for that purpose" and insert the following in lieu of the words stricken out: "out of such appropriation as the Congress may hereafter provide for this purpose from funds controlled by the Commission or from the general funds of the Treasury."

(4) Page 4, line 6, change the period to a colon and insert the following: "*Provided further*, That nothing herein shall be construed to affect any right or defense of any party in any suit pending in the Court of Claims: *And provided further*, That the enactment of this legislation shall not be considered or construed by the Commission or by any court as a legislative interpretation in favor of the validity or legality of any alleged contract involved in, or the basis of, any controversy or litigation, adjustment of which is permitted by this subsection."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF MERCHANT MARINE ACT, 1936

The Clerk called the next bill, H. R. 10337, to amend title VI of the Merchant Marine Act, 1936, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That title VI of the Merchant Marine Act, 1936, as amended, is hereby amended by adding at the end of such title a new section to read as follows:

"SEC. 613. The Commission is authorized to subordinate its interest as mortgagee in any vessel subsidized under the provisions of this title in favor of any loan made by the Reconstruction Finance Corporation under the Reconstruction Finance Corporation Act, as amended, if the Commission finds that the making of such loan by the Reconstruction Finance Corporation would be in furtherance of the policies of this act or would, in its opinion, preserve or protect its mortgage interest in said subsidized vessel: *Provided*, That the obligations evidencing such loans by the Reconstruction Finance Corporation shall not be transferred, except to some other governmental agency."

With the following committee amendment:

Page 1, line 8, after the word "made", insert the words "for working capital."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSITION OF HORSES AND MULES BELONGING TO UNITED STATES

Mr. HARLAN. Mr. Speaker, I ask unanimous consent to return to No. 698 on the calendar, the bill (H. R. 9848) to require that horses and mules belonging to the United States which have become unfit for service be destroyed or put to pasture.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I understand the gentleman has an amendment which will make this discretionary instead of compelling them to do this?

Mr. HARLAN. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the first proviso in the fourth paragraph under the heading "Division of Supply," in title I of the act entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes," approved December 20, 1928 (45 Stat. 1030), horses and mules belonging to the United States which have become unfit for service shall be destroyed or put out to pasture.

Mr. HARLAN. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HARLAN: Page 1, line 10, after the word "service", strike out the word "shall" and insert the word "may."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ERECTION OF MEMORIAL TO MEMORY OF NEWTON D. BAKER

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to return to Calendar No. 704, the resolution (H. J. Res. 656) to provide for the erection of a memorial to the memory of Newton D. Baker.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. WADSWORTH. Mr. Speaker, reserving the right to object, when the Muhlenberg bill was reached on the calendar awhile ago, the gentleman from Texas [Mr. MAVERICK] expressed his deep concern as to the policy involved by that and similar bills in relation to the erection of monuments to distinguished Americans of the past by the Federal Government. I objected to the Muhlenberg bill, agreeing, as I did, and agreeing, as I do now, with the observations made by the gentleman from Texas.

When the so-called Baker bill was reached, the gentleman from Texas objected, apparently in order to be consistent with my attitude, which in turn was consistent with his.

Mr. Speaker, far be it from me to suggest directly or indirectly that either General Muhlenberg or the late Secretary of War, Mr. Baker, are undeserving of honor. We know full well that both of them served their country with great distinction. It was my privilege to be in a sense associated with Mr. Baker while he was Secretary of War during the period of the war and during the period of demobilization. There is no man on Capitol Hill who has a higher regard for Mr. Baker than have I. He was a great Secretary of War, and I am confident history will write him down as such. Moreover, I entertain the highest regard for the gentleman from West Virginia [Mr. RANDOLPH]. Nothing would give me greater pleasure than to support him in this matter. But, Mr. Speaker, my thought upon this is that if the Congress embarks upon a program of erecting monuments to distinguished Americans of the past, it will never cease in that program.

Dozens and dozens of bills will appear upon the floor, backed by Members of Congress who take a deep interest in their particular bills, and supported by the sentiment of the districts in which the monuments are to be erected. It would appear ungracious on my part to interpose objection,

and I would not think of doing it in either of these two cases could I have assurance that we would never have more bills of this character. But I am convinced, and I cannot avoid the conviction, that with the entering wedge the door will be opened wide. I can think of famous Americans by the dozens in whose honor it would be proposed that monuments be erected in various parts of the United States.

Mr. RANDOLPH. Will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. May I say to the gentleman from New York that the resolution which I introduced has received the approval of the Fine Arts Commission and also the unanimous endorsement of the Committee on the Library, including the two Republican members, the gentleman from Massachusetts [Mr. TREADWAY] and the gentleman from New York [Mr. LORD].

The gentleman from New York uses the expression "the Congress embarking upon a policy of erecting monuments to distinguished Americans." May I add that such action would literally be joining and cooperating with the local communities in their desire to adequately honor such men. In connection with the Newton D. Baker memorial, it would be the purpose, as stated by the legislation, for the locality in which the memorial is to be erected to provide an adequate site, which would be purchased by the people of that section. After the memorial was erected, the people of that particular section would continue through the years to come the upkeep, so that the memorial would be attractive and serve a useful purpose. I hope my able colleague will not object to the pending resolution, which would honor the memory of a great American.

Mr. WADSWORTH. Mr. Speaker, it is with the idea in mind that I have already expressed, and solely that idea, that I interpose my objection.

The SPEAKER. The gentleman from New York objects.

EXTENSION OF TIME FOR COMMENCING AND COMPLETING THE CONSTRUCTION OF BRIDGE ACROSS THE COOSA RIVER, ALA.

Mr. STARNES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10611) to extend the times for commencing and completing the construction of a bridge across the Coosa River at or near Gilberts Ferry in Etowah County, Ala.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I understand this bill has a unanimous report from the Committee on Interstate and Foreign Commerce?

Mr. STARNES. Yes; as well as from the War Department and from the Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Coosa River at or near Gilberts Ferry in Etowah County, Ala., authorized to be built by the State of Alabama, or Etowah County, or both, by an act of Congress approved March 10, 1937, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUVENILE COURT FOR THE DISTRICT OF COLUMBIA

Mr. PALMISANO. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution No. 34.

The Clerk read the Senate concurrent resolution, as follows:

Senate Concurrent Resolution 34

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of 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, the Clerk of the House is authorized and directed to renumber the sections beginning with section 26 so that the last section of the bill will be numbered 43, and to make necessary changes in references to sections.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I understand this concurrent resolution does not change the legislation itself at all?

Mr. PALMISANO. This is to correct the numbering of the sections inasmuch as the bill was amended in the Senate. This resolution does not change the bill in any form.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

BRIDGE FROM FRIAR POINT, MISS., TO HELENA, ARK.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10261), authorizing the town of Friar Point, Miss., and Coahoma County, Miss., singly or jointly, to construct, maintain, and operate a toll bridge across the Mississippi River from a point at or near the town of Friar Point, Coahoma County, Miss., to a point at or near Helena, Phillips County, Ark.

Mr. Speaker, this bill is similar to a bill that has been passed. I have shown it to the gentlemen on the other side and they have no objection.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I wish the gentleman would defer his request a few moments until we can get in touch with the Republican member of the Committee on Interstate and Foreign Commerce and find out if this is satisfactory.

Mr. WHITTINGTON. I may say I looked for him just a moment ago.

Mr. MARTIN of Massachusetts. I wish the gentleman would wait for a few minutes.

Mr. WHITTINGTON. I have no objection to doing so. That was a unanimous report, in the identical language.

Mr. Speaker, I withdraw the request for the present.

EXTENSION OF REMARKS

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a radio address I delivered last night.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BACON asked and was given permission to extend his own remarks in the RECORD.

OLYMPIC NATIONAL PARK, STATE OF WASHINGTON

Mr. DEROUEN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10024) to establish the Olympic National Park in the State of Washington, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted, etc., That the Mount Olympus National Monument established pursuant to proclamation of the President dated March 2, 1909, is hereby abolished, and the tracts of land in the State of Washington particularly described as follows, to wit: Township 26 north, range 3 west, sections 6 and 7 (unsurveyed); township 27 north, range 3 west, sections 6, 7, 18, 19, 30, and 31 (unsurveyed); township 23 north, range 4 west, north half section 6 (unsurveyed); township 24 north, range 4 west, sections 19, 30, and 31 (unsurveyed); township 25 north, range 4 west, sections 4 to 9, 16 to 21, and 28 to 33, inclusive (unsurveyed); township 26 north, range 4 west, sections 1 to 12, 16 to 21, and 28 to 33, inclusive (unsurveyed); township 27 north, range 4 west, all (unsurveyed); township 28 north, range 4 west, sections 17 to 22, and 27 to 34, inclusive (unsurveyed); township 23 north, range 5 west, north half section 1, northeast quarter section 2, and sections 18 and 19 (partly surveyed); township 24 north, range 5 west, sections 1 to 18, 20 to 27, inclusive, north half section 28, east half section 34, and sections 35 and 36 (unsurveyed); townships 25 north to 28 north, range 5 west (all unsurveyed); township 29 north, range 5 west, sections 7 and 17 to 36, inclusive (partly surveyed); township 23 north, range 6 west, sections 2 to 6, 10 to 15, inclusive, and 23 and 24 (unsurveyed); township 24 north, range 6 west, sections 1 to 24, 26 to 35, inclusive (unsurveyed); townships 25 north to 29 north, range 6 west, all (partly surveyed); township 23 north, range 7 west, sections 1 to 12, inclusive (unsurveyed); townships 24 north to 29 north, range 7 west (all unsurveyed); township 30 north, range 7 west, sections 26 to 36, inclusive (partly surveyed); township 23 north, range 8 west, that part north of the divide

between the Quinault and Humptulips Rivers (unsurveyed); townships 24 north to 29 north, range 8 west (all unsurveyed); township 30 north, range 8 west, sections 18, 19, and 25 to 36, inclusive (partly surveyed); township 22 north, range 9 west, northwest quarter section 5, north half section 6 (surveyed); township 23 north, range 9 west, that part northwest of the divide between Humptulips River and the streams flowing into Quinault Lake and outside the Quinault Indian Reservation except northwest quarter section 6 (partly surveyed); township 24 north, range 9 west, sections 1, 2, 11 to 14, 22 to 27, and 34 to 36, inclusive (partly surveyed); township 25 north, range 9 west (all unsurveyed); township 26 north, range 9 west, sections 1 to 18, east half section 19, sections 20 to 29, and 32 to 36, inclusive (surveyed); townships 27 and 28 north, range 9 west (all partly surveyed); township 29 north, range 9 west, all except those parts of sections 7, 18, 19, and 30 lying west of Soleduck River and Alckee Creek (partly surveyed); township 30 north, range 9 west, sections 13 and 14, and 19 to 36, inclusive (surveyed); township 23 north, range 10 west, southeast quarter section 1, east half section 11, and sections 12 to 14, inclusive, those parts of sections 23 and 36 outside of Quinault Indian Reservation (surveyed); township 26 north, range 10 west, sections 1, 12, and 13 (surveyed); township 27 north, range 10 west, sections 1 to 18, 20 to 26, inclusive, north half section 27, north half section 28, north half section 29, section 36 (surveyed); township 28 north, range 10 west, all that part south of the divide between Bogachiel and Soleduck Rivers and east of Alckee Creek (unsurveyed); township 29 north, range 10 west, all that part south of the divide between Bogachiel and Soleduck Rivers and east of Alckee Creek (unsurveyed); township 27 north, range 11 west, sections 1 to 13, inclusive, north half section 14, north half section 15, section 16, north half section 17 (surveyed); township 28 north, range 11 west, all south of divide between Sitkum and Calawah Rivers (unsurveyed); township 27 north, range 12 west, sections 1 to 3, north half section 10, north half and southeast quarter section 11, and section 12 (surveyed); township 28 north, range 12 west, those parts of sections 25 and 26 south of the divide between Calawah and Bogachiel Rivers, sections 27 and 31 to 36, inclusive (surveyed); township 24 north, range 13 west, sections 3, 4, 9, 10, 15, 16, 22, and lots 1 and 2, section 27 (surveyed); township 25 north, range 13 west, west half section 4, sections 5, 8, west half section 9, sections 16, 17, 21, 28, 33, west half section 34 (surveyed); township 26 north, range 13 west, sections 17, 18, those parts sections 19, 20, 29, and 30 outside Hoh Indian Reservation, west half section 28, section 32, west half section 33 (surveyed); township 26 north, range 14 west (all surveyed); township 27 north, range 14 west, sections 6, 7, west half section 8, sections 16, 17, 18, 20, 21, 22, south half section 23, sections 26, 27, 28, 34, and 35 (surveyed); township 28 north, range 14 west, section 31 (surveyed); township 27 north, range 15 west (all surveyed); township 28 north, range 15 west, west half section 4, sections 5, 6, 8, 9, west half section 15, sections 16, 23, 26, and all sections 21, 22, and 27 outside Quileute Indian Reservation, and sections 34, 35, and 36 (surveyed); township 29 north, range 15 west, west half section 5, sections 6 and 7, west half section 8, west half section 17, sections 18 and 19, west half section 20, sections 29, 30, and 32 (surveyed); township 30 north, range 15 west, all west of western shore line of Ozette Lake (surveyed); township 31 north, range 15 west, section 30 and all of sections 31 and 32 west of western shore of Lake Ozette; township 30 north, range 16 west (all surveyed); township 31 north, range 16 west, those parts of sections 25 and 26 south of Ozette Indian Reservation, and sections 35 and 36 (surveyed); all west of the Willamette meridian, in Washington, are hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people and shall be known as the Olympic National Park, and all lands formerly included in the Mount Olympus National Monument and not included in the above description are hereby transferred to and made a part of the Olympic National Forest: *Provided*, That the portion of the Olympic National Forest lying west of the line separating ranges 10 west and 11 west, measured from the Willamette meridian, shall not be included as a part of the area to be known as the Olympic National Forest.

SEC. 2. That in the areas of said park lying east of the range line between ranges 9 and 10 and north of the seventh standard parallel and east of the range line between ranges 4 and 5 west, Willamette meridian, all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws for a period of 5 years from the date of approval of this act, with rights of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.

SEC. 3. The income of each county receiving moneys from the Olympic National Forest under the act of May 23, 1908 (35 Stat. 260, ch. 192), as amended, shall be proportional to the total area of each county in the Olympic National Forest and the Olympic National Park combined.

SEC. 4. The administration, protection, and development of the Olympic National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916 (39 Stat. 535), entitled "An act to establish a National Park Service, and for other purposes", as amended.

SEC. 5. Nothing herein contained shall affect any valid existing claim, location, or entry made under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land, nor the rights reserved by treaty to the Indians of any tribes.

The SPEAKER. Is a second demanded?

Mr. ENGLEBRIGHT. Mr. Speaker, I demand a second.

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. The gentleman from Louisiana is recognized for 20 minutes and the gentleman from California is recognized for 20 minutes.

Mr. DEROUEN. Mr. Speaker, the purpose of the proposed national park is to preserve for the benefit, use, and enjoyment of the people the finest sample of primeval forests of Sitka spruce, western hemlock, Douglas fir, and western red cedar in the entire United States; to provide suitable winter range and permanent protection for the herds of native Roosevelt elk and other wildlife indigenous to the area; to conserve and render available to the people, for recreational use, this outstanding mountainous country, containing numerous glaciers and perpetual snow fields, and a portion of the surrounding verdant forests, together with a narrow strip along the beautiful Washington coast.

The area of this park is 898,292 acres, containing seventeen and four-tenths billion board feet of timber, which eliminates three and four-tenths billion board feet of timber from the bill H. R. 10024 as introduced. The effect of the bill will be to establish the appropriate use and proper administration of an area definitely of national-park quality. The bill has the approval of the Bureau of the Budget. The Secretary of the Interior and the Department of Agriculture have also endorsed the bill.

The President of the United States on March 14 sent a message to Congress, which I assume is a mandate, for such legislation to preserve those great areas. The bill also has the endorsement of the following organizations:

Forty thousand members of the International Wood Workers' Association; the Washington State Grange; the Seattle Federation of Women's Clubs; the State Department of Education; Seattle Audubon Society; Northwest Conservation League; Seattle Association of Technical Engineers and Architects; Washington Alpine Club; the Mountaineers; National Federation of Post Office Clerks, local; East Side Sportsmen's Club; Progressive Legislators Council of Washington, Seattle, Wash. (members of the State legislature); National Association of Audubon Societies, New York; University of Washington Teachers Union, Seattle; National Society of the Daughters of the American Revolution; and many other civic organizations throughout the country.

The Public Lands Committee heard a great deal of testimony on this proposal, both for and against it, but it is noteworthy that, although there was a difference of opinion on the areas to be included, no witnesses from the State of Washington appeared before the committee who did not approve of the creation of a national park in this region.

In arriving at the determination of the area to be recommended for park status the committee carefully considered the desires of many conservation organizations and numerous individuals who wanted as large an area in the park as possible, and also considered the needs of the local communities dependent upon the harvesting and manufacturing of forest products. Expert testimony on the needs of timber utilization was heard and it is the thought of the committee that the establishment of the park will not have an adverse effect upon local wood-using industries. The enactment of the bill will fulfill a definite need for the conservation of natural resources.

The present bill, H. R. 10024, also excludes about 2,000,000,000 feet of the more accessible timber tributary to Grays Harbor, which was included in the original bill, H. R. 7086.

This should adequately satisfy the need for timber in this region.

The bill has also been amended to allow prospecting under the mining laws of the United States, in certain portions of the park, for a period of 5 years.

The major part of the additions to the monument are now national-forest lands under the supervision of the Forest Service and can be transferred to the National Park Service at no cost to the Government for acquisition.

Section 3 provides that 25 percent of the revenues of the Olympic National Forest, being distributed to the counties under existing laws, shall be proportional to the total area of each county in the Olympic National Forest and Olympic National Park combined. This provision protects Jefferson County from the loss of forest revenues, which would otherwise occur since a large portion of the area proposed for park status is in Jefferson County.

Section 5 of the bill assures the full protection of any existing claims or Indian treaty rights.

There is no doubt that the people have forcefully expressed themselves in favor of the park.

Gentlemen, the committee recommended that the great forests surrounding the Olympic Mountains, with the wildlife, and incomparable beauties, practically all of which is already owned by the Government, be preserved for the people of the Nation—this generation and generations to come—by creating the Olympic National Park as set forth in H. R. 10024, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLEBRIGHT. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, I wish to say to the Members of the House I am in full accord with the provisions of this bill. I believe this area is one of the greatest park areas in the United States and should be preserved for future generations. The committee has considered the bill very carefully, held extensive hearings, and all parties interested have appeared. I simply want to add my support to the bill at this time.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I understand this bill will make a tremendous contribution not only to conservation and preservation of such areas but to the Park Service in general.

Mr. CRAWFORD. That is my opinion of it, exactly.

Mr. McCORMACK. As I understand, there is a unanimous feeling in support of the bill.

Mr. CRAWFORD. Yes.

Mr. McCORMACK. What is the additional acreage included in this bill?

Mr. CRAWFORD. Will the chairman give us those figures? I believe he has them exactly.

Mr. DEROUEN. About 600,000 acres.

Mr. McCORMACK. And included in this area is a type of timber which is very valuable and a type of timber which should by all means be preserved.

Mr. CRAWFORD. Yes; and it is also a natural playground, you might say, with lakes, glaciers, perpetual snow peaks, trees and forests, and undergrowth, such as we do not have anywhere else in the United States.

Mr. McCORMACK. That was my understanding.

Mr. KITCHENS. Mr. Speaker, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. KITCHENS. What will be the cost of this?

Mr. CRAWFORD. This is a transfer of acreage from the national forests to the national parks. The land is already public domain.

Mr. KITCHENS. Will there be any more land out there after we get through establishing national parks?

Mr. CRAWFORD. There will probably be a little bit left.

Mr. SABATH. Mr. Speaker, will the gentleman yield me a few minutes, as I desire to ask the gentleman who introduced this bill a question or two?

Mr. DEROUEN. Mr. Speaker, I yield the gentleman 5 minutes.

Mr. SABATH. What I desire to know is, Is this a tract of land that contains the many wonderful old trees that the gentleman has been trying to save for the benefit of future generations?

Mr. WALLGREN. Mr. Speaker, I may say to the gentleman that some of the trees within this area are over 1,600 years old. We have been trying to save the last remaining stands of virgin fir and spruce that we have today in America.

Mr. SABATH. They are on a par with the trees in the Yosemite Valley, I believe.

Mr. WALLGREN. They are, but, of course, this particular region has an unusual stand of fir that is different from what may be found in any other section of the United States.

Mr. SABATH. That is what I have understood.

I also wish to say, Mr. Speaker, that yesterday I had an opportunity for the first time to take a ride over the Skyline Drive. I never was more pleasantly surprised to find what a small amount of money appropriated by Congress made possible and I advise each and every Member to make this trip. It is a most beautiful sight to behold, and from what I have been told about this tract, based also upon my visit to Yosemite, Lake Tahoe, and our other national parks, I am informed this will excel any other similar area.

Mr. WALLGREN. I will say to the gentleman that he should make a trip to this region because I know he will really enjoy it.

Mr. SABATH. I believe I have gone through this section, but the roads were so bad I could not penetrate the area of land involved. It has been a hobby with me to visit the national parks and national forests of the United States, and I wish to congratulate the gentleman upon being able to bring this legislation to a successful culmination after the long and patient work he has done.

Mr. WALLGREN. I thank the gentleman.

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. MURDOCK of Arizona. I want to extend to the gentleman a similar invitation to come into the southwestern corner of the country as well as the northwestern corner.

Mr. SABATH. I shall avail myself of that invitation and I thank the gentleman very much.

Mr. ENGLEBRIGHT. Mr. Speaker, this bill was considered most carefully by the Committee on the Public Lands. Extensive hearings were held and the boundary lines as now established should be satisfactory to the various local interests in the State of Washington.

This area will include one of the finest stands of timber of a virgin type—fir, pine, and other types—that can be found in this country. This area should be preserved for the people of this Nation and for their children.

The bill has the unanimous support of the committee and is a most meritorious measure and one that should be enacted into law.

Mr. Speaker, I yield back the balance of my time.

Mr. DEROUEN. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. RAYBURN). The question is, Shall the rules be suspended and the bill pass?

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF WAR CLAIMS ACT OF 1928

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 253, extending for 2 years the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and the Tripartite Claims Commission, and extending until March 10, 1940, the time within which

Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the War Claims Arbiter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That subsection (g) of section 2 and subsection (f) of section 5 of the Settlement of War Claims Act of 1928, as amended, are further amended, respectively, by striking out the words "10 years" wherever such words appear therein and inserting in lieu thereof the words "12 years".

SEC. 2. The first sentence of subsection (h) of section 6 of the Settlement of War Claims Act of 1928, as amended, is further amended to read as follows:

"No payment shall be made under this section unless application therefor is made by March 10, 1940, in accordance with such regulations as the Secretary of the Treasury may prescribe."

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BREWERS' BONDS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 8665, to amend section 3336 of the Revised Statutes, as amended, pertaining to brewers' bonds, and for other purposes.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3336 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 26, sec. 1334 (b)), is further amended to read as follows:

"SEC. 3336. Every brewer, on filing notice as provided by law of his intention to commence or continue business, shall execute a bond to the United States in a penal sum equal to the amount of the tax on fermented malt liquor which, in the opinion of the Commissioner of Internal Revenue, said brewer will be liable to pay during any one month: *Provided*, That the penal sum of any such bond shall not exceed $100,000 nor be less than $1,000. The bond shall be conditioned that the brewer shall pay, or cause to be paid, as herein provided, the tax required by law on all beer, lager beer, ale, porter, and other fermented liquors made by or for him, before the same is sold or removed for consumption or sale, except as hereinafter provided; and that he shall keep, or cause to be kept, in the manner required by law, a book which shall be open to inspection by the proper officers, as by law required; and that he shall in all respects faithfully comply, without fraud or evasion, with all requirements of law relating to the manufacture and sale of any malt liquors aforesaid. Once in every 4 years, or whenever required so to do by the Commissioner of Internal Revenue, or such officer as may be designated by the Commissioner of Internal Revenue, the brewer shall execute a new bond in the penal sum prescribed in pursuance of this section, and conditioned as above provided, which bond shall be in lieu of any former bond or bonds of such brewer in respect to all liabilities accruing after its approval."

With the following committee amendment:

Page 1, line 4, in the parentheses after the word "edition", insert "Supp. III."

The amendment was agreed to and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

AMENDING SECOND LIBERTY BOND ACT

Mr. McCORMACK. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10535) to amend the Second Liberty Bond Act, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the first paragraph of section 1 of the Second Liberty Bond Act, as amended (U. S. C., title 31, sec. 752), is amended by striking out the following: ": *Provided*, That the face amount of bonds issued under this section and section 22 of this act shall not exceed in the aggregate $25,000,000,000 outstanding at any one time."

SEC. 2. Section 21 of the Second Liberty Bond Act, as amended (U. S. C., title 31, sec. 757b), is amended to read as follows:

"SEC. 21. The face amount of bonds, certificates of indebtedness, Treasury bills, and notes issued under the authority of this act, and certificates of indebtedness issued under the authority of section 6 of the First Liberty Bond Act, shall not exceed in the aggregate $45,000,000,000 outstanding at any one time."

The SPEAKER pro tempore. Is a second demanded?

Mr. REED of New York. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. McCORMACK] is entitled to 20 minutes, and the gentleman from New York [Mr. REED] to 20 minutes.

Mr. McCORMACK. Mr. Speaker, this is a bill which has been reported unanimously by the Committee on Ways and Means. I understand there is no objection on the Republican side. The bill in no way changes the present ceiling on the bonded indebtedness that can be outstanding. The present law puts a ceiling of $45,000,000,000 on the outstanding indebtedness. This bill in no way changes that. However, the bill does authorize a larger percentage of that $45,000,000,000 to be issued for long-term indebtedness than is permitted to be issued under the present law.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. COOPER. I am sure the gentleman will agree that for all practical purposes the bill simply does this. Under existing law there is a ceiling or limit of $45,000,000,000 for Federal securities. Under existing law the Secretary of the Treasury is authorized to issue not to exceed $25,000,000,000 in bonds and not to exceed $20,000,000,000 in Treasury notes or short-term securities. This bill still leaves the ceiling or the limit of $45,000,000,000, as at present. The bill, if passed, will remove the partition between the bonds and the short-term securities and will allow the Treasury a degree of flexibility in its financing operations which it does not have now, so that the Secretary of the Treasury may issue additional bonds or additional Treasury notes or short-term securities to take advantage of the market at the time when the issuance of these securities is necessary.

Mr. McCORMACK. The statement of the gentleman from Tennessee is correct. That covers all there is to this matter.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. O'MALLEY. If this bill becomes a law, how much more than $25,000,000,000 will the Secretary be able to issue in long-term bonds?

Mr. McCORMACK. The Secretary, of course, could issue up to $45,000,000,000 if this bill becomes a law, but, of course, he would not do it.

Mr. O'MALLEY. So instead of $25,000,000,000 of long-term bonds he may issue an additional sum to raise it to $45,000,000,000.

Mr. McCORMACK. But it does not raise the limit for outstanding indebtedness. It permits flexibility within the present $45,000,000,000 limit.

Mr. O'MALLEY. In other words, it eliminates entirely the top on the long-term bonds.

Mr. McCORMACK. Exactly; up to forty-five billions.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. BOILEAU. With reference to Treasury notes, are they in any sense of the word currency?

Mr. McCORMACK. No. That—Treasury notes—is an evidence of short-term indebtedness.

Mr. BOILEAU. The bill refers to the present limitation of $20,000,000,000 in Treasury notes, certificates of indebtedness and Treasury bills. Are any of those considered currency in any sense of the word?

Mr. McCORMACK. No.

Mr. COOPER. They are what is commonly called short-term indebtedness, not to exceed 5 years.

Mr. BOILEAU. All interest-bearing?

Mr. COOPER. Yes, not to exceed 5 years; whereas the other bonds, of course, may run for 20 years.

Mr. BOILEAU. So there is no change whatsoever in the authority to issue currency or non-interest-bearing obligations?

Mr. McCORMACK. No; this bill does not touch that question at all.

Mr. MAPES. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. MAPES. Will the gentleman from Massachusetts explain just why this legislation is necessary?

Mr. McCORMACK. The report clearly shows the reason. This is stated in paragraph 3:

> Under existing legislation the total additional amount of bonds which may be issued is approximately $1,700,000,000, while the total additional amount of notes, certificates of indebtedness, and Treasury bills which may be issued is about $6,170,000,000.

In other words, there is about $23,300,000,000 of bonds outstanding. The margin between that and the $25,000,000,000 limit is, as the gentleman will note, very small.

It is to the advantage of the Government to refinance short-term indebtedness as quickly as possible, changing them into long-term indebtedness, particularly where the short-term indebtedness is rather large, as it is at the present time.

Mr. COOPER. Mr. Speaker, will the gentleman yield on that point?

Mr. McCORMACK. I yield.

Mr. COOPER. I may say to the gentleman from Michigan in further answer, that as was very ably pointed out by the gentleman from Massachusetts, under existing legislation the total additional amount of bonds which may be issued is approximately $1,700,000,000; that is, out of the present $25,000,000,000 limitation.

Mr. MAPES. Is it true that the Department wants to issue more long-term bonds than the $1,700,000,000 which it can issue under existing law?

Mr. COOPER. I was in the act of inviting the gentleman's attention to a further explanation in the report on that particular point.

The Treasury deems it necessary to reserve approximately $248,000,000 of the present bond limitation to cover estimated additional issues of the United States savings bonds; that is, the small bonds. This taken from the $1,700,000,000 leaves only about $1,450,000,000 additional authority that the Secretary of the Treasury would have; and he is a little afraid that this might not be sufficient to meet Treasury requirements in connection with maturing notes aggregating more than $1,600,000,000. That is the situation.

Mr. McCORMACK. And I call the attention of the gentleman from Michigan to page 2 of the report, the second paragraph:

> The bill will have no effect whatever on the total of the public debt outstanding. This amount will depend upon expenditures made pursuant to law.

I call the gentleman's attention particularly to this statement:

> It does permit the Secretary of the Treasury to issue securities best suited at the time to meet the conditions of the market and the needs of the Government within the limits of the bill.

That, in substance, states the objective of the bill.

Mr. MAPES. The gentleman from Massachusetts says this bill is reported unanimously by the Committee on Ways and Means?

Mr. McCORMACK. It is.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. MARTIN of Massachusetts. In the event the proposal to remove tax exemptions from Government bonds should go through, would this legislation be necessary?

Mr. McCORMACK. This legislation is separate and distinct from the other question to which the gentleman has referred. This in no way changes existing law so far as the amount of the outstanding indebtedness is concerned. It does exchange existing law to permit flexibility as between the amount of long- and short-term indebtedness that may be outstanding at one time.

Mr. COOPER. Mr. Speaker, will the gentleman yield on that particular point?

Mr. McCORMACK. I yield.

Mr. COOPER. On the particular point the gentleman has in mind, it will be remembered, of course, that the so-called long-term, or United States bonds, are taxable for surtaxes; whereas, the short-term notes and certificates, the short-term evidences of indebtedness, are entirely tax exempt.

Mr. McCORMACK. That is correct.

Mr. MARTIN of Massachusetts. I did not know about that.

Mr. COOPER. And the whole result of the pending bill will probably be to get more long-term bonds and less short-term evidences of indebtedness.

Mr. McCORMACK. I do not think the tax-exempt feature would in any way affect these transactions. That is an entirely different question than the one involved in this bill.

Mr. BUCKLER of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. BUCKLER of Minnesota. Information I have from ordinary sources in regard to Treasury operations is that short-term securities draw less interest in some cases than the long-term bonds, the short-term notes drawing as little as one-quarter and one-eighth percent.

Mr. McCORMACK. That is true; I have noticed that.

Mr. BUCKLER of Minnesota. Long-term loans, on the other hand, draw as much as 2½ percent.

Mr. McCORMACK. Yes. I think the average is about 2½ percent on long-term bonds.

Mr. BUCKLER of Minnesota. Does not the gentleman think this would be in the interest of some fellows who wanted to buy bonds?

Mr. McCORMACK. No.

Mr. BUCKLER of Minnesota. And to get extra interest?

Mr. McCORMACK. There is nothing like that purpose contemplated in this bill, I assure my friend.

Mr. BUCKLER of Minnesota. I think it is better to get short-term bonds.

Mr. McCORMACK. It is advantageous to convert short-term bonds of indebtedness into long-term evidences of indebtedness as quickly as possible, because it gives stability and that is true from every angle you look at it. Your short-term evidence of indebtedness carries a lower interest rate in part because of what the gentleman from Tennessee [Mr. COOPER] said. It is not subject to the surtax or the normal tax. Then again they are issued for an immediate purpose. However, it is advisable as quickly as possible to have them converted into long-term evidences.

Mr. COOPER. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Tennessee.

Mr. COOPER. May I make one point in connection with the question asked by the gentleman from Minnesota? All this does is to allow discretionary authority to the Secretary of the Treasury to issue the type of obligation that is in the best interest of the Government. Of course, if he can get a better interest rate and it is deemed better all the way around to issue short-term notes, obviously he will do that. On the other hand, if he can get a favorable interest rate and it is to the best interest of the Government to issue the long-term bonds, he has discretionary authority to do that. It might be interesting to remember that during about the first year of the administration of the present Secretary of the Treasury, as I now remember, he saved something like $125,000,000 through refinancing operations and reduction in interest rates on Government securities.

Mr. CROWTHER. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. CROWTHER. May I ask the gentleman from Massachusetts if he knows whether application for this extension of power resulted from any difficulty in procuring short-term money?

Mr. McCORMACK. I have not seen any evidence of difficulty. I noticed the last issue was substantially oversubscribed; so that I do not think that question is involved. I think this is really in the interest of sound financing.

Mr. CROWTHER. In answer to the question asked by the gentleman from Minnesota, may I say it is clearly evident to everybody, I think, that if the Secretary of the Treasury takes advantage of what is given him in this resolution for a

very considerable amount of added bond issue we have, we will add materially to the debt of the United States through the interest charge? A long time ago a very distinguished Speaker, in answer to the criticism of having a Budget of $960,000,000, said on the floor of the House that this was a billion-dollar country. We are now a billion-dollar country insofar as our interest charges are concerned, which at the present time are over $970,000,000 annually. Of course, the issuance of new long-term bonds will materially add to the debt of the United States through increased interest charges.

Mr. McCORMACK. But the gentleman from New York, I am sure, recognizes the necessity of long-term issuances and that short-term evidences are only to meet an immediate situation, and, further, that it is unwise to continue them ad infinitum.

Mr. CROWTHER. I am not questioning the method or whether it is proper procedure to let the Secretary of the Treasury have an element of discretion in that determination. I do not question that at all. I did not when my own Secretary was in, and I do not do so now.

Mr. COOPER. In line with the gentleman's statement, it is true that recently the Treasury has been able to get short-term money, as it is called, at the lowest rate in all history, even as low as 9 mills in some instances. However, I recall there were some instances where the interest rate on some of the so-called 5-year loans amounted to more than the interest rate on some of the so-called long-term loans. It is for the purpose of meeting the situation as it develops and as it arises.

Mr. McCORMACK. This bill is decidedly in the best interests of the Government.

Mr. CROWTHER. In answer to the statement made by the gentleman from Tennessee, may I say that one reason for that is there is no other place in God Almighty's world for the money to go except into Government securities. That is the reason you can get it so cheaply. The banks are flooded with money, and there is no other place for it to go.

Mr. PACE. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Georgia.

Mr. PACE. There are two features. I understand one is to try to get rid of tax-exempt securities.

Mr. McCORMACK. That has nothing to do with this bill.

Mr. PACE. It is admitted you cannot apply the exemption to securities already issued?

Mr. McCORMACK. I prefer not to enter into that field of discussion now.

Mr. PACE. Let me get to the point. Under this bill we are eliminating short-terms and creating long-terms, which cannot be made tax-exempt as soon as we are in position to enact a law?

Mr. McCORMACK. This bill does not accomplish what the gentleman states, although what he states is partially correct. This in no way changes the present law as to the ceiling, but it allows the Secretary of the Treasury to issue long-term bonds in excess of $25,000,000,000, which is the ceiling now, but it does not increase the total ceiling of long- and short-term issuances, which, under existing law, is $45,000,000,000.

Mr. PACE. It seems to me it places more long-terms beyond the reach of the tax feature whenever it is enacted; that you have created that many more long-terms and put them out, and therefore cannot reach them with your tax feature.

Mr. McCORMACK. This bill has no relationship to the proposal to tax or to issue bonds subject to the surtax and the normal tax, so far as outstanding bonds are concerned. This bill has no direct relationship to the question of tax-exempts. That is an entirely different legislative question. While it is related to bonds and their issuance, it is not pertinent to this bill. The gentleman and I probably have similar views on that question, but I hope this bill will not be confused with that issue.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. The gentleman from Tennessee referred to the low interest rate on short-term loans. I recall seeing a newspaper article recently which bore out what the gentleman stated, that the interest rate was as low as 9 cents per $1,000, which is about one-tenth of 1 percent on short-term loans. Will the gentleman give us any information as to the length of time those loans were outstanding—whether 30 days, a year, or 5 years, if the gentleman happens to know? It is very interesting to have information as to how low a rate of interest the Government is paying on some of its obligations.

Mr. COOPER. If the gentleman will yield, I may say I do not have that information immediately available, but the Secretary of the Treasury, when he appeared before our committee on the pending bill, made the statement that on some of the short-term loans, I believe it was in connection with 60-day paper, the interest rate was 9 mills, the lowest rate in all history.

Mr. BOILEAU. Does the Treasury, after the expiration of the 60 days, have any difficulty in getting a renewal or an equivalent amount of money at a comparatively low rate?

Mr. COOPER. I understand they do not; no.

Mr. FLETCHER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Ohio.

Mr. FLETCHER. A moment ago the gentleman from New York [Mr. CROWTHER] implied that the people were investing in Government securities because they had no other place to go or to put their money. I should like to ask the gentleman if, because of their reminiscences of the tragedy of investing in the last few years of the Hoover administration, when they lost so many millions of dollars in investments, the people perhaps feel their safety lies in investing in Government securities under the present administration?

Mr. REED of New York. Mr. Speaker, will the gentleman permit me to answer that question?

Mr. FLETCHER. I do not like that implication.

Mr. REED of New York. Will the gentleman yield to me?

Mr. COOPER. There is no partisanship in this.

Mr. FLETCHER. No; no partisanship, of course. I spoke as I did because the remark to which I replied seems to imply partisanism.

Mr. McCORMACK. I am not disputing the gentleman's interpretation, but I am frank in stating that I make no such interpretation of any remarks that have been made, although I may not have been listening as attentively as my distinguished friend, but I do hope we will have nothing controversial injected into this pleasant and happy little family discussion we are holding now.

Mr. FLETCHER. I may say to the gentleman the statement has been made that the people have no other place to invest. The implication would seem obvious. My comment was made in a kindly spirit, of friendly good will, but in a discussion on this subject I do not want a statement to go unanswered that might give the impression there is no other place in God Almighty's world for the money to go except in Government securities, as was just stated a moment ago.

[Here the gavel fell.]

Mr. REED of New York. Mr. Speaker, I had not intended to use any of my time. I have been trying on this side of the House to keep the political situation out of the picture. I may say frankly that nothing would give me more pleasure or more keen delight than to discuss in a partisan way the very question the gentleman from Ohio has raised, but I talked with the gentleman on that side and I understood when we came in here with a unanimous report that this was not a partisan matter and that we wanted to facilitate the passage of this legislation. I am going to stick to that agreement, and I hope the rest of the Members will do so. There is no reason this bill should not be passed.

Mr. FLETCHER. Mr. Speaker, will the gentleman yield?

Mr. REED of New York. I yield to the gentleman from Ohio.

Mr. FLETCHER. I did not raise that issue, I may say to the gentleman from New York, I was merely replying to a statement of another Member, and I believe the RECORD will so show.

Mr. REED of New York. I think I understand the English language.

The SPEAKER pro tempore (Mr. RAYBURN). The question is, Shall the rules be suspended and the bill be passed?

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BRIDGE BETWEEN FRIAR POINT, MISS., AND HELENA, ARK.

Mr. WHITTINGTON. Mr. Speaker, I renew my request to return to Consent Calendar No. 749 for the immediate consideration of the bill H. R. 10261. After a reservation of objection by the gentleman from Massachusetts [Mr. MARTIN], I temporarily withdrew my request. I have conferred with the gentleman from Michigan [Mr. WOLCOTT], the gentleman from Illinois [Mr. CHURCH], and the gentleman from California [Mr. COSTELLO], and it is agreeable to them to return the bill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi to return to the consideration of the bill?

There was no objection.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the town of Friar Point, Miss., and Coahoma County, Miss., singly or jointly, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, from or near Friar Point, Coahoma County, Miss., to a point at or near Helena, Phillips County, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the town of Friar Point, Miss., and Coahoma County, Miss., acting singly or jointly, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said town of Friar Point, Miss., and Coahoma County, Miss., acting singly or jointly, be, and are hereby, authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed 40 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 3, line 14, after the word "tolls", strike out the remainder of the line and all down to and including the word "management" in line 18.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS MISSOURI RIVER NEAR RULO, NEBR.

Mr. LUCKEY of Nebraska. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10297) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Rulo, Nebr., authorized to be built by John C. Mullen, John H. Hutchings, William Shepherd, their heirs, legal representatives, and assigns, by act of Congress approved March 4, 1933, heretofore extended by act of Congress approved May 15, 1937, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 8, strike out the word "act" and insert the word "acts", and in line 9, after the word "approved", insert "August 23, 1935, and."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. TOBEY. Mr. Speaker, John Fiske, the historian, wrote a book entitled "Critical Periods of American History." We are in such a period now.

Thoughtful men and women, regardless of party, are tremendously apprehensive of what the future holds for our American form of government.

This apprehension is confirmed by the words of Brig. Gen. Pelham D. Glassford, retired, who, in a recent interview at his home in Phoenix, Ariz., as reported by the Associated Press in the New York Sun of May 12, said that he predicted a dictatorship in the United States before the 1940 Presidential election. He continued—I quote:

Both the present administration and the Nation's businessmen have proved they cannot save us.

I am so thoroughly convinced of the acuteness of distress in the United States that I am willing to predict there will be no Presidential election for 1940. Before that time arrives economic conditions will have come to such a pass as to force declaration of a state of emergency and establishment of a dictatorship—

He declared.

This is not the cry of an alarmist and this prophecy does not spring from a fantastic mind, but is an expression of the views of one of the Nation's most esteemed and respected military leaders.

General Glassford was the youngest American brigadier general in the World War and was chief of the Washington police for several years. When a man with his background makes such a statement as this it is time for the people of America to be deeply concerned.

Wake up, America, before it is too late.

F. GRAY GRISWOLD—CONFERENCE REPORT

Mr. BEITER submitted a conference report and statement on the bill (H. R. 7104) for the relief of the estate of F. Gray Griswold.

APPOINTMENT OF ADDITIONAL FEDERAL JUDGES—CONFERENCE REPORT

Mr. SUMNERS of Texas submitted a conference report and statement on the bill (S. 3691) to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia.

EXTENSION OF REMARKS

Mr. KRAMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on National Air Mail Week.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein an address delivered by Chief Justice Hughes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RABAUT asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. LUCAS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a part of an address made by the Honorable Henry Horner, Governor of Illinois, at the Fourth Annual Convention of the Daily Newspaper League at the Hotel Abraham Lincoln in Springfield, Ill., on May 9, 1938.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD with respect to the colloquy I had a moment ago with the gentleman from New York [Mr. REED].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MURDOCK of Arizona and Mr. CULKIN asked and were given permission to revise and extend their own remarks in the RECORD.

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. RAYBURN). Today it would not be in order to call the Private Calendar, except by unanimous consent. Tomorrow it is in order, but tomorrow the Chair is certain will be taken up by a call of committees and the omnibus claims bill. Therefore, if there be no objection, the Chair will order the individual bills on the Private Calendar called today. Is there objection?

There was no objection.

JAMES W. GILSON

The Clerk called the bill (S. 2504) for the relief of James W. Gilson.

Mr. COSTELLO and Mr. HANCOCK of New York objected, and the bill was recommitted to the Committee on Claims.

PROCEDURE UNDER OMNIBUS CLAIMS BILL

Mr. COCHRAN. Mr. Speaker, I rise to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COCHRAN. The Chair has stated that tomorrow an omnibus claims bill will be called up. I recall that the last time that an omnibus claims bill was called up a Member rose and moved to strike out a certain title which, of course, was permissible under the rule. However, after he had moved to strike out the title and was recognized, he immediately stated that he did not propose to insist upon his motion, but that he offered the motion for the purpose of giving the House some information relative to the title under consideration. As I understand the spirit of the rule, there shall be 5 minutes granted in opposition to the title and 5 minutes in favor of the title, each bill being a separate title. It seems to me that the spirit of the rule was violated on that occasion, because there were two speeches of 5 minutes each in favor of the title or bill, and no speech in opposition to the title. My parliamentary inquiry is whether a point of order would lie against the motion of a Member to strike out the title when, as a matter of fact, the Member was not in favor of striking out the title.

The SPEAKER pro tempore. The present occupant of the Chair would have no way of reading a Member's mind or questioning his motives with reference to any amendment that he might offer. The Chair thinks that any Member who gained the floor to offer any permissible amendment would be in order and he would be entitled to the floor.

Mr. COCHRAN. It was certainly a violation of the spirit of the rule when one offers an amendment to strike out a title and then in the first sentence after recognition says that he is not going to insist upon his motion and consumes 5 minutes that should be allowed in opposition to the title.

The SPEAKER pro tempore. The rule interpreted otherwise would make it pretty hard on the occupant of the chair.

Mr. DOWELL. Where it becomes apparent to the Chair that a motion is made for the purpose of delay, then a point of order may be made and would be sustained, would it not?

The SPEAKER pro tempore. The present occupant of the chair understands that the determination of whether a motion is dilatory is entirely within the discretion of the Chair.

SHERM SLETHOLM, LONEATA SLETHOLM, ET AL.

The Clerk called the bill (S. 2644) for the relief of Sherm Sletholm, Loneata Sletholm, Lulu Yates, Madeline Yates, and the estate of Ella A. Morris.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, (1) to the following-named persons, all of Portland, Oreg., the sums hereinafter specified, in full satisfaction of all their claims against the United States for damages resulting from a collision on October 11, 1936, at the intersection of Union and Denver Avenues, Portland, Oreg., between the car in which they were riding and a War Department ambulance: Sherm Sletholm, $3,299.65; Loneata Sletholm, $315.70; Lulu Yates, $1,206.55; Madeline Yates, $536.40; and (2) to the estate of Ella A. Morris, late of Portland, Oreg., the sum of $2,844.55, in full satisfaction of all its claims against the United States for damages resulting from the death of said Ella A. Morris in such collision: *Provided*, That no part of the amounts appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amounts appropriated in this act in excess of 10 percent thereof on account of service rendered in connection with such claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

HELENE LANDESMAN

The Clerk called the bill (S. 2257) for the relief of Helene Landesman.

The SPEAKER pro tempore. Is there objection?

Mr. COSTELLO. I object.

The SPEAKER pro tempore. Only one objection having been made, the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of section 3 of the Immigration Act of 1917 (39 Stat. 875; U. S. C., title 8, sec. 136-e), excluding from the United States aliens "who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude" shall not, notwithstanding any statements which she may have made in any visa application filed by her at the American Consulate General, Vienna, Austria, be held to warrant the exclusion of, or the withholding of quota immigration visa from, Helene Landesman, sister of the United States citizens Anna Katzman and Mina Briller, wife of the lawfully resident alien Joseph Landesman and mother of the lawfully resident alien Mary Landesman.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ERNESTINE HUBER NEUHELLER

The Clerk called the bill (S. 2710) for the relief of Ernestine Huber Neuheller (nee Ernestine Huber).

Mr. COSTELLO and Mr. HANCOCK of New York objected, and the bill was recommitted to the Committee on Immigration and Naturalization.

EMILIE DEW

The Clerk called the bill (H. R. 1250) for the relief of Emilie Dew.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the

Treasury not otherwise appropriated, to Emilie Dew, of Ysleta, Tex., the sum of $5,000 for the death of her son, Charles Dew, who was killed while riding in an automobile which was struck by an automobile belonging to the United States Army and operated by R. M. Barron, a military policeman.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Emilie Dew, of Ysleta, Tex., the sum of $2,350, in full satisfaction of all claims against the United States for the death of her minor son, Charles Dew; and to the legal guardian of Jack Welsh, a minor, of El Paso, Tex., the sum of $635.81; to the legal guardian of Mary Jane Bowden, a minor, of El Paso, Tex., the sum of $1,244 and to the legal guardian of Henry U. Gaines, Jr., a minor, of Ysleta, Tex., the sum of $1,993.95, in full satisfaction of all claims against the United States for personal injuries sustained by them; said death and injuries resulting on November 14, 1936, from a collision between the automobile in which they were riding and a vehicle of the United States Army, operated by military police, at the intersection of Wilson Road and Newman Highway (United States Highway No. 54), Fort Bliss Military Reservation, Tex.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended so as to read: "A bill for the relief of Emilie Dew, Jack Welsh, Mary Jane Bowden, and Henry U. Gaines, Jr."

ANTONIO MASCI

The Clerk called the next bill, H. R. 4033, for the relief of Antonio Masci.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Antonio Masci the sum of $500, covering the bond guaranteeing the departure from the United States of Pasquale Contrastato.

With the following committee amendment:

In line 5, after the word "Masci", strike out the remainder of the bill and insert: "of Somerville, Mass., the sum of $500, in full satisfaction of his claim against the United States for a refund of the value of a Liberty Loan bond which he deposited to secure the appearance of an alien, Pasquale Contrastato, and which was forfeited May 8, 1928, when the alien failed to appear, although subsequent evidence disclosed that he was not subject to deportation and the said bond was mistakenly forfeited: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSEPH SCIORTINO

The Clerk called the next bill, H. R. 5448, for the relief of Joseph Sciortino.

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

Mr. HANCOCK and Mr. HALLECK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

L. P. M'GOWN

The Clerk called the next bill, H. R. 5904, for the relief of L. P. McGown.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to L. P. McGown, Bangor, Me., the sum of $188.88. Such sum represents the amount of compensation which the said L. P. McGown earned while serving as controller with the airway traffic-control station of the Bureau of Air Commerce, Department of Commerce, at Newark, N. J., from July 24, 1936, to August 27, 1936. The said L. P. McGown has been denied compensation for such period because the Civil Service Commission did not approve his appointment to such position due to his lack of aeronautical training or experience.

With the following committee amendments:

In line 6 insert a comma after the figures, strike out the words "Such sum represents the amount of", and insert "in full satisfaction of his claim against the United States for."

In line 7 strike out the words "the said L. P. McGown" and insert "he."

In line 10 insert a comma after the date "August 27, 1936", strike out the words "The said L. P. McGown has been denied compensation for such period", in lines 10, 11, and 12, and insert "which was denied."

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

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAVINA KARNS

The Clerk called the next bill, H. R. 6016, for the relief of Lavina Karns.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $5,000 to Lavina Karns, widow of Ralph Karns, who died of injuries received as the result of a collision between a truck operated by the deceased Ralph Karns and a car driven by F. E. Garlough, biologist, Biological Survey, United States Department of Agriculture, on February 4, 1935, at Menomonie, Wis.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, insert a comma after the word "appropriated", strike out the words "and in full settlement against the Government, the sum of $5,000 to Lavina Karns, widow of", appearing in lines 5, 6, and 7, and insert in lieu thereof "to Lavina Karns, of Menomonie, Wis., the sum of $5,000, in full satisfaction of all claims against the United States for the death of her husband."

Page 1, lines 8 and 9, strike out the words "the deceased Ralph Karns and a car driven by F. E. Garlough, biologist," and insert "him and a truck of the."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUGUSTA L. COLLINS

The Clerk called the next bill, H. R. 6669, for the relief of Augusta L. Collins.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Augusta L. Collins the sum of $5,000 on account of injuries sustained by her husband, George Collins, from which injuries he later died, in an accident which occurred in New York City, N. Y., on October 16, 1935, caused by the driver of a mail truck of the Post Office Department.

With the following committee amendment:

In line 6, after the name "Collins", strike out the remainder of the bill and insert in lieu thereof the following: "of the Bronx, New York City, the sum of $5,000, in full satisfaction of her claim against the United States for the death of her husband, George

Collins, from injuries sustained when he was struck by a United States mail truck, on October 16, 1935, at the intersection of West Thirty-third Street and Eighth Avenue, New York City: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FOREST LYKINS

The Clerk called the next bill, H. R. 7040, for the relief of Forest Lykins.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Forest Lykins, of rural route No. 1, Wheelersburg, Scioto County, Ohio, the sum of $1,000 in full satisfaction of his claim against the United States for damages for personal injuries suffered on May 25, 1936, when struck and thrown to the pavement by a truck, owned by the United States and operated by an employee of the Forest Service of the Department of Agriculture, resulting in unconsciousness, a sprained neck, ear partly severed, and numerous other cuts and bruises—a total loss of hearing having developed from the ear injury.

With the following committee amendments:

In line 7, strike out the figures "$1,000" and insert "$553."

In line 12, after the word "Agriculture", strike out the remainder of the bill and insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERNATIONAL GRAIN CO.

The Clerk called the next bill, H. R. 7043, for the relief of International Grain Co., a Minnesota corporation, of Minneapolis, Minn.

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

Mr. COSTELLO and Mr. HALLECK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

LIST & CLARK CONSTRUCTION CO.

The Clerk called the next bill, H. R. 8373, for the relief of List & Clark Construction Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to settle and adjust the claim of List & Clark Construction Co. for reimbursement of damages sustained and costs incurred in July and August 1935 as the result of injunctions and restraining orders issued by the United States District Court at Deadwood, S. Dak., during the performance by said company of contract Als–11068, dated April 20, 1935, covering construction work in connection with the La Creek Teal Migratory Waterfowl Refuge, Bennett County, S. Dak., and to allow in full and final settlement of the claim a sum not to exceed $3,400. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,400, or so much thereof as may be necessary for the payment of said claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The 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.

WILLIAM A. PATTERSON ET AL.

The Clerk called the next bill, S. 1700, for the relief of William A. Patterson; Albert E. Rust; Louis Pfeiffer; and John L. Nesbitt and Cora B. Geller, as executors under the will of James T. Bentley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to repay, out of the special fund in the Treasury subject to check of the disbursing officer of the Department of Agriculture in which a payment of $46,670.34 made by Patterson & Co. on August 31, 1920, was deposited, said sum of $46,670.34 to William A. Patterson, Albert E. Rust, and Louis Pfeiffer, surviving members of the firm of Patterson & Co., a copartnership doing business in Boston, Mass., on August 31, 1920; and John L. Nesbitt and Cora B. Geller as executors under the will of James T. Bentley, a deceased member of said firm. Said sum, which is to be in full and final settlement, represents a payment made by Patterson & Co. in compliance with regulations promulgated on or about May 21, 1918, by the Wool Section of the War Industries Board, which regulations have since been held to be invalid by the Circuit Courts of Appeals for the First and Fourth Circuits, and was made under protest and upon condition that it be repaid if it should be determined by the courts that said regulations were of no legally binding effect: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, strike out all of lines 3 through 7 and the words and figures "sum of $46,670.34" in line 8 and insert in lieu thereof the words "That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated."

Page 2, line 3, strike out the period after the word "firm", insert a comma, strike out the words "Said sum, which is to be in full and final settlement, represents", and insert in lieu thereof "the sum of $46,670.34, in full settlement of all their claims against the United States and refund of."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAOMI STRALEY AND BONNIE STRALEY

The Clerk called the next bill, S. 2488, for the relief of Naomi Straley and Bonnie Straley.

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

Mr. COSTELLO and Mr. HANCOCK of New York objected, and, under the rule, the bill was recommitted to the Committee on Claims.

WILLIAM FRANKLIN BOURLAND

The Clerk called the next bill, H. R. 6461, conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claim which William Franklin Bourland, of the Chickasaw Nation of Indians, may have against the United States, and for other purposes.

Mr. HANCOCK of New York and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Indian Affairs.

SABATINO LEO

The Clerk called the next bill, H. R. 2609, for the relief of Sabatino Leo.

Mr. COSTELLO and Mr. HANCOCK of New York objected, and, under the rule the bill was recommitted to the Committee on Immigration and Naturalization.

AUTHORIZING PRESIDENT TO APPOINT SGT. SAMUEL WOODFILL A CAPTAIN IN THE UNITED STATES ARMY

The Clerk called the next bill, S. 300, authorizing the President of the United States to appoint Sgt. Samuel Woodfill a captain in the United States Army and then place him on the retired list.

Mr. WADSWORTH and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.

QUIETING TITLE TO CERTAIN ISLANDS IN THE TENNESSEE RIVER

The Clerk called the next bill, H. R. 7590, to quiet title and possession to certain islands in the Tennessee River in the counties of Colbert and Lauderdale, Ala.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all the right, title, and interest of the United States, except such right, title, and interest as has been acquired by the United States through purchase or condemnation, in and to all of the following-described property, to wit—

An island known as the "Brush Creek Island" lying in the Tennessee River in sections 14 and 15, township 2 south, range 14 west, in Lauderdale, Ala.; and

An island known as the "Bluff Creek Island" lying in the Tennessee River in section 19, township 2 south, range 13 west, in the county of Lauderdale, State of Alabama; and

An island known as the "Waterloo" or "Bledsoe Island" lying in the Tennessee River in section 12, township 2 south, range 15 west, in the county of Colbert, State of Alabama.

be, and the same is hereby, released, relinquished, and confirmed by the United States to the owners of the equitable titles thereto, as fully and completely in every respect whatever as could be done by patents issued according to law: *Provided*, That this act shall amount to a relinquishment of any title the United States has or is supposed to have in and to any of the said lands and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever, the true intent of this act being to concede and abandon all right, title, and interest of the United States to the lands described herein to those persons, estates, firms, or corporations who would be the equitable owners of said lands under the laws of the State of Alabama in the absence of the said interest, title, and estate of the United States.

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.

QUIETING TITLE AND POSSESSION TO CERTAIN LANDS IN THE TENNESSEE RIVER

The Clerk called the next bill, H. R. 8134, to quiet title and possession to certain lands in the Tennessee River in the counties of Colbert and Lauderdale, Ala.

Be it enacted, etc., That all the right, title, and interest of the United States, except such right, title, and interest as has been acquired by the United States through purchase or condemnation, in and to all of the following-described property, to wit:

A tract of land lying in Lauderdale County, State of Alabama, in the Tennessee River, in township 3 south, range 11 west, said tract being an island and more particularly described as follows:

An island named "Garner Towhead," lying in the Tennessee River, the upstream tip of which is approximately 970 feet south of and approximately 2,700 feet east of the northwest corner of section 31. Said island has an approximate maximum length of 3,040 feet and an approximate maximum width of 430 feet.

The above-described island contains 23.4 acres, more or less; and

A tract of land lying in Lauderdale County, State of Alabama, in the Tennessee River, in township 3 south, range 11 west, said tract being an island and more particularly described as follows:

An unnamed island lying in the Tennessee River, the downstream tip of which is approximately 1,570 feet south of and approximately 2,660 feet east of the northwest corner of section 31. Said island has an approximate maximum length of 1,220 feet and an approximate maximum width of 290 feet.

The above-described island contains 5.2 acres, more or less; and

A tract of land lying in Lauderdale County, State of Alabama, in the Tennessee River, in townships 3 and 4 south, range 12 west, said tract being an island and more particularly described as follows:

An unnamed island lying in the Tennessee River, the downstream tip of which is approximately 5,340 feet south of and approximately 2,220 feet east of the northwest corner of section 36. Said island has an approximate maximum length of 550 feet and an approximate maximum width of 90 feet.

The above-described island contains 0.8 acre, more or less; and

A tract of land lying in Lauderdale County, State of Alabama, in the Tennessee River, in township 3 south, range 11 west, said tract being an island and more particularly described as follows:

An unnamed island lying in the Tennessee River, the upstream tip of which is approximately 2,700 feet S. of and approximately 430 feet east of the northwest corner of section 31. Said island has an approximate maximum length of 440 feet and an approximate maximum width of 350 feet.

The above-described island contains 1.7 acres, more or less; and

A tract of land lying in Lauderdale County, State of Alabama, in the Tennessee River, in township 4 south, range 12 west, said tract being an island and more particularly described as follows:

An island known as "Pippin Towhead" lying in the Tennessee River, the downstream tip of which is approximately 920 feet south of and approximately 2,600 feet east of the northwest corner of section 2. Said island has an approximate maximum length of 3,620 feet and an approximate maximum width of 650 feet.

The above-described island contains 39.5 acres, more or less; and

A tract of land lying in Lauderdale County, State of Alabama, in the Tennessee River, in townships 3 and 4 south, range 12 west, said tract being an island and more particularly described as follows:

An island known as "No Man Towhead" lying in the Tennessee River, the upstream tip of which is approximately 4,700 feet south of and approximately 2,700 feet east of the northwest corner of section 36. Said island has an approximate maximum length of 2,000 feet and approximate maximum width of 300 feet.

The above-described island contains 11.2 acres, more or less; and

A tract of land lying in Lauderdale County, State of Alabama, in the Tennessee River, in township 3 south, ranges 11 and 12 west, said tract being an island and more particularly described as follows:

An island known as "Goat Towhead" lying in the Tennessee River; the downstream tip of which is approximately 4,520 feet south of and approximately 2,440 feet east of the northwest corner of section 36. Said island has an approximate maximum length of 3,670 feet and an approximate maximum width of 740 feet.

The above-described island contains 45.3 acres, more or less.

be, and the same is hereby, released, relinquished, and confirmed by the United States to the owners of the equitable titles thereto, as fully and completely in every respect whatever as could be done by patents issued according to law: *Provided*, That this act shall amount to a relinquishment of any title the United States has or is supposed to have in and to any of the said lands and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever, the true intent of this act being to concede and abandon all right, title, and interest of the United States to the lands described herein to those persons, estates, firms, or corporations who would be the equitable owners of said lands under the laws of the State of Alabama in the absence of the said interest, title, and estate of the United States.

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.

QUIETING TITLE TO CERTAIN ISLAND IN THE TENNESSEE RIVER

The Clerk called the next bill, H. R. 8252, to quiet title and possession to a certain island in the Tennessee River in the County of Lauderdale, Ala.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all the right, title, and interest of the United States, except such right, title, and interest as has been acquired by the United States through purchase or condemnation, in and to the following-described property, to wit: An island known as the Jenkins Island, lying in the Tennessee River in section 19, township 2, range 13 west, in Lauderdale County, Ala., be and the same is hereby, released, relinquished, and confirmed by the United States to the owner of the equitable title thereto as fully and completely in every respect whatever as could be done by patents issued according to law: *Provided*, That this act shall amount to a relinquishment of any title the United States has or is supposed to have in and to said land and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever, the true intent of this act being to concede and abandon all right, title, and interest of the United States to the land described herein to those persons, estates, firms, or corporations who would be the equitable owners of said land under the laws of the State of Alabama in the absence of the said interest, title, and estate of the United States.

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.

AUTHORIZING GRANT OF PATENT FOR CERTAIN LANDS IN NEW MEXICO TO MITT TAYLOR

The Clerk called the next bill, H. R. 9371, authorizing the grant of a patent for certain lands in New Mexico to Mitt Taylor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent, under the stockraising homestead entry, Las Cruces, N. Mex., No. 040822, made by Mitt Taylor on October 19, 1929, for the west half of section 4, township 2 south, range 9 west, New Mexico principal meridian, in support of which satisfactory final proof as to residence and improvements was submitted October 17, 1935.

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.

ALVIN C. YORK

The Clerk called the next bill, S. 1236, authorizing the President of the United States to appoint Sgt. Alvin C. York as a major in the United States Army and then place him on the retired list.

Mr. COSTELLO, Mr. WADSWORTH, and Mr. HANCOCK of New York objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.

CONVEYANCE MADE BY THE SOUTHERN PACIFIC RAILROAD CO. INVOLVING RIGHT OF WAY IN INDIO, CALIF.

The Clerk called the next bill, H. R. 8849, validating a certain conveyance, heretofore made by the Southern Pacific Railroad Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the town of Indio, in the county of Riverside, State of California, acquired under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the conveyance hereinafter particularly described and heretofore executed by Southern Pacific Railroad Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain lands or interest therein, in the town of Indio, in the county of Riverside, State of California, and forming a part of the right-of-way of said Southern Pacific Railroad Co., granted by the Government of the United States of America by an act of Congress approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" (12 Stat. L. 489), and by said act as amended by act of Congress approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes', approved July 1, 1862" (13 Stat. L. 356), is hereby legalized, validated, and confirmed with the same force and effect as if the land involved therein had been held at the time of such conveyance by the corporations making the same under absolute fee-simple title.

The conveyance, recorded in the office of the county recorder of Riverside County, Calif., in book of official records, which is hereby legalized, validated, and confirmed, is as follows:

December 15, 1937: Volume 351, page 351, A. L. Wood, John Clinton Estate, Indio fire protection district, C. W. Walker, Jane Walker, and Faye Massey.

Provided, That such legalization, validation, and confirmation shall not in any instance diminish said right-of-way to a width less than 50 feet on either side of the center of the main track or tracks or said Southern Pacific Railroad Co. as now established and maintained: *Provided further*, That nothing herein contained is intended or shall be construed to legalize, validate, or confirm any rights, titles, or interests based upon or arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance heretofore made by Southern Pacific Railroad Co. and its lessee, Southern Pacific Co.: *And provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

With the following committee amendments:

Page 2, line 4, after the word "by", strike out the remainder of the line and all down to and including "(356)" in line 15 and insert "Section 23 of the act of Congress approved March 3, 1871 (16 Stat. 573)."

The committee amendment was agreed to.

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

The title was amended so as to read: "A bill validating a certain conveyance, heretofore made by the Southern Pacific Railroad Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the town of Indio, in the county of Riverside, State of California, acquired under section 23 of the act of March 3, 1871 (16 Stat. 573)."

A motion to reconsider was laid on the table.

RELIEF OF DEPASS AND MAINES AND ALACHUA COUNTY HOSPITAL

The Clerk called the next bill, H. R. 2347, for the relief of DePass and Maines and Alachua County Hospital.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Drs. DePass and Maines, of Gainesville, Alachua County, Fla., the sum of $99; and to the Alachua County Hospital the sum of $68.75. Such sums shall be in full settlement of all claims against the United States arising out of services rendered and supplies furnished by such persons and hospital to Melvin M. Jordan, private, detached enlisted men's list, Reserve Officers' Training Corps, on account of injuries sustained by the said Melvin M. Jordan, while on leave of absence, April 6, 1935; *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the word "appropriated", strike out "to Drs. DePass and Maines" and insert "jointly to Drs. M. H. DePass and John E. Maines, Jr."

Page 1, line 9, strike out "$68.75. Such sums shall be" and insert in lieu thereof "$68.75."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read "A bill for the relief of Drs. M. H. DePass and John E. Maines, Jr., and the Alachua County Hospital."

MRS. R. A. SMITH

The Clerk called the next bill, H. R. 4227, for the relief of Mrs. R. A. Smith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. R. A. Smith the sum of $5,000, in full settlement of all claims against the United States for personal injuries received as a result of a collision with a Forest Service truck and the private car in which Mrs. R. A. Smith was a passenger October 22, 1934, near Yellowpine, Tex.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the word "Smith", insert "of San Augustine, Tex."

Page 1, line 6, strike out "$5,000" and insert "$2,500."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HUGH O'FARRELL AND ESTATE OF THOMAS GAFFNEY

The Clerk called the next bill, H. R. 4304, for the relief of Hugh O'Farrell.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $104 to Hugh O'Farrell, deputy United States marshal and chief jailer, Nome, Alaska, the same having been advanced by the United States to the said Hugh O'Farrell for payment of matron hire, and having been subsequently paid from the said Hugh O'Farrell's personal funds, because the original moneys advanced therefor had been placed for safekeeping in a Government safe in the United States courthouse at Nome, Alaska, where it was destroyed by fire on September 17, 1934, without fault or negligence on his part, when the building and contents were burned.

With the following committee amendments:

Page 1, line 7, after the word "Alaska", strike out the remainder of the line down to and including the word "been" in line 11 and insert the following: "In full satisfaction of his claim against the United States for a sum advanced him by the United States marshal for matron hire which was."

Page 2, line 6, after the word "burned", insert "and which he has refunded to the marshal, who accounted to the Government for it.

"SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise

appropriated, to the executor of the estate of Thomas Gaffney, deceased, former United States marshal for the second division, Territory of Alaska, the sum of $416.75 in full satisfaction of its claim against the United States for a refund of funds placed for safekeeping in a Government safe in the United States courthouse at Nome, Alaska, where it was destroyed by fire on September 17, 1934, without fault or negligence on the marshal's part, when the building and contents were burned, and for which he accounted to the Government.

"SEC. 3. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Hugh O'Farrell and the estate of Thomas Gaffney."

LE ROY W. HENRY

The Clerk called the next bill, H. R. 5957, for the relief of LeRoy W. Henry.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $27 to LeRoy W. Henry, in full settlement of all claims against the United States for injuries sustained by the said LeRoy W. Henry when he fell into an unguarded ditch under construction by the Works Progress Administration adjacent to his home in Prescott, Mich., on December 20, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "$27" and insert "$82."

Page 1, line 6, after the word "Henry", insert "of Prescott, Mich."

Page 1, line 8, strike out the words "by the said LeRoy W. Henry."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BERKELEY COUNTY HOSPITAL AND DR. J. N. WALSH

The Clerk called the next bill, H. R. 6847, for the relief of the Berkeley County Hospital and Dr. J. N. Walsh.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $133.57 to the Berkeley County Hospital and the sum of $50 to Dr. J. N. Walsh, both of Moncks Corner, S. C.; in all, $183.57, in full settlement of all claims against the United States for hospitalization and medical treatment rendered David Gethers, 12, and Lula Crosby, 13, for personal injuries sustained by them on December 11, 1936, at Moncks Corner, S. C., as a result of being struck by a Treasury Department (Secret Service Division) car, which was operated by a Secret Service agent engaged in his official duties: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 10, after the word "Gethers", strike out the word "twelve", and after the word "Crosby" strike out the word "thirteen" and insert "both minors."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

JAMES MOHIN

The Clerk called the next bill, H. R. 7060, for the relief of James Mohin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $25,000 to James Mohin for permanent injuries sustained as a result of a collision with a United States Civilian Conservation Corps truck: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, beginning in line 3, strike out all of line 3 and down to and including the word "truck" in line 9 and insert the following: "That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James Mohin, of New Hampton, N. Y., the sum of $7,500, and to the legal guardian of Joseph Lercara, a minor, of Middletown, N. Y., the sum of $100 in full satisfaction of all claims against the United States for personal injuries sustained by them on April 3, 1936, when they were struck by an Army truck, operated by the Civilian Conservation Corps, while walking along the Denton-New Hampton Highway, Orange County, N. Y.: *Provided*."

Mr. COSTELLO. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO to the committee amendment: On page 2, line 1, after the words "the sum of", strike out "$7,500" and insert "$5,000."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of James Mohin and Joseph Lercara."

RAYMOND FINKLEA

The Clerk called the next bill, H. R. 7166, for the relief of the estate of Raymond Finklea.

There being no objection, the Clerk read the bill, as follows:

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

With the following committee amendments:

Page 1, beginning in line 5, after the word "Treasury", strike out the remainder of line 5 and all of line 6 and insert "not otherwise appropriated."

Page 2, line 2, strike out the first word, "was", and after the word "struck" insert "a Civilian Conservation Corps truck."

Line 3, after the word "Carolina", strike out the words "by a truck in the service of the Civilian Conservation Corps."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OUACHITA WAREHOUSE, CAMDEN, ARK.

The Clerk called the next bill, H. R. 7424, for the relief of certain persons whose cotton was destroyed by fire in the Ouachita Warehouse, Camden, Ark.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named persons the amounts specified in full satisfaction of their claims against the United States for damages resulting from the loss by fire on September 29, 1934, of cotton belonging to them which was stored in the Ouachita Warehouse, at Camden, Ark., upon the order of collector of internal revenue, Treasury Department, Little Rock, Ark., without insurance: C. C. McLendon, $103.98; W. B. Yarbrough, $120.12; and Fred Curry, $62.76.

With the following committee amendment:

Page 2, line 3, strike out "$62.76" and insert "$62.75: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STEVEDORES EMPLOYED ON UNITED STATES TRANSPORT DOCKS, SAN FRANCISCO, CALIF.

The Clerk called the next bill, H. R. 7537, for the relief of certain stevedores employed on the United States Army transport docks in San Francisco, Calif.

Mr. HANCOCK of New York. I object, Mr. Speaker.

There being no further objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, subject to the provisions of section 2 of this act, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each of the persons named in the statement on file in the office of the Quartermaster General, War Department, as being employed as stevedores on the United States Army transport docks at the San Francisco, California, port of embarkation, between July 31, 1934, and November 24, 1934, both inclusive, the sum appearing opposite the name of each such person in the column designated "Ttotal cash." In each case such sum represents the amount of additional pay which such person was entitled to receive during such period under the terms of an award made by the National Longshoremen's Board. Such award provided for a retroactive increase of pay from July 31, 1934, but such increase of pay was not received by such persons until after November 24, 1934.

SEC. 2. The Secretary of the Treasury shall pay any sum authorized to be paid by section 1 of this act only upon the filing of an application therefor within 1 years after the date of enactment of this act by the person duly certified by the Quartermaster General to be entitled to such sum.

With the following committee amendments:

Page 2, line 3, after the word "pay", strike out the remainder of line 3 and all of line 4 and insert "equal to that provided by."

After line 13 insert a new section as follows:

"SEC. 3. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FIRST NATIONAL BANK & TRUST CO. OF KALAMAZOO, KALAMAZOO, MICH.

The Clerk called the next bill, H. R. 7998, for the relief of the First National Bank & Trust Co. of Kalamazoo, Kalamazoo, Mich.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to The First National Bank & Trust Co. of Kalamazoo, Kalamazoo, Mich., the sum of $2,001.96, representing a refund on 21 invalid postal money orders which it paid in the amount of $2,001.86, for which it was paid by the postmaster at Kalamazoo, Mich., and which sum the said bank and trust company subsequently refunded to the Post Office Department in compliance with persistent demands of an inspector of post offices. Said sum shall be in full settlement of all claims against the United States for losses suffered by said bank and trust company arising out of the fraudulent negotiation of said money orders by one Herman M. Sharpsteen, between December 4, 1933, and January 16, 1934, and paid by said bank and trust company without fault or negligence on its part.

SEC. 2. Nothing in this act shall be construed to prevent the recovery by the United States from Grace E. Gibson, former postmaster at Scotts, Mich., or the surety on her official bond, for the losses suffered by the United States as the result of the stealing and fraudulent negotiation of 21 postal money orders by said Herman M. Sharpsteen.

SEC. 3. No part of the amount appropriated in this act, or credited to any account by virtue of this act, in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with said claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 7, strike out the word "representing" and insert "in full satisfaction of its claim against the United States for."

Line 9, after the word "orders", strike out the remainder of line 9.

Page 2, beginning in line 1, after the word "Department", strike out the remainder of line 1 and all of lines 2, 3, 4, and 5 and insert "said loss having resulted from."

Line 7, after the word "Sharpsteen", insert "a former postal employee at Scotts, Mich."

Line 9, after the word "and", strike out "paid" and insert "payment."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SONIA M. BELL

The Clerk called the next bill, H. R. 8123, for the relief of Sonia M. Bell.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sonia M. Bell, of Birmingham, Ala., the sum of $1,450 in full satisfaction of all claim of Sonia M. Bell against the United States for damages to her property arising out of blasting operations conducted by employees of the Works Progress Administration during the months of November and December 1936 while engaged in the operations of a Works Progress Administration project near her home.

With the following committee amendments:

Page 1, line 7, strike out "all claim of Sonia M. Bell" and insert "her claim."

Line 8, strike out "property arising out of" and insert "home resulting from."

Line 11, after the word "the", strike out "operations of a Works Progress Administration project near her home" and insert "construction of a water-supply system for the city of Birmingham, Ala.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TIFFANY CONSTRUCTION CO.

The Clerk called the next bill, H. R. 8374, for the relief of Tiffany Construction Co.

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

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 2967) may be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of Tiffany Construction Co. for reimbursement of expenses incurred in repairing a trailer owned by the company which was damaged while loaned to the Bureau of Public Roads, Department of Agriculture, during September 1936, and to allow in full and final settlement of the claim the sum of not to exceed $174.50. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $174.50, or so much thereof as may be necessary, for the payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 8374) was laid on the table.

H. W. ADELBERGER, JR.

The Clerk called the next bill, H. R. 8377, for the relief of H. W. Adelberger, Jr.

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

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 2966) may be considered in lieu of the House bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of H. W. Adelberger, Jr., for reimbursement of expenses incurred in repairing an excavator owned by him which was damaged while being used by the United States Public Health Service, Treasury Department, during July and August 1935, and to allow in full and final settlement of the claim the sum of not to exceed $95.05. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $95.05, or so much thereof as may be necessary, for the payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 8377) was laid on the table.

JANE MURRAH

The Clerk called the next bill, H. R. 8479, for the relief of Jane Murrah.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jane Murrah, of San Diego, Calif., the sum of $2,500 in full settlement of all her claims against the Government of the United States for injuries received by her on the 12th day of May 1932 while leaving the United States ship *Algorma*, when the inboard end of the gangway slipped off the bridge deck, causing her to fall to the deck below: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The 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.

EARLE EMBREY

The Clerk called the next bill, H. R. 8703, for the relief of Earle Embrey.

Mr. COSTELLO and Mr. HANCOCK of New York objected, and, under the rule, the bill was recommitted to the Committee on Claims.

FRED H. KOCOR

The Clerk called the next bill, H. R. 8835, for the relief of Fred H. Kocor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fred H. Kocor, of Fall River, Mass., the sum of $300 for personal injuries and automobile property damage, resulting from a collision involving Mr. Kocor and a Works Progress Administration vehicle on May 19, 1937, at Fall River, Mass.

With the following committee amendments:

In lines 6, 7, and 8, strike out the figures and words "$300 for personal injuries and automobile property damage, resulting from a collision involving Mr. Kocor and a" and insert "$125, in full satisfaction of his claim against the United States for personal injuries sustained when the automobile he was driving was struck by a truck operated by the".

In line 9 strike out the word "vehicle" and insert "truck".

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

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HELEN M. KREKLER AND KEMP PLUMMER

The Clerk called the next bill, H. R. 9199, for the relief of Helen M. Krekler and Kemp Plummer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the account of Helen M. Krekler, postmaster at Clinton, Ind., in the sum of $392.60, representing a disallowance by the General Accounting Office of a payment made by her to a former assistant postmaster on account of accrued annual leave, but whose separation from the service was later postponed by the Post Office Department to include an allowance for said annual leave.

SEC. 2. That the Comptroller General of the United States is hereby authorized and directed to allow credit in the account of Kemp Plummer, former postmaster at Portsmouth, Va., in the sum of $68.43, representing a disallowance by the General Accounting Office of a payment made by him to a former clerk on account of accrued annual leave, but whose separation from the service was later postponed by the Post Office Department to include an allowance for said annual leave.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Helen M. Krekler and the estate of Kemp Plummer."

FEDERAL LAND BANK OF BERKELEY, CALIF.

The Clerk called the bill (H. R. 9201) for the relief of the Federal Land Bank of Berkeley, Calif., and A. E. Colby.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to settle and adjust the joint claim of the Federal Land Bank of Berkeley, Calif., and A. E. Colby, in the sum of $1,000, as damages to a parcel of land owned by them and situated in Trinity County, Calif., such damages having resulted from the willful trespass of employees of the

Civilian Conservation Corps stationed at Camp Mad River F-30, after May 1933, and to allow in full and final settlement of the claim the sum of not to exceed $1,000. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, or so much thereof as may be necessary for payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RELIEF OF CERTAIN POSTMASTERS

The Clerk called the bill (H. R. 9203) for the relief of certain postmasters and certain contract employees who conducted postal stations.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to credit the accounts of the following postmasters in the amounts indicated, such amounts representing disallowances by the General Accounting Office for payments made to contract employees who conducted post-office stations under agreements with the Post Office Department:

Batavia, N. Y., Lorenzo J. Burns, contract employee Marguerite Sullivan, 25 cents;

Minneapolis, Minn., John R. Coan, contract employee Cora B. Madson, 50 cents;

Pittsburgh, Pa., Ralph E. Smith, contract employee William G. Dean, $75;

Portland, Oreg., Elof T. Hedlund, contract employee William McAlpine, $25; and

Washington, D. C., Vincent C. Burke, contract employees John J. Keegan, $120; Rice A. Ingram, $120; Thomas O. Mathews, $1.67; Robert C. Whayne, $60; Joseph A. Fleming, $63.34.

SEC. 2. That the Comptroller General of the United States is hereby authorized and directed to cancel the charges against the following contract employees in the amounts indicated, which have heretofore been disallowed by the General Accounting Office, although the services rendered were authorized by the Post Office Department and the benefit thereof received by the Government:

Marguerite Sullivan, Batavia, N. Y., 25 cents;
Cora B. Madson, Minneapolis, $1.
A. C. Stinson, Muskogee, Okla., $375;
William McAlpine, Portland, Oreg., $50;
Lorena D. Cropp, Washington, D. C., $100; and
William F. Ryan, Washington, D. C., $150.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

DAMAGE TO CARGO OF MOTOR LAUNCH "DON BOSCO"

The Clerk called the bill (H. R. 9205) for the relief of the Comision Mixta Demarcadora de Limites Entre Colombia y Panama.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to substitute a similar Senate bill, S. 3103, which is on the Speaker's table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Comision Mixta Demarcadora de Limites Entre Colombia y Panama the sum of $2,531.55 in full settlement of all claims against the United States for damages to cargo sustained and expenses incurred by said commission as a result of a collision on December 7, 1936, in the Bay of Panama between the motor launch *Don Bosco*, chartered by the commission, and Panama Railroad barge *No. 205*, operated by the Signal Corps, United States Army: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

DR. SAMUEL A. RIDDICK

The Clerk called the bill (H. R. 9297) for the relief of Dr. Samuel A. Riddick.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. Samuel A. Riddick, of Norfolk, Va., the sum of $186.11 in full settlement of all claims against the Government by the said Dr. Samuel A. Riddick for the loss of instruments and personal effects destroyed in a fire at port of embarkation, Newport News, Va., in January 1919: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, after the word "the", strike out "Government by the said Dr. Samuel A. Riddick for the loss of" and insert "United States for loss of his."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MARGARET REDMOND

The Clerk called the bill (H. R. 3045) for the relief of Margaret Redmond.

Mr. COSTELLO and Mr. HANCOCK of New York objected, and the bill was recommitted to the Committee on War Claims.

STOCKHOLDERS OF NORTH MISSISSIPPI OIL MILLS

The Clerk called the bill (H. R. 8365) for the relief of the stockholders of the North Mississippi Oil Mills, of Holly Springs, Miss.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the statutes of limitation, so far as they bar the cotton-linter claim of the stockholders of the North Mississippi Oil Mills, of Holly Springs, Miss., arising out of purchase contract No. 3486 entered into by the North Mississippi Oil Mills, of Holly Springs, Miss., on September 24, 1918, with the United States of America be, and the same are hereby, waived and revoked.

SEC. 2. That said claimants are hereby authorized to file and have said claim adjudicated by the Court of Claims of the United States.

With the following committee amendments:

Page 1, line 4, strike out "of the stockholders."

Page 2, line 1, strike out the words "claimants are" and insert the words "claimant is", and in line 2, after the word "file", insert "within 1 year after the date of the enactment of this act."

The committee amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended so as to read "A bill for the relief of the North Mississippi Oil Mills, of Holly Springs, Miss."

BERYL M. M'HAM

The Clerk called the bill (S. 1465) for the relief of Beryl M. McHam.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Beryl M. McHam, who served in Company C, Twenty-sixth Regiment, and Company C, Eighth Regiment, United States Infantry, World War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on the 7th day of July 1920: *Provided*, That no pay, compensation, benefit, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MARTIN BEVILACQUE

The Clerk called the bill (H. R. 6404) for the relief of Martin Bevilacque.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring the rights, privileges, and benefits upon honorably discharged sailors, Martin Bevilacque, who served as a fireman, second class, United States Navy, shall hereafter be held and considered to have been discharged under honorable conditions from the United States Navy on December 28, 1918: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOSEPH M'DONNELL

The Clerk called the next bill, H. R. 6936, for the relief of Joseph McDonnell.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Marine Corps, their widows, children, and dependent relatives, Joseph McDonnell shall be held and considered to have been honorably discharged as a private, United States Marine Corps, on November 12, 1917: *Provided*, That no pension, pay, bounty, or other benefit (except under the World War Adjusted Compensation Act, as amended, and the Adjusted Compensation Payment Act, 1936) shall be held to have accrued prior to the enactment of this act by reason of its enactment.

SEC. 2. The Secretary of the Navy is authorized and directed to present to the said Joseph McDonnell a discharge certificate showing that the said Joseph McDonnell is held and considered to have been honorably discharged as of November 12, 1917.

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.

E. D. FRYE

The Clerk called the next bill, H. R. 7421, for the relief of E. D. Frye.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the appropriation "Pay of the Marine Corps", to E. D. Frye, of Johnstown, Pa., father of Richard Frye, late private, United States Marine Corps, an amount equal to 6 months' pay at the rate the said Richard Frye was receiving at the date of his death. The said Richard Frye, who was killed in a gun explosion on the battleship *Wyoming* on February 18, 1937, had designated his mother as beneficiary of the gratuity authorized by such act, as amended, but such beneficiary died on February 24, 1937, before payment was made.

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.

HERBERT JOSEPH DAWSON

The Clerk called the next bill, H. R. 8192, for the relief of Herbert Joseph Dawson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers or sailors Herbert Joseph Dawson, who enlisted in the United States Navy April 20, 1917, as a fireman, second-class, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States on the 8th day of January 1919: *Provided*, That no compensation, retirement pay, back pay, pension, or other benefit shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HAROLD R. WOOD

The Clerk called the next bill, S. 126, authorizing the President to present a Distinguished Service Medal to Harold R. Wood.

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

Mr. HANCOCK of New York and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Naval Affairs.

HARVEY ROBINSON AND CARRIE ROBINSON

The Clerk called the next bill, H. R. 6846, for the relief of Harvey Robinson and Carrie Robinson, his wife.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Harvey Robinson and Carrie Robinson, his wife, of Magnolia, Miss., out of any money in the Treasury not otherwise appropriated, the sum of $5,000 on account of the death of their son, Leon Robinson, on February 28, 1934, whose death was caused by reason of injuries received by him when struck by a Civilian Conservation Corps ambulance in the town of Summit, Miss.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out the words "his wife."

Page 1, line 7, strike out the figures "$5,000" and insert "$2,500, in full settlement of all claims against the United States."

Page 1, line 8, strike out the words "February 28, 1934, whose death was caused" and insert "March 2, 1934,".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Harvey and Carrie Robinson."

HAROLD PRICE

The Clerk called the next bill, H. R. 6951, for the relief of Harold Price.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Harold Price, of Largo, Fla., out of any money in the Treasury not otherwise appropriated, the sum of $779.28 in full settlement of all claims against the Government of the United States, representing expenses incident to the last illness and death and burial of John Sterling Price, formerly of the United States Navy, whose death occurred 58½ hours after his discharge: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out the figures "$779.28" and insert "$244.68."

Page 1, lines 7 and 8, strike out the comma after the word "States" and the word "representing", and insert "for."

Page 1, line 9, strike out the name "John" and insert "Jack."

Page 1, lines 10 and 11, strike out the words "whose death occurred 58½ hours after his discharge: *Provided*," and insert: "who was discharged March 7, 1936, and died March 10, 1936, from a disease allegedly incurred prior to such discharge: *Provided*, That nothing in this act shall be construed, for purpose of a pension, gratuity, or other benefit, to constitute a declaration by the United States that said Jack Sterling Price died from a disease incurred in line of duty as an enlisted man of the Navy: *Provided further*."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROSWELL H. HAYNIE

The Clerk called the next bill, H. R. 8051, for the relief of Roswell H. Haynie.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roswell H. Haynie, the sum of $1,000 in full settlement of all claims against the Government for injuries suffered as the result of having been struck by a United States mail truck in Baltimore on September 24, 1936, and for all expenses and losses resulting therefrom: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the name "Haynie", insert "of Parkville, Baltimore County, Md."

Page 1, line 7, strike out the word "Government" and insert "United States."

Page 1, lines 9 and 10, strike out the words "and for all expenses and losses resulting therefrom" and insert "at the intersection of North Avenue and St. Paul Street."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANCES M. HEINZELMANN

The Clerk called the next bill, H. R. 8391, for the relief of Frances M. Heinzelmann.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frances M. Heinzelmann, of Kansas City, Mo., the sum of $5,000. Such sum shall be in full settlement of all claims against the United States for personal injuries received by her without negligence on her part, as a result of a collision between a privately owned motorcycle and a Government automobile whose license number was 146-290 and which was operated by an employee of the office of the Prohibition Administrator, district 9, Kansas City, Mo., on June 9, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, lines 6 and 7, strike out the figures and words "$5,000. Such sum shall be" and insert the figures "$3,500."

Page 1, line 8, strike out the comma after the word "her" and strike out all of the bill beginning with the word "without" in line 8 through the word "was" in line 11 and insert in lieu thereof the words "when struck by a privately owned motorcycle after its collision with a Government automobile."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EARL J. LIPSCOMB

The Clerk called the next bill, H. R. 8543, for the relief of Earl J. Lipscomb.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Earl J. Lipscomb, Parsons, Tucker County, W. Va., the sum of $162.40 in full satisfaction of his claim against the United States for damages for personal injuries suffered on October 22, 1936, when the truck in which he was riding was struck by an Emergency Conservation Work truck being operated under the United States Forest Service supervision near Parsons, W. Va.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, lines 7 and 8, strike out the words "for damages."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to dispense with further business under the Private Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOREN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BOREN. Is it in order to ask unanimous consent at this time for reconsideration of a bill on the calendar that was passed over?

The SPEAKER pro tempore. Does the gentleman refer to the Unanimous Consent Calendar?

Mr. BOREN. I refer to the Private Calendar.

The SPEAKER pro tempore. Was the bill objected to?

Mr. BOREN. It was.

The SPEAKER pro tempore. With reference to bills on the Private Calendar, it has not been the custom to propound such a unanimous-consent request, so the Chair is informed.

Mr. BOREN. I thank the Chair.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. HOBBS] is recognized for 20 minutes.

THE SUPREME COURT TODAY

Mr. HOBBS. Mr. Speaker, the freedom of the press is a sacred right guaranteed by our Constitution. All of us would go the limit to have this right preserved, but if it is abused I believe that equally it becomes our duty to call a halt.

Mr. Speaker, in the current issue of Harpers Magazine is an article entitled, "The Supreme Court Today."

It seems to me that a more descriptive title would be "The Supreme Court Tomorrow—and How!"

It is written by Mr. Marquis W. Childs, who is said to be the Washington correspondent of the St. Louis Post-Dispatch.

Mr. Childs may be the world's best critic. He may have the right to speak for the members of the Supreme Court, as he assumes to do. He may "have an instant familiarity with the whole range of the law and the great body of Supreme Court decisions," and be able to "implement his views with the technic and the language of the Court," and be, himself, the man who should be the next appointee. But as to each of these hypotheses there may be some disagreement.

The hour and the man have met, he seems to "implement;" the future of the Court is at stake, the President has made one bad and one good appointment, he needs advice, I am the one best qualified to advise, why should I withhold my wisdom in this time of national peril?

His "technic" further informs us that the present Supreme Court is in a bad, bad way. In the case of Mr. Justice McReynolds, his colleagues "have long been acutely aware of his ability to snarl up the law." We have in "Justice Butler a corporation lawyer who has always retained a corporation point of view." "During the past 5 years" Justice Roberts "has been the chief wabbler." "Chief Justice Hughes has been troubled by doubts, too, appearing first with the 'liberals' then with the 'conservatives.'" "During his brief service on the bench Justice Black has caused his colleagues, again 'liberal and conservative' alike, acute discomfort and embarrassment. * * * It has grown out of a lack of legal knowledge and experience, deficiencies in background and training that have led him into blunders which have shocked his colleagues on the highest Court." Even in the more kindly view of Mr. Justice Black's shortcoming, "it would not be difficult to bring about the destruction of the Court through the appointment of men lacking legal experience."

And "members of the Court have been distrustful of the President because they have doubted that he has understood the function of the Court."

So, Mr. Childs appears to feel, the Court suffers from the incompetence of two of its members, the prejudiced viewpoint of a third, the wabbling of a fourth, the doubts and shifts of the great Chief Justice and the Justices' fears that the Court may be destroyed because the President may not understand the function of the Court.

Into such a tragic situation Mr. Childs bravely rushes where angels might fear to tread, and erects his signboards to safety, away from the threatened abyss.

The President, the Court, and the Nation may be grateful. Mr. Childs may have, by his timely advice, averted catastrophe. But I, for one, feel that his article is a piece of egregious impudence, the like of which has rarely been seen. And it seems to me as stupidly erroneous as it is impudent.

The intimation that the President was "flunked out of Columbia University Law School" is utterly untrue. He studied law in Columbia for 3 years but when the examination for admission to the Bar of New York conflicted with the final examination in Columbia, he took the bar examination and passed it with credit. He could not take both, so he missed the degree at Columbia, but "flunk" he did not. He is not a bachelor of law, but he is a doctor of law of Rutgers, Washington College, Yale, William and Mary, and Notre Dame. He has other honorary degrees of Pennsylvania Military College, St. Johns, Harvard, Dartmouth, Syracuse, Oglethorpe, Southern California, American University, Hobart, Fordham, Catholic University, Temple University, Rollins, Rio de Janeiro, Buenos Aires, and University of Montevideo. So, if he missed one, he still has enough.

The other portions of Mr. Childs' diatribe are equally untenable.

Neither Mr. Justice McReynolds, nor any other one Justice, can "snarl up the law." A majority of the Court must agree on each and every interpretation. However much Mr. Childs may disagree with Mr. Justice McReynolds' deliverances, they were approved by a majority of the members of the Supreme Court before they could "snarl up the law."

Mr. Justice Butler, when an admittedly great trial lawyer, represented a great many corporations. He may have acquired then, and may have retained, "a corporation point of view." But no lawyer ever became great who could not see both sides of every case. He may be biased in favor of his clients, and this bias may carry on into judicial service, but it does not follow that he will stultify himself by striving to have the law declared to be what it is not because of blind partisanship. And here again we should remember that no man, by himself, can speak for the Supreme Court.

It is preposterous to call Mr. Justice Roberts a "wabbler." Properly understood and correctly evaluated, there has been no "wabbling." "Wise men often change their minds—fools never."

The fact that Chief Justice Hughes has sided in some cases with the liberals and in others with the conservatives is one of the marks of his greatness. It does not mean that he "has been troubled by doubts" but, to the contrary, that his clear conception of what the law is is not affected by the labels which outside writers have put upon the various members of the Court. No member of the Supreme Court has ever joined a partisan group and voted with the group, right or wrong. It is one of the glories of that august body that its members have not chosen sides and followed blindly.

Now, let us examine the case which Mr. Childs attempts to use as his text for the sermon he preaches at the President. He complains that Mr. Justice Black has caused his colleagues "acute discomfort and embarrassment" growing out of "a lack of legal knowledge and experience, deficiencies in background and training that have led him into blunders which have shocked his colleagues on the highest Court."

Mr. Justice Black is of pure Anglo-Saxon stock. He was born in a county which gave to the world Hoyt DeFriese, one of the acknowledged leaders of the American and English bars, and one of the only two Americans ever to become crown counsellor to a ruler of the British Empire. This county of Clay, in the State of Alabama, has also contributed to the service of the Nation a multitude of distinguished men and women who have made their marks in the various fields of their effort—teachers, preachers, lawyers, doctors, scientists, school principals and superintendents, college and university presidents, and leaders of thought and craftsmanship in many lines. All were born poor. Most of them died poor. But if that be sin, then Mr. Childs must damn many of the outstanding leaders of mankind, including that country Carpenter of Bethlehem who had not "where to lay His head." He was graduated from the law school of the university of his native State in 1906.

In 1910 he was appointed judge of the police court of Birmingham. In 1914 he was elected solicitor—prosecuting attorney—of the Circuit Court of the Tenth Judicial Circuit of Alabama. He served in this capacity until he entered the Army in 1917. But both while police court judge and solicitor he continued the practice of law in its civil and equity branches. Returning from the World War, he resumed his law practice and continued in it until he was elected to the United States Senate in 1926. During these 20 years of hard, studious work in the general practice of the law he gained an enviable reputation for his knowledge of the law and for his eminent ability. He built up a large, lucrative, and successful practice. He probably briefed and argued as many cases in the Supreme Court of Alabama as any other lawyer in the State. During his 11 years in the Senate he kept up his study of law. Although perfectly at home in Federal courts and familiar with Federal law when he came to the Senate, he then began the intensive study of the United States Constitution and statutes, which still continues with increased concentration. Thus he has rounded out 30 years of study of and work in the law. Few question the brilliance of the mind that diligently applied itself to that study, nor the retentive quality of its memory. He has worked as hard as any man ever did. If that be a story indicating "lack of legal knowledge and experience, deficiencies in background and training," then those words have lost their meaning.

Mr. Childs' article is full of expressions conveying the idea that he is writing from first-hand knowledge of the minds of the members of the court. The following quotations prove that point:

"blunders which have shocked his colleagues on the highest Court." "And it is precisely here that Justice Black, in the opinion of his colleagues, has failed." "Nor do his fellow Justices, or most of them, foresee that he will be able to carry it within any measurable time." "There is another and more optimistic view within the Court."

Of Mr. Justice McReynolds:

On two or three ocassions in New Deal cases his colleagues have been shocked by the Jovian way in which he has delivered himself of extemporaneous dissents having little to do with the law in the case. They have long been acutely aware of his ability to snarl up the law.

In his own eyes, Justice McReynolds is the last defender of the faith. His colleagues expect from him at least three tirades a week on the decline of politics, morals, conventions, the law, literature, and, above all, the courts.

Of the President:

It is not an exaggeration to say that the Justices, long before the Court controversy, were somewhat distrustful of the President. Word had come to them that Mr. Roosevelt would welcome the chance to discuss pending or future legislation. Members of the Court believe today that what the President desired was a pleasant chat at the White House, calculated to prevent future misunderstandings. The idea was repugnant to "liberals" and "conservatives" alike, just as later the President's proposal to increase the number of Justices found no advocate on the Court. Within the Court the opinion was held that if it were not for the long-established precedent of writing opinions in each case, seven judges might be more efficient than nine.

Miscellany:

"It was one of those instances, as members of the Court pointed out to the Chief Justice at the time."

"Members of the Court have been distrustful of the President because they have doubted that he has understood the function of the Court."

"To certain members of the Court who were concerned with the same problem, although from a rather different point of view, it appeared that there were two remedies."

"And it is just here that Justice Black has most distressed certain of his colleagues on the bench."

"With one exception, in which there were extenuating circumstances, Justices of long service on the bench could not recall that a dissent had ever been entered in a case decided per curiam."

"In the opinion of Justice Black's colleagues, these citations were, under the circumstances, entirely irrelevant."

"What really startled the members of the Court was Justice Black's most conspicuous dissent thus far in his lonely career."

"The fact is that certain Justices did not approve the course of their chief."

"It was proper, these Justices felt, for the Chief to report on the work of the Court; but he had no right to express an opinion on the Court's procedure and function without consulting all of its members. In the indignation of the moment a quarrel might well have been engendered. It was avoided by the forbearance of those who felt the Chief Justice's action had been unwarranted.

"What disturbs some of the Justices nowadays is the fear that the Court will fall behind in its work. Having refuted the charge that they failed to keep pace with the burden of work brought up to them, they must now live up to this reputation. For this reason they hope that subsequent appointees will be men of juridical experience, or failing that, wide legal training and background."

By what right does he assume so to speak? Evidently he would have us believe that he is an intimate of the Justices, that they have talked freely to him, and that he is giving us the purport of those intramural conversations. It is far safer to believe that nothing like that is true. It impresses some of us as a libel. Many do not give credence for a moment to the implication that any Justice has so far forgotten the traditions of that honored bench. I, for one, resent this attack upon the integrity of the Court. If he takes refuge in the excuse that he got his alleged information otherwise, then he stands as a self-confessed gossip monger, who tried to and did create another impression.

His personal assaults on the Chief Justice and Justices Butler, McReynolds, Roberts, and Black are just as indefensible.

I have never been a member of nor in sympathy with the Ku Klux Klan, but I submit that, now that Mr. Justice Black is seated, there can be no reason to inject this prejudice into a discussion of his record, even though it be brought in through the back door of a disclaimer.

My belief is that such an article would never have been written but for the Ku Klux Klan issue. Does anyone think that any Justice of the Supreme Court who had never been a member of the Klan would have ever had such an attack centered upon him?

Nothing I am saying is in defense of Mr. Justice Black. He needs no defense. He is honest, able, diligent. He has the legal knowledge and experience, the background, and training which will enable him to write a record through the years of his service that will cause history to rank him with the great of the greatest bench on earth! That record is being written. It will speak for itself and vindicate the wisdom of the President who appointed him and of the Senate that confirmed his appointment.

The real purpose of the article, however, seems to be to "smear," browbeat, and lecture the President of the United States.

Somehow, I have confidence that the vast majority of the sovereign people of these United States prefer the informed judgment of their great President, in the matter of appointments, to that of Mr. Childs.

All know that the safety of the Nation depends, to a large degree, upon our having men of profound legal learning and wide experience, with proper background and training upon the bench of the Supreme Court. We have had such men. We now have such men. And we may safely trust the President and the Senate to see to it that only such are so honored.

WILLIAM FRANKLIN BOURLAND

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the proceedings by which the bill (H. R. 6461) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claim which William Franklin Bourland, of the Chickasaw Nation of Indians, may have against the United States, and for other purposes, No. 804 on the Private Calendar, was objected to and the bill recommitted to the Committee on Claims be vacated and the bill restored to the Private Calendar.

The SPEAKER pro tempore [Mr. ELLIOTT]. Is there objection to the request of the gentleman from California?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mrs. O'DAY, for 1 week, on account of attending New York State Constitutional Convention as a delegate.

To Mr. DUNN, for a few days, on account of important business.

To Mr. REILLY (at the request of Mr. BOILEAU), for 4 days, on account of death in family.

To Mr. FLAHERTY for an indefinite period, on account of official business.

SENATE CONCURRENT RESOLUTION AND BILL REFERRED

A concurrent resolution and bill of the Senate of the following titles were taken from the Speaker's table, and, under the rule, referred as follows:

S. Con. Res. 32. Concurrent resolution authorizing the enrollment of H. R. 9682, the Revenue Act of 1938, with corrective changes; to the Committee on Ways and Means.

S. 3189. An act for the relief of Earle Embrey; to the Committee on Claims.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 9218. An act to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes;

H. R. 9682. An act to provide revenue, equalize taxation, and for other purposes; and

H. R. 10216. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1939, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 9218. An act to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes;

H. R. 9682. An act to provide revenue, equalize taxation, and for other purposes; and

H. R. 10216. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1939, and for other purposes.

ADJOURNMENT

Mr. COSTELLO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 37 minutes p. m.) the House adjourned until tomorrow, Tuesday, May 17, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of Mr. SADOWSKI's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Wednesday, May 18, 1938, for the consideration of H. R. 9739, to amend the Motor Carrier Act.

COMMITTEE ON NAVAL AFFAIRS

There will be a full open hearing before the Committee on Naval Affairs Tuesday, May 17, 1938, at 10:30 a. m., for the consideration of H. R. 4281, authorizing the Secretary of the Navy to construct and maintain a Government radio broadcasting station; authorizing the United States Commissioner of Education to provide programs of national and

international interest; making necessary appropriations for the construction, maintenance, and operation of the station and production of programs therefor; and for other purposes.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will hold public hearings Wednesday, May 18, 1938, at 10:30 a. m., in room 445, House Office Building, for the consideration of H. R. 9907, and other unfinished business.

COMMITTEE ON THE JUDICIARY

There will be a hearing held before the Committee on the Judiciary, Wednesday, May 18, and Thursday, May 19, 1938, on the resolutions proposing to amend the Constitution of the United States to provide suffrage for the people of the District of Columbia. The hearing will be held in the caucus room of the House Office Building beginning at 10 a. m. on the days mentioned.

COMMITTEE ON THE CENSUS

There will be a hearing of the Committee on the Census on Wednesday, May 18, 1938, at 10:30 a. m., on the bill S. 3882.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1319. A letter from the Attorney General transmitting the draft of a proposed bill to provide for the care and treatment of juvenile delinquents; to the Committee on the Judiciary.

1320. A communication from the President of the United States, transmitting deficiency and supplemental estimates of appropriations for the Treasury Department for the fiscal year 1939 and prior years, amounting to $70,672,407 (H. Doc. No. 631); to the Committee on Appropriations and ordered to be printed.

1321. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of the Interior for the fiscal years 1938 and 1939, amounting to $3,014,492, and deficiency estimates for the fiscal years 1933, 1935, 1936, and 1937, amounting to $270,951.80, together with drafts of proposed provisions pertaining to existing appropriations, a proposed authorization for the expenditure of $4,500,000 of funds of the United States Housing Authority for administrative expenses, and proposed authorizations for expenditures aggregating $270,000 from Indians' tribal funds (H. Doc. No. 632); to the Committee on Appropriations and ordered to be printed.

1322. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the War Department to pay a claim for damages due to military operations, amounting to $986 (H. Doc. No. 633); to the Committee on Appropriations and ordered to be printed.

1323. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year 1938, in the sum of $21,000 (H. Doc. No. 634); to the Committee on Appropriations and ordered to be printed.

1324. A communication from the President of the United States, transmitting drafts of proposed provisions pertaining to existing appropriations for the Department of the Interior for the fiscal year 1938 and 1939 (H. Doc. No. 635); to the Committee on Appropriations and ordered to be printed.

1325. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1939, amounting to $200,000, for the Department of Justice (H. Doc. No. 636); to the Committee on Appropriations and ordered to be printed.

1326. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, Government Printing Office, for the fiscal year 1939 in the sum of $500,000 (H. Doc. No. 637); to the Committee on Appropriations and ordered to be printed.

1327. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated May 5, 1938, submitting a report, together with accompanying papers, on a preliminary examination of Put in Bay, Ohio, authorized by the River and Harbor Act, approved August 26, 1937; to the Committee on Rivers and Harbors.

1328. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated May 5, 1938, submitting a report, together with accompanying papers, on a preliminary examination and survey of Lake Montauk Harbor, Long Island, N. Y., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

1329. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated May 5, 1938, submitting a report, together with accompanying papers, on a preliminary examination and survey of Plum Island and Parker Rivers, Mass., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

1330. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated May 5, 1938, submitting a report, together with accompanying papers, on reexamination of New York Harbor, N. Y., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted July 31, 1935; to the Committee on Rivers and Harbors.

1331. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated May 5, 1938, submitting a report, together with accompanying papers, on a preliminary examination of and review of reports on Saugus River, Mass., authorized by the River and Harbor Act approved August 26, 1937, and requested by resolution of the Committee on Commerce, United States Senate, adopted June 3, 1937; to the Committee on Rivers and Harbors.

1332. A letter from the Acting Chairman, Federal Communications Commission, transmitting a recommendation of a proposed amendment to the Communications Act of 1934, as amended; to the Committee on Interstate and Foreign Commerce.

1333. A letter from the Acting Secretary of the Interior, transmitting one copy of legislation passed by the Municipal Council of St. Thomas and St. John and approved by the Governor of the Virgin Islands; to the Committee on Insular Affairs.

1334. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 16, 1938, submitting a report, together with accompanying papers, on a preliminary examination of Congaree, Wateree, Santee, and Cooper Rivers, S. C., authorized by the Flood Control Act approved June 22, 1936; to the Committee on Flood Control.

1335. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated May 5, 1938, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of Huntington Harbor, N. Y., authorized by the River and Harbor Act approved August 26, 1937 (H. Doc. No. 638); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

1336. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated May 5, 1938, submitting a report, together with accompanying papers and illustration, on reexamination of Biloxi Harbor, Miss., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted March 31, 1938 (H. Doc. No. 639); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

1337. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated May 5, 1938, submitting a report, together with

accompanying papers and illustration, on reexamination of Pinole Shoal and Mare Island Channel and turning basin, Calif., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted February 11, 1938 (H. Doc. No. 644); to the Committee on Rivers and Harbors, and ordered to be printed, with illustration.

1338. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated May 5, 1938, submitting a report, together with accompanying papers and illustrations, on reexamination of channel to Rockport, Tex., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted February 23, 1938 (H. Doc. No. 641); to the Committee on Rivers and Harbors, and ordered to be printed, with two illustrations.

1339. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated May 5, 1938, submitting a report, together with accompanying papers and illustrations, on reexamination of channel from Aransas Pass, Tex., to the Intracoastal Waterway, requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted February 11, 1938 (H. Doc. No. 643); to the Committee on Rivers and Harbors, and ordered to be printed, with two illustrations.

1340. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated May 5, 1938, submitting a report, together with accompanying papers and illustration, on reexamination of San Bernard River, Tex., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted January 18, 1938 (H. Doc. No. 640); to the Committee on Rivers and Harbors, and ordered to be printed, with illustration.

1341. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated May 5, 1938, submitting a report, together with accompanying papers and illustrations, on reexamination of Colorado River, Tex., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted April 8, 1938 (H. Doc. No. 642); to the Committee on Rivers and Harbors, and ordered to be printed, with two illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WHITTINGTON: Committee on Flood Control. H. R. 10618. A bill authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes; without amendment (Rept. No. 2353). Referred to the Committee of the Whole House on the state of the Union.

Mr. LAMBETH: Committee on Printing. H. R. 5471. A bill to amend the laws relating to the distribution of public documents to depository libraries; with amendment (Rept. No. 2358). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 8049. A bill to provide for the admission into the United States of Mary Hovarth, an alien; without amendment (Rept. No. 2354). Referred to the Committee of the Whole House.

Mr. SCHULTE: Committee on Immigration and Naturalization. H. R. 10136. A bill for the relief of John Patrick Toth; without amendment (Rept. No. 2355). Referred to the Committee of the Whole House.

Mr. SCHULTE: Committee on Immigration and Naturalization. H. R. 10286. A bill for the relief of Anthoula S. Maskas; without amendment (Rept. No. 2356). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. S. 1673. An act for the relief of Lewis Leonard Wood and Winifred Wood; without amendment (Rept. No. 2357). Referred to the Committee of the Whole House.

Mr. CHURCH: Committee on Naval Affairs. S. 3223. An act for the relief of the dependents of the late Lt. Robert E. Van Meter, United States Navy; without amendment (Rept. No. 2361). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10037) granting a pension to Mary Jones, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SUMNERS of Texas: A bill (H. R. 10631) to provide for a change in the time for holding court at Rock Hill and Spartanburg, S. C.; to the Committee on the Judiciary.

By Mr. BERNARD: A bill (H. R. 10632) authorizing the port authority of Duluth, Minn., and the Harbor Commission of Superior, Wis., to construct a highway bridge across the St. Louis River from Rice's Point in Duluth, Minn., to Superior in Wisconsin; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSER of Pennsylvania: A bill (H. R. 10633) regulating the use of copyrighted works; to the Committee on Patents.

By Mr. DOCKWEILER: A bill (H. R. 10634) to determine and cede title to tide and submerged coastal lands to the State of California; to the Committee on the Judiciary.

By Mr. KNUTSON: A bill (H. R. 10635) to amend section 601 of the Revenue Act of 1932, as amended, to provide for an excise tax on poultry, eggs, and egg products; to the Committee on Ways and Means.

By Mr. MEAD: A bill (H. R. 10636) to amend a provision of law relating to the admission of certain classes of publications as second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. ATKINSON: A bill (H. R. 10637) to provide for the establishment of the Joseph W. Byrns Memorial Center at Springfield, Tenn.; to the Committee on the Library.

By Mr. SMITH of Oklahoma: A bill (H. R. 10638) to add certain land to Platte National Park, Okla.; to the Committee on the Public Lands.

By Mr. SWEENEY: A bill (H. R. 10639) to amend Public Law No. 438, Seventy-third Congress, entitled "An act to authorize the Secretary of the Treasury to purchase silver, issue silver certificates, and for other purposes"; to the Committee on Ways and Means.

By Mr. LANZETTA: A bill (H. R. 10640) to amend paragraph IV, Veterans Regulation No. 6 (a) as amended; to the Committee on World War Veterans' Legislation.

By Mr. KING: A bill (H. R. 10641) to amend the act entitled "An act to extend the provisions of certain laws to the Territory of Hawaii," as amended, extending the provisions of the Federal Highway Act to the Territory of Hawaii; to the Committee on the Territories.

By Mr. PALMISANO: A bill (H. R. 10642) to amend the act entitled "District of Columbia Alley Dwelling Act," approved June 12, 1934, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 10643) to amend the act of August 9, 1935 (Public, No. 259, 74th Cong., 1st sess.); to the Committee on the District of Columbia.

By Mr. CASE of South Dakota: A bill (H. R. 10644) for the relief of Indians who have paid taxes on allotted lands for which patents in fee were issued without application by or consent of the allottees and subsequently canceled, and for other purposes; to the Committee on Indian Affairs.

By Mr. DOUGHTON: A bill (H. R. 10645) to amend sections 210 (b) (5), 811 (b) (6), and 907 (c) (5) of the Social Security Act, approved August 14, 1935; to the Committee on Ways and Means.

By Mr. SPENCE: A bill (H. R. 10646) to regulate the value of money, and for other purposes; to the Committee on Banking and Currency.

By Mr. MAY (by request): A bill (H. R. 10647) to provide for the exploitation of oil, gas, and other minerals on the lands comprising the Ellington Field Military Reservation, Tex.; to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 10648) to authorize an exchange of lands between the War Department and the Department of Labor; to the Committee on Military Affairs.

By Mr. KOCIALKOWSKI: A bill (H. R. 10649) to amend sections 7, 14, and 20 of the organic act of the Virgin Islands of the United States (49 Stat. 1807); to the Committee on Insular Affairs.

By Mr. BLAND: A bill (H. R. 10650) to provide for a modified 5-year building program for the United States Bureau of Fisheries; to the Committee on Merchant Marine and Fisheries.

By Mr. DREW of Pennsylvania: A bill (H. R. 10651) to provide emergency financing facilities for common carriers by railroad, to aid reorganization of railroad finances and operations, to foster and protect interstate commerce in relation to railroad transportation by preventing and relieving obstructions and burdens thereon resulting from the present acute economic emergency, to aid in maintaining financial assistance to interstate commerce on a parity as between competing forms of transportation, and to safeguard and maintain an adequate national system of transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCIALKOWSKI: A bill (H. R. 10652) to provide for the ratification of all joint resolutions of the Legislature of Puerto Rico and of the former legislative assembly; to the Committee on Insular Affairs.

By Mr. LUDLOW: Resolution (H. Res. 500) to make House Concurrent Resolution 46, a concurrent resolution declaring it to be the sense of Congress that the United States of America should take the lead in a suspension of naval construction by the leading powers and should call a conference on limitation of armaments, a special order of business; to the Committee on Rules.

By Mr. PALMISANO: Joint resolution (H. J. Res. 687) to amend title VI of the District of Columbia Revenue Act of 1937; to the Committee on the District of Columbia.

By Mr. ANDREWS: Joint resolution (H. J. Res. 688) creating the Niagara Falls Bridge Commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the Niagara River at or near the city of Niagara Falls, N. Y.; to the Committee on Foreign Affairs.

By Mr. CARTWRIGHT: Joint resolution (H. J. Res. 689) authorizing and directing the Secretary of the Treasury and the Commissioner of Internal Revenue of the United States to return to the State of Oklahoma an amount of money to be deducted from the amount of income taxes paid to the United States from the State of Oklahoma, each fiscal year, until the amount of loss or detriment sustained by the State of Oklahoma from November 16, 1907, to and including June 30, 1937, on account of the exemption of restricted Indian lands from ad valorem taxation and the exemption of oil and gas and other minerals extracted from such lands from taxation, shall have been discharged; and providing the method of ascertaining the total amount of such loss by a Joint Committee on Indian Affairs of the Senate and of the House of Representatives of the United States; to the Committee on Indian Affairs.

By Mr. DISNEY: Joint resolution (H. J. Res. 690) authorizing and directing the Secretary of the Treasury and the Commissioner of Internal Revenue of the United States to return to the State of Oklahoma an amount of money to be deducted from the amount of income taxes paid to the United States from the State of Oklahoma, each fiscal year, until the amount of loss or detriment sustained by the State of Oklahoma from November 16, 1907, to and including June 30, 1937, on account of the exemption of restricted Indian lands from ad valorem taxation and the exemption of oil and gas and other minerals extracted from such lands from taxation, shall have been discharged; and providing the method of ascertaining the total amount of such loss by a Joint Committee on Indian Affairs of the Senate and of the House of Representatives of the United States; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. DOWELL: A bill (H. R. 10653) granting an increase of pension to Flora Gifford; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 10654) for the relief of Mr. and Mrs. George H. Pierce; to the Committee on Claims.

By Mr. GRISWOLD: A bill (H. R. 10655) granting an increase of pension to Jennie A. Rogers; to the Committee on Invalid Pensions.

By Mr. HOBBS: A bill (H. R. 10656) for the relief of Sari Engel Roberts; to the Committee on Immigration and Naturalization.

By Mr. HOUSTON: A bill (H. R. 10657) granting a pension to S. J. Claypool; to the Committee on Invalid Pensions.

By Mr. LUCKEY of Nebraska: A bill (H. R. 10658) granting an increase of pension to Francis H. P. Showalter; to the Committee on Invalid Pensions.

By Mr. MAAS: A bill (H. R. 10659) to adjust the lineal positions on the Navy list of certain officers of the Supply Corps of the United States Navy; to the Committee on Naval Affairs.

By Mr. MAPES: A bill (H. R. 10660) for the relief of Charles Albert Goetz; 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:

5114. By Mr. BARRY: Resolution of the United Electrical, Radio, and Machine Workers of America, Machine and Instrument Local 1227, Long Island City, N. Y., concerning recovery program, wage and hour legislation, housing and slum clearance, relief and jobs for the unemployed, and aid to the small-business man; to the Committee on Labor.

5115. By Mr. CURLEY: Petition of the State, County, and Municipal Workers of America, Local No. 40, New York City, N. Y., urging enactment of the wage and hour bill; to the Committee on Labor.

5116. Also, petition of the United Optical Workers Union, New York City, urging enactment of the wage-hour bill; to the Committee on Labor.

5117. Also, petition of the Transport Workers Union of Greater New York, urging enactment of the wage-hour bill; to the Committee on Labor.

5118. Also, petition of the Newspaper Guild of New York, urging enactment of the wage-hour bill, etc.; to the Committee on Labor.

5119. Also, petition of the United Paper Workers, Long Island Union 292, New York City, urging enactment of the wage-hour bill; to the Committee on Labor.

5120. By Mr. FITZPATRICK: Petition of the Empire City Lodge, No. 197, Brotherhood of Railroad Trainmen, New York City, urging an additional appropriation for the continuation of the probe of the Senate Civil Liberties Committee into the labor spy racket; to the Committee on Appropriations.

5121. By Mr. FULMER: Resolution adopted by the Charleston Bar Association May 6, 1938, approving the establishment of a third Federal judicial district in South Carolina, and urging the enactment of appropriate legislation to that end; to the Committee on the Judiciary.

5122. By Mr. LUTHER A. JOHNSON: Petition of the legislative committee of the Bryan and Brazos County Chamber of Commerce, by D. L. Wilson, secretary, of Bryan, Tex., and H. A. Bardwell, president of the Texas State Federation of Federal Employees, of San Antonio, Tex., favoring House bills 2700 and 6587; to the Committee on the Civil Service.

5123. By Mr. KRAMER: Resolution of the California Conference of Social Work, relative to the problem of migrants and transients in California, etc.; to the Committee on Ways and Means.

5124. Also, resolution of the State committee of young Democratic clubs of California, relative to passage of the wage and hour bill; to the Committee on Labor.

5125. Also, resolution of the assembly and senate of the State of California, relative to memorializing the President and the Congress to make available Federal funds for flood control; to the Committee on Appropriations.

5126. Also, resolution of the California Conference of Social Work, relative to approval of House bill 8225, etc.; to the Committee on Ways and Means.

5127. By Mr. HOUSTON: Petition of the county commissioners of Sedgwick County, State of Kansas, urging the enactment into law during this session of Congress of House bill 4199; to the Committee on Ways and Means.

5128. By Mr. PFEIFER: Petition of the American Optical Co., New York City, urging support of House bill 9209; to the Committee on Ways and Means.

5129. Also, petition of Abraham & Straus, Inc., Brooklyn, N. Y., urging the enactment of House bill 9209, introduced by Congressman TOWEY; to the Committee on Ways and Means.

5130. Also, petition of the Reuben H. Donnelley Corporation, New York City, endorsing the Towey bill (H. R. 9209); to the Committee on Ways and Means.

5131. Also, petition of the New York League of Women Voters, New York City, favoring passage of the Ramspeck postmasters' bill as passed by the House; to the Committee on the Civil Service.

5132. Also, petition of the Blind Industrial Workers Association of New York State, Inc., Brooklyn, N. Y., urging the passage of Senate bill 2819; to the Committee on Interstate and Foreign Commerce.

5133. Also, petition of the New York City Federation of Women's Clubs, Inc., New York City, favoring the Martin wool-labeling bill (H. R. 9909); to the Committee on Interstate and Foreign Commerce.

5134. By Mr. THURSTON: Petition of citizens of Albia, Iowa, approving Senate Joint Resolution No. 223; to the Committee on the Judiciary.

5135. By Mr. TOBEY: Petition distributed by La Casse Post, No. 808, Veterans of Foreign Wars, Claremont, N. H., and signed by Claremont Community Players, to keep America out of war; to the Committee on Foreign Affairs.

5136. Also, petition of the Catholic Daughters of America, Claremont, N. H., distributed by La Casse Post, No. 808, Veterans of Foreign Wars, to keep America out of war; to the Committee on Foreign Affairs.

5137. By the SPEAKER: Petition of the Interstate Conference of Unemployment Compensation Agencies, Washington, D. C., petitioning consideration of their resolution dated April 27, 1938, with reference to unemployment; to the Committee on Labor.

5138. Also, petition of the Los Angeles County Council, American Legion, Los Angeles, Calif., petitioning consideration of their resolution dated May 6, 1938, with reference to adequate emergency funds for the operation of the Federal Bureau of Investigation; to the Committee on Appropriations.

5139. Also, petition of James T. M. Bleakley, of Bronx County, city and State of New York, petitioning consideration of their resolution dated May 14, 1938, with reference to cemetery property in New York State; to the Committee on the Judiciary.

5140. Also, petition of the Board of Supervisors of the County of Alameda, State of California, petitioning consideration of their Resolution No. 32365, dated May 9, 1938, concerning House bill 4199, known as the General Welfare Act; to the Committee on Ways and Means.

5141. Also, petition of the County Board of Price County, State of Wisconsin, petitioning consideration of their Resolution No. 1787, dated May 4, 1938, concerning House bill 4199, known as the General Welfare Act; to the Committee on Ways and Means.

5142. Also, petition of the General Federation of Women's Clubs, Washington, D. C., petitioning consideration of their Resolution No. 3 with reference to income-tax returns; to the Committee on Ways and Means.

5143. Also, petition of the Industrial Commission of Utah, Salt Lake City, Utah, petitioning consideration of their resolution dated May 7, 1938, with reference to Senate bill 3772, concerning States paying unemployment compensation benefits; to the Committee on Ways and Means.

5144. Also, petition of Alhambra Camp, No. 41, United Spanish War Veterans, Department of California, petitioning consideration of their resolution dated May 10, 1938, concerning House Resolution No. 425, authorizing a congressional investigation in the case of John H. Hoeppel; to the Committee on Rules.

5145. Also, petition of Philadelphia Bourse, Philadelphia, Pa., petitioning consideration of their resolution dated May 11, 1938, concerning wages and hours in employment; to the Committee on Labor.

5146. Also, petition of Southern Californians, Inc., Los Angeles, Calif., petitioning consideration of their resolution dated May 2, 1938, concerning the National Labor Relations Act; to the Committee on Labor.

5147. Also, petition of the California Conference of Social Work, San Francisco, Calif., petitioning consideration of their resolution concerning House bill 9256 with reference to Social Security Board; to the Committee on Ways and Means.

5148. Also, petition of the Board of Supervisors of the County of Alameda, State of California, petitioning consideration of their Resolution No. 32365, dated May 9, 1938, concerning House bill 4199 known as the General Welfare Act; to the Committee on Ways and Means.

5149. Also, petition of the Alabama State Federation of Labor, Birmingham, Ala., petitioning consideration of their Resolution No. 5, with reference to Works Progress Administration program; to the Committee on Appropriations.

5150. Also, petition of J. L. Edwards and others, of the State of Alabama, petitioning consideration of a petition with reference to F. D. A. Inter-Regional Conference dated May 12, 1938; to the House Committee on Agriculture.

5151. Also, petition of Charles McAdam, of Danville, Ill., petitioning consideration of their petition with reference to violations of the Constitution dated May 9, 1938; to the Committee on the Judiciary.

SENATE

TUESDAY, MAY 17, 1938

(Legislative day of Wednesday, April 20, 1938)

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 Monday, May 16, 1938, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

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

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum, as it is apparent one is not present, and ask for a roll call.