thirteenth, fourteenth, and fifteenth amendments to the Constitution; to the Committee on the Judiciary.

2872. By Mr. SPARKMAN: Petition of Alvah E. Hall and numerous other retail grocers, merchants, and farmers of the Muscle Shoals district in Alabama, supporting House bill 1; to the Committee on Ways and Means.

2873. By Mr. WIGGLESWORTH: Petition of the General Court of Massachusetts, memorializing the Postmaster General of the United States relative to a special postage stamp in honor of Capt. Jeremiah O'Brien; to the Committee on the Post Office and Post Roads.

2874. By the SPEAKER: Petition of the city of Garfield, N. J., petitioning consideration of their resolution with reference to Works Progress Administration lay-off necessitated because of limited funds and compulsory quota restrictions; to the Committee on Ways and Means.

2875. Also, petition of the Commonwealth of the Philippines, Larena, P. I., petitioning consideration of their resolution with reference to imposing additional tax of 2 cents per pound on Philippine coconut oil; to the Committee on Ways and Means.

SENATE

THURSDAY, MAY 4, 1939

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Father of lights, from whom cometh every good and perfect gift, and with whom is no variableness, neither shadow that is cast by turning: Send out Thy light and Thy truth that they may lead us to a clearer understanding of the problems that confront us, with their everchanging meaning and their complicated worth.

Grant to our President such measure of Thy wisdom that, under his leadership, we may prove ourselves a people worthy of Thy choicest blessings as we yield ourselves wholly to Thy will.

May all who wait upon Thee here renew their strength; may they mount up with aspiration's wings that they may discern the truest way, the highest duty; may they run and not be weary, as the mighty rush of feeling interprets truth and goodness; and may they walk and not faint, as dream and rapture are carried out in the actualities of life, with duty no longer merely the stern daughter of Thy voice but their constant guide and inspiration on life's journey.

We ask it in the Saviour's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, May 2, 1939, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

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

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Clark, Idaho	Harrison	McKellar
Ashurst	Clark, Mo.	Hatch	McNary
Austin	Connally	Hayden	Maloney
Bailey	Danaher	Hill	Mead
Bankhead	Donahey	Holman	Miller
Barbour	Downey	Holt	Minton
Barkley	Ellender	Hughes	Murray
Bilbo	Frazier	Johnson, Calif.	Neely
Bone	George	Johnson, Colo.	Norris
Borah	Gerry	King	Nye
Bulow	Gibson	La Follette	O'Mahoney
Burke	Gillette	Lee	Overton
Byrd	Glass	Lodge	Pepper
Byrnes	Green	Logan	Pittman
Capper	Guffey	Lucas	Radcliffe
Caraway	Gurney	Lundeen	Reed
Chavez	Hale	McCarran	Reynolds
Russell	Slattery	Thomas, Utah	Wagner
Schwartz	Smathers	Townsend	Walsh
Schwellenbach	Smith	Truman	Wheeler
Sheppard	Taft	Tydings	White
Shipstead	Thomas, Okla.	Vandenberg	Wiley

Mr. MINTON. I announce that the Senator from Indiana [Mr. VAN NUYS] is detained from the Senate because of illness.

The Senator from Michigan [Mr. BROWN], the Senator from Iowa [Mr. HERRING], and the Senator from Tennessee [Mr. STEWART] are absent on important public business.

The Senator from Florida [Mr. ANDREWS] is detained because of a death in his family.

Mr. AUSTIN. I announce that the Senator from Pennsylvania [Mr. DAVIS] is necessarily absent.

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

MESSAGE FROM THE HOUSE DURING ADJOURNMENT—ENROLLED BILL SIGNED

Under authority of the order of the 2d instant,

The following message was received by the Secretary from the House of Representatives on May 3, 1939: That the Speaker had affixed his signature to the enrolled bill (H. R. 4492) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1940, and for other purposes, and it was signed by the Vice President.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the bill (S. 513) to provide for the promotion on the retired list of the Navy of Fred G. Leith.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 6) providing for the printing of additional copies of the hearings held before the Special Committee on Taxation of Governmental Securities and Salaries.

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

S. 270. An act for the relief of Lofts & Son;

S. 1038. An act for the relief of L. M. Bell and M. M. Bell;

S. 1164. An act for the relief of Nadine Sanders; and

S. 1515. An act for the relief of the Louisiana National Bank of Baton Rouge and the Hibernia Bank & Trust Co. of New Orleans.

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

H. R. 1881. An act for the relief of Anne Boice;

H. R. 1882. An act for the relief of Otis M. Culver, Samuel E. Abbey, and Joseph Reger;

H. R. 1883. An act for the relief of Marguerite Kuenzi;

H. R. 2044. An act for the relief of R. Dove and Laura J. Dove;

H. R. 2058. An act for the relief of Jessie Denning Van Eimeren, A. C. Van Eimeren, and Clara Adolph;

H. R. 2071. An act for the relief of Howard E. Dickison;

H. R. 2097. An act for the relief of Homer C. Stroud;

H. R. 2345. An act for the relief of R. H. Gray;

H. R. 2346. An act for the relief of Virgil Kuehl, a minor;

H. R. 2478. An act for the relief of the Wisconsin Milling Co. and Wisconsin Telephone Co.;

H. R. 2583. An act for the relief of A. W. Evans;

H. R. 2687. An act for the relief of Elbert R. Miller;

H. R. 2695. An act for the relief of Kenneth B. Clark;

H. R. 2903. An act for the relief of Virginia Guthrie, Jake C. Aaron, and Thomas W. Carter, Jr.;

H. R. 2926. An act for the relief of Bernard Woodruff;

H. R. 3074. An act for the relief of Edgar Green;

H. R. 3300. An act for the relief of Grace Rouse;

H. R. 3345. An act for the relief of the Ninety Six Oil Mill, of Ninety Six, S. C.;

H. R. 3541. An act for the relief of John Chastain and Mollie Chastain, his wife;

H. R. 3907. An act for the relief of William A. Reithel;

H. R. 3965. An act for the relief of Charles H. Parr;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H. R. 4131. An act for the relief of Melvin Gerard Alvey;

H. R. 4511. An act to extend to Sgt. Maj. Edwin O. Swift, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired enlisted men;

H. R. 4617. An act for the relief of Capt. Robert E. Coughlin;

H. R. 5364. An act for the relief of Russell J. Vaughan;

H. R. 5395. An act for the relief of Jack Stuckey;

H. R. 5601. An act for the relief of John T. Clarkson;

H. R. 5720. An act for the relief of Capt. Roger H. Young;

H. R. 5722. An act for the relief of Evelyn Gurley-Kane;

H. R. 5933. An act for the relief of Frances Virginia McCloud;

H. R. 5934. An act for the relief of W. Elisabeth Beitz; and

H. R. 5935. An act for the relief of Charlotte J. Gilbert.

TERMS OF NORTHERN DISTRICT OF MISSISSIPPI FEDERAL COURT

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 70) to amend section 90 of the Judicial Code, as amended, with respect to the terms of the Federal District Court for the Northern District of Mississippi, which was to strike out all after the enacting clause and to insert:

That section 90 of the Judicial Code, as amended (U. S. C., 1934 ed., title 28, sec. 170), is amended to read as follows:

"SEC. 90. The State of Mississippi is divided into two judicial districts to be known as the northern and southern districts of Mississippi. The northern district shall include the territory embraced on the 1st day of December 1923 in the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Calhoun, Carrell, De Soto, Grenada, Lafayette, Marshall, Montgomery, Panola, Tate, Tippah, Union, Webster, and Yalabusha, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Bolivar, Coahoma, Leflore, Quitman, Sunflower, Tallahatchie, and Tunica, which shall constitute the Delta division of said district. The terms of the district court for the eastern division shall be held at Aberdeen on the first Mondays in April and October; for the western division, at Oxford on the first Mondays in June and December; and for the Delta division, at Clarksdale on the first Mondays in May and November. The southern district shall include the territory embraced on the 1st day of December 1923 in the counties of Amite, Copiah, Franklin, Hinds, Holmes, Leake, Lincoln, Madison, Pike, Rankin, Simpson, Smith, Scott, Wilkinson, and Yazoo, which shall constitute the Jackson division; also the territory embraced on the date last mentioned in the counties of Adams, Claiborne, Humphreys, Issaquena, Jefferson, Sharkey, Warren, and Washington, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Clarke, Jasper, Kemper, Lauderdale, Neshoba, Newton, Noxubee, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of George, Hancock, Harrison, Jackson, Pearl River, and Stone, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Covington, Forrest, Greene, Jefferson Davis, Jones, Lamar, Lawrence, Marion, Perry, and Walthall, which shall constitute the Hattiesburg division. Terms of the district court for the Jackson division shall be held at Jackson on the first Mondays in May and November; for the western division, at Vicksburg on the third Mondays in May and November; for the eastern division, at Meridian on the third Mondays in March and September; for the southern division, at Biloxi on the third Monday in February and the first Monday in June; and for the Hattiesburg division at Hattiesburg on the second Mondays in April and October. The clerk of the court for each district shall maintain an office in charge of himself or a deputy at each place in his district at which court is now required to be held, at which he shall not himself reside, which shall be kept open at all times for the transaction of the business of the court. The marshal for each of said districts shall maintain an office in charge of himself or a deputy at each place of holding court in his district."

SEC. 2. This act shall take effect on July 1, 1939.

Mr. HARRISON. Mr. President, the bill merely proposes to change the times of holding terms of the Federal District Court for the Northern District of Mississippi. The amendment of the House does not change the purpose of the bill passed by the Senate. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

JUDICIAL DISTRICT OF IDAHO

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 752) to amend section 78 of chapter 231, Thirty-sixth United States Statutes at Large (36 Stat. L., sec. 1109), relating to one judicial district to be known as the District of Idaho, and dividing it into four divisions, to be known as the northern, central, southern, and eastern divisions, defining the territory embraced in said divisions, fixing the terms of district court for said divisions, requiring the clerk of the court to maintain an office in charge of himself or deputy at Coeur d'Alene City, Idaho; Moscow, Idaho; Boise City, Idaho; and Pocatello, Idaho; and to authorize the United States District Court for the District of Idaho, by rule or order, to make such changes in the description or names to conform to such changes of description or names of counties in said divisions as the Legislature of Idaho may hereafter make, which were, on page 2, beginning with line 1, to strike out all down to and including "Large", in line 2, and to insert "That section 78 of the Judicial Code (36 Stat. 1109; U. S. C., title 28, sec. 151)"; and to amend the title so as to read: "An act to amend section 78 of the Judicial Code, relating to the district of Idaho."

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

The motion was agreed to.

LOFTS & SON

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 270) for the relief of Lofts & Son, which was, on page 2, line 1, to strike out all after *"Provided"*, down to and including "$1,000", in line 13, and to insert:

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

Mr. McNARY. I move that the Senate concur in the House amendment.

The motion was agreed to.

L. M. BELL AND M. M. BELL

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1038) for the relief of L. M. Bell and M. M. Bell, which was, on page 1, line 11, to strike out all after *"Provided"*, down to and including "$1,000", in line 11 of page 2, and to insert:

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

Mr. McNARY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

GALLUP POLL ON FLORIDA SHIP CANAL PROJECT

Mr. VANDENBERG. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a report of the Gallup poll showing that 75 percent of those who expressed opinions throughout the United States are opposed to the Florida ship canal project.

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

75 PERCENT OPPOSE PROJECT FOR FLORIDA CANAL—73 PERCENT VOTE AGAINST PASSAMAQUODDY POWER PLAN IN MAINE, SURVEY SHOWS

THE QUESTIONS

Have you heard of the proposal to build a ship canal across Florida?

Should the Federal Government spend $150,000,000 for this project?

Have you heard of the Passamaquoddy power project in Maine?

Should the Federal Government spend $36,000,000 for this project?

(By Institute of Public Opinion)

NEW YORK, February 12.—With the proposed Florida ship canal and the Passamaquoddy tidal power projects in the lap of Congress again, a survey of public opinion throughout the United States shows that the great majority of those who have opinions about the projects are opposed to going ahead with either of them.

The two projects—one in Florida and the other in Maine—were voted down by Congress in 1936, after the economy-minded opposition had singled them out as supreme examples of "boondoggling" Government spending. But backers of the twin proposals have carried on their fight, and 3 weeks ago President Roosevelt recommended reconsideration.

Advocates of both plans in Washington have linked the idea of a Gulf-Atlantic canal and cheap electric power with the needs of national defense.

The public's chief objection to both "Quoddy" and the canal, today's survey shows, is the belief that the results would not justify the costs. "Quoddy" would involve about $36,000,000, while the costs of the Gulf-Atlantic canal have been estimated at between $150,000,000 and $200,000,000.

ONLY HALF OF VOTERS HAVE OPINIONS

Only about half of the voters proved familiar enough with either project to have a definite opinion about it. Among those having opinions, however, the votes on whether Congress should appropriate the necessary funds in each case are almost identical.

	Percent
Favoring Florida Canal	25
Opposed	75
Favoring Passamaquoddy	27
Opposed	73

Slightly more Republicans than Democrats have opinions about the two proposals, but the rank and file of both parties are critical.

Republican voters with opinions are 93 percent opposed to Passamaquoddy, 87 percent opposed to the Florida ship canal.

Even Democrats are 57 percent opposed to "Quoddy" and 66 percent against the Florida Canal. Some Democratic voters favor the former because they think it would be "the start of a little T. V. A. in New England," their comments show.

GOVERNMENT LOSSES IN SHIPMENT

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Government Losses in Shipment Act, which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads.

STUDY OF INVESTMENT TRUSTS AND INVESTMENT COMPANIES

The VICE PRESIDENT laid before the Senate a letter from the Acting Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, chapter I and a section of chapter II of part 3 of the Commission's report on its study of investment trusts and investment companies entitled "Background of Investment Company Industry in Relation to Abuses" and "Detailed Histories of Various Investment Trusts and Investment Companies," which, with the accompanying papers, was referred to the Committee on Interstate Commerce.

ACT 65 OF THE HAWAIIAN LEGISLATURE, SESSION OF 1939

The VICE PRESIDENT laid before the Senate a copy of Act 65 of the Session Laws of Hawaii, 1939 (transmitted through the Department of the Interior), being an act to amend Act 29 of the Session Laws of Hawaii 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within said franchise, which, with the accompanying paper, was referred to the Committee on Territories and Insular Affairs.

PETITIONS AND MEMORIALS

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

Senate Joint Resolution 9

Joint resolution memorializing Congress to provide by law that dairy products be made a basic commodity

Whereas dairying comprises a wide and varied agricultural enterprise which provides a major income for a large number of farmers in the several dairy States; and

Whereas, because large sums of money are invested in the dairy sections of today for the purpose of producing dairy products of good quality and due to climatic conditions, dairy farmers cannot profitably engage in other types of farming; and

Whereas the dairy farmer is at a disadvantage compared with the cotton, corn, and wheat farmer in that the Agricultural Adjustment Act does not control the production of dairy products; and

Whereas the dairy industry would be immeasurably benefited if it were made subject to the Agricultural Adjustment Act and dairy farmers favor control of production in dairying in the manner provided in said act for controlling production of agricultural products affected thereby: Now, therefore, be it

Resolved by the senate (the assembly concurring), That this legislature respectfully petitions the Congress of the United States to enact legislation providing that dairy products be made a basic commodity and that a parity payment be made to equal the difference between the average price of butter on the New York market and the parity price; and be it further

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

The VICE PRESIDENT also laid before the Senate the following translation of a concurrent resolution of the Legislature of Puerto Rico, which was referred to the Committee on Territories and Insular Affairs:

House Concurrent Resolution 9

Concurrent resolution to request from the Congress of the United States that it resolve the critical situation of the coffee growers of Puerto Rico

Whereas various agencies of the Federal Government have for some time been aware of the serious situation confronted by coffee growers in the insular possessions of the United States, and although several remedies have been suggested no definite program has been put into effect to resolve the difficult crisis experienced by these growers;

Whereas the coffee growers of Puerto Rico and Hawaii, although separated and at great distance from each other, and although their conditions are different, have in essence the same problem, inasmuch as both are forced to buy in a protected market having high prices and to sell their exports in unprotected markets, and it appears clearly that their condition can be remedied only through the grant of at least some measure of recognition by the Government of the United States, such as is granted to the sugarcane growers;

Whereas since there are over 14,000 coffee plantations in Puerto Rico and around 1,000 in Hawaii, and since 500,000 inhabitants depend for their subsistence on the success of these plantations, the problem is urgent, involving not only a social problem but also the just recognition of an old and well-established agricultural industry;

Whereas on the financial condition of the coffee industry depends directly the welfare of almost half a million people residing in the coffee districts, and indirectly the welfare of 2,000,000 people, it becomes very important that the critical condition of the said industry be recognized, with a view to remedying the situation;

Whereas coffee plantations occupy a considerable portion of the territorial area of the island of Puerto Rico, and coffee is the only commercial product of importance cultivated in such portion and occupies 25 percent of all the tillable land of the island, and it being a product grown in the most mountainous regions, no substitute has so far been found that will yield better results to the growers;

Whereas the cost of producing coffee in Puerto Rico amounts to approximately 14 cents a pound, of which approximately one-half is a fixed cost, inasmuch as almost the whole industry is laboring under the burden of heavy indebtedness dating from the hurricane of 1928;

Whereas the high cost of production and the high standards of living in Puerto Rico and in Hawaii hinder the coffee growers thereof from competing with other coffee sold in the market of the United States;

Whereas Puerto Rican coffee had a very good market in the various countries of Europe, which market it has gradually lost through the restrictions imposed by many of the various governments, and through the failure of the United States of America to take it into consideration in making its reciprocity treaties, the Puerto Rican growers find themselves in the difficult plight of not being able to export their coffee at prices in consonance with their high cost of production;

Whereas since the continental United States consumes more coffee than any other nation in the world, and since consumption therein has reached, during the last 3 years, an approximate average of 1,750,000,000 pounds, it would be easy for the United States to solve the problem;

Whereas in order to enable growers to compete successfully it would be necessary to grant each grower a subsidy or compensation of 5 cents a pound;

Whereas through a direct compensation of 5 cents a pound made to the coffee growers of Puerto Rico and Hawaii, these could attain sufficient stability, and the emigration en masse of the mountain people to the cities, which will come unless the situation with which they are confronted is not permanently resolved, would be prevented;

Whereas the payment of this compensation of 5 cents a pound would serve, among others, the following purposes:

(1) Of allowing coffee growers under the American flag to compete in the American market with foreign growers of Arabian type coffee.

(2) Of bringing with it a saving in direct emergency relief.

(3) Of rehabilitating the coffee industry of Puerto Rico, on which depend several hundreds of thousands of people and which is now experiencing deplorable conditions.

(4) Of enabling the coffee growers to save their plantations from mortgage foreclosures, said plantations being now heavily burdened with liens the growers will not be able to meet at maturity.

(5) Of enabling the United States to have a source of supply of coffee in case the Nation should be cut off from any South American countries through such internal revolutions or disturbances as may occur in some of these countries.

(6) Of greatly improving the general stability of the leading coffee districts of Puerto Rico and Hawaii and eventually rendering them capable of self-support.

(7) Of lessening social unrest and preventing an increased number of persons from leaving the coffee districts to move to the central cities which are already overpopulated.

(8) Of entailing recognition and encouragement of an industry in every way entitled to recognition and encouragement, and which, due to the absence of investments of American capital and to the distance which separates it from the continent, has found scant backing and small opportunity to protect itself, and lastly, the possibility of furnishing through this compensation, protection to the coffee growers of Puerto Rico against the consequences of the hurricanes by continuing the payment of 5 cents to the growers whose crops and trees are destroyed, taking as a basis therefor the average production of said growers during the 3 years preceding the hurricane. These annual payments assisting them in great measure in the rehabilitation of the plantations destroyed by the hurricanes and of farms in general by providing a source of income until such time as the farms are again in production: Now, therefore, be it

Resolved by the house of representatives (the Senate of Puerto Rico concurring), First. To request from the Congress of the United States, as it is hereby requested, that a tax be levied on each pound of coffee imported into the continental United States (an import duty and handling tax) and that the amount of this tax be one-fifth cent on each pound, to be applicable to all coffee imported, including the coffee from insular possessions.

Second. That a copy of this resolution be sent to the President and to the Speaker, respectively, of the two Houses of the Congress of the United States; to the President of the United States; to the Resident Commissioner for Puerto Rico in Washington, and to the Governor of Puerto Rico.

The VICE PRESIDENT also laid before the Senate a resolution of National Research Project Local No. 9, United Federal Workers of America, of Philadelphia, Pa., favoring the enactment of legislation to provide for the hearing and disposition of employee appeals from discriminatory treatment by superiors in the Federal Service, which was referred to the Committee on Civil Service.

He also laid before the Senate the petition of members of Local No. 10, United Federal Workers of America, of Highland Falls, N. Y., praying for the enactment of legislation to provide for the hearing and disposition of employee appeals from discriminatory treatment by superiors in the Federal service, which was referred to the Committee on Civil Service.

He also laid before the Senate a petition of sundry citizens of Oakland, Calif., praying for the enactment of House bill 2, a general-welfare bill granting old-age assistance, which was referred to the Committee on Finance.

He also laid before the Senate a letter in the nature of a memorial from the comptroller of the Muncie (Ind.) Gear Works, Inc., remonstrating against the adoption of certain proposed amendments to the Social Security Act, which was referred to the Committee on Finance.

He also laid before the Senate a resolution of the North Carolina C. I. O. Conference held at Greensboro, N. C., favoring amendment of the neutrality law so that an embargo may be placed against aggressor nations, which was referred to the Committee on Foreign Relations.

He also laid before the Senate petitions of sundry citizens of the States of Alabama and Nebraska praying for the enactment of the so-called Wagner-Van Nuys-Capper anti-lynching bill, which were referred to the Committee on the Judiciary.

Mr. CAPPER presented a letter in the nature of a memorial from citizens of Lawrence, Kans., remonstrating against the enactment of legislation establishing a Division of Cooperatives in the Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of members of Camp No. 3353, Royal Neighbors of America, of LeRoy, Kans., praying for the enactment of legislation to exempt fraternal societies from the tax provisions of the Social Security Act, which was referred to the Committee on Finance.

Mr. HOLT presented the memorial of Local No. 37, Federation of Flat Glass Workers of America, of Parkersburg, W. Va., remonstrating against amendment of the National Labor Relations Act, which was referred to the Committee on Education and Labor.

He also presented the petition of 125 members of Townsend Club No. 3, of Fairmont, W. Va., praying that hearings may be held on the so-called Townsend plan for national recovery and old-age security, which was referred to the Committee on Finance.

Mr. LODGE presented a resolution of the General Court of Massachusetts favoring the issuance of a special postage stamp in honor of Capt. Jeremiah O'Brien, an officer and commander in the Revolutionary navy of Massachusetts, which was referred to the Committee on Post Offices and Post Roads.

(See resolution printed in full when presented by Mr. WALSH on the 2d instant, p. 4994, CONGRESSIONAL RECORD.)

Mr. VANDENBERG presented a petition of sundry citizens of the State of Michigan praying for the enactment of legislation to prohibit the shipment of war supplies to Japan for use in operations in China, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the board of supervisors of Macomb County, Mich., favoring the enactment of neutrality or other legislation to keep the United States from participating in any foreign war whatsoever, which was referred to the Committee on Foreign Relations.

Mr. LUCAS presented a petition of sundry citizens of the State of Illinois praying that the United States be kept out of war and free of foreign entanglements, which was referred to the Committee on Foreign Relations.

Mr. LUCAS. I present a petition signed by various individuals, citizens of Illinois, favoring the Townsend plan. I do not assume any responsibility for the views expressed in the petition because I am opposed to the plan referred to.

The VICE PRESIDENT. The petition will be received and referred to the Committee on Finance.

REPORT OF COMMITTEE ON SOCIAL SERVICE AND CIVIC RIGHTEOUSNESS, NORTH CAROLINA BAPTIST STATE CONVENTION

Mr. BAILEY. Mr. President, I present a report, which is in the nature of a memorial, from the Committee on Social Service and Civic Righteousness of the North Carolina Baptist State Convention, which I ask to have printed in the RECORD and appropriately referred.

There being no objection, the report was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

REPORT OF COMMITTEE ON SOCIAL SERVICE AND CIVIC RIGHTEOUSNESS, 1938

Again this year, because of the crowded condition of the convention program and of the limited time allowed for the presentation and consideration of this report, we are limiting the report to a few simple, direct resolutions concerning some vital matters which ought to claim our attention at the present time.

We recommend the adoption of the following:

Be it resolved by the North Carolina Baptist State Convention:

I. CONCERNING RACE RELATIONS

1. We recognize and deeply regret human weakness and frailty which express themselves in universal racial antipathies and friction. Racial frictions are by no means limited to the South, nor to the relations of the white man and the Negro. The most flagrant expression of racial antipathy at the present time is found in the universal prejudice against the Jew and the terrible persecution now inflicted upon the Jews by Germany, Poland, and other countries. We rejoice that the gospel of our Lord and Savious Jesus Christ offers an adequate remedy for racial hate, and we believe that only as this gospel is preached and accepted by all nations can we hope to see racial hatred disappear and to see all races living together in peace.

2. We rejoice to believe and to recognize the fact that in North Carolina, and throughout the South, the spirit of harmony and cooperation between the white and colored races is steadily and surely increasing. This is manifest in many ways and in many places. Prejudice is being broken down on both sides; white people are coming to have greater freedom of approach and are using this freedom to help the less fortunate race and their efforts are bearing good fruit.

3. We recognize that there is yet much to be done to secure for the Negro a greater degree of justice in the courts, a more equal opportunity to labor and earn a livelihood and to receive a more adequate wage for his labor, and to secure for him more equal and adequate opportunities; and we pledge ourselves as citizens and Christians to strive to secure for the Negro race these things, and other fundamental human rights.

II. LYNCHINGS

1. We recognize that lynchings are not wholly the result of racial hatreds, but in many cases they are. We record our satisfaction that the number of lynchings has been steadily declining in recent years. There were only eight lynchings in the United States in 1937, and thus far this year there have been only three.

We pledge ourselves as citizens, as Christians and as ministers, to continue to use all of our influence and to put forth every effort to the end that this form of barbarism may be entirely banished from our State and our land.

III. FREEDOM OF RELIGION

1. That the North Carolina Baptist Convention reaffirms its devotion to the basic American and New Testament doctrine of the absolute freedom of religion and the absolute separation of church and state.

2. That this principle always and everywhere forbids all government subsidies to religion and religious institutions and all governmental authority over or control of the free exercise of religion.

3. That we urge upon all our Baptist people and institutions the vital importance and necessity for their being alert and sensitive in such matters and refusing all governmental aid, however indirectly offered, and of resisting the bestowal of such aid upon any interest or institution of any and all other denominations.

4. That the convention give its approval to the proposal to amend the Constitution of the United States so as to prohibit the appropriation of public funds to sectarian institutions by any unit of government.

5. That if and when such amendment shall be again offered in Congress, the Committee on Social Service and Civic Righteousness is hereby authorized to use its influence in every proper way to secure the adoption of such amendment.

IV. GERMAN PERSECUTION

1. That the North Carolina Baptist Convention, representing 400,000 white Baptists, condemn, and it does hereby condemn and deplore, the present policy of the German Government, which it pursues in relentless and inhuman persecution both of Christians and Jews on purely religious and racial grounds.

2. That we believe the Government of the United States, without any general repeal or revision of its immigration laws, should somehow find it possible so to modify the application of these laws as to offer asylum to these persecuted and outraged people, regardless of the immigration quotas fixed by statute.

V. THE THREAT OF THE RUMANIAN GOVERNMENT AGAINST RELIGIOUS FREEDOM

1. That the North Carolina Baptist Convention, representing 400,000 white Baptists, hereby expresses its deepest disapproval of the indicated purpose of the Rumanian Government to put into effect December 15 next an ordinance, No. 26208, which would make it impossible for Baptists or other free church people to have churches, maintain public worship, and carry on the preaching of the gospel. In behalf of our fellow Baptists of Rumania, numbering 70,000, and in behalf of our fundamental and deeply cherished religious principle of freedom of conscience in all matters of religion, and in keeping with the Rumanian Constitution, which guarantees entire freedom of conscience, we appeal to the Rumanian authorities to revoke the above-named ordinance entirely and promptly, and so to announce to the world.

2. That a copy of this resolution be sent to the Rumanian Minister at Washington, D. C., and also to Hon. Cordell Hull, Secretary of State of the United States.

VI. WORLD REFUGEES

That the Christian churches have a definite responsibility and a rare opportunity to act in the spirit of Jesus in caring for the castaways and refugees who wander hungry and homeless through many lands. Among them are the 700,000 persons in greater Germany, over half of them Christians—if that makes any difference; 70,000 devotees of democracy, Sudeten Germans who would not bow the knee to the dictator, now homeless in Czechoslovakia; other Czechoslovakians who will be homeless as Hitler tightens his grip on their land; threatened Baptists in Rumania; millions of hungry and homeless Chinese who must be fed until the harvest of 1939. Dr. Charles E. Maddry, secretary of our foreign mission board, has addressed to our people an appeal in favor of the Chinese, which must not be denied. Other reputable American Christian leaders are calling for help for the harassed and persecuted in Europe. Our own problems in the United States are tremendous, but if America would once more aid the oppressed in many lands, she would rise to new heights of greatness and would reap the harvest of her generosity for generations to come.

VII. PEACE AND WAR

Christianity and democracy need each other for the fullest expression of both. The American people want their country to do two things—stay out of war and be an influence for peace everywhere. For the purpose of attaining this dual goal we favor the following:

1. The removal of the economic causes of war. We commend the cultivation of good relations with Latin America. Mr. Hull's trade treaties have been, we believe, the most practical move for peace of all those carried out by our Government. We recommend that the Van Zeeland report on international economy be called out of hiding and that the President call a world economic conference, the principal end of which would be to remove the economic causes of war. We submit that it is far better to work together in the removing of the economic cause of war, which we think is the greatest single cause, than it is to enter upon an armament race which threatens as always to end in war, and which, according to leading and impartial economists, will invariably upset the economic structure of any nation which indulges therein and threatens the liberties of the people, as they are pauperized in the manufacturing costs of unproductive goods.

2. The second major movement for world peace which we must support as Christians, and in which we should not wait for our Government to lead, is the caring for the millions of refugees of the world as stated above. We commend most heartily the action of our country and that of Great Britain pointing to the establishment of a haven for these harassed human beings.

3. We are of the opinion that North Carolina Baptists need to be better informed on certain questions concerning world peace and recommend that systematic study of them be made in the churches. For example, should the present neutrality bill be strengthened in order to keep America out of war? Should a constitutional amendment requiring a popular referendum before foreign wars can be waged be adopted? Shall an all-time embargo on the export of munitions be effected? Should the United States lead in the rebuilding of world peace machinery, with the remaking of the League of Nations as a body which represents the will of all peoples, providing for peaceful change after the hearing of the grievances and demands of all, strong and weak? We are convinced that the world needs an informed Christian conscience, articulate and unafraid to guide it through the present crisis and at all times.

4. We recommend that a copy of this resolution on peace and war be forwarded to the Honorable Franklin D. Roosevelt, President of the United States, and to Hon. Cordell Hull, Secretary of State.

VIII. ELECTION LAW REFORM

1. That the North Carolina Baptist Convention hereby takes notice of the recent and numerous cases of dishonest ballots and election frauds within our State; that we regard a free and untainted ballot as the very foundation of all democratic government; that we hereby declare our earnest belief that the Legislature of North Carolina at its next session should make such amendments to the revisions of our election laws as to safeguard elections and to protect the name of our State from such further scandal.

2. That particularly we regard the absentee-ballot law as opening the way for all manner of irregularity and corruption when administered by dishonest and unscrupulous men, and that we believe that this law should be repealed, recognizing that the benefit it bestows upon honest citizens, who of necessity must be absent from their polling places on election day, is more than offset by the fraud and evil which the law makes possible.

IX. RESTORATION OF THE RIGHTS OF THE PEOPLE

1. That we hereby again express our hearty disapproval and condemnation of the acts of the North Carolina General Assembly by which it ignored the will of the people as expressed at the ballot box and usurped the rights of the people by fastening the liquor traffic upon North Carolina in violation of the sentiments and wishes of an overwhelming majority of North Carolina citizens.

2. That we appeal to the approaching session of the general assembly to correct this flagrant violation of the principles of representative democratic government by the enactment of a law which will give the people of North Carolina as a whole the right to pass upon the question of whether or not the manufacture, distribution, and sale of liquor in any form shall be tolerated anywhere within the bounds of our Commonwealth.

X. A RETURN TO REPRESENTATIVE GOVERNMENT

Without the slightest thought of political parties, but having solely in mind the fundamental principles of human liberty and individual initiative and action, upon which our American Government is founded and which are embedded in the Constitution, we record our conviction that the American people should go no farther toward the centralization of power in governmental affairs, in the regulation of details of private life, in the regimentation of the citizens and toward the establishment of a totalitarian state, but should return to the simple principles of representative and responsible democratic government, under which our fundamental rights, both religious and civic, will not be put in jeopardy.

XI. THE PRESENT DRY ORGANIZATIONS AND PLANS IN NORTH CAROLINA

1. That we gratefully recognize the patriotic and unselfish services of Mr. Cale K. Burgess, who has for the past several years given so much of his time, strength, and money to the dry cause, without compensation for his services, and even without full reimbursement of his funds.

2. That we regard the present dry organizations and plans in North Carolina as inadequate to combat the liquor forces and the liquor lobby in our State.

3. That we believe the dry organizations should be formed on such a basis and should lay such plans as will secure the presentation of the dry cause to the churches of all denominations in a regular and systematic way by strong and capable speakers, and thus call out from the people a much larger financial support of the cause, that we may maintain a more adequate working force, create a deeper conviction among the people, marshal public opinion against the liquor traffic and secure more adequate representation before the legislature and its committees and secure the repeal of the present liquor laws and the enactment of suitable prohibition measures.

XII. GREATER AND MORE ADEQUATE PRACTICAL EFFORT IN SOCIAL SERVICE AND CIVIC RIGHTEOUSNESS

1. That resolutions and commitments are good and ought to be continued, but that they are not the measure of our opportunities and obligations in this field.

2. That this convention instruct the general board to employ as soon as possible a suitable man to represent our North Carolina Baptist people in the whole field of social service and civic righteousness.

3. That such man should work in close cooperation with the committee on social service and civic righteousness.

4. That this convention express its hearty appreciation to the State prison system and to its religious director, the Reverend E. C. Cooper, for making it possible for our Baptist pastors and others to conduct services in the prison camps throughout the State each Sunday afternoon, and that this convention respectfully request the religious director of the State prison system to extend further this effective service, if possible, by furnishing to pastors or other religious workers at least a week or two in advance of their dismissal names and home addresses of prisoners whose terms will expire, in order that some assistance may be given them in the work of rehabilitation.

ARTHUR J. BARTON, *Chairman.*
W. R. CULLOM.
JOHN T. WAYLAND.
EUGENE OLIVE.
O. T. BINKLEY.

REPORTS OF COMMITTEES DURING ADJOURNMENT

Under authority of the order of the 2d instant,

On May 3, 1939:

Mr. HUGHES, from the Committee on Claims, to which was referred the bill (S. 2054) for the relief of Joseph Alder, E. G. Allen, and E. G. Allen and By Hanchett jointly, reported it with an amendment and submitted a report (No. 363) thereon.

Mr. SCHWARTZ, from the Committee on Claims, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 1322. A bill for the relief of Dorothy Clair Hester, daughter of E. R. Hester (Rept. No. 365); and

S. 1467. A bill for the relief of the Standard Oil Co., Inc., in Kentucky (Rept. No. 364).

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (H. R. 289) for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899, reported it without amendment and submitted a report (No. 366) thereon.

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

S. 1821. A bill for the relief of Harry K. Snyder (Rept. No. 369);

H. R. 1694. A bill for the relief of Bozzani Motors, Ltd. (Rept. No. 368); and

H. R. 2067. A bill for the relief of the Atlas Powder Co. (Rept. No. 367).

Mr. CAPPER also, from the Committee on Claims, to which was referred the bill (S. 1452) for the relief of Lloyd J. Palmer, reported it with an amendment and submitted a report (No. 370) thereon.

Mr. ADAMS, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 242) relating to the disposition of funds derived from the Coos Bay Wagon Road grant lands, reported it with an amendment and submitted a report (No. 371) thereon.

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

S. 2154. A bill to modify the provisions of section 10 of the act of June 30, 1834, and section 10 of the act of June 22, 1874, relating to the Indians (Rept. No. 372); and

S. 2239. A bill for the relief of Dorothy Clair, G. F. Allen, and Earl Wooldridge (Rept. No. 373).

Mr. THOMAS of Oklahoma also, from the Committee on Indian Affairs, to which was referred the bill (S. 2192) to carry out certain obligations to certain enrolled Indians under tribal agreement, reported it with amendments and submitted a report (No. 374) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 2149) to add certain lands to the Papago Indian Reservation in Arizona, reported it without amendment and submitted a report (No. 375) thereon.

Mr. JOHNSON of Colorado, from the Committee on Indian Affairs, to which was referred the bill (S. 72) to amend the act entitled "An act conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Ute Indians or any tribe or band thereof may have against the United States, and for other purposes," approved June 28, 1938, reported it with an amendment and submitted a report (No. 376) thereon.

Mr. BULOW, from the Committee on Indian Affairs, to which was referred the bill (S. 2178) to provide for the correction of the list of approved Pine Ridge Sioux lost allotment claims, and for other purposes, reported it without amendment and submitted a report (No. 377) thereon.

REPORTS OF COMMITTEES

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 1856) conferring jurisdiction upon the United States District Court for the District of Rhode Island to hear, determine, and render judgment upon the claim of George Lancellotta, reported it without amendment and submitted a report (No. 378) thereon.

Mr. HATCH, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1879) to amend the United States mining laws applicable to the area known as the watershed of the headwaters of the Bonita River in the Lincoln National Forest within the State of New Mexico, reported it with an amendment and submitted a report (No. 379) thereon.

Mr. BAILEY, from the Committee on Commerce, to which was referred the bill (S. 2314) to establish the position of Under Secretary in the Department of Commerce, reported it without amendment.

Mr. LEE, from the Committee on Commerce, to which was referred the bill (S. 955) creating the City of Dubuque Bridge Commission and authorizing said commission and its successors to purchase and/or construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Dubuque, Iowa, and East Dubuque, Ill., reported it with amendments and submitted a report (No. 380) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

H. R. 3375. A bill to authorize M. H. Gildow to construct a free, movable, pontoon footbridge across Muskingum River Canal at or near Beverly, Ohio (Rept. No. 381); and

H. R. 4370. A bill authorizing the city of Chester, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Chester, Ill. (Rept. No. 382).

Mr. SCHWARTZ, from the Committee on Military Affairs, to which was referred the bill (S. 688) for the relief of Homer N. Horine, reported it without amendment and submitted a report (No. 383) thereon.

Mr. PEPPER, from the Committee on Commerce, to which was referred the bill (H. R. 5375) to promote nautical education, and for other purposes, reported it with an amendment and submitted a report (No. 384) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 773) conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render final judgment on any and all claims which the Yakima Indian Tribes may have against the United States, and for other purposes, reported it with an amendment and submitted a report (No. 385) thereon.

NORVELL EVELYN WILLIS

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 124, submitted by Mr. NYE on April 17, 1939, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Norvell Evelyn Willis, sole dependent of Joseph E. Johnson, late a special employee of the Senate, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on May 3, 1939, that committee presented to the President of the United States the following enrolled bills:

S. 1034. An act to authorize the Secretary of War to terminate certain leases of the Long Island Railroad Co.; and

S. 2044. An act making inapplicable certain reversionary provisions in the act of March 4, 1923 (42 Stat. 1450), and a certain deed executed by the Secretary of War, in the matter of a lease to be entered into by the United States for the use of a part of the former Fort Armistead Military Reservation for air-navigation purposes.

BILLS INTRODUCED

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

By Mr. BARBOUR:

S. 2319. A bill to amend section 601 (c) of the Revenue Act of 1932, as amended, to provide for an excise tax on egg products; to the Committee on Finance.

By Mr. VANDENBERG:

S. 2320. A bill to reenact the provisions of section 2 of the joint resolution of August 31, 1935, as amended; to the Committee on Foreign Relations.

By Mr. LOGAN:

S. 2321. A belief for the relief of Mary W. Gardner; to the Committee on Claims.

By Mr. NEELY:

S. 2322. A bill to provide for the distribution of surplus agricultural commodities to needy persons in certain localities; to the Committee on Agriculture and Forestry.

S. 2323. A bill for the relief of Pauline Caton Robertson; to the Committee on Claims.

S. 2324. A bill granting a pension to George M. Fisher; and

S. 2325. A bill granting an increase of pension to Emily L. Watkins; to the Committee on Pensions.

By Mr. SMITH:

S. 2326. A bill to provide and maintain an adequate supply of suitable seed for production of food for the population of Hawaii in times of emergency; to the Committee on Agriculture and Forestry.

By Mr. HILL:

S. 2327. A bill to authorize the President to appoint Frank T. Hines a brigadier general in the Army of the United States; and

S. 2328. A bill to promote on the retired list officers who were decorated and recommended for promotion for distinguished service during the World War, and who have not attained the rank to which recommended; to the Committee on Military Affairs.

By Mr. ADAMS:

S. 2329. A bill to authorize the construction of works for flood control and other purposes on the Rio Grande River and tributaries in the State of Colorado; to the Committee on Commerce.

By Mr. PITTMAN:

S. 2330. A bill to authorize cooperation with other American republics in accordance with treaties, resolutions, declarations, and recommendations by all of the 21 American Republics at the Inter-American Conference for the Maintenance of Peace; to the Committee on Foreign Relations.

By Mr. GILLETTE:

S. 2331. A bill to amend section 13 (a) of the act approved June 25, 1938 (52 Stat. 1069), entitled "Fair Labor Standards Act of 1938"; to the Committee on Education and Labor.

By Mr. MEAD:

S. 2332. A bill permitting the War Department to transfer old horses and mules to the care of reputable humane organizations; to the Committee on Finance.

By Mr. McCARRAN:

S. 2333. A bill to provide for adequate lighting facilities of cabooses used in connection with train movement on the railroads of the United States; to the Committee on Interstate Commerce.

By Mr. FRAZIER:

S. 2334 (by request). A bill to amend Public Law No. 383, Seventy-third Congress (48 Stat. L. 984), relating to Indians, by exempting from the provisions of such act any Indian tribe within the Mission Indian Agency, Riverside, Calif.; to the Committee on Indian Affairs.

By Mr. WALSH:

S. 2335. A bill for the relief of Joseph F. Bolger; to the Committee on Claims.

By Mr. O'MAHONEY:

S. 2336. A bill to authorize an exchange of lands at the Fort Francis E. Warren Military Reservation, Wyo.; to the Committee on Military Affairs.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 1881. An act for the relief of Anne Boice;

H. R. 1883. An act for the relief of Marguerite Kuenzi;

H. R. 2044. An act for the relief of R. Dove and Laura J. Dove;

H. R. 2058. An act for the relief of Jessie Denning Van Eimeren, A. C. Van Eimeren, and Clara Adolph;

H. R. 2071. An act for the relief of Howard E. Dickison;

H. R. 2097. An act for the relief of Homer C. Stroud;

H. R. 2345. An act for the relief of R. H. Gray;

H. R. 2346. An act for the relief of Virgil Kuehl, a minor;

H. R. 2478. An act for the relief of the Wisconsin Milling Co. and Wisconsin Telephone Co.;

H. R. 2583. An act for the relief of A. W. Evans;

H. R. 2687. An act for the relief of Elbert R. Miller;

H. R. 2695. An act for the relief of Kenneth B. Clark;

H. R. 2903. An act for the relief of Virginia Guthrie, Jake C. Aaron, and Thomas W. Carter, Jr.;

H. R. 2926. An act for the relief of Bernard Woodruff;

H. R. 3074. An act for the relief of Edgar Green;

H. R. 3300. An act for the relief of Grace Rouse;

H. R. 3345. An act for the relief of the Ninety Six Oil Mill, of Ninety Six, S. C.;

H. R. 3541. An act for the relief of John Chastain and Mollie Chastain, his wife;

H. R. 3907. An act for the relief of William A. Reithel;

H. R. 3965. An act for the relief of Charles H. Parr;

H. R. 4131. An act for the relief of Melvin Gerard Alvey;

H. R. 4617. An act for the relief of Capt. Robert E. Coughlin;

H. R. 5364. An act for the relief of Russell J. Vaughan;

H. R. 5395. An act for the relief of Jack Stuckey;

H. R. 5601. An act for the relief of John T. Clarkson;

H. R. 5720. An act for the relief of Capt. Roger H. Young; and

H. R. 5722. An act for the relief of Evelyn Gurley-Kane; to the Committee on Claims.

H. R. 1882. An act for the relief of Otis M. Culver, Samuel E. Abbey, and Joseph Reger; to the Committee on Military Affairs.

H. R. 4511. An act to extend to Sgt. Maj. Edwin O. Swift, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired enlisted men; to the Committee on Naval Affairs.

H. R. 5933. An act for the relief of Frances Virginia McCloud;

H. R. 5934. An act for the relief of W. Elisabeth Beitz; and

H. R. 5935. An act for the relief of Charlotte J. Gilbert; to the Committee on Foreign Relations.

CHANGE OF REFERENCE

On motion by Mr. LOGAN, the Committee on Claims was discharged from the further consideration of the bill (S. 2301) authorizing refund of certain excise taxes erroneously or illegally assessed under the Revenue Act of 1932, and it was referred to the Committee on Finance.

JAMES F. ALLEN AND OTHERS—AMENDMENT

Mr. NEELY submitted an amendment intended to be proposed by him to the bill (S. 1197) for the relief of James F.

Allen and others, which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT OF FAIR LABOR STANDARDS ACT, 1938

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (S. 2008) to amend the Fair Labor Standards Act of 1938, which was referred to the Committee on Education and Labor and ordered to be printed.

FUNDS FOR PURCHASE OF MATERIALS NOT OF DOMESTIC ORIGIN—AMENDMENT

Mr. BONE submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 1720) prohibiting the use of funds, granted or lent by the United States, for the purchase of materials which are not of domestic origin, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

AMENDMENT TO PROPOSED REVENUE BILL

Mr. LUCAS submitted an amendment intended to be proposed by him to House bill to provide revenue, etc., which was referred to the Committee on Finance, and ordered to be printed and printed in the RECORD, as follows:

At the proper place to insert the following new section:

"SEC. —. (a) The rates of duty on articles described in paragraph 367 (relating to watches and parts thereof) of the Tariff Act of 1930 shall be the rates prescribed in such paragraph 367. Except as provided in subsection (b), the changes in rates of duty provided for by this subsection shall be effective with respect to articles imported after the date of enactment of this act.

"(b) No change provided for in subsection (a) in the rate of a duty shall become effective so long as it is in conflict with the provisions of any foreign-trade agreement heretofore entered into under authority of section 350 of the Tariff Act of 1930, as amended; but such change shall become effective as soon as it no longer is in conflict with the provisions of any such agreement. Any such agreement which contains provisions in conflict with any change provided for in subsection (a) in the rate of a duty shall be modified so as to eliminate such provisions, or shall be terminated, at the earliest date possible in accordance with the terms of such agreement. No foreign-trade agreement entered into under such section 350 after the date of enactment of this act shall contain any provision in conflict with any rate of duty provided for in subsection (a)."

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENTS

Mr. BANKHEAD submitted a notice in writing, which was read, as follows:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 5269) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, the following amendments, namely:

At the proper place in the bill insert the following:

"To enable the Secretary of Agriculture to further carry out the provisions of section 32, as amended, of the act entitled 'An act to amend the Agricultural Adjustment Act, and for other purposes,' approved August 24, 1935, and subject to all provisions of law relating to the expenditure of funds appropriated by such section, $150,000,000. Such sum shall be immediately available and shall be in addition to, and not in substitution for, other appropriations made by such section or for the purpose of such section: *Provided*, That not in excess of 25 percent of the funds herein made available may be devoted to any one agricultural commodity. So much of such funds as may be devoted to encouraging the exportation of cotton or cotton articles, and any other funds which may be available or may hereafter be made available for the purpose of encouraging the exportation of cotton or cotton articles, shall be expended in accordance with the provisions of the following new section which is hereby added to the Agricultural Adjustment Act of 1933, as amended:

"'SEC. 23. (a) The Secretary of Agriculture is authorized to make payments in kind or in money to any person who exports any raw cotton or articles manufactured in whole or in part from cotton, at such rates and under such terms and conditions as the Secretary of Agriculture determines are necessary in order that the cotton, or the cotton content in cotton articles, so exported shall be fully competitive in the world markets: *Provided*, That such payments shall be discontinued during any marketing year when exports of cotton from the United States during such marketing year equal the average of the exports from the United States during the 10-year period ending July 31, 1932. Such payments on raw cotton are authorized to be made only upon cotton bought in the open market, except that payments may be made upon cotton released from loans made or made available by the Commodity Credit Corporation when cotton of suitable classes and quantities to fill cotton export requirements is not available in the markets of the United States. The Secretary is authorized to decide when such free cotton is not so available; but no such payments shall be made, and no obligation to make such payments shall be incurred, prior to January 1, 1940, with respect to any cotton on which a loan has been made or made available by the Commodity Credit Corporation, nor shall such payments be made or obligations incurred during the period from August 1 to December 31, both inclusive, in any marketing year with respect to any cotton on which any such loan has been made.

"'(b) Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized and directed, under regulations prescribed by the Secretary of Agriculture, upon application by the owner, or his assignee, of cotton held under loans made or made available by the Commodity Credit Corporation to provide for the release to such owner, or his assignee, of any or all of the cotton of such owner, or assignee, during any marketing year, except during the period from August 1 to December 31, both inclusive, if the Secretary of Agriculture finds that the release of cotton held under such loans (1) is needed to supply suitable classes and quantities of cotton to meet the operating requirements of mills in the United States and is not available in the markets of the United States, or (2) is needed to supply suitable classes and quantities of cotton to meet export requirements and is not available in the markets of the United States. Such cotton shall be released at a cost to the owner, or his assignee, equal to the current loan rate, plus (1) interest, insurance, and storage, for the period beginning at the average time when cotton was put into the current loan and ending at the end of the month when the cotton is released from the loan, and (2) one-fourth cent per pound for miscellaneous charges.

"'(c) The Commodity Credit Corporation is authorized and directed, under regulations prescribed by the Secretary of Agriculture, to acquire and to make available to him such cotton as may be necessary to make payments in kind authorized by this section. The funds now and hereafter made available to the Commodity Credit Corporation are hereby made available to such Corporation to acquire and make available to the Secretary of Agriculture such cotton as may be necessary to make the payments in kind authorized under this section, and to provide for the release of cotton under this section. The funds now or hereafter made available to the Secretary of Agriculture for the purpose of encouraging the exportation of cotton or cotton articles, including, but not limited to, the funds now or hereafter made available by, or for carrying out the purposes of, this title, section 32, as amended, of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes," approved August 24, 1935, as amended, and sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, are hereby made available to the Secretary of Agriculture for payments authorized in this section, and for administrative expenses in accordance with the applicable provisions of this title. The determinations of the Secretary of Agriculture made pursuant to the provisions of this section and the facts constituting the basis for any payment when officially determined in conformity with the regulations prescribed by the Secretary of Agriculture shall be final and conclusive.'"

After the foregoing amendment, insert the following:

"In order further to safeguard the expenditure of the funds appropriated in this item and any other funds which may be available or may hereafter be made available for the purpose of encouraging the exportation of cotton or cotton articles and for all other purposes section 22 of the Agricultural Adjustment Act (of 1933), as amended, is hereby amended by inserting the words 'or are likely to be' after the word 'being' in subsection (a), by striking out the expression 'July 1, 1928, to June 30, 1933' and inserting in lieu thereof the expression 'January 1, 1929, to December 31, 1933' in subsection (b), and by striking out the words '15 days after the date of' and inserting in lieu thereof the words 'the date fixed in' in subsection (c)."

AMENDMENTS TO AGRICULTURAL DEPARTMENT APPROPRIATION BILL

Mr. BANKHEAD submitted amendments intended to be proposed by him to House bill 5269, the Agricultural Department appropriation bill, 1940, which were referred to the Committee on Appropriations, and ordered to be printed. (For amendments referred to, see the foregoing notice.)

ASSISTANT CLERK TO COMMITTEE ON MINES AND MINING

Mr. GUFFEY submitted the following resolution, Senate Resolution 129, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Mines and Mining hereby is authorized to employ an assistant clerk to be paid from the contingent fund of the Senate at the rate of $1,800 per annum until otherwise provided by law.

Mr. BYRNES, subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the foregoing resolution without amendment, and it was considered, by unanimous consent, and agreed to.

ADMINISTRATIVE PROCEDURE (S. DOC. 71)

Mr. LOGAN. Mr. President, the question of administrative law is a very live one at this time. I have a report prepared by the Committee on Administrative Law of the Federal Bar

Association, together with a dissenting report by Col. O. R. McGuire, a member of the committee, discussing the question of administrative law. I ask unanimous consent that the report of the committee and the dissenting report be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESS BY SENATOR BYRD BEFORE ILLINOIS MANUFACTURERS' ASSOCIATION

[Mr. BAILEY asked and obtained leave to have printed in the RECORD an address delivered by Senator BYRD before the Illinois Manufacturers' Association at Chicago, Ill., April 25, 1939, which appears in the Appendix.]

THE MERCHANT MARINE—ADDRESS BY REAR ADMIRAL EMORY S. LAND

[Mr. BYRD asked and obtained leave to have printed in the RECORD an address delivered by Rear Admiral Emory S. Land, retired, Chairman of the United States Maritime Commission, on the subject of the American Merchant Marine, at Chicago, Ill., April 25, 1939, which appears in the Appendix.]

ADDRESS BY HON. NORMAN H. DAVIS AT RED CROSS CONVENTION

[Mr. BYRD asked and obtained leave to have printed in the RECORD the address delivered by Hon. Norman H. Davis, Chairman of the American Red Cross, at the annual Red Cross convention in Washington, D. C., April 24, 1939, which appears in the Appendix.]

AMERICANISM—INTERVIEW WITH WILLIAM RANDOLPH HEARST

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an interview with William Randolph Hearst on the subject of Americanism, published in the New York Journal and American of Sunday, April 30, 1939, which appears in the Appendix.]

NEUTRALITY—STATEMENT BY RUSSELL A. BLACK

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD a statement on the subject of neutrality by Russell A. Black, of Los Angeles, Calif., which appears in the Appendix.]

DOCTORS OF THE SOUTH—EDITORIAL FROM ATLANTA JOURNAL

[Mr. LEE asked and obtained leave to have printed in the RECORD an editorial from the Atlanta Journal of March 11, 1939, entitled "Doctors of the South," which appears in the Appendix.]

THE WAR-PROFITS TAX—ARTICLE BY JOHN T. FLYNN

[Mr. BONE asked and obtained leave to have printed in the RECORD an article entitled "The War Profits Tax," by John T. Flynn, published in the New Republic of April 26, 1939, which appears in the Appendix.]

QUOTA WORKS A HARDSHIP—EDITORIAL FROM DETROIT NEWS

[Mr. ADAMS, on behalf of Mr. BROWN, asked and obtained leave to have printed in the RECORD an editorial from the Detroit News on May 2, 1939, entitled "Quota Works a Hardship," which appears in the Appendix.]

STUDIES OF PROPOSED LEGISLATION—WORK OF THE SESSION—FINAL ADJOURNMENT

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution coming over from a previous day, which will be stated.

The Chief Clerk read Senate Concurrent Resolution 15, submitted by Mr. BANKHEAD on the 2d instant, providing for a sine die adjournment of the session and authorizing certain committees of the two Houses thereafter to study revenue and neutrality matters and changes in the Interstate Commerce Act.

Mr. BARKLEY. I ask that the concurrent resolution go over.

The VICE PRESIDENT. Without objection, the concurrent resolution will lie over.

The routine morning business is closed. The consideration of bills on the calendar under rule VIII is in order.

Mr. LOGAN. Mr. President, if the Senate will indulge me, before we proceed with the call of the calendar I ask unanimous consent that I may address the Senate for about 10 minutes on the suggestion that Congress come to early adjournment.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky? The Chair hears none.

Mr. LOGAN. Mr. President, as usual at about this time of the year there are those who begin to express the belief that Congress should and will adjourn at a very early date. If Congress should adjourn at an early date with the affairs of this Nation and world affairs as they are, it would be like the officers in command of an army deserting in the midst of a battle.

This age may be faced with a general collapse of civilization, and not only will it require all of the wisdom statesmen possess collectively and individually to avoid such a collapse but it will require the hardest work which statesmen have ever done. For the past 6 years we have been attempting to stem the tide of adverse conditions, and while we have made great progress, still it has been through artificial means, and the patient would die if we should cease to apply remedies which should never have to be applied in the life of a nation. It would not take much to plunge our people back into the dark days of the early 1930's. We know that the achievements of this administration have been great. We likewise know that the opposition to the things which have been done is alined along every front, giving battle to the new freedom which is represented by the New Deal. Every mistake we have made, or may make in the future, will be exaggerated and broadcast among the people.

Life in this age depends on trade—a world-wide exchange of goods and services. There is no prospect of bringing about such interchange of goods in the immediate future, confidence and credit are both needed and both are lacking. It is our job to restore both, and if we should abandon the task which we sought, and which can only be completed by the Congress, it would be an admission that our minds are too puny to do that which is necessary to restore confidence and credit.

Some rave against the New Deal, which has much more good than bad to its credit. Some rave at businessmen without stopping to think that businessmen cannot carry on business unless the consuming public has the purchasing power to buy that which is produced in the factories, on the farms, and in the mines. If we could give to the people purchasing power—I do not say restore, because they never had it—which would enable them to have the actual necessities of life, there would be no unemployment, no idle factories, no abandoned farms, and no closed mines. The problem which confronts us, reduced to its simplest terms, is that of increasing the income of the consumer until he can buy what he needs. We have been trying, and we are still trying, to do this through spending, and we spend because apparently there is nothing else that we can do. To cease to spend at this time would mean destruction. So we continue spending, knowing that the time will come when we can spend no more, and also knowing that then a crash may come which will completely destroy our Nation. Before we reach that point we must find some means of increasing the income of the people of the Nation. It will be a slow process. Means must be found to enlarge business, and that cannot be done if we allow the businessmen in the small cities and in our rural communities to close their stores or shops or abandon their farms or mines because they have no means of procuring money with which to conduct their business at this time. There is no place to which a businessman can go now and procure money. Banks will not allow him to have it; the investment bankers will not fool with him because he is too small, and the Reconstruction Finance Corporation, like the investment banker, either cannot or will not make loans to those who are most needy.

Our Government must learn to take a chance in making loans to men who create wealth and increase purchasing power. Some may fail, but if the result is an increase in the general wealth of the people greater than their losses, it is good business for the Nation as a whole. It has been my

belief for a long time that our problems cannot be solved until Congress deals with our monetary system. I do not see how any investor could be expected to invest his money without some stabilization of prices, or without some assurance that the dollars he invests today will not be worth less tomorrow. It is only in the hope of making a profit that men invest money in enterprises, and when there is no security, no stability, men allow their money to stay in the banks, awaiting the time when they can see an opportunity to make money.

If it be true that Congress does not have the power to stabilize values—that is, to stabilize the value of the unit of measurement—then the makers of the Constitution thought the people would be wiser than they are today. Values can be stabilized if Members of Congress will forget the things they thought they knew about our monetary system and reexamine the question with open minds. There must be some way. If a farmer toils one year to produce wheat and sells it for $2 a bushel, he finds life an illusion if he does the same thing the next year and sells his wheat for 30 cents a bushel. If a laborer can earn enough to support his family one year, he ought to have a reasonable assurance that by doing the same thing the next year he can support his family. But, under present conditions, when next year comes, he may have no job at all.

Our whole system is a crazy quilt so far as values are concerned. Unemployment will be with us until we can give assurance of reasonable security to him who is willing to take a chance on investing his money. Congress should not adjourn until it has made an honest effort to stabilize prices, and if it succeeds in that, the question of unemployment—which means the question of relief and the farm problem and all related problems—will be settled.

We have made some start on social security, but it has been a halting, imperfect start. No one thought that we could accomplish in a few years that which it will take many years to accomplish, but there is dissatisfaction because, after having neglected all attempts to bring about social security for a century and a half, we cannot bring it about within a year or two. If we do not do something about our monetary system, so that men who desire to work can earn enough to support themselves and their families in comfort, we are going to have something which most of us do not look upon as sound.

When we discussed old-age pensions 2 or 3 years ago, the faces of nearly 7,000,000 citizens lighted up with hope, because they thought the nightmare of old age and helplessness had been brushed aside. But we see now that the shadows hover over them again. Many of those who are approaching 65 years of age know that they must cease to work, and they know that they cannot get other jobs. Yet we are doing practically nothing about it. What the aged need is a pension that is certain and sure, and not the haphazard system we have now, which in some of the States is equivalent to no help at all. We might as well know it now as later that if we cannot find some plan whereby the aged may receive a reasonable pension, probably as much as $50 a month, without being classed as beggars, we will see tried the Townsend plan or something worse. The payment of pensions to the aged would go a long way toward restoring the purchasing power of the people. Of course, it would not be enough, but it would help the people as a whole in actual dollars and cents more than the amount taken out of the Treasury with which to pay the pensions. Yet we talk about quitting and leaving this great question unsolved.

Mr. President, we have made some progress toward bringing about better conditions in the field of labor. Labor has been very loyal to this administration, because it has held out hope to it; but the Wage and Hour Act is so imperfect that I seriously doubt whether it can be enforced. It can be made to work by an intelligent Congress; but if we quit and go home, matters will grow worse. Many businessmen would close their establishments because they could not comply with the provisions of the law. And with shorter hours and better wages there will be fewer places to be filled. We ought not to leave such a condition existing in our country if we are wise enough to solve the problem.

We helped labor by providing for collective bargaining, but we went further and apparently placed autocratic powers in a board which has not administered the law very well. Nothing has brought this administration into greater trouble than the administration of what is known as the Wagner Act. The good things for labor in that act can and should be preserved, but I doubt whether there is any one of us who of his own free will and accord would not vote to make some change in it so that it might not be used as an instrument of persecution and destruction. Yet some say that we ought to go home and leave that problem unsettled.

Then there is the problem of finding a way to make money available to the small-business man immediately. It is a big problem, and undoubtedly will require the best thought of the Members of the Congress; but we hear it said, while more businessmen are failing because of the imperfection of our financial system, that we should adjourn and go home and leave a larger number of men out of employment.

There is much talk about economy and balancing the Budget. We ought to devise some plan before we leave here this year which will give assurance as to what may be expected along these lines. We know that economy pressed too far at this time would bring disaster, and we certainly know that an unbalanced Budget continued through the years will also bring disaster. Why not put our heads together on the matter and see if we cannot find some solution? Taxes are burdensome and are growing more so, and there are many inequalities to be found in our taxing system. There should be sufficient ability in Congress to revise our tax laws so as to remove such inequalities as may be found and give assurance that the Government will not take every hope of profit out of any business enterprise. But we are thinking about going to our homes, where we can meditate without work.

We have been trying to do something for the farmer for many years, but his condition does not improve very much. Certainly it is not his fault. He needs guidance and help, and he looks to the Congress to find ways of affording such help, but rather than to give it we prefer to go home and leave the farmer in his distress, hopeless and helpless.

I have referred briefly to some of the very important subjects relating to our domestic affairs with which we need to deal. Foreign affairs are more ominous. A general war will be going on in Europe within the next few weeks, perhaps, and, while many of the leading Members of Congress say that we ought to keep our noses out of the business of other people, I think Congress should be in session to help determine what is our business and what is the business of others.

As for me, it is my opinion that Congress should remain in session, intelligently working toward a solution of our problems, until the snow flies, and if we have not found a satisfactory solution of all of our questions by that time we, at least, should be able to report progress, and take a short breathing spell and start in again.

THE FOREIGN DEBTS

Mr. BONE. Mr. President, I ask unanimous consent that I may address the Senate for about 3 minutes during the morning hour.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Is there objection? The Chair hears none, and the Senator from Washington is recognized.

Mr. BONE. Mr. President, day before yesterday on the floor of the House of Commons in London, England, there was asked a question of the British Secretary of State for War, the answer to which—if an answer had been made—would have interested every man, woman, and child in the United States. The question remained unanswered.

The unanswered question is one which long has been in the minds not only of those who, like myself, served on the special Senate committee investigating the munitions industry, but in the mind as well of every patriotic and responsible Member of the Senate.

Let me read to my colleagues of the Senate of the United States the brief dispatch from London telling how this question came to be raised:

LONDON, May 2.—The question of Britain paying the war debt to the United States was raised in the House of Commons today, without reaction from the Government.

Leslie Hore-Belisha, War Secretary, revealed that Britain is continuing to pay royalties on the Bren gun of Czechoslovakia, adopted by the British Army, despite the German annexation of Czechoslovakia.

A member asked whether Hore-Belisha is aware that "we are increasing the financial strength of Germany by continuing these payments."

"Maybe so," Hore-Belisha replied, "but it is not customary for this country to repudiate payments which have been legally contracted."

"What about America?" cried an unidentified member.

There was no reply.

Mr. President, yesterday morning the newspapers of this country carried reports of a survey of American public opinion demonstrating that the American people are, as nearly as is possible in a democracy, unanimously against the sending of American troops abroad to fight in another world war. Our tragic experience in our last venture to make the world safe for democracy might be sufficient reason for this attitude, but this attitude is sharpened and emphasized by the admission Tuesday on the floor of the House of Commons by the British Secretary of State for War that the unprincipled and murderous practices of the international munitions industry have not ceased, but, rather, has been intensified as the international situation grows more tense.

The British Government frankly admits that it is "increasing the financial strength of Germany continuing these payments" to the German industry for machine guns to equip the new conscript British army, and it defends its action on the ground that "it is not customary for this country to repudiate payments which have been legally contracted." But when asked, "What about America?"—what about the American war debts, which were also legally contracted—there was no reply.

Mr. President, in the name of the American people, I again address this question to the British Government, and I warn those who do not understand the temper of the American people that this question must be answered, and until it is answered the bulk of the American people will wonder why they should concern themselves with a situation which may lead them again to the shambles.

CONSIDERATION OF BILLS ON THE CALENDAR

The PRESIDING OFFICER. The clerk will proceed with the call of the calendar under rule VIII.

RESOLUTIONS AND BILLS PASSED OVER

The first business on the calendar was the resolution (S. Res. 58) providing that a calendar day's notice shall suffice in connection with suspension of a rule.

Mr. McNARY. Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The resolution (S. Res. 74) providing for a Committee on Civil Aviation was announced as next in order.

Mr. BARBOUR and Mr. McNARY. Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The joint resolution (S. J. Res. 45) to amend the act of July 3, 1926, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes," was announced as next in order.

Mr. KING. I ask that the joint resolution be passed over.

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

The bill (S. 783) 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, was announced as next in order.

Mr. KING. Mr. President, I regret that the Senator from Oklahoma [Mr. THOMAS] is not present in the Senate Chamber at the moment. For a number of days when the calendar was called I have interposed objection to several measures, the purpose of which is to refer to the Court of Claims demands by various Indian tribes. I have submitted these bills to the Department of Justice and to the Treasury Department, as well as to the Department of the Interior, and I have just received full reports with respect to the bills. It is my purpose to confer with the Senator from Oklahoma tomorrow and show him the reports so that on Monday we shall be able to take action upon them. I ask that the bills, which I have heretofore asked to go over, may again be passed over.

The PRESIDING OFFICER. The bills beginning with Calendar No. 100, Senate bill 783, down to and including Calendar No. 116, Senate bill 498, will go over.

The bills passed over on request of Mr. KING are as follows:

S. 783. A bill 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;

S. 784. A bill for the relief of certain Indians of the Winnebago Agency, Nebr.;

S. 790. A bill conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Prairie Band or Tribe of Pottawatomie Indians of Kansas and Wisconsin against the United States;

S. 1222. A bill authorizing an appropriation for payment to the Osage Tribe of Indians on account of lands sold by the United States;

S. 767. A bill conferring jurisdiction on the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes;

S. 864. A bill authorizing the Arapahoe and Cheyenne Indians to submit claims to the Court of Claims, and for other purposes;

S. 962. A bill to define the status of certain lands purchased for the Choctaw Indians, Mississippi; and

S. 498. A bill authorizing an appropriation to carry out the provisions of section 26 of the agreement with the Muskogee or Creek Tribe of Indians, approved March 1, 1901.

The bill (S. 1706) to provide for reorganizing agencies of the Government, and for other purposes, was announced as next in order.

Mr. McNARY. Mr. President, the able Senator from Virginia [Mr. BYRD] is not in the Senate Chamber at the moment. I am a member of the special committee which reported the bill. The work in connection with the bill was in part performed by another committee. I ask that the bill go over for today. Really, I think it should be indefinitely postponed; but in the absence of the Senator from Virginia, I shall not make any other request than that it be passed for the day.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1162) to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal was announced as next in order.

Mr. KING. I ask that that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1303) to amend the Agricultural Adjustment Act of 1938, as amended, with respect to cotton was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2971) for the relief of certain Indians of the Winnebago Agency was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3367) to define the status of certain lands purchased for the Choctaw Indians, Mississippi, was announced as next in order.

Mr. KING. That, Mr. President, is also a bill which should be passed over.

The PRESIDING OFFICER. The bill will be passed over.

RETIREMENT PRIVILEGES, COMMANDING GENERAL, GENERAL HEADQUARTERS AIR FORCE

The bill (S. 1462) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920, so as to confer on the commanding general, General Headquarters Air Force, the same retirement privileges now enjoyed by chiefs of branches, was announced as next in order.

Mr. SCHWARTZ. Mr. President, I ask that Calendar No. 339, House bill 4087, be substituted for Senate bill 1462, Calendar 215, and be considered at this time. House bill 4087 is identical with Senate bill 1462.

While I am on my feet I wish to say a word about the bill. The present law provides that any officer who shall have served 4 years as chief of a branch and who may subsequently be retired may be retired with the rank authorized by law for the grade held by him while such chief.

The only amendment of the law proposed in the bill is that there shall be included therein the commanding general of the General Headquarters Air Force. The Secretary of War recommends the passage of the bill and states that the air force has now attained to the same dignity and responsibility as any other branch of the Army, and that he feels that the commanding general of the air force should be entitled to the same retirement privileges as now enjoyed by chiefs of other branches. The bill does not call for any appropriation or additional allowance. It simply will give recognition to the increasing importance of that arm of the service.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming that House bill 4087 be substituted for Senate bill 1462 and be now considered?

There being no objection, the bill (H. R. 4087) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920, so as to confer on the commanding general, General Headquarters Air Force, the same retirement privileges now enjoyed by chiefs of branches, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1462 will be indefinitely postponed.

BILLS AND RESOLUTION PASSED OVER

The bill (S. 795) to provide for the education of all types of physically handicapped children, to make an appropriation of money therefor, and to regulate its expenditure, was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1681) to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 570) to regulate interstate and foreign commerce in agricultural products, to prevent unfair competition, to provide for the orderly marketing of such products, to promote the general welfare by assuring an abundant and permanent supply of such products by securing to the producers a minimum price of not less than cost of production, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 107) opposing sales of American cotton during the present world crisis to foreign purchasers below the cost of production, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1305) to promote the general welfare through appropriation of funds to assist the States and Territories in providing more effective programs of public education, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1265) to establish a Department of Public Works, to amend certain sections of the Social Security Act, and for other purposes, was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

NATIONAL AVIATION DAY

The Senate proceeded to consider the joint resolution (S. J. Res. 111) designating August 19 of each year as National Aviation Day, which was read as follows:

Resolved, etc., That the President of the United States is authorized to designate August 19 of each year as National Aviation Day, and to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate exercises to further and stimulate interest in aviation in the United States.

Mr. KING. I ask that the joint resolution be passed over.

Mr. PEPPER. Mr. President, I ask the Senator if he will be kind enough to allow me to make a brief explanation of Senate Joint Resolution 111? There was introduced in the first instance a measure which provided that it shall be the duty of the President, in commemoration of National Aviation Day, which is the birthday of Mr. Orville Wright, to call upon the armed services of the country to participate in celebrations in observance of the day. Some Senators, I think, properly objected to that, both on the ground of expense and, perhaps, of expediency.

Subsequent to that time an amended and new joint resolution was presented, which was considered by the Senate committee, and is now on the calendar, with the favorable recommendation of the Senate Committee on Commerce. The joint resolution merely proposes to designate the 19th day of August, the birthday of Orville Wright, as National Aviation Day. It does not make it a legal holiday. It does not require any expense on the part of government, either local or national. It is simply designed for the purpose of encouraging the formation of a sentiment that would be favorable to the development of the aviation facilities of the United States.

In view of the fact that there is no expense involved, that there is no public participation of any sort required, but that it is merely educational in its character, and has already been approved by many Senators on the floor, and by the Senate Committee on Commerce, which considered the matter, I hope the Senator from Utah will be gracious enough not to object to its passage.

Mr. KING. Mr. President, I shall withdraw my objection after making an observation. We are now having requests—indeed, demands—from various parts of the country for the observance of Labor Day, Naval Day, and so forth. I have received requests that we designate a day to commemorate the development of the sugar business, a great industry. I received a letter the other day insisting that if we are to have days designated to commemorate the development of industries we ought to have one for the dairy industry, because that industry furnishes more than $2,000,000,000 to the economy of our country—the greatest product of the country, far greater than cotton.

I have had requests that we set apart a day to be known as Mining Day, because the mining industry furnishes the sinews of war; it gives us our gold and our silver, our copper, and the minerals which are so indispensable to a growing and progressive civilization.

Mr. President, it seems to me that we will soon have to enlarge the number of days in the calendar so that, instead of 365, we shall have four or five hundred days in order to meet the demands for days to be devoted to some particular observance.

Mr. BARKLEY. Mr. President, I ask the Senator from Florida if the joint resolution makes August 19 a holiday, or simply designates it as a day when someone can celebrate with the flag flying on high?

Mr. PEPPER. That is one of the points I wanted to impress upon the Senate. The joint resolution does not make the day a national holiday. It does not require the participation of any of the services of the country. The purpose of the measure is to call attention to the fact that Congress, by the passage of the joint resolution, recognizes the importance of aviation, and thus stimulate public interest in aviation.

I shall appreciate it very much if the generous Senator from Utah will not insist on his objection.

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

There being no objection, the joint resolution (S. J. Res. 111) was considered, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1081) for the relief of John B. Jones was announced as next in order.

Mr. McNARY. Mr. President, which bill was just announced?

The PRESIDING OFFICER. Calendar 317, Senate bill 1081.

Mr. McNARY. I shall ask to have the bill following that bill on the calendar explained.

The PRESIDING OFFICER. The Chair will state that Senate bill 1081, Calendar 317, and the three following bills, Senate bill 1082, Calendar No. 318, Senate bill 1083, Calendar No. 319, and Senate bill 2096, Calendar No. 320, will be passed over for the present.

The bill (S. 2202) to establish a Public Works Agency was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passeed over.

The bill (S. 2203) to amend certain sections of the Social Security Act was announced as next in order.

Mr. BYRD. Over.

The PRESIDING OFFICER. The bill will be passed over.

BORG-WARNER CORPORATION

The Senate proceeded to consider the bill (S. 755) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Borg-Warner Corporation, which had been reported from the Committee on Claims with an amendment on page 2, line 2, after the name "United States", to strike out "for just compensation for the damages inflicted and the losses sustained by the taking and impounding by the War Department, by virtue of the provisions of the Espionage Act (U. S. C., title 50, ch. 4, sec. 31), of all matters pertaining to" and to insert in lieu thereof "in connection with", so as to make the bill read:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment in such amount as it deems may be equitably due, notwithstanding the lapse of time, or any statute of limitations, or any limitation upon the jurisdiction of such court with respect to claims upon any contract implied in law, upon the claim of the Borg-Warner Corporation, in its own right and as successor to the Marvel Carbureter Co. (formally a wholly owned subsidiary of the Borg-Warner Corporation), against the United States in connection with the development of fuel-injection systems for use on military aircraft: *Provided, however*, That such damages shall not exceed the actual moneys expended by the said Borg-Warner Corporation and the Marvel Carbureter Co. in connection with this said development during the calendar years 1927 to 1936, inclusive.

SEC. 2. Such claim shall be instituted by or on behalf of the Borg-Warner Corporation within 1 year after the date of the enactment of this act. Proceedings in any suit before the Court of Claims under this act, and review thereof and payment of any judgment therein, shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

The amendment was agreed to.

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

ROBERT STOCKMAN

The Senate proceeded to consider the bill (S. 1449) for the relief of Robert Stockman, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "$15,000" and to insert "$6,957.92", and in line 12, after the word "Administration", to strike out "for the Coast and Geodetic Survey, of the Department of Commerce, in the service of the Connecticut Geodetic Survey", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert Stockman, of Providence, R. I., the sum of $6,957.92 in full satisfaction of all claims against the United States for damages for personal injuries, medical expenses, and property damage sustained by him when he was struck by a truck owned by the United States Government and operated by A. A. McGrath, an employee of Works Progress Administration, in the village of Chepachet, in the town of Gloucester, R. I., on March 22, 1937: *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 amendments were agreed to.

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

JOINT RESOLUTION PASSED OVER

The resolution (S. J. Res. 34) for the relief of W. K. Richardson was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation?

Mr. KING. I ask that the joint resolution be passed over.

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

SPECIAL JUDGE FOR DISTRICT COURT OF VIRGIN ISLANDS

The Senate proceeded to consider the bill (S. 190) to authorize the temporary appointment of a special judge for the District Court of the Virgin Islands, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 10, after the word "judge", to insert "only"; on page 2, line 3, after the word "receive", to strike out "the same rate of", and in the same line, after the word "compensation", to insert "at the same rate, for the period of time actually served", so as to make the bill read:

Be it enacted, etc., That section 26 of the Organic Act of the Virgin Islands of the United States (act of June 22, 1936, 49 Stat. 1813; U. S. C., title 48, sec. 1405y) be, and the same is hereby, amended by inserting therein immediately following the first sentence thereof the following sentence: "In case of the absence, disability, or disqualification of such judge, the President is authorized to appoint a special judge to discharge the duties of such judge only until the termination of such absence, disability, or disqualification; and the special judge so appointed shall be authorized and empowered to perform the duties of such office during such periods and shall receive compensation at the same rate, for the period of time actually served, and the same allowances for expenses and transportation, as are paid and allowed the judge of said court."

The amendments were agreed to.

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

BILLS PASSED OVER

The bill (S. 2017) to amend the Railroad Unemployment Insurance Act approved June 25, 1938, was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

Mr. KING. I wish to make one observation with reference to that bill. We shall have railroad measures before us within a short time, and perhaps that measure may properly be integrated with them.

The bill (S. 1100) for the completion of the construction of the Atlantic-Gulf Ship Canal across Florida, was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

OKIE MAY FEGLEY

The Senate proceeded to consider the bill (H. R. 875) for the relief of Okie May Fegley, which had been reported from

the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "$8,500" and insert in lieu thereof "$5,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the Government, to Okie May Fegley, of Williamsport, Pa., the sum of $5,000 in compensation for injuries caused by a post-office truck, resulting in serious and permanent injury: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

The bill was read the third time and passed.

WILLIAM HILLOCK

The Senate proceeded to consider the bill (S. 2061) for the relief of William Hillock, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the name "South Dakota", to insert "in full settlement of his claim against the United States", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $90 to William Hillock, of Watertown, S. Dak., in full settlement of his claim against the United States for 90 hours of overtime work performed by him during the period of July 1, 1936, to August 16, 1936, inclusive, while employed as a carpenter on a sewer and water project constructed at the Pine Ridge Indian Agency: *Provided*, That no part of the money appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

BILLS PASSED OVER

The bill (S. 1894) for the relief of Ivan Charles Grace was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1895) for the relief of Maria Enriquez, Crisanta, Anselmo, Agustin, and Irineo de los Reyes was announced as next in order.

Mr. KING. Mr. President, may we have an explanation of the bill? If not, let it go over.

The PRESIDING OFFICER. The bill will be passed over for the present.

The bill (H. R. 1301) for the relief of John J. Trimble was announced as next in order.

Mr. McKELLAR. May we have an explanation of the bill? If not, let it go over.

The PRESIDING OFFICER. The bill will be passed over.

W. F. TOWSON

The bill (H. R. 2529) for the relief of W. F. Towson was considered, ordered to a third reading, read the third time, and passed.

ELIZABETH E. BURKE

The bill (S. 1905) for the relief of Elizabeth E. Burke was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth E. Burke, of Turners Falls, Mass., the sum of $304, in full satisfaction of her claim against the United States for compensation and reimbursement of medical and hospital expenses incurred by her as the result of personal injuries sustained by her when the car in which she was riding was struck by a Civilian Conservation Corps truck on January 26, 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 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 such 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.

GUY F. ALLEN

The bill (S. 2179) for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the June 1937 and July 1938 accounts of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department, without charge against the certifying officer of the Department of the Interior, for the following vouchers covering the purchase of tents and canvas: Voucher 13-85798, $65; voucher 13-86963, $73.75; voucher 13-87591, $784.25; voucher 13-87592, $366.02; voucher 13-8340, $40.75.

SAN FRANCISCO MOUNTAIN SCENIC BOULEVARD CO.

The bill (S. 68) for the relief of San Francisco Mountain Scenic Boulevard Co. was announced as next in order.

Mr. KING. Mr. President, may we have an explanation of the bill?

Mr. ASHURST. Mr. President, the purpose of the bill is to pay to the San Francisco Mountain Scenic Boulevard Co. the sum of $15,500 as full settlement of any claim of said company against the United States arising out of expenditures made for the benefit of the United States in the construction of the San Francisco Mountain Scenic Boulevard within the Coconino National Forest in Arizona.

Mr. KING. May I ask the Senator whether or not he regards the road as necessary to the Department of Agriculture?

Mr. ASHURST. Yes. The report of the Department so indicates.

A portion of the road which was constructed is of value to the Forest Service in the administration of the Coconino National Forest, since it makes accessible parts of that forest which otherwise would not be accessible to vehicular traffic.

Mr. KING. I have no objection.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Claims with an amendment at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the San Francisco Mountain Scenic Boulevard Co. the sum of $15,500 as full settlement of the claim of said company against the United States arising out of expenditures made for the benefit of the United States in the construction of the San Francisco Mountain Scenic Boulevard within the Coconino National Forest in Arizona: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

Mr. ASHURST. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a copy of the report of the committee on the bill.

There being no objection, the report (No. 334) submitted by Mr. HUGHES on April 27, 1939, was ordered to be printed in the RECORD, as follows:

The Committee on Claims, to whom was referred the bill (S. 68) for the relief of the San Francisco Mountain Scenic Boulevard Co., having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

At the end of the bill add 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 purpose of the bill is to pay to the San Francisco Mountain Scenic Boulevard Co. the sum of $15,500 as full settlement of the claim of said company against the United States arising out of expenditures made for the benefit of the United States in the construction of the San Francisco Mountain Scenic Boulevard within the Coconino National Forest in Arizona.

The Acting Secretary of Agriculture recommends favorable consideration of the bill.

The records of the Department show that, under the regulations relating to the administration of the national forests, a permit was issued on March 29, 1920, to the San Francisco Mountain Scenic Boulevard Co. authorizing it to construct a road across national-forest lands so as to reach the summit of the San Francisco Peaks, a high mountain in this locality. The road was to be constructed within a specified time and was to be maintained in a serviceable condition to meet tourist demands. It was expected that the permittee would reimburse itself for expenditures made in the construction and maintenance of the road by charging a toll for the privilege of passing over the road. The company seems to have had difficulty in financing the project, since the construction of the road was never completed, although the period for building it was several times extended. The company was not successful in obtaining sufficient revenue in the way of tolls from the road to maintain the portion constructed in a safe and serviceable condition and therefore the Department, after due notice, on January 19, 1938, canceled the permit so that thereafter the company had no control over the road, but for all practical purposes it became the property of the United States, since it was constructed on lands of the United States.

The records further show that a portion of the road which was constructed is of value to the Forest Service in the administration of the Coconino National Forest, since it makes parts of that forest accessible which otherwise would not be accessible to vehicular traffic. An examination by the Forest Service as to the cost of this part of the road, or rather what it would cost the Federal Government were it to construct a like road in this locality, indicates that the cost of such construction would be approximately $15,500, the amount stated in the bill. In view of the fact that this road is of value to the Government in the administration of Coconino National Forest and that were the Government forced to construct a like road it would be put to an expense of approximately $15,500, the Acting Secretary states: "It is believed that it would be no more than equitable to pay the San Francisco Mountain Scenic Boulevard Co. the cost of such road construction, and therefore the Department recommends S. 68 to the favorable consideration of your committee."

Your committee concur in the view of the Department, and it is accordingly recommended that the bill do pass.

The letter of the Acting Secretary of Agriculture is appended hereto and made a part of this report.

DEPARTMENT OF AGRICULTURE,
Washington, March 8, 1939.

Hon. M. M. LOGAN,
Chairman, Committee on Claims,
United States Senate.

DEAR SENATOR LOGAN: Receipt is acknowledged of your letter of February 13 enclosing copy of S. 68, a bill for the relief of the San Francisco Mountain Scenic Boulevard Co., and asking for a report thereon.

The proposed legislation would direct the Secretary of the Treasury to pay to the San Francisco Mountain Boulevard Co. $15,500 as full settlement of the claim of the company against the United States growing out of expenditures made in the construction of a road within the Coconino National Forest, Ariz.

Under the regulations of this Department relating to the administration of the national forests, a permit was issued on March 29, 1920, to the San Francisco Mountain Scenic Boulevard Co. authorizing it to construct a road across national forest lands so as to reach the summit of the San Francisco Peaks, a high mountain in this locality. The road was to be constructed within a specified time and was to be maintained in a serviceable condition to meet tourist demands. It was expected that the permittee would reimburse itself for expenditures made in the construction and maintenance of the road by charging a toll for the privilege of passing over the road. The company seems to have had difficulty in financing the project, since the construction of the road was never completed although the period for building it was several times extended. The company was not successful in obtaining sufficient revenue in the way of tolls from the road to maintain the portion constructed in a safe and serviceable condition and therefore the Department, after due notice, on January 19, 1938, canceled the permit so that thereafter the company had no control over the road but for all practical purposes it became the property of the United States since it was constructed on lands of the United States.

A portion of the road which was constructed is of value to the Forest Service in the administration of the Coconino National Forest since it makes parts of that forest accessible which otherwise would not be accessible to vehicular traffic. An examination by the Forest Service as to the cost of this part of the road, or rather what it would cost the Federal Government were it to construct a like road in this locality, indicates that the cost of such construction would be approximately $15,500, the amount stated in Senate bill 68.

In view of the fact that this road is of value to the Government in the administration of the Coconino National Forest and that were the Government forced to construct a like road it would be put to an expense of approximately $15,500, it is believed that it would be no more than equitable to pay the San Francisco Mountain Scenic Boulevard Co. the cost of such road construction and therefore this Department recommends Senate bill 68 to the favorable consideration of your committee.

Sincerely,

HARRY L. BROWN,
Acting Secretary.

N. F. CLOWER AND ELIJAH WILLIAMS

The Senate proceeded to consider the bill (S. 2056) for the relief of N. F. Clower and Elijah Williams, which had been reported from the Committee on Claims with an amendment at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury, for and on behalf of the United States of America, be, and he is hereby, authorized and directed to execute to N. F. Clower, of Shelby County, Tenn., a quitclaim deed conveying any right, title, and interest of the United States of America in the following-described real estate lying and being in Shelby County, Tenn., and particularly described as follows:

Being in the second civil district of said county and State, to wit: Twenty-seven and six one-hundredths acres of land bounded on the north by the lands of ——— White; on the east by the lands of Fields; on the south by the lands of ——— Weaver; and on the west by the lands of Ensley or ——— Barrett; and lots 9, 11, 12, and 13 in Clower's subdivision in Shelby County, State of Tennessee, which subdivision was made in January A. D. 1925; said lots are bounded on the north by the lands of N. F. Clower; on the east by the lands of Williams and Birdie Rice; on the south by Mitchell Avenue, and on the west by the Macedonia Missionary Baptist Church lands; said lots 9, 11, 12, and 13 are in block 2 of said subdivision; together with the hereditaments and appurtenances thereunto belonging.

SEC. 2. That the Secretary of the Treasury, for and on behalf of the United States of America, be, and he is hereby, authorized and directed to execute to Elijah Williams, of Shelby County, Tenn., a quitclaim deed conveying any right, title, and interest of the United States of America in the following-described real estate lying and being in the county of Shelby, Tenn., and particularly described as follows:

Being in the second civil district of said county and State, to wit: Lot 42, block 1 of W. O. Crump's Warford Avenue subdivision, as shown in plat book 8 at page 205 of the register's office for the county of Shelby in the State of Tennessee, said land beginning on the north side of Calvert Avenue at the northwest corner of Branch Street thence west 40 feet; thence north parallel with Branch Street 125 feet; thence east parallel with Calvert Avenue 40 feet to the west side of Branch Street; thence south with said west line 125 feet to the beginning, together with the hereditaments and appurtenances thereunto belonging.

SEC. 3. That the clerk of the United States District Court for the Western District of Tennessee, at Memphis, is hereby authorized and directed to satisfy of record the judgment obtained by the United States of America against N. F. Clower and Elijah Williams, as sureties on the forfeited bail bond of Robert Rhone, who was charged with violation of the United States Internal Revenue Act and who failed to appear as required by law but who subsequent to the first setting of his trial and within the same term of court, made his appearance, stood trial July 21, 1937, was convicted, sentenced, and has served his time and been discharged: *Provided, however*, That as a condition precedent to the reconveyance of the property and the satisfaction of the judgment the claimants pay to the United States their proportionate share of the sum of $167.96, said sum representing costs and expenses incurred by the Government.

The amendment was agreed to.

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

Mr. MCKELLAR. Mr. President, I ask unanimous consent that the report of the committee in connection with Senate bill 2056 be printed in the RECORD at this point.

There being no objection, the report (No. 335) submitted by Mr. HUGHES on April 27, 1939, was ordered to be printed in the RECORD, as follows:

The Committee on Claims, to whom was referred the bill (S. 2056) for the relief of N. F. Clower and Elijah Williams, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

At the end of the bill add the following:

"*Provided, however*, That as a condition precedent to the reconveyance of the property and the satisfaction of the judgment the

claimants pay to the United States their proportionate share of the sum of $167.96, said sum representing costs and expenses incurred by the Government."

As amended, the Attorney General has no objection to the enactment of the bill.

The files of the Department of Justice show that on June 16, 1937, Robert Rhone was indicted on a charge of operating a still in violation of the internal-revenue laws; that he was released on bond in the sum of $1,000 on which N. F. Clower and Elijah Williams were sureties; that defendant failed to appear on the date set for his arraignment and on June 24, 1937, the bond was forfeited. Judgment was entered against the sureties on November 8, 1937, in the sum of $1,000 with costs.

In July 1938 certain real property belonging to the sureties was sold in execution of the judgment. The United States bid it in for the sum of $960, of which the sum of $710 was paid for the Williams property and the sum of $250 for the Clower property. After applying this amount to the judgment there remained a balance due of $205.46 which is still unsatisfied. The bill proposes that the United States reconvey the property to claimants and cancel the balance due on the judgment.

On July 19, 1937, less than a month after the default, the defendant was produced by the sureties for trial. He was convicted and sentenced to imprisonment in a penitentiary for a term of 2 years. He was subsequently released on a writ of habeas corpus, the court holding that the count of the indictment on which he was convicted was void.

The Attorney General states that "I find no objection to the enactment of the bill, if it is amended to provide that as a condition precedent to the reconveyance of the property and the satisfaction of the judgment the claimants pay to the United States the sum of $167.96," the amount of costs and expenses incurred by the United States.

The following letter from the Attorney General is appended hereto and made a part of this report, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 19, 1939.

Hon. M. M. LOGAN,
Chairman, Senate Committee on Claims,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of April 5, requesting my views concerning the merits of the bill (S. 2056) to provide that the United States shall convey to N. F. Clower and Elijah Williams title to certain real property located in Shelby County, Tenn.; and to provide for the satisfaction of the judgment secured against them as a result of the forfeiture of a bail bond filed in a criminal proceeding against Robert Rhone in the United States District Court for the Western District of Tennessee.

The files of this Department show that on June 16, 1937, Robert Rhone was indicted on a charge of operating a still in violation of the internal-revenue laws. He was released on bond in the sum of $1,000, on which N. F. Clower and Elijah Williams were sureties. The defendant failed to appear on the date set for his arraignment, and on June 24, 1937, the bond was forfeited. Judgment was entered against the sureties on November 8, 1937, in the sum of $1,000 with costs.

In July 1938 certain real property belonging to the sureties was sold in execution of the judgment. The United States bid it in for the sum of $960, of which the sum of $710 was paid for the Williams property and the sum of $250 for the Clower property. After applying this amount to the judgment, there remained a balance due of $205.46, which is still unsatisfied.

The pending bill proposes to provide that the United States shall reconvey the above-mentioned property to N. F. Clower and Elijah Williams and cancel the balance of $205.46 due on the judgment.

On July 19, 1937, less than a month after the default, the defendant was produced by the sureties for trial. He was convicted and sentenced to imprisonment in a penitentiary for a term of 2 years. He was subsequently released on a writ of habeas corpus, the court holding that the count of the indictment on which he was convicted was void.

I am informed that Clower is 84 years of age and that the property includes his home.

The Government incurred costs and expenses in this matter aggregating the sum of $167.96.

In view of the foregoing consideration, I find no objection to the enactment of the bill, if it is amended to provide that as a condition precedent to the reconveyance of the property and the satisfaction of the judgment, the claimants pay to the United States the above-mentioned sum of $167.96.

With kind regards,
Sincerely,

FRANK MURPHY,
Attorney General.

FRANCIS GERRITY

The bill (S. 648) for the relief of Francis Gerrity was announced as next in order.

Mr. KING. I ask that the bill go over. It is objected to by the Secretary of War.

Mr. JOHNSON of Colorado. Mr. President, am I to understand that there is objection to Senate bill 648?

Mr. KING. Yes, Mr. President. I notice from the report which accompanies the bill that the entire matter has been given mature consideration and that the War Department adheres to the views expressed in its previous report, which is quoted, and recommends that the bill be not enacted into law.

Mr. JOHNSON of Colorado. Will the Senator withhold his objection for just a moment?

Mr. KING. Certainly.

Mr. JOHNSON of Colorado. Mr. President, I have no interest whatever in this case. I did not know anything about it until the matter was referred to me to make a study of it.

The report to which the Senator refers is merely one of the routine reports which are turned out at the War Department on every case that comes to the Department for consideration. It does not mean a thing in the world.

The facts concerning this case are as follows:

Francis Gerrity enlisted when he was 17 years old. He went to the Philippines. He served 2 years and 9 months in the Philippines. He was brought back to Junction City, Kans. One pay day Gerrity and two other soldiers obtained leave and went to town. The day before, a soldier from Junction City had gotten into some trouble and had killed a policeman in cold blood. At that particular time feeling was very strong against men who wore the uniform. Gerrity, in company with the two other soldiers referred to, went to town. They met a civilian, and the four of them went to a sporting house. While they were there, all of them drinking and all of them more or less intoxicated, the civilian claimed that he had been robbed; that his pockets had been picked. So the soldiers were arrested and tried under very unfavorable circumstances. The two older soldiers were sentenced to the penitentiary for a year. On account of his youth, Gerrity was sentenced to a year in the reformatory.

There was no evidence to show which one of the soldiers, if any of them, had robbed the civilian. It is just an unfortunate case. Francis Gerrity at the present time is in a logging camp in the West. He is a hard-working man with a good reputation. The situation is an unfortunate one, which only the Congress can correct.

The War Department had no alternative except to discharge Gerrity. When he was convicted in a civil court, he had to be taken out of the Army. He was not dishonorably discharged. He was discharged "without honor." It seems to me that the Congress ought to correct a situation of that kind.

Mr. KING. He was discharged because he was convicted of picking pockets and sentenced to 1 year in the penitentiary.

Mr. JOHNSON of Colorado. He was sentenced to 1 year in the reform school.

Mr. KING. To 1 year in the reform school.

Mr. JOHNSON of Colorado. As I have said, there were three soldiers in the party.

Mr. KING. If the three engaged in picking pockets or robbing some person, I do not think one should be exculpated merely because perhaps the crime was not fastened directly upon him. The three were together. The report shows that Gerrity was convicted of picking pockets.

Mr. JOHNSON of Colorado. He was convicted of picking pockets. All three of the soldiers were convicted, and the older boys were sent to the penitentiary. Does not the Senator believe that sometimes a conviction is wrong? From my study of the case, I have very good reason to believe that the conviction was wrong.

As I say, I have no interest in the case other than a humanitarian interest.

Mr. KING. The War Department has made an investigation, and the Senator has made an investigation. The investigation of the War Department was made by Adjutant General Adams, a man of the highest character and integrity, for whom I vouch in every activity of life. Does the Senator believe, after his investigation, that Gerrity did not indulge in picking pockets, and did not join with his associates in that crime?

Mr. JOHNSON of Colorado. I think he did not have anything to do with the crime of picking pockets. I do not think anybody's pockets were picked; but the Army had no other

choice than to discharge the men when they were convicted in court. The Army could not go back of the conviction. The Army had no alternative. It was compelled to accept the conviction, and to discharge "without honor."

I wish the Senator would study the case, and, because of his humanitarian instincts—which I know are very great—and his gratefulness to the men who wear the uniform, be lenient in this case.

An identical bill has passed the Senate at two previous sessions. I hope the Senator will withdraw his objection.

Mr. KING. Mr. President, I shall adhere to my objection for the present. I shall confer with the War Department; and if any injustice has been done Francis Gerrity, I shall be the first to move for rectification. However, in view of Secretary Woodring's statement that the matter has been given full consideration, and in view of the recommendation of Major General Adams, it seems to me we ought to have further light before we pass the bill.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (H. R. 3221) to authorize the Secretary of War to provide for the sale of aviation supplies and services to aircraft operated by foreign military and air attachés accredited to the United States, and for other purposes, was announced as next in order.

Mr. McNARY. Mr. President, I do not know that I have any objection to the bill; but I should like to have an explanation of it, because the title is not sufficient to enlighten me as to its true purpose.

Mr. KING. Also, there is a minority report.

Mr. LA FOLLETTE. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio, was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 198) to provide that records certified by the Court of Claims to the Supreme Court in response to writs of certiorari may include material portions of the evidence, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CHARLES C. RASCOE

The bill (S. 682) relating to the military record of Charles C. Rasco, deceased, was announced as next in order.

Mr. KING. Mr. President, I ask that the bill go over. The War Department reports adversely upon it.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SCHWARTZ] reported the bill, and the Chair will refer the Senator to him.

Mr. KING. The War Department has reported adversely, and I ask that the bill go over.

Mr. SCHWARTZ. Mr. President, will the Senator withhold his objection and permit me to make a brief statement?

Mr. KING. Certainly.

Mr. SCHWARTZ. Mr. President, I will explain the situation in reference to this bill. The young man in this case, Charles C. Rascoe, was a soldier on duty in France. As to his general character, it may be stated that he submitted himself to two operations in order finally to become physically qualified for admission into the service. He served in France in the Transportation Corps. His duty was to travel up and down a railway line as a trackwalker. One day while he was walking the tracks a squad of 10 or 15 soldiers were unloading some hospital supplies. The car from which the supplies were being unloaded had been wrecked or damaged, so that some of the cases in which bottles were packed had been broken. It was cold, and this young soldier, a mere boy of 19 or 20, coming down the right-of-way, as was his duty to do, found the other soldiers in a little shack in which there was a stove and a fire. I may say, by the way, that a sergeant was there. The young soldier stepped into the little shack. There was on the stove in the shack a concoction that was made, as the soldiers thought, out of grain alcohol; but, as a matter of fact, it was made out of wood alcohol. They had mixed sugar and water into it, and invited this young soldier to have a drink. Any Legionnaires who may be here who ever took a drink while they were on duty will understand the situation. So he took a drink, as the other boys did, and went on about his duties. The next day he became sick, and, after he was in the hospital for a day, he died.

The War Department issued a certificate as to the cause of his death, it being reported that the cause was cerebrospinal meningitis. Another boy who drank some of the same concoction in the shack on that cold morning also died. Then the record was changed to show that he died from the effects of drinking wood alcohol, that his stepping into the shack was outside the line of his duty, and, therefore, he died from an act committed while he was not in the performance of his duty. That being their finding, it was held that his separation from the service was not honorable, and it was so noted on his record. Of course, his mother is greatly interested in this matter, and she is most particularly interested in it because she does not like to have that record against her boy. I have taken the trouble in looking into this case to go to the War Department and find other similar cases where honorable discharges were given, and I have incorporated them in the report.

In the interest of fair play to this boy and his mother, and because I realize, Mr. President, that it is a practical impossibility to get the War Department ever to vary, by a dot or a comma or anything else, what they have put on the record as to the cause of death, when soldiers are in the field, and when sudden courts martial or sudden courts of inquiry are held. Under the circumstances, I hope the Senator from Utah will permit this bill to be considered and passed by the Senate.

Mr. KING. Mr. President, so far as I am personally concerned, I have no interest in these matters other than to do my duty. Personally I should be very glad to be far more generous than is my friend from Wyoming. I find that the first time the War Department considered this case it strongly recommended "that the bill be not favorably considered." Secretary Woodring further adds:

> After reconsideration of the entire matter, the War Department adheres to the view expressed in its previous report, quoted in the foregoing, and recommends that S. 682 be not enacted into law.

The facts are, so far as the report which the Senator submits discloses, that this young man and others had certain duties to perform. They left the scene of the duty to which they were assigned and went into what the Senator calls "a shack"—into a house—which was not connected in any way with their duties, and there they partook of a beverage. The report seems to indicate that larceny—a petit larceny, probably—was committed in obtaining the beverage. The result was, as the Senator states, that death followed the next day.

I am willing that the Senate should pass upon the bill, and I withdraw objection to its consideration. I only want the Senate to understand that the Secretary of War, "after further consideration," strongly recommends against the favorable consideration of the bill.

I wish to say, not by way of exculpation, for the War Department does not need any apologist for its record, that I do not agree with my dear friend from Wyoming that the War Department, always without changing a dot, as he stated, recommends adversely on such measures as this. It is quite the reverse; I know of many cases where they have favorably recommended appropriations and correction of records; and I do not want the RECORD to show that we assent to the charge that the War Department always recommends against these cases. I think the War Department tries to get the facts, and I want to exonerate it in this case, as in others, when the charge is made that the Department has not acted fairly.

Mr. SCHWARTZ. Mr. President, let me refer to one of the conclusions of the War Department:

There are a considerable number of cases similar to this for which remedial legislation would undoubtedly be asked should this bill become a law.

It has been my experience, as a member of the Military Affairs Committee, that when an attempt is made to correct the record of a soldier there is included in practically every adverse report the statement that it would establish a precedent. I had hoped these cases might be determined upon their individual merits.

As to my statement about the facts and circumstances, there is in the files of the Military Affairs Committee in this case the complete record of the testimony taken of all the men who were there, including the sergeant. All the young soldier did was to stop on his travels up and down the railway line and accept a drink with the other boys who were taking drinks. It is on that ground that a black mark has been written against his record in the War Department, and that, I think, the Senate should correct.

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

Mr. KING. I have withdrawn my objection under the circumstances explained by me.

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Charles C. Rascoe, deceased (Army serial No. 2687114), who was a private, Seventy-eighth Company, Transportation Corps, United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private on April 9, 1919: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

PROHIBITION OF RADIO ADVERTISING OF ALCOHOLIC BEVERAGES

The PRESIDING OFFICER. The Chair asks the Senate to recur to Calendar No. 362, Senate bill 517, the title of which will be stated.

The CHIEF CLERK. A bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio.

The PRESIDING OFFICER. The Chair wishes to make it plain that he does not object to that bill. It was objected to by other Senators, and the bill went over.

RECORDS CERTIFIED TO SUPREME COURT BY THE COURT OF CLAIMS

The PRESIDING OFFICER. The Chair also asks to recur to Calendar No. 363, Senate bill 198, the title of which will be stated.

The CHIEF CLERK. A bill (S. 198) to provide that records certified by the Court of Claims to the Supreme Court in response to writs of certiorari may include material portions of the evidence, and for other purposes.

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

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

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 3, subsection b, of the act of February 13, 1925 (43 Stat. 936, 939, c. 229; U. S. C., title 28, sec. 288 b), be amended so as to read as follows:

"(b) In any case in the Court of Claims, including those begun under section 180 of the Judicial Code, it shall be competent for the Supreme Court, upon the petition of either party, whether Government or claimant, to require, by certiorari, that the cause be certified to it for review and determination of all errors assigned, with the same power and authority, and with like effect, as if the cause had been brought there by appeal. In such event the Court of Claims shall include in the papers certified by it the findings of fact, the conclusions of law, and the judgment or decree, as well as such other parts of the record as are material to the errors assigned, to be settled by the Court:

"The Court of Claims shall promulgate rules to govern the preparation of such record in accordance with the provisions of this section.

"In such cases the Supreme Court shall have authority to review, in addition to other questions of law, errors assigned to the effect that there is a lack of substantial evidence to sustain a finding of fact; that an ultimate finding or findings are not sustained by the findings of evidentiary or primary facts; or that there is a failure to make any finding of fact on a material issue."

BILL PASSED OVER

The bill (S. 1904) relating to age requirements for persons in the classified civil service was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MEAD. Mr. President, I inquire what happened to Order of Business 365, Senate bill 1904?

The PRESIDING OFFICER. The bill went over on objection of the Senator from Utah.

RAILROAD TRACKAGE, FORT LEAVENWORTH MILITARY RESERVATION

The Senate proceeded to consider the bill (S. 1307) authorizing the Secretary of War to grant a revocable license to the Union Pacific Railroad Co. to maintain certain railroad trackage on the Fort Leavenworth Military Reservation, which had been reported from the Committee on Interstate Commerce with an amendment, on page 1, line 10, after the word "purpose", to insert:

Provided, however, That nothing herein, or in such license, shall be construed as relieving said railroad company of compliance with any of the provisions of the Interstate Commerce Act, as amended, or as it may hereafter be amended.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War (hereinafter referred to as the Secretary) is authorized to grant to the Union Pacific Railroad Co. and its successors in interest a license to maintain, operate, repair, renew, and reconstruct, at its own expense, upon the Fort Leavenworth Military Reservation such railroad trackage as, in the opinion of the Secretary, will not conflict with the use of such reservation for any governmental purpose: *Provided, however*, That nothing herein, or in such license, shall be construed as relieving said railroad company of compliance with any of the provisions of the Interstate Commerce Act, as amended, or as it may hereafter be amended. Any license so granted shall (1) be revocable at the will of the Secretary, (2) provide that the Secretary may, in lieu of revoking such license, require the grantee to relocate any such trackage for the purpose of preventing such trackage from interfering with the use of such reservation for governmental purposes, and (3) provide that the privileges granted thereby shall be exercised subject to such rules and regulations as the Secretary, or the commanding officer at such reservation with the approval of the Secretary, may prescribe in the interests of maintenance of good order, sanitation, discipline, public safety, and the interests of the United States.

The amendment was agreed to.

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

REAL ESTATE DEVISED BY LIZZIE BECK, OF MENA, ARK.

The bill (S. 2244) to authorize the Secretary of the Treasury to accept real estate devised to the United States by the late Lizzie Beck, of Mena, Ark., and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept on behalf of the United States the real estate devised to the United States by the late Lizzie Beck, of Mena, Ark., and to deal with the same in the manner provided by the act of August 27, 1935 (49 Stat. 885; U. S. C., title 40, sec. 304a), or the act of August 26, 1935 (49 Stat. 800; U. S. C., title 40, sec. 345b).

BILL PASSED OVER

The bill (S. 1730) to amend the civil-service law to permit certain employees of the legislative branch of the Government to be transferred to positions under the competitive classified civil service was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

REINTERMENT OF CERTAIN BODIES

The joint resolution (S. J. Res. 62) to reinter the bodies of Mary McDonough Johnson Daughtery and Sarah Phillips

McCardle Whitesides near the body of former President Andrew Johnson, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to disinter the bodies of Mary McDonough Johnson Daughtery, mother of former President Andrew Johnson, and of Sarah Phillips McCardle Whitesides, the mother of the wife of former President Andrew Johnson, and to reinter the same within the same plot of ground, and within the railing surrounding the said plot of ground, in which the body of the said former President of the United States, Andrew Johnson, is himself buried.

SEC. 2. That an appropriation to cover the expenses of the action herein directed, not exceeding $200, be, and is hereby, authorized.

Mr. McKELLAR subsequently said: Mr. President, the Senator from Vermont [Mr. AUSTIN] has submitted an excellent report on Senate Joint Resolution 62, and it is very short. I ask that the report be printed in the RECORD in connection with the passage of the joint resolution.

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

The report (No. 344) submitted by Mr. AUSTIN on May 1, 1939, is as follows:

The Committee on Military Affairs, to whom was referred the joint resolution (S. J. Res. 62) to reinter the bodies of the mother and the mother-in-law of former President Andrew Johnson, having considered the same, report favorably thereon with a recommendation that it do pass.

The purpose of the bill is to authorize and direct the Secretary of War to disinter the bodies of Mary McDonough Johnson Daughtery, mother of former President Andrew Johnson, and of Sarah Phillips McCardle Whitesides, the mother of the wife of former President Andrew Johnson, and to reinter them within the same plot of ground, and within the railing surrounding the said plot of ground, in which the body of Andrew Johnson, former President of the United States, is buried.

Section 2 of the bill authorizes an appropriation of $200 to cover the expenses that would be incurred in carrying out this purpose.

The committee favor this legislation, but it is not the intention of the committee to establish a policy other than that of considering every application of this kind on its merits.

Three letters from the only surviving next-of-kin of former President Andrew Johnson, giving their consent and endorsement of Senate Joint Resolution 62 and House Joint Resolution 4014, to reinter the bodies of the mother and the mother-in-law of former President Andrew Johnson, follow:

GREENEVILLE, TENN., *April 12, 1939.*

COMMITTEE ON MILITARY AFFAIRS,
United States Senate, Washington, D. C.

GENTLEMEN: Senate Joint Resolution No. 62, introduced by Senator MCKELLAR, of Tennessee, provides that the bodies of Mary McDonough Johnson-Daughtery and Sarah Phillips McCardle-Whitesides, mother and mother-in-law, respectively, of President Andrew Johnson, be disinterred (Old Greeneville Cemetery) and reinterred in the Andrew Johnson National Cemetery, of Greeneville, Tenn., in the family plot and near the remains of President Johnson and wife.

Under the provisions of the will of the late Martha Johnson Patterson, the land comprising the Andrew Johnson National Cemetery was deeded to the Federal Government. It set forth the names of the members of the family of the late President who were to be interred in this National Cemetery. The late President and Mrs. Johnson, and certain other members of his family, are interred in a plot in this cemetery, which is now surrounded by an iron fence. The other members of the family have been and will be interred in the family plot outside of the iron fence, leaving a space for two graves within the enclosure of the iron fence and near the bodies of the late President and his wife. As one of the three surviving heirs at law of Andrew Johnson, I am anxious and willing that Senate Joint Resolution No. 62 be approved by your committee and passed, and that the two bodies be reinterred in the space mentioned above within the plot surrounded by the iron fence.

Mrs. Martha J. Patterson was the mother of only two children, Andrew Johnson Patterson and Belle Patterson, both of whom are dead. I am the only child and heir at law of Andrew Johnson Patterson. Mary Belle Patterson married John Landstreet, of Richmond, Va., both of whom are deceased. They had only one child, Martha Belle Landstreet, who married Robert Willingham, of Richmond, Va., who now survives, she being the only other heir at law of Martha Johnson Patterson.

Mrs. Mary Johnson Stover (second daughter of Andrew Johnson) was the mother of three children, Lillie, Sarah, and Andrew Johnson Stover, all three of whom are dead. Sarah (wife of W. B. Bachman), had two children, Samuel (deceased), and Andrew Johnson Bachman, now living in Elizabethton, Tenn., being the only heir at law of Mary Johnson Stover.

As one of the three heirs at law, I want to hereby give my consent to have these bodies reinterred in the Andrew Johnson National Cemetery at Greeneville, Tenn., and urge the passage of Senate Joint Resolution No. 62, providing for same and trust it may be favorably acted upon without delay, I am,

Respectfully yours,

MARGARET JOHNSON PATTERSON.

ELIZABETHTON, TENN., *April 15, 1939.*

COMMITTEE ON MILITARY AFFAIRS,
United States Senate, Washington, D. C.

GENTLEMEN: Senate Joint Resolution No. 62, by Senator McKellar of Tennessee, and its companion measure, House Joint Resolution No. 4014, by Representative Albert Gore, of Tennessee, provide for the disinterment of the bodies of Mary McDonough Johnson-Daughtery and Sarah Phillips McCardle-Whitesides, mother and mother-in-law, respectively, of President Andrew Johnson, and for their reinterment in the Andrew Johnson National Cemetery at Greeneville, Tenn.

Andrew Johnson had five children; however, only two had issue. Martha Johnson, the eldest daughter, married David Trotter Patterson. They had two children, Andrew Johnson Patterson and Mary Belle Patterson, who married John Landstreet, both of whom are now dead. Andrew Johnson Patterson left only one heir-at-law, Miss Margaret Johnson Patterson, now of Greeneville, Tenn., and Mrs. Mary Belle Landstreet, had only one child, Mrs. Robert Willingham, of Richmond, Va., who now survives. Mary Johnson, second daughter of President Andrew Johnson, married Daniel Stover. They had three children, namely, Lillie, Sarah, and Andrew Johnson Stover, all of whom are dead. Sarah married W. B. Bachman, and had two children, Samuel, now deceased, and Andrew Johnson Bachman, the writer, who is the only heir at law of Mary Johnson Stover. In other words, there are only three next of kin of President Andrew Johnson now living, namely, Miss Margaret Johnson Patterson, of Greeneville, Tenn., Mrs. Robert Willingham, of Richmond, Va., and the writer.

I want to hereby give my consent to the passage of Senate Joint Resolution No. 62, and House Joint Resolution No. 4014, for the removal of these two bodies to the Andrew Johnson National Cemetery, under the conditions set out in these resolutions, and urge the passage of same.

Respectfully,

ANDREW JOHNSON BACHMAN.

RICHMOND, VA., *April 17, 1939.*

COMMITTEE ON MILITARY AFFAIRS,
United States Senate, Washington, D. C.

GENTLEMEN: Senate Joint Resolution 62, introduced by Senator MCKELLAR, of Tennessee, provides that the bodies of Mary McDonough Johnson-Daughtery and Sarah Phillips McCardle-Whitesides, mother and mother-in-law, respectively, of President Andrew Johnson, be disinterred from the old city cemetery in Greeneville, Tenn., and reinterred in the Andrew Johnson National Cemetery of that city, which meets with my approval.

Andrew Johnson had five children; however, only two, Martha Johnson Patterson and Mary Johnson Stover, had issue. Mrs. Martha Johnson Patterson had two children, Andrew Johnson Patterson and Belle Patterson, my mother, who married John Landstreet. Both Andrew Johnson Patterson and Belle Patterson Landstreet are deceased. Miss Margaret Johnson Patterson is the only heir at law of Andrew Johnson Patterson, and I am the only heir at law of Belle Patterson.

Mary Johnson Stover, second daughter of Andrew Johnson, and sister of Martha Johnson Patterson, has only one heir at law living, he being Andrew Johnson Bachman, of Elizabethtown, Tenn. In other words, there are only three next of kin of President Andrew Johnson now living, as shown above, they being Miss Margaret Johnson Patterson, of Greeneville, Tenn.; Andrew Johnson Bachman, of Elizabethtown, Tenn.; and myself.

As one of the two heirs at law of Martha Johnson Patterson, and as one of the three surviving next of kin of President Andrew Johnson, I want to hereby give my approval to the passage of Senate Joint Resolution 62, and urge its immediate passage.

Respectfully yours,

MARTHA LANDSTREET WILLINGHAM.
(Mrs. Robert Willingham.)

Report from the War Department, under date of March 23, 1939, follows:

WAR DEPARTMENT,
Washington, March 23, 1939.

Hon. MORRIS SHEPPARD,
Chairman, Committee on Military Affairs,
United States Senate.

DEAR SENATOR SHEPPARD: Careful consideration has been given to the Joint Resolution 62, to reinter the bodies of Mary McDonough Johnson-Daughtery and Sarah Phillips McCardle-Whitesides near the body of former President Andrew Johnson, transmitted with your communication of February 14, 1939, with request for report thereon and such views relative thereto as the War Department may desire to submit.

The applicable provision of existing law is the act of Congress approved June 12, 1906 (34 Stat. 240, 259), authorizing the establishment of the Andrew Johnson National Cemetery.

This joint resolution, if enacted into law, would necessitate the expenditure of $200 for the accomplishment of its purpose. No additional funds would be required annually as the care of these graves would be included in the general care and maintenance of the national cemetery.

The ground on which the Andrew Johnson National Cemetery is located was conveyed to the Government of the United States by deed under the provisions of the will of the late Martha J. Patterson, such deed designating by name the persons who should be interred in the plot reserved for the family of the late President Andrew Johnson. In view of the terms of the deed, specifically setting forth those who should be interred in this plot, the proposed

law would probably be without effect in the absence of the approval of the heirs of Mrs. Patterson to the burial of the individuals named in the joint resolution. This Department has no information as to why President Johnson's mother and mother-in-law were not included in the list mentioned in this deed.

While the War Department has no objection to the enactment of the proposed legislation, it is deemed pertinent to point out that the passage of this bill would establish a precedent which might lead to future efforts along similar lines. In addition to the Andrew Johnson National Cemetery, the Zachary Taylor National Cemetery contains the remains of former President Taylor and certain members of his family, and there may be descendants who would attempt to secure, by legislation, the privilege of being interred in his tract. The same conditions apply to Arlington in view of its historic background.

In the final analysis, the question of whether or not the proposed bill should be enacted into law is one of general policy upon which the Department should express no opinion.

This proposed report has been submitted to the Bureau of the Budget which advises that there would be no objection to its submission to Congress.

Sincerely yours,

HARRY H. WOODRING,
Secretary of War.

APPOINTMENTS FROM THE DISTRICT TO MILITARY ACADEMY

The bill (S. 1683) to amend the act of June 7, 1935 (49 Stat. 332), and for other purposes, was announced as next in order.

Mr. McNARY. Mr. President, I know nothing about this proposed legislation. I should like to have the able Senator from Utah explain it.

Mr. KING. Mr. President, I have no personal interest in the matter at all. It has been suggested by various persons, including the War Department, and by many residents of the District of Columbia, that, in view of the large and increasing population of the District of Columbia, the number of cadets who may be appointed from the District should be increased from five to nine. It has been favorably reported upon by the War Department and approved by the people generally.

Mr. McNARY. How does the proposed increase in number compare on the basis of population with the number of cadets who may be appointed from the respective States? For instance, the able Senator from Utah has a total of three appointments available only when vacancies occur in his quota.

Mr. KING. Then the other Senator and the Representatives from Utah have three appointments. So I think, generally speaking, the population of the District of Columbia would warrant an increase in the number of cadets measured by the appointments made from the respective States.

Mr. McNARY. I have no objection if the bill provides a fair representation for the District of Columbia compared with that of the States. I do not desire that any special privilege should be conferred on any State or on the District of Columbia. So I am asking the Senator what the relationship is. The population of the District of Columbia, say, is 650,000.

Mr. KING. It will soon be 700,000; it is increasing very rapidly.

Mr. McNARY. Very well. How does that compare with the appointments from the States that have the same or greater population?

Mr. KING. I think, probably, that it would give a little preponderance to the District of Columbia. There is one suggestion that might be made that is worthy of consideration. As the Senator knows, a large number of officers of the Federal Government, particularly of the War Department, the Navy Department, the Coast Guard, and other quasi-military establishments, are required to be in Washington a greater part of the year. It is, therefore, difficult for them to claim residence in other portions of the United States. I think that fact was taken into consideration in recommending the passage of the bill.

Mr. McNARY. That is not an accurate statement. Those cases are covered by an act which authorizes the President to make Presidential appointments. I think the number of appointments permitted to the District under the bill is wholly out of proportion to the number permitted to the States according to population.

Mr. HILL. Mr. President, will the Senator from Oregon yield to me?

Mr. McNARY. Yes; I yield.

Mr. HILL. I may say to the Senator that I have no personal interest in the bill, but I think I have the answer to the question the Senator asked. I notice that in the War Department's letter under date of March 25, addressed to the chairman of the Senate Committee on Military Affairs, the Secretary of War, Mr. Woodring, makes this statement:

The reason advanced for increase in the number of appointments allotted to the District of Columbia is based on the fact that, under existing law, eight States with an estimated smaller population than the District of Columbia each have a total of nine appointments to the Military Academy, while the District of Columbia has but five. In view of the fact that the allotment of appointments is based in general upon population, it is the opinion of the War Department that the enactment of S. 1948 would correct an existing inequality.

Mr. McNARY. That may be true as to eight States, but it is not true as to the other 40 States. For instance, if I may be pardoned for taking as an illustration the State of Utah—that delightful State, so ably represented here—it has a population much in excess of that of the District of Columbia without having proportionately as many appointees. Oregon, an even more delightful and more populous State, has but three more than Utah.

I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will be passed over on objection.

DEPUTY CHIEF OF STAFF

The Senate proceeded to consider the bill (S. 2222) to provide for a Deputy Chief of Staff, and for other purposes, which was read, as follows:

Be it enacted, etc., That the first paragraph of section 5 of the National Defense Act of June 3, 1916 (39 Stat. 166), as amended by the act of June 3, 1938 (52 Stat. 610), be, and the same is hereby, amended by inserting in line 4 of said paragraph, after the words "Chief of Staff", a comma followed by the words "the Deputy Chief of Staff" and a comma; by striking out the word "four" appearing in line 4 of said paragraph and inserting in lieu thereof the word "five"; and by striking out the word "eighty-eight" in line 6 of said paragraph and inserting in lieu thereof the words "one hundred and two."

Mr. KING. Mr. President, is the enactment of this bill deemed to be important for military purposes? I address my question to the Senator from Texas [Mr. SHEPPARD], the chairman of the Committee on Military Affairs, who occupies the chair at the moment.

The PRESIDING OFFICER. There is no Deputy Chief of Staff at this time; and certainly a Deputy Chief of Staff is very much needed on account of the recent expansion of national-defense activities. For the same reason the bill adds a few more staff officers.

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

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

BILL PASSED OVER

The bill (S. 2223) to authorize the acquisition of additional lands for military purposes was announced as next in order.

Mr. McNARY. Mr. President, may we have some explanation of that bill?

The PRESIDING OFFICER. The present occupant of the chair will ask that that bill go over for the present.

FORTY-HOUR WEEK FOR PNEUMATIC-TUBE-SYSTEM POSTAL EMPLOYEES

The Senate proceeded to consider the bill (H. R. 4786) to extend the provisions of the 40-hour law to pneumatic-tube-system employees in the Postal Service.

Mr. McKELLAR. Mr. President, I think the Senator from Utah [Mr. KING] would like to have an explanation of the bill, and I will make the explanation.

These tube systems are now operated by the Government as a part of the postal machinery. The systems are leased from the private owners, and the employees are now Government employees. The bill merely applies to these employees the same provisions of law which are already applied to all other postal employees doing like work.

That is the explanation of this bill and the succeeding ones. They are recommended by the Department. They are really Department bills. They have already passed the House, and I hope they will pass the Senate.

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

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

PUNISHMENT FOR TRANSMITTING THREATENING COMMUNICATIONS

The Senate proceeded to consider the bill (H. R. 3230) to amend the statutes providing punishment for transmitting threatening communications, which had been reported from the Committee on Post Offices and Post Roads with amendments.

The first amendment was, in section 1, page 3, line 22, after the word "thereon", to insert the following proviso: "*Provided*, That any defendant in an indictment hereunder, relating to communications originating in the United States, shall, upon motion duly made, be entitled as a matter of right to be tried in the district court of the United States in which the matter mailed or otherwise transmitted was set first in motion; that is, in the mails or in commerce between the States", so as to make the paragraph read:

(d) Any person violating this section may be prosecuted in the judicial district in which such letter or other communication is deposited in such post office, station, or authorized depository for mail matter, or in the judicial district into which such letter or other communication was carried by the United States mail for delivery according to the direction thereon: *Provided*, That any defendant in an indictment hereunder, relating to communications originating in the United States, shall, upon motion duly made, be entitled as a matter of right to be tried in the district court of the United States in which the matter mailed or otherwise transmitted was first set in motion; that is, in the mails or in commerce between the States.

The amendment was agreed to.

The next amendment was, in section 1, page 6, line 18, after the word "addressed", to insert the following proviso: "*Provided*, That any defendant in an indictment hereunder, relating to communications originating in the United States, shall, upon motion duly made, be entitled as a matter of right to be tried in the district court of the United States in which the matter mailed or otherwise transmitted was set first in motion; that is, in the mails or in commerce between the States", so as to make the paragraph read:

(d) Any person violating this section may be prosecuted either in the district into which such letter or other communication was carried by the United States mail for delivery according to the direction thereon, or in which it was caused to be delivered by the United States mail to the person to whom it was addressed: *Provided*, That any defendant in an indictment hereunder, relating to communications originating in the United States, shall, upon motion duly made, be entitled as a matter of right to be tried in the district court of the United States in which the matter mailed or otherwise transmitted was set first in motion; that is, in the mails or in commerce between the States.

The amendment was agreed to.

The next amendment was, in section 2, page 8, line 6, after the word "aforesaid", to insert the following proviso: "*Provided*, That any defendant in an indictment hereunder, relating to communications originating in the United States, shall, upon motion duly made, be entitled as a matter of right to be tried in the district court of the United States in which the matter mailed or otherwise transmitted was set first in motion; that is, in the mails or in commerce between the States", so as to make the paragraph read:

(d) Any person violating the provisions of this section may be prosecuted in the judicial district from or into which such threat is transmitted, as aforesaid: *Provided*, That any defendant in an indictment hereunder, relating to communications originating in the United States, shall, upon motion duly made, be entitled as a matter of right to be tried in the district court of the United States in which the matter mailed or otherwise transmitted was set first in motion; that is, in the mails or in commerce between the States. The term "interstate commerce," as used in this section, shall include communication from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia.

The amendment was agreed to.

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.

APPRAISAL OF NEW YORK AND BOSTON PNEUMATIC MAIL TUBE SYSTEMS

The bill (H. R. 3811) to provide for the appraisal of the pneumatic mail tube systems in New York and Boston was considered, ordered to a third reading, read the third time, and passed.

ANNUAL AND SICK LEAVE OF POSTAL EMPLOYEES

The Senate proceeded to consider the bill (H. R. 3812) granting postal employees credit for Saturday in annual and sick leave law, thereby conforming to the 40-hour workweek or 5-day-week law, which had been reported from the Committee on Post Offices and Post Roads with amendments, on page 1, line 8, after "1925", to insert "(U. S. C., title 39, 1934 edition, sec. 823)"; and on page 2, line 7, after the words "Postmaster General", to insert "*Provided*, That the 15 days' leave shall be credited at the rate of 1¼ days for each month of actual service", so as to make the bill read:

Be it enacted, etc., That paragraph 1 of section 11 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (U. S. C., title 39, 1934 edition, sec. 823), as amended, is amended to read as follows:

"Employees in the Postal Service shall be granted 15 days' leave of absence with pay, exclusive of Saturdays, Sundays, and holidays, each fiscal year, and sick leave with pay at the rate of 10 days a year, exclusive of Saturdays, Sundays, and holidays, to be cumulative, but no sick leave with pay in excess of 6 months shall be granted during any one fiscal year. Sick leave shall be granted only upon satisfactory evidence of illness in accordance with the regulations to be prescribed by the Postmaster General: *Provided*, That the 15 days' leave shall be credited at the rate of 1¼ days for each month of actual service."

SEC. 2. This act shall become effective as of February 1, 1939.

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

Mr. McNARY. Mr. President, I should like to have an explanation of the bill.

Mr. McKELLAR. This is the bill of the Senator from New York [Mr. MEAD], who, I am sure, will be very happy to explain it.

Mr. MEAD. Mr. President, under existing law, postal employees are allowed only 15 working days for their annual vacation. Other employees of the Government are allowed 26 working days for their annual vacation. Under a recent decision of the Comptroller General, Saturday—which has been made a holiday by the 5-day-week law—is to be considered a working day and charged against a postal employee on annual leave. So we hold that Saturday is a holiday for the postal employee at work, but it is a working day when the postal employee is on vacation.

Therefore, the application of the law by the Post Office Department will have to be changed as a result of the decision of the Comptroller General unless we enact this proposed legislation, which will consider Saturday, like Sunday, a holiday for the computation of annual leave. The enactment of the bill will cost no more money. It is recommended by the Department, and, in my judgment, it is the logical sequence of our enactment of the 5-day-week law.

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

The amendments were agreed to.

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.

MAILING OF FIREARMS TO OFFICERS OF COAST GUARD

The bill (H. R. 3231) to authorize the mailing of pistols, revolvers, and other firearms capable of being concealed on the person, to officers of the Coast Guard was considered, ordered to a third reading, read the third time, and passed.

LIMITATION OF WORKING HOURS OF PNEUMATIC-TUBE-SYSTEM EMPLOYEES

The bill (H. R. 4771) limiting working hours of pneumatic-tube-system employees to 8 in 10 hours a day was con-

sidered, ordered to a third reading, read the third time, and passed.

TIME CREDITS FOR SUBSTITUTES IN PNEUMATIC-TUBE SERVICE

The bill (H. R. 4772) to provide time credits for substitutes in the pneumatic-tube service was considered, ordered to a third reading, read the third time, and passed.

DIFFERENTIAL IN PAY FOR NIGHT WORK OF PNEUMATIC-TUBE-SYSTEM POSTAL EMPLOYEES

The bill (H. R. 4785) to provide a differential in pay for night work to pneumatic-tube-system employees in the Postal Service was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT

The Senate proceeded to consider the bill (H. R. 5762) to provide for temporary postponement of the operations of certain provisions of the Federal Food, Drug, and Cosmetic Act, which had been reported from the Committee on Commerce with amendments.

The first amendment of the Committee on Commerce was, in section 1, page 2, after line 7, to insert *"Provided*, That persons who not later than December 1, 1939, notify the Secretary by affidavit, setting forth the facts, that compliance on January 1, 1940, with the labeling provisions enumerated in this subsection would be unduly burdensome and that the public interest is being adequately served, shall, as a matter of right, be exempted from compliance therewith until July 1, 1940", so as to make the section read:

Be it enacted, etc., That (a) the effective date of the following provisions of the Federal Food, Drug, and Cosmetic Act is hereby postponed until January 1, 1940: Sections 402 (c); 403 (e) (1); 403 (g), (h), (i), (j), and (k); 501 (a) (4); 502 (b), (d), (e), (f), (g), and (h); 601 (e); and 602 (b).

(b) The Secretary of Agriculture is hereby authorized further to postpone the effective date of the following labeling provisions of the Federal Food, Drug, and Cosmetic Act: Sections 403 (e) (1); 403 (g), (h), (i), (j), and (k); 502 (b), (d), (e), (f), (g), and (h); and 602 (b) to the extent that the operation of such provisions would be unduly burdensome by reason of the cost of compliance therewith, but only insofar as such postponement will not prevent the public interest being adequately served: *Provided*, That persons who not later than December 1, 1939, notify the Secretary by affidavit, setting forth the facts, that compliance on January 1, 1940, with the labeling provisions enumerated in this subsection would be unduly burdensome and that the public interest is being adequately served, shall, as a matter of right, be exempted from compliance therewith until July 1, 1940. The authority granted to the Secretary under this subsection shall not, in any case, be exercised (1) to postpone the effective date of any such provision beyond July 1, 1940, or (2) with respect to labeling which was lithographed, etched, stamped, printed, or otherwise manufactured after February 1, 1939. No postponement shall be made under this subsection with respect to labeling which would not have complied with the requirements of the Food and Drugs Act of June 30, 1906, as amended.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 1, after the word "thereof", to strike out "name" and insert "name,", so as to make the section read:

SEC. 3. Section 502 (d) of the Federal Food, Drug, and Cosmetic Act is hereby amended by striking out the words "name, quantity, and percentage" where they appear therein and substituting in lieu thereof "name, and quantity or proportion."

The amendment was agreed to.

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.

CHARITABLE CONTRIBUTIONS BY NATIONAL BANKING ASSOCIATIONS

The bill (S. 1964) to amend section 5136 of the Revised Statutes, as amended, to authorize charitable contributions by national banking associations was announced as next in order.

Mr. McNARY. Mr. President, I desire an explanation of the bill. In the absence of an explanation, I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. KING subsequently said: Mr. President, my distinguished friend the Senator from Oregon [Mr. McNARY] asked that if no explanation were made of Senate bill 1964, it be passed over. I have just asked him if I might recur to that bill; and I ask unanimous consent that I may do so, in order to make a very brief explanation of the bill.

The PRESIDING OFFICER. Without objection, the bill is recurred to.

Mr. KING. Under the present law, directors of banks may not, even though they and the stockholders so desire, make contributions for community or charitable purposes. They are absolutely prohibited from doing so. The bill merely authorizes them to make such contributions if the directors desire to make the contributions.

Mr. VANDENBERG. Mr. President, the Senator does not mean that the directors are prohibited from making contributions. He means that they are prohibited from making corporate contributions.

Mr. KING. I think the individuals themselves are prohibited from doing so.

Mr. VANDENBERG. I never heard that directors of a bank individually were not at liberty to make such contributions.

Mr. KING. At any rate, the bill proposes to amend the present law so as to provide that a national banking association may—

Contribute to community funds, or to charitable, philanthropic, or benevolent instrumentalities conducive to public welfare, such sums as its board of directors may deem expedient and in the interests of the association, if it is located in a State the laws of which permit State banking institutions to contribute to such funds or instrumentalities.

Mr. VANDENBERG. Evidently the present law covers only institutional contributions.

Mr. KING. I have no interest in the matter.

Mr. BARKLEY. The restriction applies to the bank itself. Under the present law the bank may not make such contributions. The directors or officers may do so.

Mr. KING. The Senator from New York [Mr. WAGNER] has made a favorable report on the bill.

Mr. GEORGE. Mr. President, I object to the consideration of the bill. I can see no reason for its enactment.

Mr. KING. Very well.

The PRESIDING OFFICER. The bill will be passed over on objection of the Senator from Georgia.

AMENDMENT OF FEDERAL RESERVE ACT

The Senate proceeded to consider the bill (S. 1701) to amend section 12B of the Federal Reserve Act, as amended, which had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and to insert:

That the first proviso of paragraph (7) of subsection (1) of section 12B of the Federal Reserve Act, as amended, is amended by inserting after the words "with respect to any bank which closes after the date this paragraph as amended takes effect" the words "or which was reorganized subsequent to March 9, 1933, and closed subsequent to January 1, 1938."

Mr. BARKLEY. Mr. President, I should like to have an explanation of the bill.

Mr. NYE. Mr. President, the report made on the bill from the Committee on Banking and Currency by the Senator from Virginia [Mr. GLASS] is very brief. A single paragraph makes very clear the purpose of the bill:

The effect of this amendment will be to require the Federal Deposit Insurance Corporation to waive any claim for stockholders' liability against the stockholders in a reorganized bank which had closed prior to the effective date of the first amendment requiring such waivers (May 25, 1938). The reason for extending the exception to a period prior to such effective date in the case of a reorganized bank is that upon the reorganization of a bank which closed shortly before our amendment the depositors had been persuaded to utilize a portion of their deposits for the purpose of furnishing capital to the bank. Thereby they became stockholders, and unless the now uniform waiver rule is extended to them they will be compelled to pay to the Insurance Corporation as stockholders the amount they had once sacrificed as depositors in order to reorganize the bank.

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

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

The amendment was agreed to.

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

JOHN F. THOMAS

The bill (S. 444) for the relief of John F. Thomas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the Civil Service Retirement Act, approved May 29, 1930, as amended, John F. Thomas, of Leavenworth, Kans., shall be deemed to have been involuntarily separated from his employment by the Department of Justice as a guard at the Leavenworth Penitentiary, not by removal for cause on charges of misconduct or delinquency.

EXCHANGE OF OBSOLETE MATÉRIEL

The bill (H. R. 3587) to authorize the Secretary of War to exchange obsolete, unsuitable, and unserviceable machines and tools pertaining to the manufacture or repair of ordnance matériel for new machines and tools was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to exchange obsolete, unsuitable, and unserviceable machines and tools, and parts thereof, pertaining to the manufacture or repair of ordnance matériel for use in the national defense, for new machines and tools of the same or equivalent general character.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF ESTABLISHMENT OF LIGHTHOUSE SERVICE

The joint resolution (H. J. Res. 241) providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the establishment of the United States Lighthouse Service, was considered, ordered to a third reading, read the third time, and passed.

MOREHEAD CITY TARGET RANGE, N. C.

The bill (S. 1156) to authorize the transfer to the jurisdiction of the Secretary of the Treasury of portions of the property within the military reservation known as the Morehead City Target Range, N. C., for the construction of improvements thereon, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to make transfers to the jurisdiction and control of the Secretary of the Treasury of such portions of the property at present included within the military reservation known as the Morehead City Target Range, N. C., and upon such conditions, as may be mutually agreed upon by the Secretary of War and the Secretary of the Treasury. The Secretary of the Treasury is hereby authorized to construct within the limits of the property so transferred, from such funds as may be now or may hereafter become available, such improvements or buildings, appurtenances, and approaches thereto as he may deem adequate and suitable for the use of said property as a target range by the United States Coast Guard, and for use in carrying out any other functions or duties of the Treasury Department: *Provided*, That upon cessation of such use the premises or any part thereof so transferred shall revert to the jurisdiction of the War Department.

COMPACT FOR DIVISION OF WATERS OF YELLOWSTONE RIVER

The bill (S. 1759) granting the consent of Congress to the States of Montana, North Dakota, and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of Congress approved August 2, 1937 (50 Stat. 551), granting the consent of Congress to the States of Montana and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River be, and it is hereby, amended to provide that the consent of Congress is given to the State of North Dakota to negotiate and to enter into the compact or agreement therein authorized providing for an equitable division and an apportionment between the States of the water supply of the Yellowstone River and of the streams tributary thereto, upon condition that the representative appointed by the President of the United States under the act of August 2, 1937, to participate in said negotiations as the representative of the United States and to report to Congress of proceedings and of any compact or agreement entered into, shall continue to represent the United States and to report under this act: *Provided*, That such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislatures of each of the said States and by the Congress of the United States: *Provided further*, That nothing in this act shall apply to any waters within or tributary to the Yellowstone National Park or shall establish any right or interest in or to any lands within the boundaries thereof.

JOSEPH ALDER AND OTHERS

The Senate proceeded to consider the bill (S. 2054) for the relief of Joseph Alder, E. G. Allen, and E. G. Allen and By Hanchett jointly, which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $422.96 to Joseph Alder, the sum of $100 to E. G. Allen, and the sum of $124.75 to E. G. Allen and By Hanchett jointly, in full satisfaction of their claims against the United States arising out of the breaking of Cluff Reservoir Dam No. 3, near Safford, Ariz., on May 1, 1937, such dam having been constructed by the Department of Agriculture through the Soil Conservation Service: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

STANDARD OIL CO., INC., IN KENTUCKY

The Senate proceeded to consider the bill (S. 1467) for the relief of the Standard Oil Co., Inc., in Kentucky, which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Standard Oil Co., Inc., in Kentucky, the sum of $941.59 which is due by reason of an error in making settlement for gasoline furnished the War Department under contract No. W 535-AC-8868, dated June 13, 1936, which sum shall be in full settlement of any claim against the Government by the Standard Oil Co., Inc., in Kentucky, by reason of deliveries of gasoline under said contract for the months of July, August, September, and October 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

Mr. KING. Mr. President, do the bills now being considered appear on the calendar?

The PRESIDING OFFICER. These measures were reported yesterday, but were not printed on the calendar of this morning.

Mr. BARKLEY. Mr. President, committees had authority to report during the recess, and some committees made reports on bills which were not printed on the calendar.

Mr. KING. I have no objection, except that I think we ought to have explanations if the bills are very important.

DOROTHY CLAIR HESTER

The Senate proceeded to consider the bill (S. 1322) for the relief of Dorothy Clair Hester, daughter of E. R. Hester, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, to strike out "$1,316.35" and to insert in lieu thereof "$316.35", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. R. Hester, of Arcadia, La., for the benefit of his minor daughter, Dorothy Clair Hester, the sum of $316.35, in full satisfaction of her claim against the United States for permanent injury received when she was struck by a Civilian Conservation Corps truck as it passed along the Arcadia-Bryceland Highway in Arcadia, La., March 7, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

BILLS PASSED OVER

The bill (S. 289) for the relief of officers and soldiers of the Volunteer service of the United States mustered into service for the War with Spain, and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899, was announced as next in order.

Mr. KING. Mr. President, I think this bill should go over so that we may look into it.

The PRESIDING OFFICER. The bill will go over on objection of the Senator from Utah.

The bill (H. R. 2067) for the relief of the Atlas Powder Co., was announced as next in order.

Mr. McKELLAR. May we have an explanation of the bill? It may be all right.

Mr. NYE. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

BOZZANI MOTORS, LTD.

The bill (H. R. 1694) for the relief of Bozzani Motors, Ltd., was considered, ordered to a third reading, read the third time, and passed.

AGE LIMIT IN GOVERNMENT EMPLOYMENT

Mr. MEAD. Mr. President, a short time ago a bill in which I am interested was passed over. My reason for desiring that the bill be acted on at this time is that this is Reemployment Week, inaugurated by Presidential proclamation, when private industry is exhorted to extend employment opportunity to older workers.

After conference with some of my colleagues, I have decided not to ask the Senate to take the matter up for consideration today. However, in view of the fact that this is Reemployment Week, and as a result of the fact that the persons included within the scope of the bill are the principal victims of the machine age in which we live, and for the added reason that not only the Federal Government but local governments are offenders in the same light as is the case with private enterprise, I trust that the bill may be considered at an early date and passed.

A similar bill passed the Senate on a former occasion; a law embodying similar provisions is in force in the State of New Jersey, and legislation of this character I understand was passed in Massachusetts. Under existing law there is hardly a Senator in the Chamber, or a Member of this body, who would not, as a result of the age barrier, be considered ineligible to fill any position in the Federal service. My bill merely aims to eliminate that discrimination and to permit of every other qualification now required under the law.

Mr. KING. Mr. President, I merely asked that the bill go over because I received a request that it be expanded and made a little more liberal, and I desired to look into the matter. I therefore request that the Senator let the bill go over until Monday, so that we may look into it.

Mr. MEAD. I am very glad to agree with the Senator that the bill go over.

REORGANIZATION OF EXECUTIVE DEPARTMENTS

Mr. BYRD. Mr. President, I ask unanimous consent that Senate bill 1706, Order of Business 147, to provide for reorganizing agencies of the Government, and for other purposes, be indefinitely postponed, since a similar bill has been passed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill will be indefinitely postponed.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Chair is informed that the Senator from Tennessee [Mr. McKELLAR] desires to have certain measures on the calendar go over.

Mr. McKELLAR. It has been my intention to ask that private bills on the calendar go over, because I desire to make a suggestion to the officials of the Senate. When there is unanimous consent for the reporting of bills and joint resolutions during a recess of the Senate, and that they be considered as on the calendar, I think private bills should not be called until they are printed and on the calendar, so that every Member of the Senate may see what they are.

Mr. BARKLEY. Mr. President, I agree with the suggestion as a matter of general principle. The bills referred to were reported on yesterday, and why they were not printed on the calendar I cannot state; but I think that as a general rule the suggestion made by the Senator should be followed.

COOS BAY WAGON ROAD GRANT LANDS

Mr. McNARY. Mr. President, I did not understand that the Senator from Tennessee asked that all the bills go over if they were not printed on the calendar. The omission from today's calendar of measures reported during the recess was due to a mistake of the printer. There is a bill among those referred to in which I am deeply interested. It is merely to correct existing law. It is a departmental bill, and I should like to have it acted upon.

Mr. McKELLAR. Mr. President, I have no objection in the world to that being done. I was merely trying to correct a practice which I think is wrong.

The PRESIDING OFFICER. The Senator from Oregon asks that the Senate proceed to the consideration of Senate bill 242. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 242) relating to the disposition of funds derived from the Coos Bay Wagon Road grant lands, which had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and to insert the following:

That beginning with the fiscal year next following the date of the passage of this act, not to exceed 75 percent of the receipts derived in any one year from the Coos Bay Wagon Road grant lands in Oregon and deposited in the special fund in the Treasury created by the act of February 26, 1919 (40 Stat. 1179), and designated "The Coos Bay Wagon Road grant fund" shall be paid annually, in lieu of taxes, by the Secretary of the Treasury, upon certification by the Secretary of the Interior, to the treasurers of Coos and Douglas Counties according to the ratio that the total assessed valuation of the reconveyed Coos Bay Wagon Road grant lands, belonging to the United States, in each of said counties bears to the total assessed valuation of all said lands in those counties, to be used for the purposes mentioned in said act: *Provided*, That until such time as the general fund of the Treasury of the United States shall have been fully reimbursed by Douglas County for expenditures which were made charges against the Coos Bay Wagon Road grant fund by section 5 of the act of February 26, 1919, said Douglas County shall be entitled to receive only 50 percent of the amount to which it would otherwise be entitled under this act: *Provided further*, That prior to making any payment under this authorization an appraisal of the land and timber thereon shall be made, within 6 months after the passage of this act, by a committee to consist of a representative of the Secretary of the Interior, one representative for the two counties interested, and a third person satisfactory to the Secretary of the Interior and the county officials, but who shall not be an employee of the United States nor a resident of, nor a property owner in, either Coos or Douglas County. Upon appraisal thereof, the land and timber thereon shall be assessed as are other similar properties within the respective counties, and payments hereunder in lieu of taxes shall be computed by applying the same rates of taxation as are applied to privately owned property of similar character in such counties.

SEC. 2. Appraisals of the land and timber thereon shall be made, in the manner prescribed in section 1 hereof, not less frequently than once in each 10-year period, and the amounts due hereunder in any year shall be computed as specified in section 1 of this act upon the basis of the last appraisement. The expenses of making the appraisements provided for in this act shall be paid by the Secretary of the Treasury upon certification by the Secretary of the Interior, from that portion of the receipts derived from such lands and timber payable to the counties and shall be deducted from any amount due said counties.

SEC. 3. If, during any one year, 75 percent of the receipts are insufficient fully to meet the payments due the counties hereunder, the Secretary of the Treasury, upon certification by the Secretary of the Interior, may pay an additional sum from any surplus of 75 percent of prior year receipts: *Provided, however*, That in no event shall the aggregate of payments during any 10-year period commencing with the period beginning July 1, 1940, exceed 75 percent of the receipts deposited in the Treasury to the credit of the Coos Bay Wagon Road grant fund for such period: *Provided further*, That at the end of each 10-year period any balance of the 75 percent not required for payments to the counties shall be covered into the general fund of the Treasury of the United States.

SEC. 4. Not to exceed 25 percent of the annual receipts shall be available, in such amounts as the Congress shall from time to time appropriate for the administration of the act of August 28, 1937 (50 Stat. 874), insofar as it applies to the Coos Bay Wagon Road grant lands. Any balance not used for administrative purposes

shall be covered into the general fund of the Treasury of the United States.

SEC. 5. All acts or parts of acts inconsistent with this act are hereby repealed.

Mr. McNARY. Mr. President, yesterday this bill was reported unanimously by the Committee on Public Lands and Surveys. It is a departmental bill, sent to me by the Department of the Interior acting in conjunction with the Bureau of the Budget. It attempts to cure a defect in a measure passed last year which did not specify the amount of money which could be paid in the way of administration costs in connection with the timber affected. The bill is in the interest of the Government, I am offering it as a departmental bill, and I should like to have it acted on.

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

The amendment was agreed to.

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

UNDER SECRETARY IN THE DEPARTMENT OF COMMERCE

Mr. BAILEY. Mr. President, I ask unanimous consent for the consideration of Senate bill 2314, to establish the position of Under Secretary in the Department of Commerce. It does not add to the general expense beyond a thousand dollars a year, as it contemplates the abandonment of one of the positions of Assistant Secretary of Commerce whenever the position shall become vacant. There are peculiar reasons why this bill should be passed, and it is in accord with the general tenor of legislation with respect to other departments.

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

There being no objection, the Senate proceeded to consider the bill (S. 2314) to establish the position of Under Secretary in the Department of Commerce, which was read, as follows:

Be it enacted, etc., That there is hereby established in the Department of Commerce the position of Under Secretary of Commerce, with compensation at the rate of $10,000 per annum and with appointment thereto by the President, by and with the advice and consent of the Senate.

SEC. 2. Such Under Secretary shall perform the duties of the Secretary of Commerce in the case of absence or sickness of the Secretary, or in the case of the death or resignation of the Secretary until a successor is appointed.

SEC. 3. Whenever a vacancy shall occur in any one of the two positions of Assistant Secretary heretofore established in the Department of Commerce, such vacancy shall not be filled and there shall thereafter be only one position of Assistant Secretary in such Department.

Mr. McNARY. Mr. President, I voted against favorably reporting the bill, because I do not believe in extending the policy of having Under Secretaries in all of the departments of the Government. I shall not object to the immediate consideration of this measure, but I am opposed to the bill in principle. I merely desired to make this statement.

The PRESIDING OFFICER. 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.

PURCHASES FROM INDIANS

Mr. THOMAS of Oklahoma. Mr. President, yesterday three bills were reported from the Committee on Indian Affairs which do not appear upon the calendar. They are very short. I desire to make a brief statement about the bills, and following the statement I shall request unanimous consent for their consideration.

The first of the bills is Senate bill 2154. Under the present law no Indian agent or employee of the Indian Service can purchase any article from an Indian. If any such agent or employee should purchase a pair of sandals or a belt or a ring made by an Indian, it would be against the law. The bill repeals that provision and makes it possible for persons employed in the Indian Service to purchase goods from Indians.

I ask that Senate bill 2154 be laid before the Senate for its consideration.

The PRESIDING OFFICER. The bill will be read.

The bill (S. 2154) to modify the provisions of section 10 of the act of June 30, 1834, and section 10 of the act of June 22, 1874, relating to the Indians, was read, as follows:

Be it enacted, etc., That anything contained in section 10 of the act of June 30, 1834 (4 Stat. 738), or in section 10 of the act of June 22, 1874 (18 Stat. 177), now sections 68 and 87, respectively, title 25, United States Code, to the contrary notwithstanding, employees of the United States Government, including those in the Indian Service, may, under such rules and regulations as the Secretary of the Interior shall prescribe, be permitted to purchase from any Indian or Indian organization any arts and crafts or any other products, service, or commodity, produced, rendered, owned, controlled, or furnished by any Indian or Indian organization: *Provided*, That nothing contained in the acts of Congress above referred to shall be construed as preventing Indian employees of the United States Government, of whatever degree of Indian blood, during their term of employment or otherwise, from obtaining or receiving any benefit or benefits made available to the Indians generally or to the members of any particular tribe, under any act of Congress, nor to prevent such employees having Indian blood from being members of or receiving benefits by reason of their membership in Indian tribes, corporations, or cooperative associations organized by the Indians, when authorized by the Secretary of the Interior under appropriate regulations to be promulgated by him.

Mr. THOMAS of Oklahoma. This is a departmental bill submitted to the Committee on Indian Affairs by the Department of the Interior.

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

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed.

DOROTHY CLAIR, G. F. ALLEN, AND EARL WOOLDRIDGE

Mr. THOMAS of Oklahoma. Senate bill 2239 has been favorably reported by the Committee on Indian Affairs. It corrects the record in a case of an employee of the Indian Service, in the amount of $127.28. It does not call for payment of any money out of the Treasury. It simply corrects the record. At a former time some money was paid to an Indian Service employee, and later the payment was found to be irregular. The record, for that reason, is incomplete.

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

There being no objection, the bill (S. 2239) for the relief of Dorothy Clair, G. F. Allen, and Earl Wooldridge, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit to Dorothy Clair, a former employee of the Rocky Boy Indian Agency at Rocky Boy, Mont., and to allow credit in the accounts of G. F. Allen, chief disbursing officer, and Earl Wooldridge, formerly superintendent and certifying officer of that agency, for the amount of $127.28, representing per diem and travel expenses paid to said Dorothy Clair for the period August 19, 1937, to September 10, 1937, inclusive.

RECOVERY BY INDIANS OF TAXES ERRONEOUSLY ASSESSED

Mr. THOMAS of Oklahoma. Senate bill 2192 was favorably reported by the Committee on Indian Affairs yesterday. The bill is similar to one which was passed by the Senate last year. It was sent to the House and was reported favorably by the committee of the House which considered it, but the bill was not passed by the House. The bill gives to Indians who have erroneously or illegally paid income taxes the opportunity to recover the amounts so paid. The provisions of the law have the same application to Indians as to white persons who pay taxes and later on the taxes are found to have been erroneously assessed or erroneously collected. Provision was made for a 2-year period during which they must file their claims, but some of the Indians in my State did not know of the law and did not file claims within the 2 years. The bill simply gives them the right to file claims now after the 2-year period has expired.

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. 2192) to carry out certain obligations to certain enrolled Indians under tribal agreement, which had been re-

ported from the Committee on Indian Affairs with amendments, on page 2, line 3, after the word "income", to insert "tax", and on page 3, line 11, after the word "death", to insert a colon and the following proviso: *"And provided further,* That any contract made by or for any Indian for the employment of an attorney or attorneys for the securing of a refund of taxes erroneously or illegally paid under the provisions of this act shall provide that such attorney or attorneys shall be a resident or residents of the State of Oklahoma, shall be admitted to practice before the Treasury Department, and such contract shall provide for a fee not in excess of 10 percent of the amount recovered in behalf of any such Indian claimant", so as to make the bill read:

Be it enacted, etc., That any person duly enrolled as a member of an Indian tribe who received in pursuance of a tribal treaty or agreement with the United States an allotment of land which, by the terms of said treaty or agreement, was exempted from taxation, restricted against alienation, or which, by the terms of any act of Congress, was continued under the supervision of the United States during the minority of such allottee, and from which land the restrictions have or have not been removed, and any such enrolled member of an Indian tribe having restricted money in the custody and control of the United States, and who was required or permitted to pay prior to April 26, 1931, any Federal income tax on such lands or on the rents, royalties, or other gains arising from such lands during such restricted or tax-exempt period or on income from such restricted funds while in the custody or control of the United States, or on income from any allotment during the minority of the allottee, or any such person who has been erroneously or illegally taxed by reason of not having claimed or received the benefit of any deduction or exemptions permitted by law, and who would be entitled under this or previous acts or rulings of the Treasury Department in similar Indian cases to a refund of the taxes so illegally or erroneously collected, but for the fact that he failed to file a claim for such refund within the time prescribed by law, shall be allowed 2 years after the approval of this act within which to file such claim, and if otherwise entitled thereto he may recover such taxes in the same manner and to the same extent as if such claims for refund had been theretofore duly filed as required by law, it not being the policy of the Government to invoke or plead a a statute of limitations to escape the obligations of agreement solemnly entered into with its Indian wards, or prior to April 26, 1931, to exact for its own use and benefit an income tax from them while their property continued under the supervision of the United States: *Provided, however,* That in the case of the death of a member of an Indian tribe his heirs who succeeded to his allotment of lands be permitted to file claims and recover refunds in the same manner as duly enrolled member of an Indian tribe: *Provided, further,* That in the case of the death of any enrolled member of an Indian tribe any such illegal taxes paid by him or on his account may in like manner be claimed and recovered by the person or persons who would have received such money had it constituted a part of his estate at the time of his death: *And provided further,* That any contract made by or for any Indian for the employment of an attorney or attorneys for the securing of a refund of taxes erroneously or illegally paid, under the provisions of this act, shall provide that such attorney or attorneys shall be a resident or residents of the State of Oklahoma, shall be admitted to practice before the Treasury Department, and such contract shall provide for a fee not in excess of 10 percent of the amount recovered in behalf of any such Indian claimant.

That all acts and parts of acts in conflict herewith are modified for the purpose, and only for the purpose, of carrying into effect the provisions hereof.

The amendments were agreed to.

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

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 513) to provide for the promotion on the retired list of the Navy of Fred G. Leith, and it was signed by the President pro tempore.

AUTHORIZATION FOR REPORTING AND SIGNING BILLS, ETC.

On motion of Mr. BARKLEY, it was—

Ordered, by unanimous consent, That during the next adjournment of the Senate, authority be, and it is hereby, given to the Vice President to sign duly enrolled bills; to committees to submit reports; and to the Secretary to receive and refer messages from the House of Representatives.

EXECUTIVE SESSION

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. SHEPPARD in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Sarah Brown to be postmaster at Lorman, Miss.

Mr. SMITH, from the Committee on Agriculture and Forestry, reported favorably the nomination of Harcourt Alexander Morgan, of Tennessee, to be a member of the Board of Directors of the Tennessee Valley Authority for the term expiring 9 years after May 18, 1939 (reappointment).

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will proceed to state the nominations on the calendar.

SECURITIES AND EXCHANGE COMMISSION

The legislative clerk read the nomination of Leon Henderson, of New Jersey, to be a member of the Securities and Exchange Commission for the remainder of term expiring June 5, 1939.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COAST GUARD

The legislative clerk read sundry nominations in the Coast Guard.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the calendar.

ADJOURNMENT TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate adjourn until Monday next.

The motion was agreed to; and (at 1 o'clock and 46 minutes p. m.) the Senate adjourned until Monday, May 8, 1939, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 4, 1939

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Norman Armour, of New Jersey, now Ambassador Extraordinary and Plenipotentiary to Chile, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

REGISTER OF THE LAND OFFICE

Mrs. Jessie M. Gardner, of Colorado, to be register of the land office at Denver, Colo. (Reappointment.)

PROMOTIONS IN THE NAVY

MARINE CORPS

Maj. Leonard E. Rea to be a lieutenant colonel in the Marine Corps from the 29th day of June 1938.

Maj. William K. MacNulty to be a lieutenant colonel in the Marine Corps from the 1st day of July 1938.

The following-named midshipmen to be second lieutenants in the Marine Corps from the 1st day of June 1939:

Hugh D. Clark	William F. Harris
Hugh A. Tistadt, Jr.	Ralph C. Mann, Jr.
Jonathan F. Rice	Gordon D. Gayle

Samuel Agababian
James D. McBrayer, Jr.
William A. Stiles, Jr.
Jack Hawkins
Charles H. Bennett
James B. Glennon, Jr.
Russell Duncan
Edwin C. Aiken
John S. Fantone
Willard B. Holdredge
George M. Lhamon
William A. Cloman, Jr.
Alfred F. Robertshaw
Richard M. Huizenga
Alfred N. Gordon
James I. Glendinning, Jr.
William F. Hogaboom
William H. Pace
Carter B. Simpson

CONFIRMATIONS

Executive nominations confirmed by the Senate, May 4, 1939

SECURITIES AND EXCHANGE COMMISSION

Leon Henderson to be a member of the Securities and Exchange Commission.

COAST GUARD OF THE UNITED STATES

TO BE CHIEF PAY CLERKS

George M. Bailey
James Black

POSTMASTERS

ILLINOIS

Frances S. Sprague, Hull.

MARYLAND

Thomas M. Simpson, Hagerstown.

NEW MEXICO

Thomas W. Horne, San Jon.

VERMONT

Frank L. Barney, St. Johnsbury.

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 4, 1939

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera, Montgomery, D. D., offered the following prayer:

O God of mercy, the Shepherd of our souls, in whose all-encircling love we dwell, we lift our hearts to Thee in prayer. We thank Thee for Thy wise, beneficent providence which redeems our lives and gives them inspiration when our strength is feeble. We pray Thee to keep us strong, for we have loads to lift and hard work to do; it matters not how deep entrenched the evil, do Thou inspire us with fortitude and courage. Oh let Thy kingdom come in all hearts, Thy will be done in all lives, and the name of our Father hallowed in all the earth, and unto Thee be blessing and glory, wisdom and thanksgiving, honor and power forever and ever. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON RIVERS AND HARBORS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the Committee on Rivers and Harbors of the House may sit during the session this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

EXTENSION OF REMARKS

Mr. MOUTON. Mr. Speaker, in view of the fact that I represent the largest sugarcane-producing congressional district in continental United States—and because of the many statements of high-ranking officials that have recently been given widespread publicity, which have had a tendency to confuse the people of these United States as to the true conditions existing in our domestic sugarcane-producing areas, I ask unanimous consent of the House at this point to have inserted in the CONGRESSIONAL RECORD an editorial appearing in the New Orleans States of April 28, 1939, dealing with the Louisiana sugar industry.

I feel that this article is worthy of the serious notice of my colleagues in this august body and the people of this great country, as it truly depicts the chaotic and distressing predicament confronting our sugar industry because of the reduction in acreage for this year's crop imposed upon our cane growers by the Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana [Mr. MOUTON]?

There was no objection.

The editorial referred to follows:

THE SUGAR FIGHT

They're plowing up 38,500 acres of sugarcane in Louisiana. Government's orders. In a few weeks those waving banners of green, heralding the approach of probably $4,000,000 of sugar, will be destroyed. The Federal quota, therefore, works faster and more thoroughly than did the blight which almost destroyed the industry in Louisiana a decade or so ago, for the blight took years to accomplish its fell purpose, and even at its worst it allowed the riddled fields to produce seed. And it was this same blight which gave Cuba and Hawaii and Puerto Rico and the Philippines the talking point they now have, a favored position which the Federal Government seems determined to maintain.

The destruction of the crop on these 38,500 acres will rob many a field worker of a job this fall; it will shorten the pay of the men who serve the machinery in the mills; it will cut into the earnings of the transportation companies and their pay rolls; it will slash into all the business of the Sugarcane Belt and into the business of the wholesale houses of New Orleans which supply the country stores.

It will increase the strain on the relief machinery of this country. Either hundreds of persons will go hungry or the taxpayers will have to dig more deeply for their maintenance.

It will make more certain the return of 25-cent sugar, retail, when the next war breaks, for the transportation difficulties which fattened the returns of Cuban producers during the last war, will be just as great in the one that is around the corner, if not greater.

Louisiana's sugar interests made a gallant campaign to have the Government recall the quota reductions which were announced after the 1939 crop had been planted. The Federal Government, however, refused to allow even this concession to the only agricultural production in the United States which does not turn out a surplus. The United States has never produced more than a third of its consumption, and it will probably never be able to produce all it needs.

The industry must now organize for next year's fight and the next and the next, lest it be quota'd out of existence entirely. Blight; flood; war; hurricane; drought; freezes—all these the sugarcane industry of Louisiana has survived, but it cannot survive the destroying juggernaut of the Federal Government set in motion by the foreign interests and the eastern seaboard interests with investments abroad, the same eastern interests which confected and maintain the freight discriminations against the South. It cannot survive; that is, unless it brings to bear the pressures, political and otherwise, which will insure a free and unrestricted opportunity for domestic industry.

Our sugar industry, the people of Louisiana in general, have never despaired, no matter what were the disasters of Nature or the impositions of man. Needless to say, it and they will not despair now. The fight will go on. Next year we may win; as a matter of fact, we have got to win.

PERMISSION TO ADDRESS THE HOUSE

Mr. PIERCE of Oregon. Mr. Speaker, I ask unanimous consent that on Monday next, May 8, after the disposition of the business on the Speaker's table and at the conclusion of previous orders heretofore entered, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

EXTENSION OF REMARKS

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein two resolutions by small farm organizations in my State.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. MURRAY]?

There was no objection.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address which I delivered last evening.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. REED]?

There was no objection.