PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6806. By Mr. BOLLES: Petition of sundry citizens of Janesville, Wis., favoring the passage of the Neely bill (S. 280) to stop compulsory block booking; to the Committee on Interstate and Foreign Commerce.

6807. Also, petition of sundry citizens of Monroe and Racine, Wis., supporting the Federal chain-store tax bill (H. R. 1); to the Committee on Ways and Means.

6808. By Mr. GAVAGAN: Petition of the United Irish-American Societies of New York, opposing the adoption of the proposed St. Lawrence Waterway treaty; to the Committee on Foreign Affairs.

6809. By Mr. LUTHER A. JOHNSON: Petition of J. D. Martin, Jr., secretary-treasurer of the Texas Hardware and Implement Association, Bryan, Tex., favoring House bill 8045, providing for an amendment to the Fair Labor Standards Act; to the Committee on Labor.

6810. By Mr. MARTIN J. KENNEDY: Petition of the New York State Federation of Women's Clubs of Mount Morris, N. Y., expressing opposition to the St. Lawrence seaway project; to the Committee on Interstate and Foreign Commerce.

6811. By Mr. KEOGH: Petition of the Rugby Masonic Club, No. 771, Brooklyn, N. Y., protesting against importation of refined sugar from the Tropics, thereby protecting the jobs of the Brooklyn sugar-refinery workers; to the Committee on Foreign Affairs.

6812. Also, petition of the Ladies Auxiliary of the Rugby Masonic Club, Brooklyn, N. Y., protesting against the importation of refined sugar from the Tropics, thereby protecting the jobs of the Brooklyn sugar-refinery workers; to the Committee on Foreign Affairs.

6813. Also, petition of the National Woman's Party, Industrial Council, New York City committee, concerning the equal-rights amendment to the Constitution; to the Committee on the Judiciary.

6814. By Mr. RICH: Petition of sundry citizens of Bradford, Pa., protesting against the shipment of war supplies to Japan; to the Committee on Foreign Affairs.

6815. By Mr. TENEROWICZ: Resolutions adopted at a mass meeting under auspices of Rochester Polish Relief Committee, protesting against the conduct of the German and Russian Governments in Polish territories now administered by them; to the Committee on Foreign Affairs.

6816. By the SPEAKER: Petition of the New York State Waterways Association, Inc., Albany, N. Y., petitioning consideration of their resolution with reference to the St. Lawrence seaway and power project at Albany, N. Y.; to the Committee on Foreign Affairs.

SENATE

THURSDAY, MARCH 7, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Edward H. Pruden, D. D., pastor of the First Baptist Church, Washington, D. C., offered the following prayer:

Our Father, we thank Thee that Thou art the God of our fathers and our God, and, even as Thou didst lead them in the days that are gone, Thou wilt lead us today in the midst of a world so much in need of the spirit of the Prince of Peace. We pray Thee that we may do our utmost to make that spirit a reality in the hearts of men. May Thy spirit guide and direct us in all things. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, March 6, 1940, 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.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a bill (H. R. 4868) to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 263. An act for the relief of George R. Morris;

S. 538. An act for the relief of certain purchasers of lots in Harding town site, Florida;

S. 2157. An act for the relief of George H. Eiswald;

S. 2276. An act for the relief of the R. G. Schreck Lumber Co.;

S. 2299. An act for the relief of Hubert Richardson;

S. 2500. An act authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush;

S. 2607. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates;

S. 2879. An act to authorize the posthumous appointment of the late Arthur Mortimer Fields, Jr., to be an ensign of the United States Navy;

S. 2973. An act for the relief of Inez Gillespie; and

S. J. Res. 206. Joint resolution creating a commission to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law.

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	Ellender	Lee	Schwellenbach
Andrews	Frazier	Lodge	Shipstead
Ashurst	Gerry	Lucas	Slattery
Austin	Gibson	McCarran	Smathers
Bailey	Gillette	McKellar	Smith
Bankhead	Glass	McNary	Stewart
Barbour	Green	Maloney	Taft
Barkley	Guffey	Mead	Thomas, Idaho
Bilbo	Gurney	Miller	Thomas, Okla.
Brown	Hale	Minton	Thomas, Utah
Bulow	Harrison	Murray	Tobey
Byrd	Hatch	Neely	Townsend
Byrnes	Hayden	Norris	Truman
Capper	Herring	Nye	Tydings
Chandler	Hill	O'Mahoney	Vandenberg
Chavez	Holman	Overton	Van Nuys
Clark, Idaho	Holt	Pepper	Wagner
Clark, Mo.	Hughes	Pittman	Walsh
Connally	Johnson, Calif.	Reed	Wheeler
Danaher	Johnson, Colo.	Reynolds	
Davis	King	Russell	
Downey	La Follette	Schwartz	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Arkansas [Mrs. CARAWAY] are absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Minnesota [Mr. LUNDEEN], and the Senator from Texas [Mr. SHEPPARD] are detained on important public business.

The Senator from Ohio [Mr. DONAHEY] is unavoidably detained.

Mr. AUSTIN. I announce that the Senator from Wisconsin [Mr. WILEY] is unavoidably absent from the Senate because of illness.

Mr. RUSSELL. My colleague [Mr. GEORGE] is unavoidably detained.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

SUPPLEMENTAL ESTIMATE, FEES AND EXPENSES OF CONCILIATION COMMISSIONERS (S. DOC. NO. 160)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for fees and expenses of conciliation commissioners, United States courts, fiscal year 1940, in the sum of $30,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS

The VICE PRESIDENT laid before the Senate a resolution of the City Council of Baltimore, Md., favoring adoption of the Harrington amendment to the so-called omnibus transportation bill, so as to prevent Interstate Commerce Commission approval of consolidation plans that would tend to diminish existing employment in the railroad industry, which was referred to the Committee on Interstate Commerce.

Mr. GIBSON. Mr. President, I have before me and ask consent to present petitions signed by approximately 3,000 post-office employees throughout the United States requesting consideration for Senate bill 540, which provides optional retirement at the expiration of 30 years' service in the civil service, and request that they may be referred to the Committee on Civil Service.

The VICE PRESIDENT. Without objection, the petitions will be received and referred as requested by the Senator from Vermont.

REPORTS OF COMMITTEES

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

S. 3028. A bill for the relief of R. Stern (Rept. No. 1277); and

H. R. 6513. A bill for the relief of Floyd H. Roberts (Rept. No. 1278).

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

S. 3306. A bill for the relief of Roy F. Lassly, former Acting Chief Disbursing Clerk, Department of the Interior (Rept. No. 1279);

S. 3328. A bill for the relief of Dorothy Crossing (Rept. No. 1280); and

H. R. 2041. A bill for the relief of Tom Kelly (Rept. No. 1281).

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

S. 3052. A bill for the relief of Dollie C. Pichette (Rept. No. 1282);

H. R. 2086. A bill for the relief of Joseph Sciortino (Rept. No. 1283); and

H. R. 3674. A bill for the relief of the Allegheny Forging Co. (Rept. No. 1284).

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

S. 3071. A bill for the relief of Luther Devoe (Rept. No. 1285); and

S. 3309. A bill authorizing the Comptroller General of the United States to settle and adjust the claim of O'Brien Bros., Inc., New York City, N. Y. (Rept. No. 1286).

Mr. ELLENDER also, from the Committee on Claims, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 2003. A bill for the relief of the Priest Lumber Co., Inc. (Rept. No. 1287);

S. 2704. A bill for the relief of Mr. and Mrs. C. W. Black, and Marion Rabren (Rept. No. 1288);

S. 3280. A bill for the relief of the estate of Less Everett, deceased (Rept. No. 1289); and

S. 3354. A bill for the relief of Nannie E. Teal (Rept. No. 1290).

Mr. PITTMAN, from the Committee on Foreign Relations, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

S. 3338. A bill for the relief of Alice C. Wainwright (Rept. No. 1291); and

S. J. Res. 210. Joint resolution authorizing William Bowie, captain (retired), United States Coast and Geodetic Survey, Department of Commerce, to accept and wear the decoration of the Cross of Grand Officer of the Order of St. Sava, bestowed by the Government of Yugoslavia (Rept. No. 1292).

Mr. THOMAS of Utah (for Mr. SHEPPARD), from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3401. A bill for the relief of Charles N. Barber, former United States property and disbursing officer, Vermont National Guard, and for other purposes (Rept. No. 1293); and

S. 3470. A bill to amend the National Defense Act of June 3, 1916, as amended, to provide for enlistments in the Army of the United States in time of war, or other emergency declared by Congress, and for other purposes (Rept. No. 1294).

Mr. CHANDLER, from the Committee on Military Affairs, to which was referred the bill (S. 3402) to authorize the granting of a right-of-way for roadway purposes on the Fort Thomas Military Reservation, Ky., in exchange for the release of property rights in and to a certain road on said reservation, reported it with an amendment and submitted a report (No. 1295) thereon.

ENROLLED BILLS PRESENTED

Mr. TRUMAN (for Mrs. CARAWAY), from the Committee on Enrolled Bills, reported that on March 6, 1940, that committee presented to the President of the United States the following enrolled bills:

S. 547. An act to amend section 23 of the act of March 4, 1909, relating to copyrights;

S. 1088. An act to authorize the Administrator of Veterans' Affairs to exchange certain property located at Veterans' Administration Facility, Tuskegee, Ala., title to which is now vested in the United States, for certain property of the Tuskegee Normal and Industrial Institute;

S. 2152. An act to protect scenic values along the Catalina Highway within the Coronado National Forest, Ariz.;

S. 2740. An act to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the finance department for the disbursement of public funds;

S. 2769. An act to amend section 55, National Defense Act, as amended, to provide for enlistment of men up to 45 years of age in technical units of the Enlisted Reserve Corps;

S. 2843. An act granting easements on Indian lands of the Wind River or Shoshone Indian Reservation, Wyo., for damsite and reservoir purposes in connection with the Riverton reclamation project;

S. 2866. An act to provide for allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for examination and treatment;

S. 2992. An act to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States, at Quantico, Va.; and

S. 3012. An act to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902 (32 Stat. 662), relative to the payment of the commuted rations of enlisted men.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. REYNOLDS:

S. 3529. A bill to provide for domiciliary care and medical and hospital treatment for former members of the military and naval services who served at least one enlistment period; to the Committee on Finance.

By Mr. BYRD:

S. 3530. A bill to prohibit the exportation of tobacco seed and plants, except for experimental purposes; to the Committee on Agriculture and Forestry.

By Mr. CHAVEZ:

S. 3531. A bill to authorize a preliminary examination and survey of the Mimbres River and its tributaries in the State of New Mexico for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Commerce.

By Mr. JOHNSON of Colorado:

S. 3532. A bill pertaining to the management and administration of national-forest range lands; to the Committee on Public Lands and Surveys.

By Mr. BILBO:

S. 3533. A bill authorizing the appointment of a commission to prepare a new Code of Laws for the District of Columbia; to the Committee on the District of Columbia.

By Mr. BYRD (for himself and Mr. GLASS):

S. J. Res. 224. Joint resolution to provide for the maintenance for public use of certain highways in the Shenandoah National Park; to the Committee on Public Lands and Surveys.

By Mr. ELLENDER:

S. J. Res. 225. Joint resolution relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area; to the Committee on Agriculture and Forestry.

CODE OF LAWS FOR THE DISTRICT OF COLUMBIA

Mr. BILBO. Mr. President, I have, today, introduced in the Senate a bill providing for the appointment of a committee of eminent lawyers to prepare a new code of laws for the District of Columbia—see Senate bill 3533, which was referred to the Committee on the District of Columbia, and appears under the heading "Bills and joint resolutions introduced." This bill has the support of the Bar Association of the District of Columbia, and of the lawyers of Washington. I was astonished to find that the capital of the Nation, which in the past 40 years has grown from a comparatively small city to a great metropolitan center, is still operating under a 1901 code. I am advised that many provisions of the present official code have been repealed or modified by later statutes, that at present the statute law of the District of Columbia is in a state of confusion, and that there is a general demand for a new official code. I understand that in the case of several decisions made by judges, upon further investigation it has been found that they had overlooked one of the many statutes stored away. There should be an official code where one can find all the laws relating to the District of Columbia, so that he may know what the law is when he finds it. No mere collection of statutes in a compiled code will suffice. What the people need is a new official code, such as we have in most of the States of the Union, which the lawyers, judges, and litigants can understand. Since I have been in the Senate I have heard much to the effect that Washington should lead the Nation, that it should be progressive and show the way to the rest of the country. The Congress now has an opportunity to show the good people of Washington that it can take the lead in reform legislation.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT—AMENDMENTS

Mr. PITTMAN submitted an amendment requiring ratification by the Senate of reciprocal-trade agreements, intended to be proposed by him to the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which was referred to the Committee on Finance and ordered to be printed.

Mr. BROWN. Mr. President, I send to the desk an amendment to House Joint Resolution 407, extending the Reciprocal Trade Agreements Act. I ask that the amendment be printed and referred to the Finance Committee.

The VICE PRESIDENT. Without objection, the amendment will be received, printed, and referred to the Committee on Finance.

Mr. BROWN. In connection with the amendment which I submit, I desire to make the following statement:

The amendment provides, in substance, that upon the making of a trade agreement it shall be submitted to the Congress and remain there for 60 days, during which time it shall not be in effect. If during the 60-day period no concurrent resolution expressly disapproving it is passed, the trade agreement shall go into full force and effect. The same procedure applies to the termination of the trade agreement. Perhaps it may assist in understanding the amendment to say that there is applied to the trade agreements by this amendment the same general procedure that is now applied to the Executive orders issued by the President under the recently enacted governmental reorganization law.

I desire to say that this amendment is offered by one who has been convinced that the Reciprocal Trade Agreements Act should be extended, regardless of whether or not this amendment is adopted. There is considerable sentiment in the Senate and in the House for some congressional control of the trade agreements. If this sentiment is strong enough to endanger the passage of the bill, it is thought that the amendment may meet the views of those who insist upon some congressional check upon the power granted, and thereby result in the passage of the bill which might otherwise be lost.

I am convinced that the Reciprocal Trade Agreements Act should be extended. If it is necessary to adopt some form of congressional control, I believe this plan should receive serious consideration.

APPROPRIATIONS FOR CIVIL FUNCTIONS OF THE WAR DEPARTMENT—AMENDMENT

Mr. WHEELER submitted an amendment proposing to appropriate $25,000 to enable the Secretary of War to carry out the provisions of the act entitled "An act to provide for the erection of a public historical museum in the Custer Battlefield National Cemetery, Mont.," approved August 10, 1939, intended to be proposed by him to the bill (H. R. 8668) making appropriations for the fiscal year ended June 30, 1941, for civil functions administered by the War Department, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

RATIFICATION BY SENATE OF RECIPROCAL TRADE AGREEMENTS

[Mr. PITTMAN asked and obtained leave to have printed in the RECORD a letter addressed by him under date of March 7, 1940, to Senator JOHNSON of Colorado, relative to a proposed amendment requiring ratification by the Senate of reciprocal-trade agreements, which appears in the Appendix.]

SEVEN YEARS OF CONSERVATION

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a release from the Division of Information of the Department of the Interior regarding the progress during the 7 years of the Democratic administration in the conservation of American natural resources, which appears in the Appendix.]

ARTICLE BY MR. IKE HUGHES ON WORLD AFFAIRS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article pertaining to world affairs recently published in the Washington (N. C.) Daily News and written by Ike Hughes, of Washington, N. C., which appears in the Appendix.]

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The VICE PRESIDENT. Senators, let the Chair state the parliamentary situation so that the Senate may understand it.

The Senate has just approved the Journal of the Senate of yesterday. The Journal shows, so the Chair is informed by the Journal clerk, that the motion pending before the Senate is the motion of the Senator from Arizona [Mr. ASHURST] to reconsider the vote by which the amendment of the Senator from Connecticut [Mr. DANAHER] was rejected.

So the question is on the motion of the Senator from Arizona to reconsider that vote.

Mr. McNARY. Mr. President, that is generally a correct statement. However, while the motion to reconsider was made by the Senator from Arizona, he was disqualified by reason of his attitude on the vote. Subsequently a motion to reconsider was made by the Senator from Nevada [Mr. PITTMAN].

The VICE PRESIDENT. The Senator from Oregon will realize, the Chair is sure, that when there is no yea-and-nay vote it is impossible for the Chair to say who is qualified and who is not qualified. The Journal shows, so the Chair is informed by the Journal clerk—and the Journal has just been approved by the Senate—that the motion of the Senator from Arizona is pending before the Senate at the present time.

Mr. McNARY. I have no objection to the history as recited, but I think the Journal is just about as incorrect as was the occupant of the chair yesterday when he announced the result of the division.

The VICE PRESIDENT. The Chair is relying on the Journal, for the Journal has been approved by the Senate.

Mr. NORRIS. Mr. President, I have just come into the Chamber and understand the motion pending is to reconsider the vote by which the amendment of the Senator from Connecticut [Mr. DANAHER] was rejected.

The VICE PRESIDENT. The Senator from Nebraska is correct.

Mr. NORRIS. I am one of the Senators who voted against the Senator's amendment, as I said yesterday to the Senator from Arizona. Although I think the Chair is right that when there has been no yea-and-nay vote a motion to reconsider can be made by any Senator, however, if there is any question about it——

The VICE PRESIDENT. The Chair is informed by Mr. Watkins, the Parliamentarian, that that has been the universal practice of the Senate.

Mr. NORRIS. I think that is correct, but, if there is any question about it, Mr. President, as I said yesterday, I stand willing to make a motion to reconsider. I voted with the prevailing side. I still believe as I did when I voted against the amendment, but a question was raised as to whether the amendment was rejected or whether it was carried. Anyway, it seems to me, so long as there is a question, no matter how it arose, we ought, in order to be fair, to permit its reconsideration so that there may be a yea-and-nay vote. It is only common justice, it seems to me, that the vote ought to be reconsidered.

The VICE PRESIDENT. Does the Senator ask unanimous consent, or what request does the Senator make?

Mr. NORRIS. I understand that is not necessary. The Chair has entertained the motion of the Senator from Arizona.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona [Mr. ASHURST] to reconsider the vote by which the amendment of the Senator from Connecticut was rejected.

Mr. CLARK of Missouri. Mr. President, I have no desire to oppose the motion to reconsider. I rise merely for the purpose of making an observation on a practice of the Senate which, to my mind, is solely and absolutely responsible for such a situation as arose on yesterday, and which, so far as I am advised, is in contravention of the practice of every other parliamentary body in the world, either official or unofficial. That is the practice in the Senate of having the Chair, on a division, simply announce whether the motion has been carried or defeated, without announcing the vote, and then rule that following that arbitrary announcement of the Chair a demand for the yeas and nays comes too late.

So far as I am advised, the practice of every other parliamentary body in the world is that when a demand is made for a division, the Chair counts and announces the count, so many "ayes" and so many "noes"; and when the count is announced, before the Chair declares the motion carried or defeated, it affords an opportunity for any Member who either doubts the accuracy of the Chair's count or believes the result could be changed upon a yea-and-nay vote to ask for the yeas and nays, and that opportunity is accorded him.

Of course, I am perfectly familiar, as we all are, with the reason for the Senate practice of not announcing the vote, but simply having the Chair say: "The 'ayes' have it" or "the 'noes' have it." The practice grew up because of a desire to evade the constitutional requirement that a quorum shall be present for the transaction of business; and the reason for the practice is to avoid disclosing, by the announcement of the vote, that a quorum of the Senate actually did not vote upon the particular proposition. I submit, however, that it is a bad and vicious practice which ought to be changed. Any presiding officer, no matter how fair he may be, no matter how anxious he is to record the will of the Senate, may conceivably be mistaken as to the number of Senators rising on one side of a proposition or another. He might make a mistake if he should take the trouble individually to count, as is done by the presiding officer in the House of Representatives. It is for that reason that a check should be made by an announcement of the vote, and an opportunity should be afforded, in orderly practice and the preservation of the constitutional rights of a legislative body, to demand the yeas and nays, which is a constitutional right, and not be precluded by the arbitrary judgment, perhaps the mistaken judgment, of any presiding officer.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Will Senators permit the Chair to make a statement in that connection?

When the present occupant of the chair came to this body he was told by the Parliamentarian that the practice of the Senate was that when a division was called for the clerk made the count. The clerk is not a constitutional officer, and the Chair could not understand why a constitutional officer should not be trusted as well as the clerk elected by the Senate, so the Chair himself adopted the practice of counting, and he is going to continue it so long as he occupies this position.

On the second proposition referred to by the Senator from Missouri, with reference to announcing the vote, the Senate will recall that the present occupant of the chair each time has announced the number voting on each side, and he intends to continue to do so. It does not make any difference so far as the Constitution is concerned, because the last roll call of the Senate showed that a constitutional majority was present, and the presumption in law is that it continues, regardless of the number of Senators voting, because, as the Chair understands, Senators may sit in their seats in the Senate and decline to vote. The Chair knows of no power except the Senate itself that can make them vote.

Mr. NORRIS. Mr. President, I do not want this occasion to pass without making just a short observation.

In the main, I think what the Senator from Missouri said is correct. Notwithstanding the Chair is going to hold otherwise, I believe that if a vote discloses that there is no quorum present, the point of no quorum is good and should be recognized if it is made right at the time.

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

Mr. NORRIS. In a moment. My understanding has always been that the Chair has often announced merely that a motion was carried or lost because of what might have happened if he had stated the number who had voted on each side, when everybody knew there was not a quorum present. To avoid that, both sides have been willing that those who were present should be regarded as sufficient, and the Chair has been permitted merely to announce that the motion was either carried or defeated.

All that trouble could be avoided if before the Chair announced that a motion had been carried or defeated the Chair should say, "The ayes appear to have it," or "the noes appear to have it"; and that would give an opportunity for any Senator who did not believe the announcement was correct to call for the yeas and nays or for any other proceeding he desired to take. All trouble might be avoided if that practice were observed; but now we are confronted with the fact

that there is an honest difference of opinion as to whether the amendment was carried or was defeated yesterday when the vote was taken. I think it ought to be the desire of all Senators, no matter how they stand on the merits of the amendment to get, if posible, and not to interfere with getting the actual view of the Senate, which can be done now, as I understand under the ruling, only by a reconsideration of the vote. It seems to me we ought to give unanimous consent for its reconsideration, so that there may be no question as to what the outcome is going to be when the amendment is finally voted on by a yea-and-nay vote or otherwise.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona [Mr. ASHURST] to reconsider the vote taken on yesterday on the modified amendment offered by the Senator from Connecticut [Mr. DANAHER] to the amendment of the committee. [Putting the question.] The ayes seem to have it. The ayes have it, and the motion to reconsider is agreed to.

The question now is on agreeing to the amendment offered by the Senator from Connecticut, as modified, to the amendment of the committee.

Mr. McNARY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. NORRIS. Mr. President, I desire briefly to discuss the amendment.

Mr. McNARY. Mr. President, before that is done I ask to have the amendment read.

The VICE PRESIDENT. Without objection, the amendment to the committee amendment will again be stated.

The CHIEF CLERK. On page 6, line 7, after the word "determination", it is proposed to insert a comma and the following:

Whereupon such officer or employee or the appropriate State or local agency, or both, shall have the right to appeal from any such finding to the next term of the United States district court for the district in which such officer or employee shall reside; and the United States district courts shall have jurisdiction to hear and determine such appeal, and all proceedings therein shall be had in the same manner as is provided for appeals taken under section 39c, Public Law No. 696, of the Seventy-fifth Congress, approved June 22, 1936 (U. S. C. Supp., title 11, sec. 67c). No such officer or employee shall be dismissed as a result of such determination by said commission and no loan or grant shall be withheld until said appeal shall be finally determined. Pending final determination of any such appeal, any such officer or employee previously found guilty of a violation of this section shall stand suspended.

Mr. NORRIS. Mr. President, as I understand from conversations with various Senators, there is not any doubt that this amendment is going to be agreed to. I am opposed to it. I think its importance perhaps is not great; and if it were not to be a precedent I believe I should not say anything on it, because as the Senator from Connecticut has modified the amendment he has taken out of it what seemed to me, when he first offered the amendment, an objection which was absolutely insurmountable, and which would have made the amendment unworkable.

Mr. President, apparently we are going to supply the right of appeal to the courts after a man who has had a hearing before the Civil Service Commission has been discharged, which means that the case may be carried to the Supreme Court of the United States.

We do not apply that principle, and from the very nature of things, in my judgment, could not, to the thousands of cases of discharge or suspension which may occur under the various departments of our Government. If we are going to apply it at all, we should apply it equitably. For instance, a man may be engaged as one of a gang of men building a road, and in the judgment of his superior officer may have violated the law, and the law may provide that for that violation he must be discharged. It seems to me we should let the man who is in charge discharge the workman without even having a hearing by the Civil Service Commission. That is the practice in other cases. When the foreman or superintendent, or whoever the man in charge may be, discharges, his word is supreme. If Senators will reflect on the matter, I am sure they will agree that it is necessary that that be so, when thousands and thousands, and perhaps millions of cases may arise within a few years if we apply the rule to every one as we are asked to apply it here; and it should apply to every one in the Government if it applies to one.

If a foreman discharges a man, and the man thinks he has not violated the law, or desires to contest the discharge, he goes before the Civil Service Commission; they investigate the case, pass on it, and decide whether the discharge shall be consummated. It seems to me that is going far in the protection of every right which may exist on the part of anyone. When a case is carried into court, the complainant or the Government is given the right to appeal from one court to the next. There is first a trial in the district court, which may and probably will cost hundreds of dollars, perhaps thousands of dollars; then the parties go to the next court, and from there to the Supreme Court, employing attorneys, whose fees, if they are at all reasonable, would probably amount altogether to thousands of dollars. When they get through, the project upon which the man was working may be finished, may be ended, may not exist any longer, and there will be nothing but a moot case, except that probably if it went to the Supreme Court, and it was found that the man was wrongfully discharged, he would be entitled to his wages.

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

Mr. NORRIS. I yield.

Mr. LODGE. Can the Senator enlighten me on this point? Is the procedure embodied in this amendment followed anywhere in the Government today?

Mr. NORRIS. Not that I know of, in any similar case. I do not think it is followed in any Government activity.

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

Mr. NORRIS. I will yield in a moment. I thank the Senator from Massachusetts for asking the question. If the practice should apply in the case we are now considering, then I submit in all fairness, in order to treat everyone alike, it should be applied in every branch of the Government, and every employee in the Treasury Department, or in any of the other departments of Government, who might be discharged, ought to have the right of a trial before the Civil Service Commission; he ought to have the right of appeal from that decision to a district court, and there be entitled to try the case de novo, with witnesses summoned, perhaps, hundreds of miles, and a long, tedious trial had. Then he ought to have the right of appeal, the record made up, and the case taken to the circuit court of appeals, and from there to the Supreme Court.

I now yield to the Senator from California.

Mr. DOWNEY. Mr. President, I am not entirely sure that I understood the implication of the question asked by the Senator from Massachusetts, but I wish to say to the Senators present that in the State of California there is the right of appeal to the courts of the State from a ruling of the civil-service commission in the case of the discharge of an employee. I handled several such cases during 20 years' practice in California, and I never observed any of the difficulties and handicaps which have been suggested by the Senator from Nebraska.

I may say that in perhaps a hundred cases in which I was consulted by employees who had been discharged, I advised the employees in 10 of the cases that they had been discharged because of political corruption, or the arbitrary and capricious action of some public official. Of the 10 cases in which I was perhaps concerned, we established our right in the courts in 8 or 9 of the cases and had reinstatements.

I desire to say to the Senator from Nebraska that undoubtedly the right of appeal to the courts and to have witnesses sworn and examined and cross-examined, and a full hearing under the glaring light of publicity, is, indeed, a strong check upon arbitrary action upon the part of public officials or the civil-service board, and I for one desire to commend the amendment of the Senator from Connecticut. In this era, in which we are heavily implementing the power of bureaucracy, and concentrating power in the hands of a few, it is well, merely as a check upon the Civil Service Com-

mission, to reserve the right to a hearing in the case of an employee who has been discharged unfairly or dishonestly or through political corruption.

Mr. NORRIS. Mr. President, I think the Senator from California has misconstrued the question propounded by the Senator from Massachusetts, or, if he has not, then I did not understand it. We are not dealing with the civil-service commission of any State; we are dealing with the Civil Service Commission of the United States. I do not know what the laws of the various States are, I do not pretend to say, and I do not think the question the Senator from Massachusetts had in mind had any application to anything except the question we are considering as it applies to the Federal Government. If I am wrong, I should like to have the Senator from Massachusetts correct me.

Mr. LODGE. The Senator is entirely correct. What I was trying to ascertain was whether in any of the departments of the Federal Government the proposed practice was followed.

Mr. NORRIS. As I have stated, I do not believe it is. If it is, I do not know of such an instance. It will be part of the Federal procedure if we agree to the pending amendment.

Again, Mr. President, it seems to me we are unjustified in insinuating, as Senators often do, that the Civil Service Commission of the United States is lacking in intelligence, or ability, or patriotism, or a sense of justice. I think we all have confidence in the Civil Service Commission; at least I have. I think their judgment is sometimes wrong; sometimes I have not agreed with them; but I think their judgment has always been based upon what they believed to be the facts in the particular case. It is that Commission which is to pass on a discharge, if one takes place, and I do not believe we are justified in insinuating that the Commission is either prejudiced, biased, or incompetent.

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

Mr. NORRIS. I yield.

Mr. DANAHER. I call to the attention of the Senator the fact that under the pending bill the same Civil Service Commission would be empowered to thwart the will of the Congress with reference to grants-in-aid of State functions, insofar as it provides grants-in-aid, and to exercise its discretion to withhold, either in whole or in part, so much of the funds as it may decide would be a fair penalty upon a State or a department of the State because of the alleged violation by some employee. Does the Senator from Nebraska not yield to the very persuasion that it is as right and fair and just that a State department so affected be given the right to determine, by way of appeal, whether or not such a conclusion by the Commission was arbitrary and capricious and unjust?

Mr. NORRIS. Mr. President, the Senator assumes that it will be capricious and arbitrary, which I do not assume to start with. I believe they will give aggrieved employees a fair trial, and I do not think the Senator from Connecticut is justified in assuming that they will be arbitrary or capricious. They might not decide a case as I would decide it; but they are as honest as a judge, perhaps just as unprejudiced, perhaps just as able. We would give the Commission an opportunity to consider the case, then we would give the district judge an opportunity, and then give the circuit court of appeals an opportuntiy, then give the Supreme Court of the United States the last guess as to what should be done in a particular case when a man is discharged from some job on a project in which the Government is engaged, such as building a road, or something of that kind.

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

Mr. NORRIS. I yield.

Mr. McKELLAR. I wish to ask the Senator a question regarding the right of appeal from a decision of the Commission. Does not the Senator think that would be quite a restraining influence? Of course, the three Commissioners themselves cannot pass on a case; they have to have it passed on by a deputy or by employees. Does not the Senator think that if the law provided that there might be an appeal to a district court of the United States, it would make whatever official of the Civil Service Commission who would pass on a case exceedingly careful not to make a mistake?

Mr. NORRIS. That may be true; perhaps he would be more careful. But, if that is true in one case, it is true in every other case. There is one thing we should do, it seems to me, if we can, and that is we should stop litigation. Someone has to pass on the question of fact, and it does not necessarily follow that a court or a judge can better perform that duty than a layman. If a question of law is involved in the case, the man affected can get into court without any trouble. He can file a bill for an injunction, if a question of law is involved, and get into court; but when it comes to the finding of a fact, I would trust the judgment of the Commission as much as I would my judgment, or the judgment of the Senator from Tennessee, or of a judge, realizing that all concerned are fair and honest men and want to do what is right, but that they may disagree very widely, of course.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. I do not recall at the moment any provision of Federal law for appeal from decisions of Federal commissions, though I think there are cases in which specific appeals are allowed. But I recall that States have enacted laws which permit appeal from the findings of commissions or from a State court to a United States court, which appeals, I think, have had a very beneficial influence. I have known examples of such appeals.

Mr. NORRIS. Mr. President, when we pass a law relating to the Interstate Commerce Commission, the question arises whether we should provide by law that the findings of fact by the Interstate Commerce Commission shall be final, or whether we should permit the courts to review such findings of fact. In my judgment, the findings of fact should be final. Questions of law which arise from the findings of fact, or from trials or hearings, should properly come before the court on appeal. It seems to me fair to permit appeal on questions of law.

About a year ago, when the late Senator Logan of Kentucky was with us, he was chairman of a subcommittee of which I was a member. I do not remember the question we had under consideration, but at the time a very noted Englishman was in the United States delivering lectures, and he delivered a very able lecture in Washington. I know him personally. He has a world-wide reputation as an economist. Senator Logan consulted me about the advisability of having a meeting of the subcommittee and asking this Englishman to come before the committee. I thought the idea an excellent one. I did not believe that he could give us any particular light on the immediate question before us, but I believed he would give us light on the general question of the jurisdiction of courts in England and in the United States.

He came before the committee and made an excellent witness. He answered all the questions we asked him, and we asked him a great many. I asked him whether in Great Britain they had any commission or board which was comparable to the Interstate Commerce Commission in the United States, and he said they did. He told us what it was.

I asked him, "How long has that board been in existence?" I do not remember his exact answer, but I believe he said it had been in existence 40 years. I asked him, "Is there any appeal from that board to your courts?" He said there was an appeal from that board on questions of law but that the findings of fact by that board were final and no court in England would dare set them aside.

I asked him, "Can you give us any idea of how many cases were appealed in that period of 40 years?" Again I speak only from memory and have not immediately refreshed my recollection, for I did not expect to refer to this experience; so I may be wrong; but, as I remember, he said that during those 40 years there had been only eight cases appealed.

I asked him whether there was any place to go from the court he mentioned. He said, "Yes; there is one more court." I asked him how many of those eight cases had been taken from the court he first spoke of to the higher court, the House

of Lords, and my recollection is that he said three in 40 years.

Mr. President, we would have 40 in 3 minutes in the United States. That will be true always if we do not have some board or some authority to settle the questions of fact. In respect to jury cases, in most jurisdictions the courts have held that when a jury passes upon a question of fact submitted, the judge has no right to set aside the jury's decision unless the court finds that there was no substantial evidence to sustain the jury's decision, which, of course, raises another and different question. But the question of fact is for the jury to determine, and the question of law is for the court to determine. In the matter under discussion we deal mostly with questions of fact.

Mr. President, simply for the sake of the RECORD I desired briefly to submit my views on the question.

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

Mr. NORRIS. I yield.

Mr. LUCAS. I have great respect for the opinions of the Senator from Nebraska. I rise to ask him a question: Does the Senator from Nebraska believe that the question of political liberty is involved in the pending legislation in any way?

Mr. NORRIS. I have not thought so.

Mr. LUCAS. In other words, the Senator does not believe that the political rights of an individual who is charged with violation of the statute are being invaded?

Mr. NORRIS. Mr. President, I now understand the Senator's question. I do not believe so. Some honest men who are better lawyers than I am believe those rights are invaded. That question can easily be tested, however, without having the amendment adopted and passed upon. If the political rights of an individual were invaded, then the law would be unconstitutional, and one could get into court immediately by various kinds of applications. The question could be placed before a court and carried to the Supreme Court and that Court could pass upon it. The adoption of the particular amendment in question would not assist in that respect. If the law is unconstitutional, it will be so found very soon, even without the adoption of this amendment, and the law will fall.

Mr. LUCAS. But if the Senator from Nebraska entertains the same view as that entertained by the Senator from Illinois with respect to the invasion of the political rights of an individual, then, I take it, the Senator from Nebraska will agree that in case an individual were charged with violation of the statute he should have his rights determined by the court of last resort?

Mr. NORRIS. I agree with the Senator. But we do not need this amendment in order to get a decision on the matter. That is my contention. We could not put anything into the law, however ingenious we might be, which would take away the constitutional rights of any citizen, and if such an attempt were made the citizen could go into court and have the question determined, even without the adoption of language such as contained in the pending amendment.

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

Mr. NORRIS. I yield.

Mr. REED. I join with every one in this body in admiration of the fairness of the distinguished Senator from Nebraska and the distinguished Senator from New Mexico, the author of the bill. I listened to the Senator from Nebraska yesterday, and, if I recall his statement correctly, he was afraid of the length of time which would be required for an appeal to be decided. The junior Senator from Kansas is merely a layman, and he wonders if the objection of the Senator from Nebraska is to be the matter of appeal, or to the length of time required to carry out an appeal, and whether or not it would be possible so to adjust the amendment offered by the Senator from Connecticut as to limit the appeal to the district court of the United States and to instruct that court to give preferred and first consideration to such an appeal.

Further——

Mr. NORRIS. Let me answer that question before the Senator propounds another one. I may forget the one he has already asked. I will answer in the affirmative. We could. I have no doubt we have the constitutional authority to adopt the kind of amendment the Senator is suggesting. We could limit the appeal and give such instructions as the Senator has suggested. That is often done. It has been done in a great many cases.

Mr. REED. May I inquire if that would meet, in part at least, the objection of the Senator from Nebraska?

Mr. NORRIS. It would not meet my objection. My objection is that, in the first place, this is an unnecessary thing, and will establish a precedent which I am afraid will come home to roost in connection with other legislation. If we enact such legislation, we ought to do so with regard to every person employed by the Federal Government. It seems to me it is unnecessary to enact this legislation in order to protect anyone's rights.

Mr. REED. If the Senator from Nebraska will permit me again to interrupt him. I share the opinion expressed by the senior Senator from Missouri that the proposed legislation does not indicate a very high opinion of the present administration of the Civil Service Commission. I am for the Hatch bill and for its principles, but very frankly I am in doubt about lodging so broad a power in a commission, in which, from experience in this body, I have no confidence whatever.

Mr. NORRIS. Mr. President, I am sorry the Senator has no confidence in the Civil Service Commission. I had nothing to do with the modification of the amendment. It was a modification of what was originally in the law to remedy a situation which it was thought would bring about bad effects. Probably that is true. I am inclined to think it is. The amendment was worked out by a committee. I think the Senator from North Dakota [Mr. NYE] was a member of the committee. The committee proposed the amendment submitting the question to the Civil Service Commission.

In my judgment, there are a good many other bodies to which we could submit it, just as well as to the Civil Service Commission. We could set up a separate board, of course; but it seems to me that when it is necessary to carry on a project in which we are engaged, some agency ought to have the right to discharge employees, and to discharge them quickly if necessary. That is true in private business. It seems to me it ought to be true in governmental business of this kind. Otherwise, we interfere with the orderly progress of what we are trying to do.

Mr. REED. Mr. President, I wish to assure the Senator from Nebraska [Mr. NORRIS] and the Senator from New Mexico [Mr. HATCH] that I am wholly sympathetic with the purposes of the bill, and expect to vote for it, whether the pending amendment be agreed to or not.

Mr. HATCH. Mr. President, I desire to take just a moment to explain something of the legal situation in which the amendment of the Senator from Connecticut [Mr. DANAHER] would place us.

I have no particular objection to any plan which would protect or safeguard the rights of any individual. On the contrary, I would gladly aid in protecting and safeguarding the rights of individuals. However, before we can intelligently enact legislation providing for an appeal to the courts, the nature of the bill must be understood, as well as the nature of the power conferred on the United States Civil Service Commission.

Under the provisions of the bill, the Commission would never pass final judgment so far as the hiring or firing of an individual is concerned. In that respect I am sure the situation is entirely different from that which the Senator from California [Mr. DOWNEY] portrayed. The only thing the Commission may do is to determine that a certain sum of money should be withheld, and if the State persists in retaining any employee who has violated the provisions of the act, another sum of money may be withheld from the State. No judgment is pronounced against any individual. There is no final judgment against the State in the sense that we understand judgments. The Civil Service Commission is not given the power to remove an individual from office. I am wonder-

ing what sort of judgment there would be, and how it could ever be taken into court, or whether the courts have any jurisdiction of such cases.

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

Mr. HATCH. I yield.

Mr. DANAHER. I invite the Senator's attention to the language of his bill, on page 6, lines 7 to 16, inclusive. In order that the thought therein contained may be in the minds of all, let me take just a moment to read it:

> If in any case the Commission finds that such officer or employee has not been removed from his office or employment within a reasonable time after such notification, or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any State or local agency in such State, the Commission shall determine and certify to the appropriate Federal agency an additional amount to be similarly withheld from a loan or grant to a State or local agency within such State.

Mr. President, on page 5 it is definitely provided that upon receipt of a report of an alleged violation the Commission has to determine whether or not the violation has occurred. If it determines that it has occurred, and thereafter imposes a penalty by withholding, either in full or in part, funds by way of grants to the States, under the terms of the language in lines 7 to 16 on page 6 it even goes to the length of providing that if the individual has been put back to work in another subdivision of the State, an additional penalty may be imposed. I submit that a reading of the language shows that there is such a determination as to a question of fact as to warrant an appeal, both to the accused individual and to the State involved, or the subdivision thereof.

Mr. HATCH. Mr. President, I have no desire to argue with the Senator, but I wish he would listen to the authorities I shall read on the real legal points involved as I see them.

As I stated in the beginning, there is no disposition on my part to stand in the way of any proper or legal method of providing adequate protection or safeguards. But suppose the appeal is granted, as the Senator prescribes: What type of procedure is to be followed if that administrative function be transferred to the courts?

Under section 12 (b), if a Federal agency charged with the duty of making any loan or grant of funds to a State has reason to believe that there is a violation of the provisions of subsection (a) by an officer or employee to which such subsection applies, it makes a report to the United States Civil Service Commission.

Upon the receipt of such report, or of other information which seems to the Commission to warrant the investigation, the Commission then determines whether or not there has been a violation of subsection (a).

If the Commission determines that there has been such a violation, it then does two things:

First. It determines and certifies to the Federal agency the amount of any loan or grant which should be withheld on account of such violation, either permanently, temporarily, or conditionally; and

Second. It determines whether or not the violation warrants the removal of the officer or employee, and notifies the appropriate State or local agency if it makes such a determination.

Thereafter, if the Commission finds that the officer or employee has not been removed from office after such notification, or that within 18 months after his removal he has been appointed to some other position in a State or local agency, the Commission is then to determine and certify to the Federal agency an additional amount to be withheld from the amount loaned or granted to a State or local agency within the State.

It is apparent that the action of the Commission in determining that a violation of subsection (a) warrants the removal of the officer or employee who committed such violation is not a binding decision in any sense, but merely a recommendation to the State or local agency that such officer or employee should be removed. If the Commission subsequently finds that the officer or employee has not been removed, it can do nothing about enforcing its recommendation to the State or local agency with respect to the removal of the officer or employee; but it merely has authority to determine and certify that an additional amount of Federal funds shall be withheld.

As a result, the determination by the Commission with respect to the removal of an officer or employee for a violation of subsection (a) is not a case or controversy within the meaning of article III of the Federal Constitution, and no court established pursuant to such article could be given jurisdiction to substitute its judgment for that of the Commission in such a case. This is true, first, because the determination of the Commission is not a final judgment or binding upon anyone; and, second, because the determination made by a court when it substitutes its judgment with respect to the question of removal for the judgment of the Commission would merely be an administrative determination which no constitutional court is permitted to make.

However, the amendment proposed by the Senator from Connecticut apparently contemplates that the district courts of the United States should pass upon the question of removal, and thereby make such courts in effect administrative agencies for determining a matter which does not come within the scope of the judicial power which they may exercise under article III of the Constitution.

It is also not clear from the amendment of the Senator from Connecticut—

First. What type of procedure is to be followed if that administrative function should be conferred upon the courts;

Second. Whether the suspension of the officer or employee referred to in his amendment is to apply only in the cases of officers or employees found guilty of a violation of subsection (a) by the Commission or the courts at some time prior to the time of taking the so-called appeal;

Third. Whether the prohibition with respect to dismissal of an officer or employee as a result of the determination by the Commission is an absolute prohibition, or limited to the period during which the so-called appeal is pending; and

Fourth. What the effect of a decision by the court in any such case would be; that is, whether it would have any binding effect upon the State or local agency, or whether it would be merely a recommendation to the agency of the same character as the determination made by the Commission.

The language of the amendment of the Senator from Connecticut is apparently broad enough to allow the district courts to decide for themselves the question of removal of the officer or employee involved, and in that respect would seem to be no different from the power conferred upon the Court of Appeals of the District of Columbia in the original Radio Act of 1927 with respect to questions relating to applications for station licenses and for the renewals of such licenses when the applications had been refused. In that act it was provided that the decisions of the Federal Radio Commission "shall be final, subject to the right of appeal" therein given, and that the court "shall hear, review, and determine the appeal upon said record and evidence, and may alter or revise the decision appealed from and enter such judgment as to it may seem just." However, the Supreme Court held that such an appeal was not permitted, and said, in *Radio Commission* v. *General Electric Co.* ((1939) 281 U. S. 464, 467–468, 470):

> We think it plain from this résumé of the pertinent parts of the act that the powers confided to the Commission respecting the granting and renewal of station licenses are purely administrative and that the provision for appeals to the court of appeals does no more than make that court a superior and revising agency in the same field.

That is the position I take with respect to the powers under consideration. They are purely administrative and involve no judicial function whatever. The Senator's amendment would make the district court a revising agency, not in the judicial field but in the administrative field.

Continuing, the Supreme Court further said:

> The Court's province under that provision is essentially the same as its province under the legislation which up to a recent date permitted appeals to it from administrative decisions of the Commissioner of Patents. Indeed, the provision in the act of 1927 is

patterned largely after that legislation. And while a few differences are found, there is none that is material here.

* * * * * * *

Our conclusion is that the proceeding in that court was not a case or controversy in the sense of the judicial article, but was an administrative proceeding, and therefore that the decision therein is not reviewable by this Court.

I take it that under the provisions of the amendment the Supreme Court would be bound to say again exactly what it said in the Radio case, and that no final judgment or judicial power is involved. The Supreme Court would say it was not a case or controversy within the article of the Constitution conferring jurisdiction upon the courts.

In the case of *Postum Cereal Co.* v. *California Fig Nut Co.* ((1927) 272 U. S. 693, 698–699, 700), the Supreme Court held that it had no jurisdiction to review a decision of the Court of Appeals of the District of Columbia in a proceeding by it to review a decision of the Commissioner of Patents refusing to cancel the registration of a trade-mark. In the course of its opinion the Court said:

The decision of the court of appeals under section 9 of the act of 1905 is not a judicial judgment. It is a mere administrative decision. It is merely an instruction to the Commissioner of Patents by a court which is made a part of the machinery of the Patent Office for administrative purposes. In the exercise of such function it does not enter a judgment binding parties in a case as the term case is used in the third article of the Constitution. * * *

The distinction between the jurisdiction of this court, which is confined to the hearing and decision of cases in the constitutional sense, and that of administrative action and decision, power for which may be conferred upon courts of the District, is shown in the case of *Keller* v. *Potomac Electric Co.* (261 U. S. 428, 440, 442, 443). There it is pointed out that, while Congress in its constitutional exercise of exclusive legislation over the District may clothe the courts of the District not only with the jurisdiction and powers of the Federal courts in the several States but also with such authority as a State might confer on her courts (*Prentis* v. *Atlantic Coast Line Co.*, 211 U. S. 210, 225, 226), and so may vest courts of the District with administrative or legislative functions which are not properly judicial, it may not do so with this Court or any Federal court established under article III of the Constitution.

I raise that point, Mr. President, not because I desire to discuss any constitutional questions, but because it is so clear and so apparent that this amendment has no place in the bill that I hope it will be defeated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER], as modified, to the committee amendment. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS of Utah (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the senior Senator from Texas [Mr. SHEPPARD] and will vote. I vote "nay."

The roll call was concluded.

Mr. TYDINGS. My colleague [Mr. RADCLIFFE] is necessarily absent. If he were present he would vote "yea."

Mr. AUSTIN. I announce that the Senator from Maine [Mr. WHITE] and the Senator from New Hampshire [Mr. BRIDGES] are unavoidably absent.

The Senator from Wisconsin [Mr. WILEY] is unavoidably absent because of illness.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Arkansas [Mrs. CARAWAY] are absent from the Senate because of illness. I am advised that if present and voting, the Senator from Arkansas would vote "yea."

The Senator from Texas [Mr. SHEPPARD], the Senator from Nebraska [Mr. BURKE], and the Senator from Minnesota [Mr. LUNDEEN] are detained on important public business. I am advised that if present and voting, the Senator from Texas would vote "nay."

The Senator from Ohio [Mr. DONAHEY], the Senator from Georgia [Mr. GEORGE], and the Senator from Utah [Mr. KING] are unavoidably detained.

The result was announced—yeas 48, nays 36, as follows:

YEAS—48

Andrews	Chavez	Hayden	Reed
Ashurst	Connally	Herring	Russell
Austin	Danaher	Hughes	Shipstead
Bailey	Davis	Lee	Slattery
Bankhead	Downey	Lucas	Smathers
Barbour	Frazier	McCarran	Smith
Bilbo	Gibson	McKellar	Stewart
Brown	Gillette	McNary	Taft
Bulow	Glass	Maloney	Thomas, Okla.
Byrd	Guffey	Minton	Townsend
Byrnes	Gurney	Pepper	Truman
Capper	Hale	Pittman	Tydings

NAYS—36

Adams	Hatch	Miller	Schwellenbach
Barkley	Hill	Murray	Thomas, Idaho
Chandler	Holman	Neely	Thomas, Utah
Clark, Idaho	Holt	Norris	Tobey
Clark, Mo.	Johnson, Calif.	Nye	Vandenberg
Ellender	Johnson, Colo.	O'Mahoney	Van Nuys
Gerry	La Follette	Overton	Wagner
Green	Lodge	Reynolds	Walsh
Harrison	Mead	Schwartz	Wheeler

NOT VOTING—12

Bone	Caraway	King	Sheppard
Bridges	Donahey	Lundeen	White
Burke	George	Radcliffe	Wiley

So Mr. DANAHER's amendment to the committee amendment was agreed to.

Mr. LODGE. Mr. President, I move to amend the committee amendment on page 5, line 4, after the words "or either House", by inserting the words "or the executive council of said State."

This is purely a procedural and perfecting amendment which is suggested because of the fact that in Massachusetts the legislature does not confirm appointments but this is done by an executive council that is elected by the people for that purpose.

I have consulted with the Senator from New Mexico, as well as my colleague from Massachusetts, and the Senator from New Mexico tells me he accepts this amendment, which is purely, as I have said, of a procedural nature.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Massachusetts to the committee amendment.

Mr. DANAHER. Mr. President, before that question is put, may I be recognized?

The PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DANAHER. I ask unanimous consent to lay aside temporarily the amendment offered by the Senator from Massachusetts so that I may make a motion to reconsider the vote on the previous amendment.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the amendment of the Senator from Massachusetts be temporarily laid aside so that he may make a motion. Is there objection? The Chair hears no objection.

Mr. DANAHER. I move that the vote on the previous amendment be reconsidered.

Mr. McNARY. I move to lay that motion on the table.

Mr. HATCH. I understand that is the vote on the amendment of the Senator from Connecticut?

Mr. DANAHER. That is correct.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Oregon to lay on the table the motion of the Senator from Connecticut.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The question recurs on the amendment offered by the Senator from Massachusetts.

Mr. O'MAHONEY. Mr. President, I ask that the clerk read the amendment offered by the Senator from Massachusetts.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment on page 5, line 4, after the words "or either house," it is proposed to insert "or the executive council of said State."

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Massachusetts to the committee amendment.

The amendment to the amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I have another pro forma amendment to which I should like to draw the attention of the Senator from New Mexico, and, after the pro forma amendment shall have been agreed to, I desire to offer an amendment which will probably require some discussion.

The perfecting amendment which I desire to offer is, on page 4, line 25, after the word "State," to insert the words "or any person who is authorized by law to act as Governor." I ask unanimous consent that the amendment of the committee be perfected by the change suggested by me.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment offered by the Senator from Wyoming is agreed to.

Mr. O'MAHONEY. Mr. President, the amendment I desire to say a few words about comes in the committee amendment, on page 5, line 20, after the word "occurred", to strike out the remainder of line 20 and all of lines 21 to 25 on page 5, and on page 6, lines 1 to 16, inclusive, and on the same page, line 17, strike out the words "of loans or grants"; and, in line 21, after the word "occurred", to strike out the remainder of subsection (c), and in lieu of the matter stricken from subsection (b) to insert the following language:

And that such violation warrants the removal of the officer or employee by whom it was committed from his office or employment, it shall notify the appropriate State or local agency of such determination. If in any case the Commission finds that such officer or employee has not been removed from his office or employment within a reasonable time after such notification or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any State or local agency in such State, the Commission shall certify the fact to the appropriate Federal agency, which shall thereupon withhold from its contribution, loan, or grant to such State or local agency within such State a sum twice the amount of the annual salary of such officer or employee.

The purpose of this amendment is to remove the penalty which the bill now provides upon the State itself and upon the people of the State and to confine the penalty to the person, officer or employee, who has violated the law.

I have been particularly impressed by the argument which has been made on the floor by several Senators with respect to the effect of the bill as it now stands.

Subsection (b) of the proposed section 12 would have the effect of penalizing all the people of the State and the State itself, even though an offense were committed by only one or two individuals, and I am sure it is not the purpose of the committee to bring about such a result. If the punishment is to fall upon anybody, it should fall upon the person who has offended and not upon the whole population of the State.

Let us take, for example, a State highway department.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. O'MAHONEY. I am very glad to yield to the Senator.

Mr. NORRIS. I think I should look favorably upon the Senator's amendment, but I am wondering whether his amendment is broad enough in scope. Does not the language which the Senator has attempted to strike out and to insert certain other language include the amendment offered by the Senator from Connecticut? If so, ought it not to be stricken out the same as the rest of the language?

I am not sure about that. I did not know anything about the amendment of the Senator from Wyoming until it was offered.

Mr. O'MAHONEY. I see. The amendment of the Senator from Connecticut is not printed in the bill.

Mr. NORRIS. No.

Mr. O'MAHONEY. I understood it to apply to the persons and agencies affected; and if the amendment I now suggest were adopted, it would necessarily require a modification of the language of the other amendment.

Mr. NORRIS. I was wondering whether the amendment of the Senator from Connecticut, who does not seem to be present now, was not made to the language which the Senator from Wyoming attempts to strike out. If that be true, it ought to be included in his amendment. I take it that if the amendment of the Senator from Wyoming is agreed to the necessity of the amendment of the Senator from Connecticut will at once disappear. I am sorry he is not present.

Mr. O'MAHONEY. The Senator is quite right. The amendment of the Senator from Connecticut, which was adopted, was inserted to follow certain language of the bill which is proposed to be stricken out by my amendment; but, of course, I would have no objection to a modification which would take care of the amendment of the Senator from Connecticut. When that amendment was drafted, the Senator, having in mind that the penalty falls upon State agencies and the State, as well as upon the person, wrote into his amendment in line 3 of its printed form the words "or local agency." Those words could be dropped out in the event my amendment should be adopted.

Mr. NORRIS. Will the Senator from Wyoming permit the Senator from Connecticut to answer a question which I desire to propound to him?

Mr. O'MAHONEY. Certainly.

Mr. NORRIS. If the amendment offered by the Senator from Wyoming is agreed to, does the Senator from Connecticut believe that his amendment ought to go out with the other language that is proposed to be stricken out by the amendment? In other words, if the amendment offered by the Senator from Wyoming is agreed to, is it not true that the necessity for the amendment of the Senator from Connecticut will disappear?

Mr. DANAHER. I should say, by way of reply, the answer is "No," at least until we see the cumulative effect of our work on the whole bill. If the amendment of the Senator from Wyoming be carried, I am perfectly willing that we shall later go back and review cumulatively what we shall have done by the time we reach paragraph 15 of the bill. Then, of course, we shall be in a position to correct the language by dropping out language which is not applicable. As the matter now stands, however, there is no reason in the world why we should drop any amendment which is thus carried, for the reason that we do give protection at least to the accused employee, even if the amendment of the Senator from Wyoming is carried.

Mr. O'MAHONEY. Mr. President, I quite agree with the statement made by the Senator from Connecticut. It was not my purpose to repeal the action which the Senate has just taken. The purpose of the amendment of the Senator from Connecticut was to give a right of appeal to the persons affected and to the agencies affected. My amendment would eliminate any punishment on an agency as such; so the amendment of the Senator from Connecticut could be made to fit into my amendment merely by dropping from his amendment the words "or local agency."

I ask unanimous consent that the language of the amendment of the Senator from Connecticut be considered as part of my amendment with those three words dropped.

Mr. DANAHER. Mr. President, I withhold the right to object for the moment while I ask the Senator from Wyoming a question or two. Does he now have in mind, in his unanimous-consent request, that he would alter my amendment by taking out certain language from the amendment which was just adopted?

Mr. O'MAHONEY. Just the words "or local agency," because my amendment altogether eliminates the local agency from the text of the committee amendment. My request was that the language of the amendment of the Senator from Connecticut, modified by the elimination of the words "or local agency" in line 3, be considered as a part of the amendment I have offered; so, if my amendment should fail, his original amendment would stand.

Mr. DANAHER. I have no objection.

Mr. O'MAHONEY. Then let the amendment be stated as modified by the unanimous-consent agreement.

The PRESIDENT pro tempore. Without objection, the amendment, as modified, will be stated for the information of the Senate.

The CHIEF CLERK. In the committee amendment, on page 5, line 20, after the word "occurred", it is proposed to strike out the remainder of line 20 and all of lines 21 to 25 on page 5, and on page 6, lines 1 to 16, inclusive; and on the same page, line 17, to strike out the words "of loans or grants"; and in line 21, after the word "occurred", to strike out the remainder of subsection (c), and in lieu of the matter stricken from subsection (b) to insert the following language:

And that such violation warrants the removal of the officer or employee by whom it was committed from his office or employment, it shall notify the appropriate State or local agency of such determination, whereupon such officer or employee or the appropriate State, or both, shall have the right to appeal from any such finding to the next term of the United States district court for the district in which such officer or employee shall reside; and the United States district courts shall have jurisdiction to hear and determine such appeal, and all proceedings therein shall be had in the same manner as is provided for appeals taken under section 39c, Public Law Numbered 696, of the Seventy-fifth Congress, approved June 22, 1938 (U. S. C. Supp., title 11, sec. 67c). No such officer or employee shall be dismissed as a result of such determination by said commission and no loan or grant shall be withheld until said appeal shall be finally determined. Pending final determination of any such appeal, any such officer or employee previously found guilty of a violation of this section shall stand suspended. If in any case the Commission finds that such officer or employee has not been removed from his office or employment within a reasonable time after such notification or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any State or local agency in such State, the Commission shall certify the fact to the appropriate Federal agency, which shall thereupon withhold from its contribution, loan, or grant to such State or local agency within such State a sum twice the amount of the annual salary of such officer or employee.

Mr. ADAMS. Mr. President, I desire to make a parliamentary inquiry, as well as a suggestion. I assume that the Senator from Wyoming is quite free to incorporate in his amendment any language he wishes; but, as I understand, the amendment of the Senator from Connecticut was adopted, and then—pursuant to what I have regarded as an entirely improper practice in this body, but one which is growing in frequency—a motion was made by the mover of the amendment to reconsider it, followed by a friendly motion to lay on the table the motion to reconsider. That is, the amendment of the Senator from Connecticut seems to have been nailed down; so I ask the parliamentary question whether it is now open to such change as suggested by the Senator from Wyoming?

Mr. O'MAHONEY. Mr. President, I should imagine that in the circumstances, by unanimous consent—which, I take it, has been granted—that parliamentary difficulty would not arise.

The PRESIDENT pro tempore. That is the opinion of the Chair—that by unanimous consent, and only by unanimous consent, can the amendment be reconsidered in that particular.

Mr. O'MAHONEY. Then I shall merely return to repeat what I said a moment ago. The purpose of this amendment is to eliminate the punishment upon States and upon State agencies, and confine the punishment solely to the persons affected. I believe it very much improves the bill. Many of us were disturbed by the fact that as reported by the committee the bill upon our desks undertakes to extend the withdrawal of funds to States which probably in most cases would have no part whatever in the violation, and it is a penalty upon citizens who likewise are altogether innocent.

I think all will agree that we should not pass a bill which withdraws rights or benefits from any State because of the acts of some of its inhabitants.

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

The amendment to the amendment was agreed to.

ERNESTINE HUBER NEUHELLER

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1998) for the relief of Ernestine Huber Neuheller, which was, on page 2, line 2, to strike out all after the word "citizen", down to and including the word "turpitude", in line 10.

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

The motion was agreed to.

ROBERT STOCKMAN

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1449) for the relief of Robert Stockman, which were, on page 1, line 6, to strike out "$6,957.92" and insert "$5,000", and on page 2, line 1, to strike out all after the word "Provided", down to and including "$1,000" in line 14, and 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. GREEN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. ADAMS obtained the floor.

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

Mr. ADAMS. I yield.

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

The PRESIDENT pro tempore. The clerk will call the roll.

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

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

The PRESIDENT pro tempore. Eighty-five Senators having answered to their names, a quorum is present.

Mr. ADAMS. Mr. President, I desire to submit an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend section 9, so that it will read as follows:

SEC. 9 (a). It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government or department thereof shall endeavor directly or indirectly to influence the vote or political action of any Federal officer or employee in any degree subject to his orders or directions or whose employment he has power to terminate. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects. For the purposes of this

section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws.

(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person.

Mr. ADAMS. Mr. President, the amendment which I have offered is an identical restatement of all of section 9 of the Hatch Act, with the exception of the second sentence.

I have had some contact with the Hatch law from time to time. The first Hatch amendment, as it came in, was directed to a relief bill. I very reluctantly voted against it at the urgent insistence upon the floor of the Senate of the majority leader. I was told that his political life depended upon its rejection. My own political life was in the balance; but I voted against the original Hatch amendment because of that appeal. I say that simply to prove that the Senator from Kentucky [Mr. BARKLEY], the majority leader, was wrong when he said yesterday that he did not make votes by speeches. I offer myself as evidence of the persuasiveness of his appeal at that time.

Following that the Appropriations Committee accepted the Hatch amendments enlarged from the original form, and they comprised sections 1, 2, 3, 4, 5, 6, 7, and 8 of the present Hatch bill. They are in a strong, a stringent, and a proper form. They definitely reach evils which should be reached.

As a member of the Appropriations Committee I aided in securing similar amendments to the appropriation bills and approved the adoption of these amendments.

I think the second sentence of section 9 should be modified. I do not differ with the purpose and theory of my friend and neighbor. I think he should, however, be willing to consider a softening of this one section.

Mr. President, I am not in any way concerned in this matter politically. I happen not to be a candidate for office. I have no candidates for office—I will take that back; I have a list of some 26 candidates for President. [Laughter.] That is some 25 more than others have.

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

Mr. ADAMS. I yield.

Mr. NEELY. Does not the Senator have on his list the 47 candidates who are Members of the Senate?

Mr. ADAMS. Now the Senator has caught me out on a limb. I cannot say that as many as 47 Senators are candidates. But in the seclusion of my office I made a list of the Democrats who could be elected, and who might be willing to take the place. I eliminated the other Senators, perhaps because I thought they would not take the place. I put on my list some names of persons who were not Senators.

Mr. President, the provision of the law which I seek to have amended makes a flat, positive, unequivocal prohibition that no employee, no officer in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. That language goes so far as to provide that if a Federal employee were engaged in doing sewer work he could not go to the country grocery store to a meeting of his precinct committee and argue politics. A stenographer in a Federal office could not go to a sewing circle and there argue the cause of her party. Construing the language literally and strictly, it means that a Federal employee could not go to the grocery store and argue with the group of people who were there that they should do certain things in the campaign, in spite of the facts that he had no control over them.

I think it perfectly proper to say that no Federal officer or employee shall engage in any effort to influence the conduct or the vote, or even the opinion of anyone who is subject in any way to his control, whose salary he can affect, whose duties he can affect, or whose tenure of office he can affect. But I think we go further than we should when we say that every Federal officeholder, no matter how minor his place may be, shall no longer take part in the activities of a campaign.

We are thinking, and I am sure the author of the bill is, in terms of a great Federal machine reaching out its arms and seeking to control nominations and elections. I am not in favor of that being done. I have personal reasons for being lacking in enthusiasm for such activity. The people in my home State do not agree with me today as to some policies. They probably would overrule me in the State convention. I would not deny them the right to do that.

In my State I am sure conditions are different from those in some other States. The activities of Federal employees in my State have not been corrupt nor corrupting.

Mr. President, we cannot escape having political organizations. We have State organizations which are necessarily made up of State employees. In all cities we have city organizations made up of city employees. We have a Federal grouping. Now, what is proposed to be done? It is proposed to prevent the participation in political activities of every person who has been given a Federal place. Again I refer for illustration to my State. The leaders in the State holding Federal offices were appointed because they had demonstrated their character and their capacity in civic walks of life. They were given Federal places because they were leaders previously. They are not leaders simply because they have Federal places.

I am entirely willing to say, and I approve of saying, to a Federal employee, "You shall not exercise your authority, your influence, upon another Federal employee." However, I am not willing to say to him, "You may not seek to pass on your experience and your knowledge and your views to others who are not otherwise subject to your control."

Mr. MINTON. Mr. President——

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

Mr. ADAMS. I yield.

Mr. MINTON. The Senator is not ready to say that simply because the citizens of his State, to whom he has alluded, hold Federal offices, if they go out and participate in a political campaign they are guilty of pernicious political activity?

Mr. ADAMS. I am not going to argue adjectives. I think primarily a citizen is entitled to participate in all the governmental functions, unless there be some clear reason for excluding him therefrom. I think the provision in question excludes them without reason.

Mr. MINTON. The title of the act is "To prevent pernicious political activities." I inquire of the Senator whether he thinks that a collector of internal revenue, for example, whom he may have appointed in Colorado, who is a high-class citizen, and who of his own volition takes part in a political campaign in his own State, is engaged in pernicious political activities simply because he happens to be the collector of internal revenue?

Mr. ADAMS. I would be willing to restrict activities which are of a less culpability than those which may be designated as pernicious. I am unwilling to permit activities which are oppressive, which take advantage of someone.

I am thinking of the lesser Federal employees. I am thinking also, perhaps, of the major number of employees, who are the actual leaders in my State, and who know more about the public business than does anyone else in the State. I think we are denying to the public service opportunities and benefits which those persons can confer, which we ought not to do. Purely from the standpoint of the public service, I think we have gone too far. I do not think it is corrupt or pernicious for a man, merely because he is an officeholder, to approve the principles which he is seeking to support, or to advocate the cause of the party to which he has devoted the political efforts of his life.

I find in the discussion of yesterday that in almost every instance local conditions seem to have their bearing upon the situation.

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

Mr. ADAMS. I yield to the Senator from South Carolina.

Mr. SMITH. Do I correctly understand that the Senator's amendment would give a public officer the right to which he refers, but would restrict him from attempting to bring under his influence those working under him?

Mr. ADAMS. Absolutely.

Mr. SMITH. As I understand, the Senator would not restrict anyone in the Government service from freely expressing his opinion at any public meeting, but would restrict him if he attempted to use his office to apply persuasion to one in the employ of the Government.

Mr. ADAMS. That is a correct statement of my view. In my State—and it is doubtless true in most of the other States—we have a provision of many years' standing which not only prohibits the officer of a corporation from seeking to influence those in his employ, but penalizes such conduct. That is a perfectly proper thing to do. In other words, the officer who controls the pay checks and the employment should not be in a position to influence those under him. He should not be permitted to put notices on the gate to the effect that unless so and so is elected the factory will not open the day after election. On the other hand, the superintendent should not be forbidden to go to his club and argue at the round table, among those who are not in his employ, his views about public affairs, thereby contributing some information to them.

I am trying to apply the same principle to the Hatch Act—punish every unfair use of power and prevent every possibility of those in Federal places taking advantage of their control over others, but leave to them their individual freedom.

For instance, in my neighborhood we have little precinct caucuses, where we meet to select delegates to a convention. At the present time a man holding a very minor place in the Federal service, having no one under him, may not go to a precinct caucus and there participate in the selection of delegates. He may not join or become an officer of the Young Democratic Club or the old Democratic Club. He must take no part in such processes. Many of these persons can contribute to the public welfare.

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

Mr. ADAMS. I yield.

Mr. SMITH. The thing that has been worrying me about the Hatch Act is its universal application. If an individual in the Government service exercises his inalienable right to express his opinion, he is likely to lose his job and be subject to other punishment, regardless of whether or not he is appealing to someone in a position similar to his own. I do not think we have power by legislation to take from any citizen his individual, inalienable right of free speech. However, I think he ought to be prohibited from using his position of trust or power to coerce anyone who is in the same employment. I am glad the Senator is making that distinction. We should restrict those who are in a position to use their influence upon those dependent upon them, but we should preserve to everyone the American right of freedom of speech.

Mr. ADAMS. My own political welfare—if I were concerned about it—would lead me to support the Hatch Act. It is not to my advantage, as things exist in my State, to do the thing I am doing. The group of Federal employees out there—whose rights I wish to conserve—do not at this time agree with me upon certain matters which may become of first importance; but I am not willing to say to them that I, having freed myself, may cooperate with the city machine or the State machine and dominate nominations and elections in my State, while they, who are a part of the Federal organization, may not defend the principles in which they believe and perhaps seek to reelect those who were good enough to look after them.

Last summer and fall I met many friends of mine. They said, "You voted for the Hatch Act." I said that, like others, I sat by the side of my friend, to whom I am devoted, and although by a single word I could have prevented its passage upon the call of the calendar, I did not do so. I knew what was in it. I have no alibi. My friends said to me, "By that act you have said that we are tainted, and that we are not fit to participate in political conventions." I have not had much explanation to make. In a measure I am seeking to do penance for the reflection which I, along with others, cast upon the good citizenship of my friends and neighbors who happen to have Federal places.

I am not interested in politics; and I know from the yea-and-nay votes which took place in the House when the Hatch Act was passed, and the yea-and-nay vote in the Senate yesterday, that no Member of Congress was influenced by a political motive in casting his vote.

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

Mr. ADAMS. I yield.

Mr. SMITH. Did I correctly understand the Senator to say that he does not think there was any politics in the vote yesterday in the Senate? I am trying to respect the Senator's opinion. I am listening to him as one who is giving his real judgment. If he makes such a statement as a matter of fact, he need not talk any further to me.

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

Mr. ADAMS. I yield.

Mr. MINTON. Of course the Senator from South Carolina does not mean that any partisan political question was involved, because the Senator saw the Democratic leader, the Senator from Kentucky [Mr. BARKLEY], lead the Republican Party to a great victory.

Mr. SMITH. I did.

Mr. MINTON. It was not partisan, to say the least.

Mr. SMITH. The Senator from Colorado says there was no politics at all in it. This is a serious matter, and the Senator is going on record as saying that no politics was involved in the vote yesterday in the Senate. God help us.

Mr. ADAMS. Mr. President, I happen to be one who has never talked politics on the floor of the Senate. So far as I know, I have never said an unkind thing of a Republican on the floor of the Senate. I do not think unkind things about them. I want always to think that they are actuated by patriotic motives, as are my friends on this side of the Chamber. If it so happens that they did act in a group, I take it for granted that it is merely a coincidence that their opinions happened to concur at that particular time in what they thought was for the welfare of the country.

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

Mr. ADAMS. I yield to the Senator from Tennessee.

Mr. McKELLAR. Perhaps the Senator has already explained the difference between the modified section 9a which he has presented as an amendment to the bill and the sections of the law as it now is. Has the Senator done that? If he has not, may I ask him to point out the changes?

Mr. ADAMS. I shall be glad to try.

The Hatch Act, in section 1, as it stands—and as I want it to stand—makes it unlawful to intimidate or coerce any person as to his vote. That is perfectly proper.

Section 2 makes it unlawful for any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States, including any corporation controlled by the United States or any agency thereof, and any corporation all the capital stock of which is owned by the United States or any agency thereof, to interfere in an election.

Section 3 makes it unlawful for any person to promise any employment or other benefit in consideration of support of or opposition to a political candidacy.

Section 4 makes it unlawful to threaten to deprive—"to threaten to deprive"—any person of employment or the benefit of any relief funds on account of race, creed, or color.

Section 5 makes it unlawful to solicit or receive an assessment or contribution for a political purpose from any person entitled to or receiving funds made possible by funds appropriated for work relief or work-relief purposes, thus protecting work-relief recipients and funds.

Section 6 goes so far as to make it unlawful to secure or to aid in furnishing lists of names of persons receiving work-relief compensation so that they might be reached for political purposes.

Section 7 provides that no part of any appropriation made for work relief or work shall be used for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote.

Section 8 provides a criminal penalty for violating any one of the sections to which I have adverted.

Then comes section 9. The authors of the pending bill obviously recognize that section 9 is an unduly harsh provision, and do not put in the pending bill that criminal provision, but say, "If you do these things, you may be removed from your position." Section 9 of the law, however, will continue to have those provisions in it.

If my amendment should be adopted, it would be unlawful for any person employed in the executive branch of the Federal Government or any agency or department thereof to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. It would maintain the right to vote, but would provide for removal in case of violation of its provisions.

The provision which would be affected by my amendment is that which reads:

> No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns.

It is a broad provision. Having been forbidden to do various things, which we all agree are improper, under criminal penalties, the law then goes on to say, "You shall take no part in any political campaign regardless of how high your intentions may be and how meritorious your cause may be."

I have endeavored to limit that by providing that no one in the Federal service shall seek or be permitted to influence any other person in the Federal employment who is subject to his control, who is under him in any way, or in any degree, whose compensation or tenure of office is controlled by him; in other words to give the ordinary Federal employee, the inconsequential Federal employee, the right, if he desires, to go to a party meeting, and, if he wants to do so, to sit on the platform and to get up on the platform and say to the audience, "I think that my party has done great things for my State, for my country, for my city, for me, and that it should be returned to power." I do not think that is an offense so long as he is talking to his neighbors, those who are not subject to his control, but is merely debating the issues with his friends and his neighbors as to matters perhaps of great consequence. The only thing that has been saved to the political employee of the Federal Government as the act stands is the right to vote. He can express his opinion. I think, in its original form, it said he could express them privately but the word "privately" was stricken out, I think, somewhere along the road, but it may have been meant that he should express them quietly; I do not know.

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

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from West Virginia?

Mr. ADAMS. I am glad to yield.

Mr. NEELY. If the Senator's amendment should become a part of the law, in his opinion, to what extent, if any, would United States marshals and Federal district attorneys and collectors of internal revenue be restored to the rights which they enjoyed before the Hatch law was enacted?

Mr. ADAMS. They would not be permitted to give direction to those in their employ, to those who are in any way under them. They would be restricted in relation to those over whom they have influence or authority. A United States marshal would not be prevented from going down to the District X Club, of Wheeling, and saying there to people who have no connection with the Federal business, "I think that we Democrats have done a good job; we have done this; we have done that; and we have done the other, and I hope that when the election comes you folks will remember our candidate." Under the amendment he could express his opinion. There are civil-service limitations with which my esteemed and beloved friend is familiar, and I am not. I know he thinks I have gone a little beyond his understanding, but I think the things I have said are justified by the language of the Hatch Act, and the Hatch Act controls at the present time and not the opinion of the Civil Service Commission.

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

Mr. ADAMS. Certainly.

Mr. NEELY. To be more specific, would the amendment of the Senator, if adopted, permit a United States marshal or district attorney or collector of internal revenue to become a delegate to a State convention or to make a speech in behalf of the party of which he is a member, without any reference to his employees but merely speaking in general terms for the adminstration of which he is a part?

Mr. ADAMS. I think so.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. ADAMS. Certainly.

Mr. McKELLAR. Have not such United States officials had the right guaranteed them under our Constitution and laws? Simply because he happens to be an appointee of the Federal Government, why has he not the right to take part in the politics of this country, as any other American citizen may do?

Mr. ADAMS. I will say to the Senator that I am not discussing the matter from the standpoint of constitutional right; I am merely saying, as a matter of morals and good citizenship, that we should not deny to these officials and employees the right of reasonable and proper participation, provided they do not make use of the power and influence of their office.

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

Mr. ADAMS. I am interested in my people at home who have asked me, "Have we become pariahs?" In most of the States of the country the nominating process is fundamental; much more is determined as to the welfare of our Government by conventions where candidates are nominated than by votes on election day. It is proposed to permit certain officials and employees merely to have the chance to vote, and to take from them all opportunity to participate in the processes of nomination, and, of course, in some States the nomination is final. In my State it is not, because of political conditions, but we might, by the exercise of discretion in a convention in my State, make better selections than otherwise. I think when we eliminate the advice and experience of people we are damaging the public service.

I will say to the Senator from New Mexico when we are dealing with the privileges which the law gives citizens—I am not saying rights; I am saying privileges—that if we make an error we should make the error on the side of protecting those privileges rather than of unduly restricting them; and I think that the provision of the bill is unduly restrictive. I am speaking honestly as a good citizen and in the interest of good government. I say that the government of my State would be better off with this amendment than with the provision of the bill. I say nothing as to other States; I am speaking of my State, for I know that there influence of the Federal employees has been wholesome; though, as I have said frankly, they may not agree with me, for many of them—in fact, most of them—had the inception of their employment from hands other than mine; but I do feel that they have certain rights. I feel that their party is entitled to their help; I feel their State is entitled to their help. If I may put it on a political basis, why allow one army with its generals, its colonels, its majors, its captains and lieutenants, drilled and trained, and they tell me encouraged to prepare for battle, and on the other side have the generals and the colonels and the majors and the captains all forced to retire and the battle fought without leadership on that side?

I do not mean to draw an illustration which might explain any votes, because, as I have said, there is no notion that any political consequences or considerations would influence or have influenced the votes. I am speaking to Republicans and Democrats, saying to them that I think this amendment is in the interest of good citizenship. I think it is in the interest of good politics. I think it is in the interest of the ultimate welfare of both the great parties.

FOREIGN GOVERNMENTS SELL SILVER; UNITED STATES HOLDS THE BAG

Mr. TOWNSEND. Mr. President, I am going to deviate from the subject before the Senate for just a moment to state that while the United States complacently continues buying foreign silver, other governments keep on scraping around to see how much silver they can get rid of.

Early this year the Government of Greece decreed the withdrawal of all outstanding 10- and 20-drachma silver coins, to be replaced by paper notes.

Now the Government of British India is starting to lower the fineness of its silver coins. According to the London Economist of February 10, 1940, reporting the present step by the Indian Government, the measure applies only to the ¼-rupee piece, whose fineness is being lowered from nine hundred and twenty-five thousandths to five hundred thousandths.

But—

Adds the Economist—

it is possible that it may foreshadow the extension of this new fineness to the whole range of silver coins, provided the public response to this partial move is satisfactory. The aim of this measure is probably to conserve the silver resources of the Empire and to postpone to a very distant date indeed the time when it may become necessary to spend foreign currency on importing silver either for coinage or hoarding purposes. * * * The proposed fineness is that to which British silver coins were reduced by the Coinage Act of 1920, and experience in this country suggests that the appearance of the token currency need lose nothing from the debasement of its silver content.

There is hardly a foreign government in the world which, in one way or another, has not profited by the folly of the United States Congress in directing the Treasury to go out into the market and buy foreign silver. Under the Silver Purchase Act of 1934 to date more than $1,000,000,000 have been handed over to foreigners in all quarters of the globe in exchange for silver for which we had, have, and will continue to have absolutely no use. The imported silver, dug out of the ground in Mexico, Canada, Australia, and Russia, and taken out of hoards in far-off China and Siam, we have put back into the ground.

Today the Treasury holds one and one-third billion ounces of surplus and idle silver, cast off by the rest of the world. This Treasury stock of silver is not held as security for silver certificates, but constitutes a nest egg for potential inflation; and some people are now eyeing that nest egg longingly.

The use of silver as a standard of value was abandoned by European countries during the last half of the nineteenth century. By the early 1890's the process of abandonment was virtually complete. Yet a half a century later the United States Treasury is still buying the silver unwanted anywhere else, and buying it at an artificial price which would melt away the moment the Treasury stopped taking silver. Last summer, when the Senate voted to end foreign silver purchases, within just a few days the open-market price dropped from 43 cents to 35 cents when the Treasury again stepped in to peg the price.

I have before me a partial list of countries which have profited from the liberality of the American Silver Purchase Act of 1934, and the amount of silver they have sold since that year, as taken from the annual reports of Handy and Harman, dealers in the precious metals. The table does not show consumption of silver during the period. Consumption was accounted for mainly by the United States Treasury purchases and by the arts and industries.

During the 6-year period China and Hong Kong sold 1,166,200,000 ounces, Mexico sold 512,900,000 ounces, Canada sold 126,200,000 ounces, the Indian Government sold 130,200,000 ounces, the Soviet Union sold 45,100,000 ounces, the Siamese Government sold 22,000,000 ounces, and so forth.

Mr. President, I send to the desk and ask to have printed in the RECORD a table showing the various foreign countries and the amount of silver which has been purchased from them. I ask unanimous consent to have the table printed in the RECORD.

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

Silver sales by foreign countries, 1934–39

[In millions of ounces]

Source	1934	1935	1936	1937	1938	1939	Total
New production:							
Mexico	74.1	75.6	77.5	85.7	84.0	81.0	477.9
Canada	16.4	17.5	19.3	24.5	23.8	24.7	126.2
South America	16.0	23.5	31.3	32.7	32.4	34.7	170.6
All other foreign countries	52.5	53.4	59.8	62.5	67.0	68.6	363.8
Other supplies:							
China and Hong Kong	200.0	190.0	302.0	177.9	234.3	62.0	1,166.2
Indian Government	33.0	29.0		.9	2.3	65.0	130.2
Mexican Government					35.0		35.0
Soviet Union	25.0	19.0	1.0	.1			45.1
German Government	1.0	1.0	1.0	.1	.1		3.2
Other demonetization:							
Spain					40.0	10.0	50.0
Peru		.5					.5
Austria		2.0					2.0
Persia		3.4					3.4
French Indochina		3.5		4.5			8.0
Netherland India		2.0					2.0
Rumania				6.0			6.0
Siamese Government					22.0		22.0
Dominican Government					.3		.3
Unallocated		141.1					141.1
Total sales by foreigners	418.0	561.5	491.9	394.9	541.2	346.0	2,753.5
Value of total sales by foreigners, in millions [1]	$201.6	$362.3	$223.0	$176.2	$235.3	$136.1	$1,334.5

[1] Calculated at the average price of foreign silver for the year concerned on the basis of New York "official price" plus ¼ cent per ounce.

Mr. TOWNSEND. Mr. President, in addition to the table which I have just mentioned, I ask consent that there be printed in the RECORD at the conclusion of my speech a brief memorandum which I have prepared, and which I now send to the desk.

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

AMERICAN PUBLIC MUST PAY TREASURY $1 FOR 27 CENTS' WORTH OF FOREIGN SILVER

Under congressional authority the Government is today indirectly using silver to pay off obligations at 27 cents on the dollar. Silver certificates, backed by 27 cents' worth of silver per dollar face value are legal tender. Once issued by the Treasury to the foreign seller of silver, or his agent, they have to be accepted by the rest of us in the liquidation of any debt, public or private. The public has no choice in the matter, short of repealing the law.

The so-called world price of silver is 35 cents an ounce. This is merely the artificial level at which the price is supported by the United States Government through the removal from the market of large quantities of silver and their burial at West Point. There the metal will stay interred until doomsday.

With silver at 35 cents an ounce, $1 will buy about 2.86 ounces of the metal. When the Treasury buys silver, it buys it with silver certificates. No budgetary appropriation is necessary. The silver "pays for itself," since by law the Government makes it into good money.

Against each $1 silver certificate, according to law, the Treasury must set aside about three-fourths of an ounce of silver (0.7732 ounce). At the world-market price, three-fourths of an ounce of silver today is worth only about $0.27.

In other words, the $1 silver certificate is today redeemable not in a dollar's worth of silver, as many people think, but in only 27 cents' worth. And, whenever the Treasury stops buying silver entirely, as some day it must, the figure of 27 cents will shrink.

What it all boils down to is simply this: the Treasury, by the issuance of silver certificates, causes 27 cents' worth of silver to be sold to the citizens of this country for nearly four times the cost to the Treasury.

It is all perfectly legal. Congress authorized this in 1934, and ever since then the Treasury has been carrying out the will of Congress "enthusiastically," to use the Secretary's own word for it.

The President posseses the power to reduce the content of the standard silver dollar by about 50 percent. Should he do so today, there would be less than 13½ cents' worth of silver behind each silver certificate.

If the people only realized the hocus pocus involved in this silver program, they would quickly put a stop to it. It is up to Congress to end the buying of foreign silver forthwith, as has been forcefully recommended by Federal Reserve Chairman Eccles and by the Federal Advisory Council, a Nation-wide body, in a unanimous resolution.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several

States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities." approved August 2, 1939.

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

The PRESIDING OFFICER. The Clerk will call the roll.

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

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

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

Mr. HATCH. Mr. President, the pending amendment is the one offered by the Senator from Colorado [Mr. ADAMS]. It had not been my intention to take the floor again on any of the amendments which might be submitted, except very briefly, perhaps, for I thought that when the Senate yesterday debated all day long section 9 of the original act, and, after a full, free, and fair discussion of that section, a vote was taken, with every Member given his right and opportunity to vote as he desired, the issue was settled. I thought in fairness it should have been considered as settled. If the amendment offered by the Senator from Arkansas had prevailed yesterday, the issue would have been settled so far as I was concerned.

Today, however, under the amendment which my good friend the Senator from Colorado has offered—and he is my good friend—he seeks to do exactly what the Senate yesterday said should not be done, for, despite the new language that is drafted and inserted in the amendment, the substance of the amendment would result in exactly what the Miller amendment would have accomplished had it been adopted yesterday.

The Senator from Colorado in explaining his amendment quotes very carefully and correctly section 9 (a) of the act passed at the last session of Congress, and I want Senators, if they will, to listen—for this is an important amendment—and see that what I have just said is correct. The first part of the amendment reads:

> It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

That is the exact language contained in the first sentence of section 9. As the Senator from Arkansas himself pointed out yesterday, the same language appears in section 2 of the act. So, so far as repealing section 9 yesterday was concerned, had the Miller amendment prevailed as to the language I have quoted, it would have made no difference, because it would have still remained in the other section of the act; namely, section 2.

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

Mr. HATCH. I yield.

Mr. BROWN. I do not think the Senator is entirely correct when he says that the first four or five lines of section 9 (a) are identical in meaning and intent with section 2 of the Hatch Act, for the reason that section 2 of the Hatch Act is aimed at the use of official authority in an election at which the office of President, Vice President, Members of the Senate, and so on, is at issue, whereas under section 9 the prohibition is against the use of such authority in all elections, and not just elections in which those officers are to be elected. Am I not correct about that?

Mr. HATCH. The Senator from Michigan is correct, but, in effect, that is what I was arguing, because for practical purposes at almost every election some Federal official is involved. I would not have objected at all to the Miller amendment on the basis of that difference. That was the point I was making.

Mr. BROWN. I wish to ask the Senator another question, if he will permit. The language of section 2 is that "It shall be unlawful for any person employed in any administrative position by the United States," and so forth. I took that to mean such officials as were in the higher-up, policymaking positions in the Government, while in section 9 the prohibition is against the use of offical authority by any person employed in the executive branch, which I think is much more inclusive than the provision in section 2.

Mr. HATCH. That was my original idea, but a review of the authorities convinces me that there is no difference.

Mr. BROWN. I cannot agree with the Senator in that respect. There are those two substantial differences between sections 2 and 9 of the original Hatch Act.

Mr. MILLER. Mr. President, will the Senator from New Mexico yield?

Mr. HATCH. I yield.

Mr. MILLER. I merely wanted to interject one thought in reply to the suggestion of the Senator from Michigan. There is no difference between an administrative officer and an employee of the executive branch. I know the Senator is a lawyer of no mean ability, and a consultation of the authorities by him will disclose the fact that an administrator of government is an executive officer; he is not an administrator if he is employed in the judicial or legislative branch. All administrators, as such, are employees of the executive branch, so the term "executive branch" is inclusive of administrators.

Mr. BROWN. Not necessarily agreeing or disagreeing with what the Senator has said, he can see that there is this difference between the two sections, that the one applies only to elections in which Federal officers are elected, while section 9 applies to all elections, whether Federal officers are elected or not.

Mr. MILLER. There is that technical difference, there is no doubt.

Mr. BROWN. It is more than technical, I will say to the Senator, because there is a considerable reason for applying the law to elections in which Federal officers are elected, but we are going a long way further toward the invasion of State rights if we interfere with State and municipal elections, in which the Federal Government has no interest whatsoever.

Mr. MILLER. I called the Senator's attention to the difference, and I do not believe there is much difference between the Senator's construction and my construction.

Mr. HATCH. The point about section 9 is that it is not concerned with the election, but with control over the officials, and the Federal Government has a right to know what its employees do in State, Federal, or any other kind of election.

Mr. BROWN. The Senator is absolutely correct about that. Section 9 is founded upon a different constitutional or legal authority from that controlling section 2.

Mr. HATCH. The point I was making was that, so far as the coercion, intimidation, or use of official authority is concerned, I would have no objection if only section 2 of the act remained. It would make no particular difference about section 9. The meat of section 9 was the thing at which the Senator from Arkansas struck yesterday, and it is the thing at which the Senator from Colorado strikes today, and although the language used by the Senator from Colorado is somewhat disguised, the result, the effect, would be exactly the same.

Mr. President, let me read the language of the amendment of the Senator from Colorado, remembering that already under the same section he has drawn and submitted he makes it unlawful—

for any person employed in the executive branch of the Federal Government * * * to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

Under that sentence the use of all official authority, all official influence, is prohibited. What does he then provide? To take the place of the language he strikes out he adds this:

No officer or employee in the executive branch of the Federal Government or department thereof shall endeavor directly or indirectly to influence the vote or political action of any Federal officer or employee in any degree subject to his orders or directions or whose employment he has power to terminate.

Instead of being an addition to the section, it is a limitation, if anything, on the preceding sentence of the same section. It is a well-known rule of law that a statute must be read in its entirety in order to get the intent of the legislators. Here we find in one place the use of official authority or influence prohibited altogether—it cannot be used against any person—but in the next sentence it is said that one cannot use it to intimidate or coerce a person under him. In other words, go out and intimidate or coerce anybody else, somebody who is not in your department, as in the case of a district attorney using the power of indictment, perhaps, against some person over whom he has no authority whatever. That would be perfectly legal, perfectly fair and right, under the amendment.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. CLARK of Missouri. The language of the amendment of the Senator from Colorado would not prohibit such a practice as this, which I am informed is prevalent in some quarters: Take, for example, the unemployment-insurance activity, in connection with which a reemployment office is maintained. That was formerly administered by Federal personnel; it is now administered by State personnel, but the administrative expenses are paid 100 percent by the Federal Government.

I use that as an example of what it seems to me would be permitted by the Senator from Colorado in cases where no direct effort is made to coerce a Federal employee, but the employee is furnished by the State machine to the unemployment-insurance set-up, and members of the State machine sit around in the headquarters of the commission and discuss politics in front of applicants who are coming in to see about their unemployment insurance or to look for jobs. Those employees are not directly under the agents of the Unemployment Insurance Commission. As I see it, they would not be covered by the amendment of the Senator from Colorado [Mr. ADAMS]. But if anyone is so foolish as to think that they would not have a tremendous influence simply by talking politics in front of the applicants who come in, and who may think that their jobs depend upon adhering to the views of those who have the power to give them jobs, he is badly mistaken.

Mr. ADAMS. It was my understanding that the situation which the Senator from Missouri presents was not covered by the Hatch bill in its present condition, and that was the reason why he was in favor of the amendment which is now pending. I expect to support that part of the bill for that reason.

Mr. HATCH. Mr. President, we are going to get so many complications in the measure that I am fearful we will not have any law at all.

Mr. MINTON. Mr. President, would not other sections of the Hatch bill penalize a district attorney or a similar officer if he used the authority of his office to influence or affect an election?

Mr. HATCH. If the district attorney deliberately threatened, intimidated, and coerced someone, he would violate section 2 of the act. It would, perhaps, be difficult to obtain evidence of such coercion.

Mr. MINTON. No one can be convicted if the evidence against him is not obtained.

Mr. HATCH. The Senator knows the difficulty of obtaining such evidence. That is the reason for section 9 also.

Mr. MINTON. But if the district attorney should use the authority of his office to influence, coerce, and threaten anyone so as to affect his action, he would be guilty under other sections of the Hatch Act, would he not?

Mr. HATCH. He would be and he should be. However, the Senator knows, as we all know, the difficulties involved in obtaining sufficient evidence to justify criminal prosecutions. We know how difficult it is to prove such cases. We wrote the provision in the law because such an aggravated case might occur as to make proof possible, but when it was written I knew full well that it would very seldom, if ever, be used.

Mr. President, I know, and the Senator knows, how the game of politics is played. I heap no more condemnation upon the Federal officials than the Senator from Colorado does. I have been in his State and met many fine and able officials there. But we know how the game of politics is played, and we know what is expected when delegates go to conventions, whether their employer ever says a word or not. We know how the game is played even in the little precinct caucus, of which the Senator spoke, which is at the very foundation and with which I am very familiar, because until last year we had the full convention system in my State. In the little precinct caucuses I have seen employees doing their most deadly and effective work, because there is where the first delegates are nominated. They go from there to the county conventions. The county conventions are controlled by the same officials, and delegates go from there to the State conventions, which they also control. I have seen them controlled. I have been in them when they were controlled. And the junior Senator from my State has also.

I was thinking of a case in his own city of Albuquerque. I am not going into political matters in New Mexico. I think New Mexico is just as good and perhaps a little bit better in many ways than many other States, but we have had our troubles, and we know what they are.

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

Mr. HATCH. I yield to my colleague.

Mr. CHAVEZ. My colleague and I have both been beneficiaries of it.

Mr. HATCH. Yes; both I and my colleague have been beneficiaries of it; and I think there is not a Federal official in my State who is not my friend and supporter; and I think the State officials are also. There is nothing personal in what I say on that account.

Senators have asked repeatedly, What is wrong about officials going to conventions? I have tried to argue the matter many times. Others have argued it here on the floor so many times that it would seem useless to mention it again.

I am sure Senators are not particularly interested in what I think, but I wonder if they would be interested in what a great Democrat thought on that subject? Yesterday I quoted what the founder of the Democratic Party said about it, and he did not hesitate to condemn the use of patronage in elections, and officials working in elections, and said that should be cause for removal.

Let me read the words from the mouth of a great Democrat, respected by every Democrat in this body. In 1886, President Grover Cleveland said:

Officeholders are the agents of the people, not their masters. Not only is their time and labor due to the Government, but they should scrupulously avoid, in their political action as well as in the discharge of their official duties, offending by display of obtrusive partisanship their neighbors who have relations with them as public officials.

They should also constantly remember that their party friends from whom they have received preferment have not invested them with the power of arbitrarily managing their political affairs. They have no right as officeholders to dictate the political action of their party associates, or to throttle freedom of action within party lines by methods and practices which pervert every useful and justifiable purpose of party organization.

I want Senators to listen to this sentence, because it is language such as I never dreamed of using.

The influence of Federal officeholders should not be felt in the manipulation of political primary meetings and nominating conventions. The use by these officials of their positions to compass their selection as delegates to political conventions is indecent and unfair—

"Indecent and unfair," said Grover Cleveland—

and proper regard for the proprieties and requirements of official place will also prevent their assuming the active conduct of political campaigns.

That is exactly what the bill we passed last summer prohibits. It prohibits officeholders going as delegates to conventions. It prohibits such activities in political campaigns as Grover Cleveland said should be prohibited.

Individual interest and activity in political affairs are by no means condemned. Officeholders are neither disfranchised nor forbidden the exercise of political privileges, but their privileges are not enlarged nor is their duty to party increased to pernicious activity by office holding.

A just discrimination in this regard between the things a citizen may properly do and the purposes for which a public office should not be used is easy, in the light of a correct appreciation of the relation between the people and those entrusted with official place, and the consideration of the necessity under our form of government of political action free from official coercion.

I do not want to continue arguing this question over and over again, and I really think it is a little unfair again to raise it today. I do not charge the Senator from Colorado with unfairness. He is too close and good a personal friend of mine for me ever to make that charge; but I think that when we have once voted, as we did yesterday, that ought to be the end at least to the consideration of that phase of the subject.

I wish to refer to some things which were said today about the Republican Party supporting this measure. My friends on the other side of the Chamber need no defense from me, but I want them to know that I, as a Democrat, at least appreciate the support they have given this essentially Democratic measure, and if our floor leader led the Republican Party to a "smashing victory" yesterday, as was said here a while ago, he led the Senate of the United States to a smashing Democratic victory in line with the time-honored principle of the Democratic Party, and I congratulate him, and I appreciate the efforts, the ability, and the statesmanship displayed by the floor leader on this side of the Chamber.

I wish to make one more statement while I am on my feet about this bill, which has been referred to as the Hatch bill. I have never referred to it as such, although while it is under attack and being assailed I am perfectly willing that it bear that title. However, I want to say again that it is not my bill. In drafting the original measure, I was aided and assisted by the Senator from Texas [Mr. SHEPPARD] and the Senator from Vermont [Mr. AUSTIN]. I think the three of us worked on that measure with no thought of partisanship whatever, with no thought of giving any party any advantage, but in our perhaps feeble manner we tried to do something for our country. And I do not want to see the result of our labors destroyed by the Senate adopting the amendment offered by the Senator from Colorado.

Mr. CHAVEZ. Mr. President, I want to clear one thing once and forever within this body and throughout the United States.

No one in the country knows better than I the motives of my colleague [Mr. HATCH] with reference to the so-called Hatch Act. The efforts of my colleague have not been on the impulse of the moment. I, for one, know that my colleague has been thinking of this kind of legislation for years.

Mr. HATCH. Mr. President, will my colleague yield?

Mr. CHAVEZ. I yield.

Mr. HATCH. My colleague might also tell the Senate that the doctrines and things which I have preached in the Senate I have preached in our State before our conventions and to our party associates.

Mr. CHAVEZ. Mr. President, long before the so-called Hatch bill was introduced in the Congress of the United States my colleague made definite efforts in the State of New Mexico to make this kind of legislation effective within the State.

Only some 10 days ago a grand and fine citizen of my State passed on to a better life. He came from my colleague's home city. His name was S. A. Jones. At the time of his death he was a member of the New Mexico State Senate. Long before anyone in this body or the other body of the Congress had heard of the so-called Hatch bill, Senator Jones, of New Mexico, in the New Mexico State Senate, at the instance of my colleague, introduced a bill similar to what we call the Hatch Act. It did not get anywhere.

Mr. President, through the press and through magazines it has been stated that the motives of my colleague in sponsoring the Hatch bill were due to some personal political situations in our State. I deny that. I know the newspaper boys think they are smart. I know that they think they can read the mind of the average Senator or Representative; but half the time they are wrong, as they were with respect to the election of 1936.

Before I read to the Senate a portion of an article which I have before me, let me say that the writer of the article slanders my colleague, and slanders Representative DEMPSEY, the sponsor of the Hatch bill in the House of Representatives.

There may be some Members of the Congress who are afraid of editorial opinion; but I am not. I prefer public opinion. I prefer the kindness and the good will of the type of people to whom the writer of this article refers to the opinion of a commentator in the city of Washington who could not elect a constable in his home city or in my home State.

I deny what this commentator in the city of Washington has said about the Hatch bill. I deny that my colleague had any such motives. I deny that my friend Representative DEMPSEY, of my State, had such motives. I give to my colleague and to Representative DEMPSEY credit for sincerity of purpose, notwithstanding the fact that I am against the pending bill. I know that their motives are sincere in what they think is the interest of the country. But there are commentators in the city of Washington who would credit my colleague with different motives.

I hold in my hand a photostatic copy of an article from the Washington (D. C.) Evening Star of September 6, 1939, written by Jay Franklin. The article reads in part as follows:

We, the people. Yes; there should be, there must be, there is a Uvalde.

The commentator to whom I have referred was taking to task the Vice President of the United States or someone in Uvalde. In discussing the Hatch bill, which had recently passed, this man, who calls himself an American, used the following language. I read in part from the article:

As a matter of fact, now that the subject has been raised, is there such a place as Texas? We know that there is a state of mind down there, bounded on the north by Col. Amon Carter, on the south by Mayor Maury Maverick, on the east by the ruins of Huey Long, and on the west by the Hatch pure-politics ("Don't let the greasers vote") bill.

Mr. Franklin, in referring to a class of loyal people who have voted for my colleague and for Congressman DEMPSEY, by insinuation or malice attributed to my colleague or to Representative DEMPSEY certain base motives. I say he prevaricates. CARL HATCH is not that type.

Mr. HATCH. Mr. President, will my colleague yield?

Mr. CHAVEZ. I yield.

Mr. HATCH. I had forgotten the article which the Senator is reading, and especially the words which he has just read. I wish to thank the Senator for making the statement he has made.

Mr. CHAVEZ. I do not want any commentator or newspaperman in the city of Washington to attribute malice or any of the other meaner motives to my colleague, notwithstanding the fact that I am still against his bill, but not for the reasons assigned by this commentator in the city of Washington.

I know that by no stretch of the imagination could there be any truth in the unkind words used by Mr. Franklin

against a class of people who have dared to accept my colleague and Representative DEMPSEY, from other States, and honor them by sending them to the Congress of the United States.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. CLARK of Missouri. Is the Senator referring to a commentator who is ashamed to go under his own name, but goes under an alias?

Mr. CHAVEZ. I do not even know the gentleman. I will give him that much credit. I will call him a gentleman.

Mr. President, I have a difficult task on this particular occasion. I know my colleague. I know his pure motives. I happen to come from a race of emotional people. It is with a sad heart that I feel it my duty to take a stand against a thing which I know he sponsors, and with respect to which he is so sincere.

However, Mr. President, I have not yet evaded a responsibility. I have not yet neglected a duty. I have not yet voted for reasons of expediency. Down in my conscience I feel that my colleague's bill hits at the very fundamentals of the things which Mr. Franklin would talk about, which are sacred to the American people. I know the ills at which my colleague aims, and I know the difficulty which my colleague has encountered in the passage of the original act. I know what he is trying to reach by the pending measure. I have been the beneficiary and the victim of the so-called bad influences within State governments. I have helped—and my colleague has helped—to elect State Governors who later forgot. I say to the Senate today that it would be to my interest from a political standpoint to support my colleague in his efforts to purify State politics. But, Mr. President, in order to reach an evil it is wrong to try to do something that may prove much more of an evil.

That is the reason I was opposed to the original Hatch bill, and why I feel that I must, in conscience, support the amendment of the Senator from Colorado.

If it had not been that yesterday our honored and beloved leader had made some statements with reference to politics, I would not on this occasion tell my thought; but I feel that I am entitled to speak to this body and especially to those to whom my leader was appealing yesterday, as to whether this class of legislation is in keeping with and will perpetuate the philosophy of government which we have had for the last 7 years.

Mr. President, I am still old-fashioned enough to believe in party government; I am old-fashioned enough to believe that if the people of this country should select the minority leader as President on the Republican ticket next year, I would prefer that kind of government rather than bureau Washington. I am still old-fashioned enough to believe that the people of the United States should select the one, whether it be the present President of the United States or some other Democrat, to carry on party government rather than the Civil Service Commission or any bureau in Washington. That has been our system. The country has grown and progressed under that system, and I, for one, do not want now to change it by giving more and more power to bureau Washington.

We may talk all we want about Fascists, we may discuss all we want the views of Communists, but we all know the American people will get them all out of the way in no time when they get good and ready. The danger to free government, the danger of dictatorship is bureau Washington. When some individual in New Mexico violates the law whether it be the Hatch law or any other law, I, for one, want the peers of that citizen to say what shall be done with him and not some clerk here in the city of Washington. That may be treason for the moment; it may be unpopular; but that is the way I sincerely feel about it.

Carrying that a little further, what are we doing? We are saying to an employee who may have had the fortune to be recommended by my friend, the Senator from New York, or my friend, the Senator from Kentucky, because the Senator from New York or the Senator from Kentucky trusted him and felt he could do his duty as a citizen and as an official, "You must not exercise your inherent right as an American citizen and say to the people of Kentucky or New York 'I believe in the philosophy of President Roosevelt, and I want you to help continue it.'" Should he do so, under the bill he would become a lawbreaker; he would belong to that group who are outside the law.

I want to go further. We have heard and we have read ever since we became of age about the indifference of the American people to their political affairs. We hear during all elections that the people are not interested; that they will not come out and vote. Here we are proposing to select a special class of employees merely because someone dared to recommend them for public office and to require those in that class to keep still.

I believe in the philosophy of President Roosevelt, and I think it is still right for the Solicitor General of the United States—if he cares to do so, to go out and say to the country "Yes, I believe in Roosevelt." Why not? Would you prevent him from trying to carry on as he believes?

What is there wrong in an employee in any State—in the State of Kentucky, for instance—if he happens to have a little 2-by-4 governmental job, saying, "I believe in Senator CHANDLER; I believe in Senator BARKLEY"? Should he be held to violate the law because he asks those who feel the way he does about it to vote for them? Why should such a man be made a criminal? Furthermore, we cannot change the world in any such manner as that. We had prohibition sometime ago, and we had bootleg whisky. All that will be done by this law will be to make a bunch of political bootleggers out of honest people. Many of those who would be affected by the law would continue to carry on as has been done since the passage of the Hatch law. I do not mind telling you, Mr. President, that Congress cannot pass legislation that will specialize a certain class and not make it apply to all.

I am one of those who believe that the right under the law and under the Constitution of a charwoman in a Federal building is just as sacred as that of the Secretary of the Interior. If he can talk, why can she not talk? What makes him bigger? I prefer the charwoman; she can get more votes for the New Deal. [Laughter.]

Why must the Government of the United States be hypocritical about these matters? We know we are not going to enforce this proposed law. The present law is not being enforced now. Go to the Census Bureau, and unless you get a clearance from a Senator or a Member of the House of Representatives you cannot get one enumerator appointed anywhere. I should like to have Mr. Capt deny that statement. The Hatch law is in existence; so why not let us try to be honest and fair with ourselves and not be hypocritical. Why act under false pretenses? If a law is good for one, let it be good for all.

Further referring to the remarks of my grand leader, my fine leader, on yesterday, when he was talking about what would happen if the amendment submitted by the Senator from Arkansas [Mr. MILLER] should be adopted, he said the country would revolt. The country has already revolted.

When the bill introduced by my colleague became a law we, the Democrats, lost the House of Representatives. Do not fool yourselves. It is all right to thank my friends on the other side; it is all right to be grateful to them because they helped out in one particular matter here; the voice is that of Jacob, but the hand is that of Esau. They are gloating and bragging, and I do not blame them. It is Republican legislation; it is not Democratic legislation.

Let us analyze this proposal in a practical manner. We know that the only thing that counts on election day is votes. We know the only way the Democrats can carry on is to have a Democratic House and a Democratic Senate. Very well. If we do not have a Democratic House and a Democratic Senate, it is not possible to put into operation our policies of government or our party policies.

How do we arrive at whether a thing is right or wrong in an American way of thinking? By the rule of the majority. So far as the Democrats are concerned they have spoken

and are on record as being against the so-called Hatch law. They went on record yesterday. Forty Senators rose in their might and expressed their opinion of—I may go further and say probably their resistance to—the law sponsored by my colleague.

If it is thought that the Democrats are legislating, let me remind the Senate that after the original Hatch bill passed the Senate of the United States, in an orderly way, on the unanimous-consent calendar, without a single objection, in due course it went to the House of Representatives, and there they had a record vote. I am talking now as to the feeling and the sentiment of Democrats and Republicans. The test on that proposition came about when Representative Healey, of Massachusetts, made a motion to recommit the bill to the committee.

What do we find? On page 9638, volume 84, part 9, of the CONGRESSIONAL RECORD of the Seventy-sixth Congress, we find a list of those who voted for the so-called Hatch bill and those who voted against it on a test vote of recommittal. We find, Mr. President, 146 what—Republicans? No; we find 146 Democrats voting to recommit the bill. Do you believe in the rule of the majority? And against the motion to recommit we find 75 Democrats and 157 Republicans. So tell me that the Democratic Party is legislating for the good of the country, or what should be for the good of the country.

Among the 146 who voted on the test vote against the so-called Hatch bill we find such Democrats as BELL, of Missouri; BLAND, of Virginia; BLOOM, of New York; BOLAND, of Pennsylvania (the majority whip); BRADLEY, of Pennsylvania; BUCK, of California; BULWINKLE, of North Carolina; CHANDLER, of Tennessee; COLMER, of Mississippi; CULLEN, of New York; and so on down the line; and the last one on the list who voted against the so-called Hatch bill is a candidate for President of the United States to this day—and let me tell you we could do worse—the Speaker of the House of Representatives. That is the class of Democrats who voted against the so-called Hatch bill, not because they were interested in patronage, not because they were against doing away with the evils about which my colleague talks, but because the bill in its effect hit more fundamental things than a measly job in New Mexico or Idaho; because it is un-American, according to my way of thinking; because it is special legislation, and affects only a class of citizens that are being penalized now because my colleague and I dare have enough confidence in them to have them appointed United States marshals, United States attorneys, or collectors of internal revenue.

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

Mr. CHAVEZ. Yes.

Mr. CHANDLER. How many Democrats voted for the Hatch bill in the House on final passage?

Mr. CHAVEZ. Approximately the same number. Let me tell the Senator from Kentucky that on the motion to recommit, 146 Democrats voted for recommittal. One hundred and fifty-seven Republicans and seventy-five Democrats voted against recommittal of the bill.

Mr. CHANDLER. My question was, How many Democrats voted for the bill on its passage?

Mr. CHAVEZ. On the passage of the bill there were 241 yeas and 134 nays.

Mr. CHANDLER. How many Democrats voted for the bill?

Mr. CHAVEZ. The difference between 241 and 157.

Mr. CHANDLER. The Senator understands that many times legislators will vote for a motion to recommit in order to keep from voting on the bill; but when they have the bill right in front of them, it is a different proposition. They will vote to do away with something so that they will not have to face final action on it; but the situation is different when it comes to casting their votes on it directly, when it is on the barrelhead, and they have to vote "yes" or "no."

Mr. CHAVEZ. Yes; but I want the Senator from Kentucky to look at these figures.

Mr. CHANDLER. Will the Senator give me those final figures again?

Mr. CHAVEZ. Certainly.

On the motion to recommit there were 146 Democrats voting for the motion. On the passage of the bill there were 134 Democrats who voted against it.

So if we believe in party government, if we believe in the American system of the rule of the majority, I still maintain that this legislation should be credited to the Republicans, and I am willing to give it to them. With all due deference to them, I do not think they have the sincerity of purpose that my colleague from New Mexico has; but they passed the legislation, and not the Democrats.

Recall the vote yesterday on the amendment of the Senator from Arkansas [Mr. MILLER]. There were 40 Democrats for the amendment, and 22 Democrats against it, or a ratio practically of 2 to 1; and on the House side, by the record vote, we have the same result. So if we are to continue with party government, if we do not want to go ahead with mongrel politics, if we still believe in the system which has made this country what it is, it appears to some of us that the rule of the majority should prevail.

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

Mr. CHAVEZ. Certainly.

Mr. BARKLEY. I am unable to follow my dear friend from New Mexico in pointing out the vote on yesterday as 40 Democrats to 22 or 23 Democrats unless it is for the purpose of impressing the 23 with the view that they ought to have been with the 40.

Mr. CHAVEZ. That is correct; I think they should have been.

Mr. BARKLEY. If that was true on yesterday, ought it not to be true on all legislation? Ought we not to hold a Democratic conference on every bill that is brought here, and let the majority govern, so that the minority would fall in line with the majority, and vote as they did?

Mr. CHAVEZ. I have so much confidence in my leader that I want him to decide those questions.

Mr. BARKLEY. I appreciate the Senator's confidence, if it exists; and I do not question the sincerity of his statement.

Mr. CHAVEZ. I assure the Senator that it does exist.

Mr. BARKLEY. But if, by implication and by inference, I am to be criticized because I happened yesterday to be with 23 instead of 40, I ask my friend in all sincerity if we ought not to take a party poll on every proposition, and let the minority on all matters fall in line with the majority; and if he thinks that I, in the position I occupy here, regardless of my own views and regardless of what I conceive to be my duty, ought to take a poll in advance of every vote, and line up with the majority of the Democrats because they happen to be on a certain side of a question?

Mr. CHAVEZ. No; the Senator from Kentucky misunderstands me.

Mr. BARKLEY. I am trying to understand the Senator.

Mr. CHAVEZ. As a Democrat, I still think the Senator from Kentucky should do as his conscience dictates, whether he is alone or with the majority.

Mr. BARKLEY. I am glad to hear the Senator say that, because the Senator from New Mexico does that, and I honor him for it. I frequently regret that he and I are not together, but I never doubt his sincerity; I never impugn his motives; I never criticize or question him when he votes in any way he sees fit, though I sometimes wish he would vote with me.

Mr. CHAVEZ. I am not questioning the motives of any one who voted against the Miller amendment on yesterday. As a matter of fact I am submitting to the majority, even if the majority is composed of a minority of Democrats and Republicans; but I want to impress upon the Senator that as far as the Democratic Senators were concerned, notwithstanding the fact that the amendment lost, the majority of the Democratic Senators evidently were not satisfied with the Hatch law as it originally passed.

Mr. BARKLEY. The Senator knows that in the past several years, during the entire two terms of President Roosevelt, there has never been any effort on the part of the Democratic majority to bind any other Democrat; and because the impression might have gotten out that we were seeking to bind

Democrats there has never been, so far as I recall, a conference of the Democratic majority on legislation with a view of undertaking either to bind Democrats or even to persuade them to vote in a certain way. We have recognized the right of Democrats here to vote as they saw fit. In fact, if they were not more or less individualists, they would not be Democrats. But, in view of that general attitude of all Democrats here toward their colleagues, does the Senator from New Mexico think it really is pertinent to recall what the vote was yesterday?

Mr. CHAVEZ. It is pertinent only as showing numerically what the Democrats thought of the Hatch law.

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

Mr. CHAVEZ. Yes.

Mr. MINTON. Of course, we who voted for the Miller amendment yesterday had no criticism to offer of the distinguished Senator from Kentucky.

Mr. CHAVEZ. No; we had no intention whatever of criticizing him.

Mr. MINTON. We have not any criticism at all of him, but we were just flabbergasted to see him running toward the wrong goal. [Laughter.]

Mr. BARKLEY. Mr. President, if the Senator will yield, of course there are many doors to this Chamber, and frequently I am flabbergasted by seeing the departure of Senators through various doors that lead out of the Chamber or out of the fold of what I regard as good democracy; but I have never found fault with them, and I do not now find fault with them.

Mr. CHAVEZ. I am not finding fault.

Mr. BARKLEY. I have always assumed, and I should not want to belong to a body where I could not assume, that every Member of it votes as his conscience dictates to him.

Mr. CHAVEZ. That is correct.

Mr. BARKLEY. Frequently we are compelled here, regardless of our partisan affiliations, to take positions which are nonpartisan, which are beyond the limitations of party control or party conception or party advantage. On a matter of this sort, which is not partisan, and by no stretch of the imagination can be made partisan, I think every Democrat and every Republican at least ought to be given credit for voting his sincere convictions upon it.

Mr. CHAVEZ. I am sure they voted their convictions, and I am not trying to criticize the vote of any Member of this body on yesterday. I am just trying to impress upon the Senate numerically how the Democratic Senators stood, and further to impress upon the Senate that as far as I am concerned I am still standing in the same position I occupied in 1938.

Mr. BARKLEY. The Senator has been consistent. He has been against this legislation fundamentally from the very beginning.

Mr. CHAVEZ. That is correct; and nothing has hurt me more than the fact that I could not agree with my colleague about it, because I should have loved to go along with my colleague, for I know his purity of thought and motives.

Mr. GREEN. Mr. President, does the Senator from New Mexico claim that the use of patronage is not only excusable but laudable if it is used in order to carry out the policies of President Roosevelt?

Mr. CHAVEZ. No; the Senator from Rhode Island certainly misunderstood the Senator from New Mexico. What the Senator from New Mexico said was that in my opinion any employee of the Federal Government who believes in the policies of the President of the United States has the inherent right to try to carry out those policies in the only way provided by the Constitution or the law; that is, through politics. How are we to carry on with the administration of this President or any other President unless we elect people who believe in the particular philosophy of government espoused by the President we are supporting, and how are we to elect such people unless we go out and help?

Let me say this to the Senator from Rhode Island, that I was for Roosevelt "before Chicago." I did not become a supporter of President Roosevelt after the nomination at Chicago or after I came to Congress. I was in Congress before Roosevelt was nominated, and there was only one way in which the American people had an opportunity to show that they were for Roosevelt—for the Democrats to get out and get delegates to nominate him for President of the United States at Chicago and for the people to elect the nominee. He may be the best man in the world—and I believe he is—but unless he is nominated neither the Senator from Rhode Island nor I will have an opportunity to vote for him.

Mr. GREEN. Then, let me ask the Senator from New Mexico a further question. If that is his view as to President Roosevelt and his policies, why does he denominate this a Republican rather than a Democratic measure? He alludes to the fact that no Democrats voted against it in the Senate, but a majority of the Democrats of the House voted against it. Why does he ignore the fact that the President of the United States—President Roosevelt, whose policies he claims he supported "before Chicago"—signed the Hatch bill last year, and that yesterday he expressed himself as opposed to any amendment to the Hatch Act?

Mr. CHAVEZ. That is correct. He did sign the bill.

Mr. BANKHEAD. Mr. President, I demand proof that he stated he was opposed to any amendment. I deny it and demand proof.

Mr. GREEN. I limit the question, then, to the fact that he signed the Hatch bill.

Mr. BANKHEAD. I ask, then, how long he took to approve it after it reached his desk.

Mr. CHAVEZ. Mr. President, whether he signed it or not has not a thing whatsoever to do with whether or not I feel that the legislation is good legislation. The President of the United States has his responsibilities, and on many occasions Congress passes measures which may be contrary to the views of the President, but due to the fact that Congress has acted, he signs the measures. That happens every day in the week. How many times has the Congress of the United States increased appropriations in bills contrary to the financial policy of the President? He would be against that, but Congress having acted, he acted in his capacity, carrying out his functions as the Chief Executive, and signed the measures. The fact that he signed the Hatch bill does not convince me, for one, anyway, that he was so enthusiastic about it.

Mr. GREEN. No; but it does not support the Senator's position, does it, that when no Democratic Senator voted against the bill and a Democratic President signed it, therefore it was a Republican measure?

Mr. CHAVEZ. No. What I maintain is—and it is a fact, and is of record—that a majority of the Democratic Senators expressed their opinion against the bill, the majority of the Democratic Representatives expressed their opinion against the bill, but a majority of Congress voted for the bill, and I respect the law as long as it is the law, but I still think it is a bad law.

Mr. President, only one more point, and I shall have finished. I have stated heretofore that the danger to this country, in my opinion, is "Bureau Washington." I am sincere about this. I know that the people of the States make mistakes, but I know that the people of the States rectify those mistakes at the proper time, and I think that it behooves the citizens of the United States to watch the situation very carefully, or pretty soon we will have a Government by bureaus and not by sovereign States; we will have a Government from Washington and not a Government from Mississippi or Alabama or North Carolina; we will have someone in Washington telling us what we should do instead of having the people of Idaho and elsewhere saying what they want to do. Officials in Washington do coerce; Washington does use the "squeeze play," if I may use that expression, and I have seen it done in my State. I am going to call the attention of my colleagues to an incident in my own State where there was a "squeeze play" from Washington, and what happens in New Mexico happens elsewhere.

Last December, at the insistence of and under threats from "bureau Washington," the board of regents of our State college were forced to discharge a director of the Extension Service in New Mexico, a local employee, who had been appointed by the board of regents chosen by our Governor. I think that the board of regents were wrong; I think they should not have let Washington threaten them the way they did, but someone from Washington went to Las Cruces, N. Mex., and said, "This fellow must get off." They said, "Why?" "Well, we don't agree with him." The man from Washington may have been correct. We happen to have in the State college a local set-up of the Triple A, which employs 63 or 64 persons. This man said, "You either fire this man or we will take away the set-up of the Triple A." When I went to the Department of Agriculture in the city of Washington and complained of those methods, I was told by a high official, whose name I do not care to mention here, "Well, possibly that was the only way they could get away with it."

Mr. President, I do not want such things to happen in any State. I thank the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. ADAMS].

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Downey	La Follette	Schwartz
Andrews	Ellender	Lee	Schwellenbach
Ashurst	Frazier	Lodge	Shipstead
Austin	Gerry	Lucas	Slattery
Bailey	Gibson	McCarran	Smathers
Bankhead	Gillette	McKellar	Smith
Barbour	Green	McNary	Stewart
Barkley	Guffey	Maloney	Taft
Bilbo	Gurney	Mead	Thomas, Idaho
Brown	Hale	Miller	Thomas, Okla.
Bulow	Harrison	Minton	Thomas, Utah
Byrd	Hatch	Murray	Tobey
Byrnes	Hayden	Neely	Townsend
Capper	Herring	Norris	Truman
Chandler	Hill	Nye	Tydings
Chavez	Holman	Overton	Vandenberg
Clark, Idaho	Holt	Pepper	Van Nuys
Clark, Mo.	Hughes	Pittman	Wagner
Danaher	Johnson, Calif.	Reed	Walsh
Davis	Johnson, Colo.	Reynolds	

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

The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. ADAMS], which will be stated.

The CHIEF CLERK. It is proposed to amend section 9 of the act so that it will read as follows:

SEC. 9. (a) It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government or department thereof shall endeavor directly or indirectly to influence the vote or political action of any Federal officer or employee in any degree subject to his orders or directions or whose employment he has power to terminate. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects. For the purposes of this section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws.

(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person.

Mr. HATCH. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. DOWNEY (when his name was called). On this vote I have a pair with the senior Senator from Ohio [Mr. DONAHEY]. If he were present, he would vote "yea." If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. SHIPSTEAD (after having voted in the negative). I have a general pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if he were present he would vote "yea" on this question. I therefore withdraw my vote.

Mr. THOMAS of Utah (after having voted in the negative). I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am advised, however, that if present and voting, he would vote as I have voted. Therefore, being at liberty to vote, I allow my vote to stand.

Mr. McNARY. The Senator from Wisconsin [Mr. WILEY] is paired on this question with the Senator from Arkansas [Mrs. CARAWAY]. If present, the Senator from Wisconsin would vote "nay", and the Senator from Arkansas would vote "yea."

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Arkansas [Mrs. CARAWAY] are absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senators from Texas [Mr. CONNALLY and Mr. SHEPPARD], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Georgia [Mr. RUSSELL], and the Senator from Montana [Mr. WHEELER] are detained on important public business.

The Senator from Ohio [Mr. DONAHEY], the Senator from Georgia [Mr. GEORGE], the Senator from Virginia [Mr. GLASS], and the Senator from Utah [Mr. KING] are unavoidably detained.

The Senator from Texas [Mr. CONNALLY] is paired with the Senator from Georgia [Mr. GEORGE]. I am advised that, if present and voting, the Senator from Texas would vote "yea" and the Senator from Georgia would vote "nay."

The Senator from Utah [Mr. KING] is paired with the Senator from Texas [Mr. SHEPPARD]. I am advised that, if present and voting, the Senator from Utah would vote "yea" and the Senator from Texas would vote "nay."

The Senator from Wyoming [Mr. O'MAHONEY] and the Senator from Maine [Mr. WHITE] are unavoidably detained. These Senators have a general pair.

The result was announced—yeas 35, nays 42, as follows:

YEAS—35

Adams	Clark, Idaho	Lee	Pittman
Andrews	Ellender	Lucas	Schwartz
Bailey	Guffey	McKellar	Slattery
Bankhead	Harrison	Maloney	Smathers
Barbour	Hayden	Miller	Smith
Bilbo	Herring	Minton	Stewart
Bulow	Hill	Murray	Thomas, Okla.
Byrnes	Hughes	Neely	Truman
Chavez	Johnson, Colo.	Pepper	

NAYS—42

Ashurst	Gerry	Lodge	Thomas, Idaho
Austin	Gibson	McCarran	Thomas, Utah
Barkley	Gillette	McNary	Tobey
Brown	Green	Mead	Townsend
Byrd	Gurney	Norris	Tydings
Capper	Hale	Nye	Vandenberg
Chandler	Hatch	Overton	Van Nuys
Clark, Mo.	Holman	Reed	Wagner
Danaher	Holt	Reynolds	Walsh
Davis	Johnson, Calif.	Schwellenbach	
Frazier	La Follette	Taft	

NOT VOTING—19

Bone	Donahey	Lundeen	Shipstead
Bridges	Downey	O'Mahoney	Wheeler
Burke	George	Radcliffe	White
Caraway	Glass	Russell	Wiley
Connally	King	Sheppard	

So Mr. ADAMS' amendment was rejected.

Mr. MALONEY. Mr. President, I offer an amendment which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, beginning with line 15, it is proposed to strike down to and including line 18 on page 7.

Mr. MALONEY. Mr. President, every Senator is entirely familiar with the bill, and the amendment is so simple I shall take but a few moments to discuss it.

Mr. HATCH. Mr. President, will the Senator yield for a moment?

Mr. MALONEY. I yield.

Mr. HATCH. I should like to ask the Senator from Connecticut, who has presented an amendment, the purpose of which is to strike out certain language on pages 4, 5 6, and 7 of the bill, which I take it is all of section 12——

Mr. MALONEY. Yes.

Mr. HATCH. Was the Senator present in the Chamber, and did he know that practically all that language has been stricken as the result of the adoption of the amendment offered by the Senator from Wyoming?

Mr. MALONEY. I was present when the proposal of the Senator from Wyoming was adopted, and I think I am familiar with that amendment.

Mr. HATCH. I was not quite sure whether the Senator from Connecticut understood the effect of the amendment of the Senator from Wyoming.

Mr. MALONEY. Yes; I did. I should like to say in that connection, Mr. President, that if the Senator from New Mexico feels that my amendment deserves recognition, and makes the statement that its adoption would destroy the bill, I wish to say, so there may be no misunderstanding, that that is entirely the purpose of the amendment. I am against the bill. I am opposed to section 3 of the bill, and to the bill in its entirety, because I firmly believe that it trespasses upon the rights of States.

I still adhere to the views I held when I first came to the Senate. I have endeavored always to express my opinions, sometimes with little success, occasionally with a degree of success, on measures concerning the rights of States.

It so happens that I am in a politically comfortable position in offering this amendment, because if adopted it would have no favorable effect upon my own political welfare. The administration in my State is entirely Republican, but regardless of what the situation there may be, I should very much dislike to see the Senate take another step of intrusion upon States' rights.

I made the statement in the Senate a long time ago that the rights of States were marching toward death, and this is but another long step in that direction. Without further explanation, I just want to say that I am very hopeful that the amendment will be adopted.

I shall ask for the yeas and nays on this question.

Mr. PEPPER. Mr. President——

The PRESIDENT pro tempore. The Chair will state the parliamentary situation. The question now recurs upon the adoption of the committe amendment, as amended. Therefore, the same thing would be accomplished by a vote on the committee amendment as by a vote on the amendment to strike out.

Mr. MALONEY. Mr. President, I am hopeful that the committee amendment will be rejected.

Mr. PEPPER. Mr. President, I ask the Senate to indulge me to make a brief comment in favor of the amendment offered by the able Senator from Connecticut [Mr. MALONEY] for the reasons already given in the remarks which he made in offering the amendment.

The particular provision in the bill represents an undue aggression of the Federal Government upon what I consider to be the just immunities of the several States.

The language appearing upon page 4 of the bill contains these words:

> No such officer or employee shall take any active part in political management or in political campaigns.

It does not say that the officers or employees of the several States shall not take any part in a Federal campaign or a campaign involving the election of a Federal officer. Remember this measure does not deal with Federal employees. It deals with State employees. It is proposed that the Federal Government shall say that no State employee who does not come within the few exceptions contained in the amendment may participate in a municipal election for mayor, a district election, a county election, or a State election. What is the justification for that restriction on the ordinary civil liberties of State employees? The justification is that the Federal Government is contributing certain funds to the agency of which the State employee may happen to be a part.

I am vitally interested to know, therefore, whether or not we are laying down the definite principle that the Federal Government has the right to control—not to prescribe the general conditions for, but to control—the activities of every local agency which is supplemented by Federal funds.

I am interested to know that, Mr. President, because on every possible occasion I have voted for the appropriation of Federal funds in aid of State agencies which were trying to serve the general welfare. I have endeavored to make it possible to vote in even more cases than have appeared before the Senate. I am the author of a bill which contemplates Federal Government aid in the education in the public schools of the country of underprivileged children. But if the pending bill should become a law, and this precedent should be established, every school teacher in my State would come within the restrictive clutch of the Federal power to define what his or her political activities in local—not Federal—affairs may be.

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

Mr. PEPPER. I yield.

Mr. BARKLEY. Does not the Senator think the Federal Government has a right to fix the terms upon which money appropriated out of the Treasury of the United States shall be distributed among the States?

Mr. PEPPER. I answer the Senator by saying that the Federal Government has the power; but, if it ever exercises it, it will violate the fundamental concept of the difference between Federal and State power.

Mr. BARKLEY. In other words, the Senator advocates the distribution of Federal money among all the States without in any way prescribing the terms under which it may be expended?

Mr. PEPPER. I did not go so far as to say "without in any way prescribing the terms under which it may be expended." I do not advocate any restriction upon the Federal power to lay down reasonable terms and conditions surrounding the use of Federal funds; but, of course, it is as Mr. Justice Holmes said. Everything from the Two Tables of Stone up to the present time is a matter of degree. It is all right to prescribe certain broad general standards, as the Federal Government does in making road funds available to the several States. It prescribes a certain type of highway, with certain dimensions, to be constructed according to a certain design, from certain materials. However, that right does not carry as an incident the Federal right to say what the individual employee of a State road department shall do in local politics.

Mr. BARKLEY. Mr. President, may I ask the Senator another question?

Mr. PEPPER. I yield.

Mr. BARKLEY. Does the Senator think there is any degree of difference between the use of money out of the Treasury of the United States to control or affect the election of a Federal officer, and the use of the same money to control the election of a State officer?

Mr. PEPPER. I think there is a very distinct difference, Mr. President.

Mr. BARKLEY. The difference being, if I gather the trend of the Senator's argument, that if a State officer, including the Governor, the secretary of state, the State auditor, or even the chairman of the highway commission, or the State director of the old-age pension system—half the expenses of which are borne by the Federal Government—desires to

use not only the money out of the State Treasury, but also money out of the United States Treasury to bring about his election to some State office, a lesser degree of wickedness is attached to that conduct than if a United States Senator, Representative, or some other Federal officer were trying to do the same thing.

Mr. PEPPER. Mr. President, I am not at all sure that there is a great degree of wickedness—to use the term of my friend the able majority leader—in either case; but I can well understand the reasons of policy which make it a proper exercise of the Federal power in one case and an improper exercise of that power in the other case.

I suggest this reason for that distinction in my mind: There was a State road department in Florida before the Federal Treasury began to contribute Federal funds to the building of roads in that State. The Federal money did not bring into existence the State power to build roads. It may have supplemented it, but the Federal contribution was made because the Federal Government, being concerned about the movement of citizens of the whole country, sought to bear its just share of the construction program.

Mr. BARKLEY. Florida was one of the forward States in the matter of constructing highways. So was North Carolina. So was Illinois. Some States are far ahead of their sister States in the construction of highways. However, I believe that the adoption of the Federal good-roads law operated more effectively to stimulate highway construction in the United States than anything that has been done by any State or by the Federal Government alone in the construction of highways.

The point is not whether or not there was a highway department in the Senator's State or in my State before the passage of the Federal Aid Road Act. It seems to me the gravamen of the whole situation is whether or not a State officer, whatever may be his title, ought to be permitted to use funds out of the United States Treasury—no matter whether they be highway funds, funds for unemployment compensation, or funds for the payment of county agents in the Department of Agriculture within the State or a subdivision of the State—to advance his political fortunes to a greater extent than anybody else ought to be permitted to do so. While I am a stickler for State rights, I do not believe that doctrine ought to be extended to the point of permitting or sanctioning the use of Federal funds by any State official in order to advance his political welfare.

Mr. PEPPER. Mr. President, let me state the question a little differently. I say that merely because the Federal Government makes a just contribution to a State expense, it has no right to deprive State citizens of their normal civic prerogatives under State law.

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

Mr. PEPPER. I yield.

Mr. BARKLEY. The justice of the contribution to any activity within the State, if it is encouraged and fostered by the Federal Government, is no greater than the justice of the contribution of the Federal Government to any of its exclusive activities. It seems to me the question of justice does not enter into it.

Mr. PEPPER. Surely the Senator makes a distinction between the status of an employee of a State agency whose funds may perchance be supplemented from the Federal Treasury, and that of an employee who owes his official existence to the Federal Government.

Mr. BARKLEY. The difference in the status is that in one case the employee is appointed by State authority, and in the other he is appointed by Federal authority; but in both cases he is spending money out of the Federal Treasury.

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

Mr. PEPPER. I yield.

Mr. McKELLAR. I invite the attention of the Senator from Kentucky to the language on page 4, beginning in line 23:

When used in the second sentence of this subsection, the term "officer or employee" shall not be construed to include (1) the Governor or the Lieutenant Governor of any State or the mayor of any city; (2) heads of executive departments of any State or municipality; (3) officers who are appointed by the Governor of any State by and with the advice and consent of the legislature or either house thereof, and who determine policies to be pursued by such State in the State-wide administration of State laws; (4) officers holding elective offices.

The officials are excepted from the terms of the bill. The bill applies only to the plain workers in the various States. In a way, the language referred to is a tremendous step toward perpetuating the present State officers.

Mr. BARKLEY. Mr. President, if the Senator from Florida will further yield, the language referred to by my friend from Tennessee is a part of the language of the very amendment on which we are about to vote.

Mr. McKELLAR. It is sought to be stricken out.

Mr. BARKLEY. The Senator from Florida is opposing the adoption of the entire amendment. So, if his attitude should prevail and the amendment should be rejected, no part of section 12 would remain in the bill. It would all be eliminated, including the language read by the Senator from Tennessee.

Mr. McKELLAR. I think it ought to be eliminated.

Mr. BARKLEY. I have no doubt of that. Let me say to the Senator from Tennessee that there is no virtue in reading that language, because, if the amendment shall not be agreed to, it will go out.

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

Mr. PEPPER. I yield.

Mr. MINTON. The Senator from Kentucky asked the Senator from Florida if the Federal Government does not have the right to dispense its bounty upon such terms as it sees fit, to which the Senator from Florida replied, "Yes." Of course, no one can question that statement so long as the Federal Government writes its laws looking to the dispensation of its bounty for the things it is trying to promote with that bounty, and not in an effort to coerce the States into doing something which, in the first instance, the Federal Government has no right to require to be done. That is the difference between the Federal Government dispensing money upon proper conditions and dispensing it upon improper conditions.

Mr. BARKLEY. Nobody doubts the ability and power of the Federal Government not only to fix the conditions upon which its own money shall be expended, but to appoint in every State the very persons who are to dispense the Federal money. In appropriating funds to the States we have a right to select the employees who are to dispense it.

Mr. MINTON. Nobody would deny that the Federal Government has that right; but the Federal Government has no right to say "We shall dispense this money in a manner which will compel the States to do politically something which the Federal Government has no right to require under its own power."

Mr. BARKLEY. I do not understand that the bill undertakes to compel the States to do anything.

Mr. MINTON. The Senator from New Mexico says that is the purpose of it. I have read the provisions of the bill time after time. There is nothing in the bill except coercion of the States.

That is its purpose—Federal power to coerce the States to do something that the States do not want to do but the Federal Government wants to compel them to do.

Mr. BARKLEY. I do not understand that the Senator from New Mexico or any other Senator supporting this bill has stated that the bill is intended to compel the States to do anything. It is an effort to prevent State employees receiving Federal funds doing what we will not permit our own employees of the Federal Government to do.

Mr. MINTON. That is a matter of tweedledum and tweedledee. If we are going to prevent them from doing something by action which they themselves would not take, whether it be coercion or not, the result is exactly the same.

Mr. MALONEY. Mr. President, the Senator from Kentucky is entirely right. We would not have this legislation before us today if we had not taken the very unusual step of the original Hatch Act, and if after the passage of that act it

had not occurred to some people that Federal employees and Federal officeholders were denied the rights held by people in the State governments. If this proposal here today had come before us on its own merits, without the existence of the original Hatch Act, it would be scorned as a horrible intrusion upon the rights of the States. Now the attempt is being made, quite sincerely, of course, to advance the action earlier taken, by bringing in a bill that coerces the States, or, as the Senator from Kentucky points out, prevents the States from doing something; prevents them from managing their own business.

Mr. PEPPER. Mr. President——

Mr. HATCH. Mr. President, I do not want to interrupt the Senator from Florida if he desires to proceed with his remarks.

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

Mr. HATCH. I should like to say to the Senator from Indiana and others who have been stating my position on the floor that I have tried to make quite clear what I seek to accomplish. Let me say that there is another thing the Federal Government is vitally concerned with and vitally interested in; we have a solemn duty and obligation to the people of the United States to see to it that the funds we appropriate of the taxpayers' money shall not be used for corrupting influences in the States or in the Federal Government, either, and while I do not use the phrase "corrupting influence" in any bad sense, experience has taught us that the pernicious political activity of employees of State and city governments, as well as of the Federal Government, is a corrupting and bad influence on the States of the Nation; and the Federal Government has a vital and deep concern in all such matters.

Mr. PEPPER. Mr. President, I see very clearly that the proponents of this bill contemplate nothing less than the political emasculation of everybody who happens to be the partial beneficiary of Federal funds. If the argument made by the proponents of this legislation prevails, and we pass it, we had just as well get ready to see the greatest curtailment of Federal expenditures and the greatest curtailment and restriction of Federal extension that we have seen in a long time in this country. There are many who perhaps would like to see that happen.

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

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

Mr. CHANDLER. Does the Senator have any objection to curtailing the expenditure of the public money of the people of the United States?

Mr. PEPPER. I do have objection, and I will state to the Senator my reason. I am in favor of the bill which is now on the Calendar of the Senate, ably presented by the senior Senator from Mississippi [Mr. HARRISON] and the junior Senator from Utah [Mr. THOMAS], which contemplates that the Federal Government shall aid the several States of this Nation in providing adequate education in the public schools of the States.

Mr. CHANDLER. Does the Senator want, in providing for the adequate education of the youngsters of America, to fix it so that everyone who gets some Federal money will be required, in order to teach school, to play politics in order to keep his position?

Mr. PEPPER. I will answer the Senator. In making the Federal Government equalize the natural economic differences in the ability of the several States of this country to furnish a fair standard of education to the boys and girls, I do not deem it proper to tell the school teachers who may happen to be the partial beneficiaries of the Federal contribution that they cannot go out and say they support a candidate for superintendent of public instruction in their own counties. That is none of the Federal Government's business.

Mr. CHANDLER. When the Federal Government appropriates money to the several States it has a right to expect that the States where that money is expended will spend it for the purposes for which it was appropriated. If the Federal Congress appropriates money for the Public Health Service, for public charities, and for public schools, we are undertaking to say by this bill—and I would apply it to everybody except the President of the United States, and at one time I thought that I would go that far, but I am not willing to go that far now but would let him say, if he wants to, whom he is for and whom he is against—we are undertaking to say to everybody else who spends the money of the people of the United States or to whom money may be appropriated, if this legislation is ultimately successful, as I believe it will be: "You have public money; devote your time and attention to the job for which you have been selected; we are not going to have a single cent expended for waste or graft or extravagance or political management or manipulation in the United States."

I wish to repeat what I said a couple of days ago. If the Senator does not think that his people in Florida and my people in Kentucky and the people all over America have grown weary, and will continue to grow more weary of present conditions, if the Congress of the United States does not fix it so that the public money cannot be spent for politics and for the perpetuation of people in office in America, and if the policy is not changed here in Congress the people will change it themselves, for some day they are going to send a group of representatives here who will change it.

Mr. MALONEY. Mr. President, will the Senator from Florida yield to me there?

Mr. PEPPER. I yield briefly, but I should like to reply to the statement of the Senator from Kentucky.

Mr. MALONEY. Briefly, I should like to comment upon what has just been said. I think the Senator from Kentucky is entirely right, and that the people are greatly worried about the situation to which he refers, but they have one greater worry which I should like to point out, and that is their great worry about the centralization of government. That is one of the outstanding fears of the country right now.

Mr. PEPPER. Of course.

Mr. CHANDLER. Mr. President, will the Senator yield to me again?

Mr. PEPPER. I should like first to answer the Senator's statement.

Mr. CHANDLER. I do not wish to take the Senator's time.

Mr. PEPPER. I wish to answer the Senator's statement; then, as soon as I have answered, I will yield to let the Senator propound another question.

Mr. CHANDLER. Very well; go ahead.

Mr. PEPPER. I wish to point out to the Senator that his reasoning has proceeded upon the assumption that we will keep State employees from taking Federal money and going out and using it for political purposes. It is just exactly the contrary; and here is the language I am complaining about:

> No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns.

I am not talking about taking Federal money and going out and hiring automobiles with it, supplying campaign posters to be put up, and inserting advertisements in newspapers; I am saying that the Federal Government, instead of freeing the citizen from anything, is putting upon him Federal shackles of tyranny when it says to the school teacher, in the case, I supposed, that even at nighttime in his or her own time in the community square or in the county courthouse he or she cannot get up and say, "I am here to make a speech for my candidate for superintendent of public instruction."

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

Mr. PEPPER. I yield.

Mr. TYDINGS. I take it the Senator is heartily in favor of the purposes of the original law which was to prevent Federal employees taking part in political campaigns?

Mr. PEPPER. Yes.

Mr. TYDINGS. How can the Senator take that group of our citizens and tell them, "You shall not do this because you are paid by the Federal Government," and withhold the same restriction from other persons who are paid not in full but in large measure by the Federal Government? In the town of Orlando, Fla., in the Senator's own State, for instance, there are two men living next door to each other. One of them is the deputy collector of internal revenue, working for the United States Government. The Senator says he does not want that individual to take an active part in a political campaign. He thinks it is perfectly right and proper that the deputy collector of internal revenue should not take any part in a political campaign in the State of Florida, because he is paid from the Federal Treasury. Now, the man next door to him is an employee of the State highway department and, we will assume, has his salary paid to the extent of 55 percent, for the purposes of illustration, by a contribution which comes from the Treasury of the United States.

If the principle is sound in the first instance, and those who are on the Federal pay roll should not take any part in politics, the man, although appointed by the State, is 55 percent on the Federal pay roll; and the truth is if it were not for our peculiar system of building highways, which grew up not with any definite plan but evolved into its present shape, 55 percent of that man's salary would be paid by the Federal Government and 45 percent would be paid by the State; and yet when an election or a political campaign comes on the deputy collector of internal revenue and the State highway officer are talking and the State highway officers says, "Come out with me tonight; I want to electioneer for Mr. John Brown who is running for Congress," and the deputy collector of internal revenue says, "I cannot do that because my salary is paid by the Federal Government." But the highway employee says, "55 percent of my salary is paid by the Federal Government; and why should you not have as much right to go out and work for your candidate as I have?"

Leaving aside the State and National situation to which the Senator has alluded as a reason for his opposition, and putting the matter on the mere basis of civilian rights, on the mere basis of equality of opportunity and special privileges to none—which is another old Democratic slogan—does not the Senator think the man who is in the Internal Revenue Department should feel justly aggrieved?

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

Mr. PEPPER. I prefer not to yield until I answer the question of the Senator from Maryland.

Mr. SCHWELLENBACH. There is another question which I should like to ask the Senator to answer at the same time. I hope the Senator from New Mexico will be able to clear up this question in my mind:

Suppose that down in Orlando, Fla., there are twin brothers. They are exact twins. One of them commits the crime of making a mistake in his income-tax return.

SEVERAL SENATORS. Or refuses to answer the census questions. [Laughter.]

Mr. SCHWELLENBACH. All right; we will say he refuses to answer the census questions, and the Federal Government prosecutes him. The other man murders his wife. The county prosecutor, or whatever the prosecuting officer in the State of Florida is called, is a friend of the man who murdered his wife, and decides not to prosecute him. The man admittedly has murdered his wife. His twin brother violates a Federal law by not answering the census questions and goes to the penitentiary; but the brother who murders his wife is allowed to go free in the State of Florida. Would the Senator recommend that the Federal Government should go into the State of Florida and prosecute the man for the murder of his wife?

Mr. PEPPER. The Senator from Washington has, of course, indicated the answer to the questions of the Senator from Maryland. I would put my direct answer in three categories.

In the first place, the employee of the State is not even partially an employee of the Federal Government. In the second place, the thing that is involved in the first case, where restrictions are thrown around the activities of the Federal employee, is only the one question of the extent to which a man's civil status shall be affected by our Federal restriction. In the third place, in the case in which the employee is an employee of the State, we have not only the question of restricting his civil status and prerogatives but we have the very distinctive question in American political philosophy of a transgression upon the sovereignty of the States of the Union.

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

Mr. PEPPER. Just let me make a further statement. The Senator may say, "That is just a technical difference"; but at one time I heard it said that the difference between a man and a woman is just a technical difference. [Laughter.]

Mr. LUCAS. Mr. President——

Mr. TYDINGS. Mr. President, if the Senator will yield, let me say to him that all the distinctions to which he has alluded and worked out to such a point of refinement are only little twigs on the tree of liberty. The trunk of the tree of liberty is equality of treatment; and denial of the right to take part in an election is going almost as far as denial of the right of suffrage.

The Senator can see no objection whatever to having the Federal Public Roads Administration come down to his State and say, "You shall not build in Florida a road that is not 20 feet wide. You shall not build in Florida a road of which we do not approve." The Senator has voted for that over and over again.

Mr. PEPPER. And he will continue to do so.

Mr. TYDINGS. He has allowed the Federal Government to say what kind of roads the taxpayers of the State of Florida shall have, and he has not been at all concerned about it, because he was on the receiving end of the beneficial appropriation.

Mr. PEPPER. Oh, no.

Mr. TYDINGS. If the Senator could go that far to allow this great, big Federal Government to come in and dictate to the sovereign State of Florida what kind of roads it should have, certainly the Federal Government can follow its own money and provide, in the complete expenditure of that money, that there shall be no political influence attached to it.

Mr. PEPPER. Mr. President, the able Senator from Maryland is a very distinguished lawyer. He surely could not have been listening a moment ago when, in response to the question of the senior Senator from Kentucky [Mr. BARKLEY], I readily conceded to the Federal Government the legal power to do that. I am making an argument on the basis of policy, that it is not desirable for the Federal Government to exercise that power in a case of this kind.

I will distinguish the highway case from the case we are now considering. It does not involve any encroachments upon a civic prerogative for the Federal Public Roads Administration to say, "If you want our contribution in building a national highway system, you must meet Federal specifications for that kind of a project."

Mr. TYDINGS. That is true.

Mr. PEPPER. The dead earth in a State does not feel affronted because a particular type of specification has been insisted upon. It does not have the animate opposition to the encroachment of Federal power that a human being has. We do not get into the question of sovereignty and sovereign immunities when we have that question; but when we say, "We are going to carry the doctrine of the Federal power to its inevitable, logical destination and say that everybody who directly or indirectly receives aid from the Federal Government, and therefore from the country as a whole, must have even the minutiae of his conduct regulated by the Federal power," we have gobbled up every pretense of sovereignty that is left in the political subdivisions of the country.

Mr. HATCH. Mr. President——

Mr. TYDINGS. I think the Senator has made a good statement there, to the extent that there is no question of the Federal Government having the power to do what has been suggested, but that he wants to put the matter, not upon

the contention that we have not the power, but upon the basis of policy.

Mr. PEPPER. That is correct.

Mr. TYDINGS. I want to put it upon the basis of policy. How can we disfranchise from political influence one citizen who owes his living in whole or in part to the Treasury of the United States, and permit another citizen to exercise such influence? The citizen was created before the State. The people were first created, and the purpose of the State was to serve the people; and the purpose of the Nation which was later created was only to serve the people in a whole way.

So the State and the Federal Government are the servants and not the masters of the people. Therefore, what the Senator has sought to do is to make the State bigger than justice between man and man; bigger than equality between man and man. Without equality there is no democracy and there is no government. So, on the premise of policy, I think the Senator might well consider that there is only one avenue to justice, and that is equality of treatment for all who receive, in whole or in part, their compensation from the Federal Government.

Mr. MINTON and Mr. BARKLEY addressed the Chair.

Mr. PEPPER. Let me make a comment, and then I will yield to the Senator from Indiana, and then to the Senator from Kentucky.

I will say to the Senator from Maryland that, as the Senator from Washington [Mr. SCHWELLENBACH] a moment ago indicated, there are many instances in which there is a disparity between similar situations in the State jurisdiction and in the Federal jurisdiction. For example, under the Federal law, if a man is convicted of committing a homicide, first-degree murder, he is hanged. In my State, if he receives a similar conviction in the State court, he is electrocuted in the electric chair. Yet the Senator from Maryland, pursuing his logic to a conclusion, would say, "I insist that similarity of execution must be inflicted upon both—those who are the victims of the State power and those who are the victims of the Federal power."

Mr. TYDINGS. Mr. President, if the Senator will again yield, his premise cannot be sound, because the man who commits murder in Florida commits murder under a State law, while the man who commits murder on a military reservation commits it under a national law.

Mr. PEPPER. That is the distinction I am pointing out.

Mr. TYDINGS. In the instant case, the point at issue, whether a man is a State employee paid in part by Federal funds, or whether he is a Federal employee paid entirely by Federal funds, he is working under one Federal law, and all I am asking is that the Senator stand by what he has just said—that we should not have two standards of justice for the violation of one Federal offense.

Mr. PEPPER. I point out to the Senator that we have been having two standards ever since there has been a Federal Government—a Federal system imposed upon a State system.

Mr. TYDINGS. But the Senator is now advocating, and I think he will be fair enough to admit it, that there shall be two standards. If you are paid in full by the Federal Government, a certain standard shall apply. If you are paid 90 percent by the Federal Government, that standard shall not apply. I want it to apply with equality to all.

Let me say that I did not vote for the Hatch Act the first time it came up, although I doubt whether any man in this Chamber had greater personal grounds to support it than I had. I voted for it the second time with some misgivings. I questioned then what the Senator is arguing now, but there was no one to listen, and certainly I was not the one to make a fight to defeat the measure when I knew the injustices that might occur as a result of Federal influence in State elections. I say to the Senator that the biggest thing in this law is the preservation of what we call democracy. With the years that are ahead, with war, with deficits, with unemployment, we cannot throw too many safeguards around elections if we want democracy to survive.

Mr. PEPPER. Mr. President, what the Senator calls democracy I have heard him on previous occasions call "the tendency of the Federal Government to usurp the whole prerogative of government in America."

Mr. TYDINGS. That is just my point, and I was not enthusiastic about the original law, but now that we have it, and the Senator from Florida voted for it, let us make it apply to all alike.

Mr. PEPPER. I yield to the Senator from Indiana, and then I will yield to the Senator from Kentucky.

Mr. MINTON. Mr. President, the Senator from Maryland pitches his argument on the basis of equality.

Mr. TYDINGS. That is correct.

Mr. MINTON. And he cited a couple of examples; one of a man employed on the Federal pay roll as deputy collector of internal revenue and the other on a State highway activity for which he receives some Federal funds, and they live as neighbors. On the basis of equality, because I do not favor taking Federal employees out of politics or State employees out of politics——

Mr. TYDINGS. Of course not.

Mr. MINTON. I want to get them all in. The more people in, the better——

Mr. TYDINGS. That is correct.

Mr. MINTON. My proposition would be like this: Here are twin brothers, using the illustration of the Senator from Washington—a couple of "Gold Dust twins," such as we have seen around here. [Laughter.]

Mr. TYDINGS. Siamese twins.

Mr. MINTON. One of them works on the State highways, for which he receives some Federal funds. The other works, we will say, for Tom Girdler, who is politically minded. If the Hatch bill passes as it is before us now, the one who works for the State highway cannot go out and take any part in a political campaign, to protect his own job, and work for the man who got him his job, and support the party which put him to work; but the follow who works for Tom Girdler can go out and do every political trick in the book that Tom Girdler tells him to do, and not only protect his own job, but probably improve his position. Is that equality?

Mr. TYDINGS. Does the Senator want me to answer? May I have the time, I ask the Senator from Florida?

Mr. MINTON. One man is proscribed merely because he holds a job on a project to which the Federal Government makes a contribution.

Mr. TYDINGS. Will the Senator from Florida allow me to reply?

Mr. MINTON. That is the only distinction between them, for they are twins.

Mr. TYDINGS. Will the Senator from Florida yield?

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

Mr. TYDINGS. Mr. President, to my mind the illustration answers itself. I do not think I even have to utter a sentence. According to his statement, the Senator would not have any civil service for Federal employees.

Mr. MINTON. I would not, if the Senator asks me.

Mr. TYDINGS. That is what I thought.

Mr. MINTON. The civil service does not protect those who are outlawed by the Hatch bill; the civil service does not protect those whom the Senator from New Mexico [Mr. HATCH] proposes to outlaw by the bill——

Mr. TYDINGS. The point I make is——

Mr. MINTON. The civil service has not anything to do with these poor people. They are not protected by civil service at all.

Mr. TYDINGS. The point I make is that if we follow the Senator's premise, as I see it, to its logical conclusion, we would not have any restriction at all as to anyone who works in any department anywhere for the Federal Government; but while possibly our policy has sometimes been foolish, sometimes ill-advised, in the main our impulse has been to throw around Federal employees in governmental life certain restrictions as abuses have occurred.

There was a time when every Member of Congress had passes on the railroads of the country, but abuses took place

as a result of that system, and today, as I understand, one cannot have a pass on a railroad in this country and be a Member of Congress. So even a little regulation like that is the result of an abuse. Therefore, what we are attempting to do here—whether we have done it in the right way or not I am not arguing—is to eliminate one more abuse which interferes with the machinery of that which we call a constitutional democracy.

Mr. MINTON. Mr. President, if the Senator from Florida will permit me to make one observation to the Senator from Maryland, he pitched his argument on the high plane of equality. My proposition was pitched upon the same plane, and the man whom I cited as an example was not in any more of an equal position than the one to whom the Senator referred, whatever the collateral arguments may be.

Mr. TYDINGS. I think the Senator has a point there, except that we have the Hatch Act on the statute books. Let us make the Hatch Act apply to all who are affected by this philosophy, or repeal it. That is a different matter. But so long as it remains on the books let us have equality of treatment for all under it and make no exceptions.

Mr. MINTON. The Senator's argument, then, comes down to this: Since we have done one bad thing, let us make it worse.

Mr. TYDINGS. No; but if we make everyone in the country except five people pay 10 cents on a hundred dollars as a tax rate, I want to take those five in and make them bear their burden, too. Taxes should fall equally, and so should the responsibilities of government.

Mr. PEPPER. I yield now to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, the Senator has gotten considerably away from the point about which I wanted to inquire a few moments ago. He stated earlier in his remarks that if the new Hatch bill shall be enacted into law the amount of Federal contributions to the States and to the various counties will be materially curtailed. I assume he meant by that to intimate that rather than give up their political control over men appointed by them, the legislatures and Governors of the States would withdraw their requests for or their acceptance of Federal funds. Is that what the Senator meant?

Mr. PEPPER. Mr. President, I will state very clearly what I meant. I meant, I will say to our able leader, that if the States, because they accept some Federal aid, have to bow down and accept Federal dictation in respect to the minutiae of the conduct of their citizens, I hope to heaven that they will at least have sufficient pride in their hearts to repudiate promptly all Federal aid.

Mr. BARKLEY. So that in order to continue to control the political activities of the people appointed by the States and employed on the highways, or receiving unemployment insurance, all of which is paid by the Federal Government, for the States make no contribution at all to the payment of unemployment compensation, or the payment of the agents appointed by the State, in case of county agents, or in the case of anyone else appointed by the State government to administer funds contributed by the Federal Government, rather than give up their political control of those appointees, the States would withdraw their acceptance of Federal contributions. I dare say there is not a Governor or a legislature in the United States that on any such pretext would withdraw a request for or acceptance of Federal money.

Mr. PEPPER. The Senator has asked a fair question, and he is entitled to a fair answer. The distinction I make is that I would not preserve to the State or any State machine or any State agency or officer a right to dictate to their employees who are partial beneficiaries of Federal funds. I do not profess any desire whatever to preserve that prerogative to them, but I do protest against this language and this sentiment being included in the law:

> No such officer or employee shall take any active part in political management or in political campaigns.

I am saying that it is not the power of the boss I am trying to preserve; it is the political and civic liberty of the individual citizen of the municipality, county, or State, who would not be protected because the agency for which he works happens to get some of its funds from the Federal Government.

Mr. BARKLEY. If the Senator will yield, that is precisely the principle for which I am contending, and for which I think the Senator from New Mexico and all others who are supporting the proposed legislation are contending, that is, the liberty of the individual citizen to be free from domination on the part of anyone who has been responsible for his appointment. I contend that no State officer and no Federal officer has any inherent right to dominate or coerce any citizen as to the way he shall vote.

Mr. PEPPER. That is correct.

Mr. BARKLEY. Therefore all we are proposing to do is to provide that whenever such officials use Federal funds they shall not undertake to use their power or their influence. They may have the power to influence the employees, but they do not have the right. That is the difference between the Senator's contention and mine.

Mr. PEPPER. The Senator is ignoring the distinction in the section. The first part of the bill, the earlier part of it, and the original Hatch Act, do proscribe intimidation, coercion, and the like, on the part of the officeholder, the employer, as it were, under whom the employee works. That is not in controversy here. I will ask the Senator to listen to this language:

> No such officer or employee shall take any active part in political management or in political campaigns.

I am not talking about the boss influencing the employee; I am saying that the language against which I remonstrate restricts the liberty of the individual school teacher, if the State gets Federal funds for its schools, or of the individual militiaman, if the National Guard of the State gets Federal funds, and restricts the political activity of the private citizen, in a way, with respect to a local purpose only, with which the Federal Government should not be concerned.

Mr. BARKLEY. The Senator has mentioned school teachers. I am familiar with the teaching profession. I myself once taught school. I think if there is anything for which the school teachers of America contend and stand it is the right of all school teachers to exercise the right of suffrage as they see fit, and I am sure the Senator knows that in many cases those who are responsible for the appointment of school teachers undertake to dominate them in order that someone may be elected on the school board who will guarantee that they will be retained as teachers in the schools where they have taught. I have seen it happen, and every other Senator I am sure is familiar with the fact, that often, in order to get a school trustee elected, the teachers exercise their influence with the children and the children's parents in order that some man or woman may be elected as a trustee who will guarantee that they will be reappointed as teachers.

Certainly no Federal funds contributed for education should be used by any power, any authority, which has the determination as to whether or not a school teacher shall be reappointed, and certainly no such authority should be turned loose to exercise that sort of control over the school teachers of the United States. I think that evil and that possibility and that power outweigh any damage which may come to the individual school teacher from providing that he or she may not go out and make speeches or become campaign manager for someone running for office.

Mr. PEPPER. I think the Senator from Kentucky is overlooking the fact that there are at least two provisions in the bill. The first lines of section 12 contain an element of the suggestion to which the Senator has addressed himself, in these words:

> No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall use his official authority or influence—

I interpolate the word "official" before the word "influence" also—

> for the purpose of interfering with an election or affecting the result thereof.

In that portion of the section reference is made to the employer, the head of the department, as it were, not being permitted to use his official influence for the purpose of coercing his employees. In addition to that, Mr. President, the section contains the language which I have quoted before, namely:

No such officer or employee shall take any active part in political management or in political campaigns.

Mr. CLARK of Idaho. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield.

Mr. CLARK of Idaho. The Senator from Florida suggested a while ago that the bill would apply to the National Guard. Is that a considered opinion?

Mr. PEPPER. Mr. President, I have not made any serious or prolonged study of the question, but what I meant to say was that if we pass this bill, and then are consistent in principle, we should also say that no National Guard member, no member of the State militia, can take any part in local political campaigns in his State, because a part of the State militia's income is derived from Federal contributions. I say that is going far outside the scope of the power we should exercise.

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

Mr. PEPPER. I yield.

Mr. MALONEY. In view of what the Senator from Florida has just said, I should like to ask him if he can visualize the logical extension of this kind of legislation a little later to affect the veterans who receive pensions from the Government?

Mr. PEPPER. Yes, Mr. President.

Mr. MALONEY. And, carried further to a logical conclusion, legislation affecting all those who receive unemployment insurance and old-age pensions under the Social Security Act?

Mr. PEPPER. Of course. Mr. President, if we once establish the precedent that whenever we appropriate Federal money we shall insist upon the prerogative of controlling the minutiae of the conduct of those who receive that money, we might just as well obliterate any pretense of distinction between the Federal and the State Governments.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER (Mr. LEE in the chair). Does the Senator from Florida yield to the Senator from Colorado?

Mr. PEPPER. I yield.

Mr. ADAMS. I wish to carry the suggestion made by the Senator from Connecticut a step farther. If taken to its logical conclusion, the next step is to provide that if the State does not do something which is required by the Federal Government, it will not receive Federal funds.

Mr. PEPPER. Yes.

Mr. ADAMS. And it would be quite logical to say that no Federal funds would be given any State which would not elect Democratic Senators.

Mr. PEPPER. That may be entirely plausible.

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

Mr. PEPPER. I yield.

Mr. HATCH. Does the Senator believe that the Congress of the United States would do such a thing as pass a law requiring the election of only Democratic Senators?

Mr. PEPPER. The Senator was bringing the thing to a logical conclusion or extreme, and I said that, consistent with that principle, the Congress had the power to do it. Does the Senator deny the Federal power to do it?

Mr. HATCH. Let me say to the Senator, who has always been very liberal in his views with respect to the extension of the Federal power——

Mr. PEPPER. That is the reason I spoke of it.

Mr. HATCH. I have heard the Senator speak on that subject, and I am somewhat amazed at his present attitude. I wish to say that whenever the Congress of the United States shall pass a law requiring the election of Democratic or Republican Senators, the Senator need not worry about laws or anything else.

Mr. PEPPER. Of course, the Senator knows that that is simply carrying the matter to its logical extreme. I said to the Senator from Kentucky that if we have the power to regulate the conduct of persons who receive Federal money in one case, I assume we have the power to regulate it in another case. As to whether or not the illustration suggested is carrying it to a logical absurdity, there may be a difference of opinion.

Mr. HATCH. Mr. President, will the Senator yield once more.

Mr. PEPPER. I yield.

Mr. HATCH. Did the Senator vote for the Social Security Act?

Mr. PEPPER. On the final vote I voted "no," but I am in favor of it, and that vote was only because of the failure of the Senate to adopt the Connally amendment.

Mr. HATCH. The Senator is in favor of that measure?

Mr. PEPPER. Yes.

Mr. HATCH. It goes further than this bill does.

Mr. PEPPER. I may not have understood the Senator's question completely.

Mr. HATCH. I refer to the merit system in the States.

Mr. PEPPER. Yes. Does the Senator suggest——

Mr. HATCH. I do not suggest anything.

Mr. PEPPER. Let me answer that question. I admit—and I so stated in answer to the question of the Senator from Kentucky. I admit not only the power but the desirability of the Federal Government to prescribe fair condition for the receipt of Federal funds. I said that in my response to the able Senator from Missouri yesterday. I deny neither the power to prescribe nor the desirability of the Federal Government prescribing reasonable conditions.

Mr. HATCH. Will the Senator yield there?

Mr. PEPPER. I will yield in a moment. In the case of the social security fund, to say that the employees who are to spend the money should be competent employees and be selected by fair standards of competency, I do not regard as an unreasonable violation of the sovereignty of the State; but to say to them, "You must not only be competent, you must not only be chosen by fair standards of competency, but we are going to tell you how you must spend your time at night, whom you may speak to on the street corners, what you can say in the courthouse on Saturday afternoon when you are not on your job"—I say that that in high degree is an improper extension of the Federal power.

Mr. HATCH. Yet, Mr. President, the identical rule against political activity is now applied to the employees to whom the Senator just referred.

Mr. PEPPER. The Senator is not talking about all the employees of the social security fund.

Mr. HATCH. I am talking about those in the States for whom we set up standards under congressional authority, and we made the State set up standards, among which were requirements against political activity. There is no difference in the world between the purpose then sought and the one we are arguing for today, except that the restriction in the case of social-security matters goes ten times further.

Mr. PEPPER. Mr. President, the only answer I can make is the one I made to the Senator from Maryland. It is a question of degree, and a question of the reasonableness of the regulations under the circumstances in question.

Mr. ADAMS. Mr. President, let me say that I differ with the Senator. It is not entirely a question of degree. In this case the provision is that if a State employee in a department that receives Federal funds shall engage in politics, then he shall be discharged; if he shall be reemployed in any department in the State, then a penalty shall be imposed upon some other agency—in other words, an agency in which he was not employed—which was not involved in the matter.

Mr. HATCH. I do not want that suggestion to go unanswered. The Senator was correct as to the original bill. That has already been modified and taken care of.

Mr. PEPPER. Let me answer what was intimated a moment ago by the Senator from New Mexico as to why I, who

consistently have voted for Federal funds, had taken the position I did in this matter. I wish to answer that question. It is because I make the same distinction in my political philosophy which I understand Justices Holmes, Brandeis, Frankfurter, and Black, and perhaps other members of the Federal Supreme Court, have made in their determination relative to the extent of the Federal power. I mean that in the realm of economics, in the realm of the adjustment of economic maladjustments, in the realm of economic experimentation, in dealing with conditions which in the very nature of things must affect the whole extent of the country, I think there is a just Federal prerogative. But when the effort is made to extend the Federal power to encroach upon civil rights that are not indigenous and not related to the whole country, we have a different situation.

A few days ago Mr. J. Edgar Hoover was down in my State purporting to clean up the city of Miami. He sent his emissaries, I know, to the offices of at least six sheriffs in that State, and called the sheriffs of the State before a group of his hired men. The first question he asked them was, "How much graft are you taking in? How much are you sending to Tallahassee?" I protested against it. I do not care if J. Edgar Hoover had stood like Elisha to catch the mantle of Elijah when it descended from his predecessor who ascended into heaven. I do not care how noble he is. He has no right to police State offenses. And I was particularly pleased to hear the able Senator from Nebraska make an inquiry of the Attorney General of the United States to know whether or not the Federal Bureau of Investigation was trying to become an agency to police every one of the minute crimes of this country. I have been for the Bureau 100 percent, and I am still for it, but however much good it may have done, the Federal Bureau of Investigation has no right to police violations of municipal law, county law, or State law in my State.

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

Mr. PEPPER. I yield.

Mr. STEWART. That is just what would happen if a garbage collector in the Senator's State should violate the law, is it not?

Mr. PEPPER. Of course, it is. If we permit its continued expansion, we shall engulf the sovereignties of this country beneath the Federal Government.

Mr. President, I do not want to see a revulsion in sentiment which will destroy the Federal Bureau of Investigation. I do not want to see a revulsion in sentiment which will make the State highway departments say to the Federal Government, "No; we will not take your money at the price of our own ignominy."

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

Mr. PEPPER. I yield.

Mr. LUCAS. Can the Senator give the Senate any opinion or has he any notion as to how many men would be required to make the necessary investigations in an election year, or the number of complaints which would be made to the Civil Service Commission?

Mr. PEPPER. Mr. President, the number is incalculable. The Senator knows, as I know, that the law would never be enforced, because we could not practically enforce it.

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

Mr. PEPPER. I yield.

Mr. LUCAS. Take the case of a State in which those who are in elective public office are all Republicans. Is it not a fact that under those circumstances, if this bill should become a law and the provisions of the Hatch Act were extended into the States, the Democrats would find ways and means to lodge with the Civil Service Commission in Washington, D. C., every conceivable type of complaint against the Republicans in power?

Mr. PEPPER. Yes.

Mr. LUCAS. And would not the same situation arise with respect to Democrats in power? Would not the boys who are smart in politics on the Republican side use every conceivable means and effort to lodge every kind and character of complaint with the Civil Service Commission between now and the fall election in order to create a false impression as to what is being done by those in control of the affairs of government in the State of Illinois? Compared to the present situation, would not that sort of activity be the most outrageous character of pernicious political activity that could be imagined?

Mr. PEPPER. I think the situation the Senator contemplates would be practically unavoidable with such a law.

Mr. BANKHEAD. Mr. President, may I ask the Senator a question?

Mr. PEPPER. I yield if the Senator from Illinois has concluded.

Mr. LUCAS. I wish to make one further observation along that line. If the prophecy of the Senator from Illinois should be correct, how much money and how many more employees would be required in connection with the enforcement of such a law? How many more employees would be required in the field to make an investigation, as the proposed law requires, upon every legitimate complaint that comes along? We had better add some money, if it is proper to do so in this bill, properly to enforce the law.

Mr. PEPPER. The Senator is correct in foreseeing that it would require more employees than the effort to enforce the prohibition law ever required, and would be equally futile.

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

Mr. PEPPER. I yield.

Mr. BANKHEAD. Has the Senator noted published statements, and heard statements to the effect that the Civil Service Commission is now very greatly behind in its work of merely grading the examination papers of new applicants for Federal jobs?

Mr. PEPPER. Yes.

Mr. BANKHEAD. Has the Senator further noticed the statement that $250,000 is now being requested by the Civil Service Commission in addition to its regular appropriation?

Mr. ADAMS. $400,000.

Mr. BANKHEAD. $400,000 is now being requested by the Civil Service Commission to enable it to catch up with its present work.

Mr. PEPPER. Yes.

Mr. BANKHEAD. If the pending bill should become law, how much does the Senator estimate would be required in addition for the Civil Service Commission to make all the necessary investigations, obtain evidence, and follow the prosecutions of the cases?

Mr. PEPPER. In my humble opinion, the United States Army itself would not have enough members properly to police such a law in this country.

Mr. President, I stated a moment ago that I am concerned about this question as a matter of philosophy.

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

Mr. PEPPER. I yield.

Mr. McKELLAR. I am very much concerned about the question just asked, and the answer of the Senator. The proposed new section 15 provides as follows:

> SEC. 15. The United States Civil Service Commission is hereby authorized and directed to promulgate, as soon as practicable, rules or regulations defining, for the purposes of this act, the term "active part in political management or in political campaigns." After the promulgation of such rules or regulations, the term "active part in political management or in political campaigns," as used in this act, shall have the meaning ascribed to it by such rules or regulations. The Commission is authorized to amend such rules or regulations from time to time as it deems necessary.

In other words, every single appropriation that the Congress may make now or hereafter will in effect come under the supervision of the Civil Service Commission. I think the Senator is correct in stating that an immense amount of money would be required to administer such an act. I wonder whether or not the Senator from New Mexico [Mr. HATCH] can tell us how much money would be required in the event the bill should pass. How much money would he expect to ask for in the beginning?

Mr. HATCH. Mr. President, I will say to the Senator from Tennessee that I am not as pessimistic about employees and

officials of the United States Government as some other Senators seem to be. I am not so doubtful of the integrity and honesty of those officials and the law-abiding qualities of the citizens of the United States as to think that any law which is laudable and right cannot be enforced without calling in the United States Army and all the resources of the Treasury to enforce it.

I will tell the Senator what will happen under such a law. I will tell him what will happen in my State, and I believe also in the State of the Senator from Tennessee and in the State of the Senator from Colorado. When the law is once thoroughly understood, I think it will be obeyed.

Mr. McKELLAR. I think the Senator is somewhat of an optimist.

Mr. HATCH. I would rather be an optimist than a pessimist.

Mr. McKELLAR. All my life I have been, and still am, one of the most ardent of prohibitionists. I thought anything that would do away with liquor was necessarily good and righteous. The Senator entertains similar views with respect to the proposed law. I did not believe any power could prevent the United States Government from enforcing the prohibition law; and yet I lived to see the day when it was not enforced anywhere under any circumstances. Why? Because the law was in opposition to a desire on the part of many of our people to drink.

A similar inclination exists in connection with politics. I believe nine-tenths of our people are very greatly interested in politics, and therefore are likely to take an interest in politics when they ought not to do so. I believe an enormous sum of money would be required to enforce the provisions of the proposed act.

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

Mr. PEPPER. I yield to the Senator from Alabama.

Mr. BANKHEAD. I wish to ask the Senator from Tennessee a question. Is it not a fact that too much talking by Federal employees would constitute a violation of the proposed law? In that connection, is it not as natural to want to talk as it is to want to drink?

Mr. McKELLAR. Yes; I think it is even more natural to want to talk than to drink. [Laughter.] I would rather talk than drink, because I do not drink.

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

Mr. PEPPER. I yield.

Mr. HATCH. I see no analogy whatever between the enforcement of the proposed law and the enforcement of the prohibition law. I will say to the Senator from Tennessee that if he had received the expressions I have received from a great many employees throughout the country—some of them anonymous communications from persons afraid to sign their names—he would not feel quite as he feels today. Many employees are afraid of their jobs every day on account of the political activity demanded of them. They would gladly surrender the right to engage in political activity if they could be relieved from the threat and intimidation under which they constantly live. Even those appointed by patronage methods know they are going out by the same method. They live by the sword, and they will die by the sword. The whole thing is wrong.

In the long run, there will not be much difficulty about enforcing the proposed law. At first, of course, there will be plenty of evasions, which will cause trouble; but in the long run, with the educational processes of the country going on, enforcement will not be too difficult.

Mr. McKELLAR. Mr. President, will the Senator yield to me in order that I may ask one further question?

Mr. PEPPER. I yield.

Mr. McKELLAR. I asked the Senator how much money would be required to enforce the proposed law. The Appropriations Committee has just finished the consideration of one deficiency bill, which it will report tomorrow; and in a few days we shall have another. How much money will the Senator ask for, through the proper authorities?

Mr. HATCH. Mr. President, I have conferred with the Civil Service Commission, and I have been informed that they can handle the job. However, on the question of money, let me say that if we can effectively stop the political activity of employees of the Federal Government and of the States, we shall save the Government of the United States and the governments of the States many times the cost of enforcing the proposed law.

Mr. McKELLAR. One further question, and I shall have concluded. If the proposed law is such a splendid thing for the great body of people, why does it except the Governor or the Lieutenant Governor of any State, the mayor of any city, the heads of executive departments of any State or municipality, officers who are appointed by the governor of any State by and with the advice and consent of the legislature or either house thereof and who determine policies to be pursued by such States in the State-wide administration of the State laws, and officers holding elective offices? If it is such a good thing, it seems to me the language exempting those classes ought to come out. I think the law should apply to Senators and to Governors. I do not think we should set up any favored classes to be exempted from the provisions of the proposed law. No persons in the world are more interested in politics than are the very ones who are excepted under the provisions of the bill.

Who is more interested in politics, I ask, than the Governor or the Lieutenant Governor of a State, or the mayor of a city, or heads of executive departments, or officers who are appointed by the State by and with the advice and consent to the legislature or either house thereof and who determine State policies in the State-wide administration of State laws, or ourselves? Who is more interested in politics than the 96 Members of this body—in low, debasing, corrupt politics, if you want to call it that? I do not call it that because I do not think that way about it. I do not believe we are in debased or dishonest offices in this body; but if we are going to pass a law for the general run of people I think we ought to make it apply to ourselves, who are the chief among politicians.

Mr. HATCH. Mr. President, the Senator started out by asking me a question. Then he included a great many other questions.

Mr. McKELLAR. Just let the Senator answer the question. I want to know how much money the Senator is going to ask for in the deficiency bill which will soon come before the Senate.

Mr. HATCH. The Senator has passed that matter. He wants to know why certain officials were exempted.

Mr. McKELLAR. I shall be glad to have that information, too. The Senator did not answer the first question. I hope he will answer the second one.

Mr. HATCH. I am sure the Senator did not hear me on yesterday, when I explained quite carefully, and as best I could, the difference between policy-making officials, such as he has described, and others. There are such things as political offices. The Senator occupies one; and, of course, there are a few things like State and Federal constitutional provisions as a result of which we could not require the removal of such an officer.

Mr. McKELLAR. Does not the Constitution apply to all persons alike? I did not know that I belonged to one class under the Constitution, and that the man who works here in a subordinate capacity belongs to another class. I think our Constitution applies to everybody.

Mr. HATCH. Let the Senator get this point, and see if there is any difference: The man who works here may be fired, may he not, by his superintendent, and thus lose his job?

Mr. McKELLAR. Yes; and we may be fired, too. Do not forget that. We may be fired.

Mr. HATCH. The Senator may be removed from office only by impeachment proceedings. He may be impeached and removed from his office.

Mr. McKELLAR. Oh, no; the people may fire us whenever they wish. They are our employers. They may fire us whenever we do not do right, and sometimes even when we do right. [Laughter.]

Mr. PEPPER. Mr. President, I desire to answer the suggestion of lack of power which to my very great surprise was apparently intimated by the able Senator from New Mexico. Does the Senator mean to say that the Federal Government has power to say that an employee of a State road department who may happen to be the partial beneficiary of Federal funds may be regulated with respect to his political activity, but a constitutional officer having supervision over a State road department, in spite of the fact that it receives Federal funds, is immune from Federal regulation?

Mr. HATCH. Mr. President, I have never said anything of the kind.

Mr. PEPPER. I thought the Senator answered that these constitutional officers could not be removed or affected.

Mr. HATCH. I said the processes were entirely different. A highway employee and a Governor are not comparable, and the Senator knows it.

Mr. PEPPER. But do we have the power?

Mr. HATCH. No; I say we do not have the power to remove the highway employees.

Mr. PEPPER. Does the Federal Government have power to provide that funds which the Federal Government makes available to a State road department may be revoked by the Civil Service Commission, provided the Governor of the State takes part in a political campaign? Have we that power?

Mr. HATCH. We may exercise power over our own funds in any manner or way that is wise. Certainly that would not be a wise way in which to exercise it.

Mr. PEPPER. The Senator does not deny, then, that the Federal Government has power to regulate the political conduct of a Governor, and that we could strike out the exceptions on pages 4 and 5, and the legal validity of the bill would not be affected?

Mr. HATCH. I made that plain. On the floor of the Senate I pointed out not only what I have said but what our party has said and our President has said as to the difference between policy-making officials and other employees. A Govenor comes within the definition of a policy-making official.

Mr. PEPPER. But the Senator from Maryland [Mr. TYDINGS] awhile ago, and others, have said that everybody should be dealt with similarly. I myself have made the distinction between power and the desirability of the exercise of power. So I understand the Senator from New Mexico to admit that the Congress has power to include within the terms of its regulation governors and other State officials, constitutional or not.

Mr. HATCH. I think the Congress has power to impose any restrictions it cares to impose upon the expenditure of funds it appropriates.

Mr. PEPPER. That is what I thought. I do not disagree with the legal answer the Senator has given. That is the tragedy of this law, and the danger of it.

Mr. President, I have a few more remarks to make. If the leader is willing to subscribe to a unanimous-consent agreement that I may resume my remarks at the beginning of the session tomorrow, with the understanding that I shall not take over 10 or 15 minutes, I shall appreciate it; but, of course, I can conclude now if he would like to have me do so.

Mr. BARKLEY. I am willing to suspend now.

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

Mr. PEPPER. Yes; I yield.

Mr. NEELY. I improve this opportunity to give notice that as soon as I can obtain the floor tomorrow I shall demonstrate beyond the possibility of a doubt that there is great necessity for drastic legislation on the subject now before the Senate; second, that the bill in its present form is not sufficient; and, third, that the substitute I have offered will, if enacted, provide effective relief for the political disease which every honest man and woman in the country desires to exterminate.

AMERICAN VESSELS DETAINED BY BELLIGERENTS

Mr. HOLT. Mr. President, will the Senator from Florida yield in order that I may put something in the RECORD?

Mr. PEPPER. I yield.

Mr. HOLT. I ask unanimous consent to have inserted in the RECORD—not in the Appendix—a tabulation of American vessels detained by belligerents since the outbreak of the war. There have been 108 ships reported to the State Department as detained in that period, 90 being held by Great Britain, 14 by France, and 4 by Germany.

The PRESIDENT pro tempore. Without objection, the tabulation will be printed in the RECORD.

The tabulation is as follows:

American vessels reported to Department to have been detained by belligerents since Sept. 1, 1939, for examination of papers or cargo

GREAT BRITAIN

Vessel	Owner or operator	Cargo	Detained	Released
Saccarappa	South Atlantic Steamship Co	Phosphate, cotton, general	Arrived Sept. 3; cargo seized Sept. 8 by British authorities	Ship released promptly; cargo unloaded.
Lehigh	U. S. Maritime Commission	Cargo for Hamburg	British authorities, Sept. 5	Sept. 7, 1939.
Black Osprey	Black Diamond Line	General	Vessel picked up Sept. 5 by British naval vessel	Sept. 13, 1939.
Warrior	Waterman Steamship Corporation	Phosphate rock	British, Sept. 7; cargo phosphate requisitioned	Sept. 18, 1939.
Black Eagle	Black Diamond Lines		British authorities, at Downs, Sept. 12	Sept. 19, 1939.
Shickshinny	South Atlantic Steamship Co	Phosphate, cotton	Detained Sept. 16, Glasgow, by British authorities	Sept. 18, 1939.
Black Condor	Black Diamond Lines		British authorities, Sept. 17	Sept. 24, 1939.
Black Hawk	do		British authorities, Sept. 19	Oct. 1, 1939.
Ethan Allen	Lykes Bros. Steamship Co	Tobacco	British authorities, Sept. 20	Sept. 30, 1939.
Ipswich	Waterman Steamship Corporation		British, Sept. 20; cargo seized which was billed for Bremen and Hamburg.	Do.
Santa Paula	Grace Line		When 30 miles from Curaçao ordered to stop, delayed 20 minutes, unidentified British cruiser, believed to be *Essex*.	
Black Falcon	Black Diamond Lines		British authorities, Oct. 6	Oct. 17, 1939.
Black Gull	do		do	Oct. 11, 1939.
Black Heron	do		British authorities, at Weymouth, Oct. 7	Oct. 16, 1939.
Patrick Henry	Lykes Bros. Steamship Co	Cotton, flour, copper	British authorities, Oct. 10	Oct. 22, 1939.
Sundance	South Atlantic Steamship Co	Rosin and general cargo	Detained Oct. 11, London, British authorities	Oct. 25, 1939.
Black Tern	Black Diamond Lines		British authorities at Weymouth, Oct. 11; removed 368 bags of United States mail.	Oct. 28, 1939.
Oakman	Lykes Bros. Steamship Co		British authorities, Oct. 13	Oct. 27, 1939.
Iberville	Waterman Steamship Corporation		British, Oct. 13; cargo seized which was to be discharged at Antwerp and Rotterdam.	Oct. 24, 1939.
Exporter	American Export Lines, Inc		British authorities, at Gibraltar, Oct. 14, 1939	Oct. 27, 1939.
Scanstates	American Scantic Line		British authorities at Kirkwall, Oct. 14	Oct. 20, 1939.
Gateway City	Waterman Steamship Corporation		British, Oct. 16; cargo seized which was billed for delivery at Antwerp and Rotterdam.	Oct. 31, 1939.
Cranford	Lykes Bros. Steamship Co		British authorities, Oct. 17	Oct. 21, 1939.
President Hayes	American President Lines	Rubber, latex	British authorities, Oct. 22, at Alexandria, British naval patrol; vessel searched before being permitted to proceed.	Oct. 23, 1939.
Tulsa	South Atlantic Steamship Co		British, Oct. 23, at London	Nov. 9, 1939.
Meanticut	Lykes Bros. Steamship Co		British, Oct. 23; ordered to proceed to Oran to discharge certain Italian cargo.	Oct. 27, 1939.
Wacosta	Waterman Steamship Corporation.		British, Oct. 24; seized cargo billed for Rotterdam	Nov. 8, 1939.

American vessels reported to Department to have been detained by belligerents since Sept. 1, 1939, for examination of papers or cargo—Continued

GREAT BRITAIN—continued

Vessel	Owner or operator	Cargo	Detained	Released
Black Eagle	Black Diamond Line		British authorities, Oct. 26	Nov. 5, 1939.
Scanpenn	American Scantic Line		British authorities, at Kirkwall, Oct. 28, 1939	Nov. 11, 1939.
Hybert	Lykes Bros. Steamship Co., Inc		British authorities, at Downs, Oct. 30, 1939; arrived at Ramsgate, Nov. 1.	Arrived at Rotterdam, Nov. 4, 1939.
Black Osprey	Black Diamond Lines		British authorities, at Downs, Oct. 31, 1939; arrived at Ramsgate, Nov. 2.	Nov. 8, 1939.
Exminster	American Export Lines		British, Nov. 1, detained at Gibraltar; released without any confiscation of cargo.	Nov. 6, 1939.
Black Condor	Black Diamond Lines		British, Nov. 5, at Weymouth; part of cargo seized; 162 bags mail removed.	Nov. 17, 1939.
President Polk	American President Lines		British, Nov. 5, at Port Said; certain cargo detained for inquiry.	
Scanmail	American Scantic Line	Mixed	British, Nov. 5, at Kirkwall; part of cargo seized and detained; free to depart after Nov. 21 to return to United States.	Nov. 25, 1939.
Exeter	American Export Lines		British, Nov. 6, detained at Gibraltar; 700 bags United States mail for Germany removed from vessel.	Nov. 6, 1939.
Express	do		British, Nov. 8, released after examination at Gibraltar	Nov. 8, 1939.
Nishmaha	Lykes Bros. Steamship Co	Cotton, paraffin, beef casings	British, Nov. 11, at Gibraltar; large number of items of cargo seized; free to proceed after Nov. 17 on captain's undertaking to unload at Barcelona cargo for that port, and to proceed to Marseille for unloading seized items.	Nov. 23, 1939.
Yaka	Waterman Steamship Co	General, cotton, barbed wire, tool handles.	British, Nov. 11; destination London and Rotterdam	Nov. 28, 1939.
Express	American Export Line	General	British, Nov. 12, at Malta; being detained pending receipt of instructions from British Government; has remaining on board 420 tons general cargo for Greece, Turkey, and Rumania; free to depart after Nov. 21, in view of declaration furnished.	Departed, Nov. 23, 1939.
Lafcomo	Tampa Interocean Steamship Co		Arrived Weymouth, England, Nov. 13	Nov. 18, 1939.
Black Hawk	Black Diamond Lines		British, Nov. 13; arrived at Ramsgate	Nov. 30, 1939.
West Harshaw	Lykes Bros. Steamship Co	General, cotton, oil, carbon black.	British, Nov. 16, at Ramsgate	Nov. 27, 1939.
Examiner	American Export Line	General, oil, grease, rubber tires, cotton goods.	British, Nov. 17, at Gibraltar; 11 bags first class mail removed.	Dec. 4, 1939.
Black Gull	Black Diamond Line		British, Nov. 17	Nov. 27, 1939.
Excambion	American Export Line	General, oil, films	British, Nov. 20, at Gibraltar	Do.
Exmouth	do		British, Nov. 22, at Gibraltar	Dec. 5, 1939.
Effingham	Lykes Bros. Steamship Co	Mixed	British authorities, Nov. 27, at Ramsgate, destination Antwerp, Rotterdam; certain cargo detained for guaranties.	Dec. 7, 1939.
Azalea City	Waterman Steamship Co	Mixed, cotton, lumber, oil, rosin, etc.	British authorities, Nov. 27 at London; destination Antwerp, Rotterdam; certain cargo detained for guaranties.	Dec. 5, 1939.
Winston Salem	Lykes Bros. Steamship Co	Mixed, flour, cotton, carbon black, oil, acetone, etc.	British authorities, Nov. 28 at Ramsgate; destination Rotterdam; 22 items cargo seized, and certain others detained for guaranties.	Dec. 7, 1939.
Extavia	American Export Line	Mixed, flour, tires, oil, babbitt metal, etc.	British authorities, Nov. 29 at Gibraltar; destination Istanbul, Piraeus; ship free to depart after December 10 on giving Black Diamond guaranty in respect 1 item cargo.	Dec. 14, 1939.
Exochorda	do	Mixed, burlap, tinplate, tobacco, oil, et cetera.	British authorities, Dec. 5, at Gibraltar	Dec. 14, 1939.
Yaka	Waterman Steamship Co		British authorities, Dec. 5, at the Downs	Dec. 6, 1939.
Exmoor	American Export Line		British authorities, Dec. 7, at Gibraltar	Dec. 15, 1939.
Explorer	do		British authorities, Dec. 9, at Gibraltar	Dec. 23, 1939.
Steel Engineer	Isthmian Steamship Co		British authorities, Dec. 10, at Gibraltar	Dec. 11, 1939.
Meanticut	Lykes Bros. Steamship Co		British authorities, Dec. 17, at Gibraltar	Dec. 18, 1939.
Excalibur	American Export Line	Mixed, cotton, coffee, cocoa, flour, etc.	British authorities, Dec. 17, at Gibraltar; destination, Genoa, Naples.	Dec. 31, 1939.
Oakwood	Lykes Bro·. Steamship Co	Mixed, 6 items to be seized	British authorities, Dec. 20, at Gibraltar; destination, Genoa.	Dec. 23, 1939.
Executive	American Export Line	Mixed, oil, tinplates, machinery, nickel tubing.	British authorities, Dec. 20, at Gibraltar; destination, Piraeus, Thesalonia, Istanbul, Constanza; guaranties received respect to certain items, 6 others still required.	Jan. 3, 1940.
Exilona	do		British authorities, Dec. 28, at Gibraltar	Jan. 12, 1940.
President Adams	American President Lines	Mixed, fibre, hemp, tea, silk, tin, rubber, coffee, oil.	British authorities, Dec. 29, at Port Said; destination Alexandria, Genoa, New York; suspect cargo discharged at Alexandria; 1 item seized, 18 items detained for guaranties.	
Exeter	American Export Line		British authorities, Jan. 1, 1940, at Gibraltar	Jan. 11, 1940.
Mormacsun	American Scantic Line		British authorities, Jan. 3, 1940; intercepted and taken into Kirkwall in combat area.	Jan. 26, 1940.
Nashaba	Lykes Bros. Steamship Co		British authorities, Jan. 3, 1940, at Gibraltar	Jan. 8, 1940.
Exiria	American Export Line		British authorities, Jan. 4, 1940, at Gibraltar	Jan. 17, 1940.
Manhattan	United States Lines		British authorities, Jan. 6, 1940, at Gibraltar	Jan. 7, 1940.
Western Queen	Lykes Bros. Steamship Co		British authorities, Jan. 9, at Gibraltar	After several hours.
President Van Buren.	American President Lines	Mixed, oil, cotton, silk, tin, rubber.	British authorities, Jan. 10, at Port Said; destination Genoa, New York; vessel discharged items of suspect cargo at Alexandria and preceeded on voyage; 3 items detained subject to guaranties.	
Tripp	Lykes Bros. Steamship Co	Mixed, carbon black, oils, copper, lead, manganese ore.	British authorities, Jan. 11, at Gibraltar; destination Genoa; proceeded on hold-back guaranty; 2 items seized, 7 detained for guaranties, 2 for fuller inquiries.	Jan. 13, 1940.
Narbo	do	Mixed, cotton, lead, rosin	British authorities, Jan. 13, at Gibraltar; destination Italy, Yugoslavia, Greece; vessel proceeded on hold-back guaranty; 2 items seized, 23 subject to guaranty, 27 released.	Jan. 14, 1940.
Excambion	American Export Line	Mixed, 170 items. Glycerine oil, sugar, cotton, jute, rubber, copper.	British authorities, Jan. 17, at Gibraltar; 470 sacks mail seized—54 German, 80 Italian, 336 ordinary German; cargo released on Black Diamond guaranty; destination Genoa.	Jan. 23, 1940.
Manhattan	United States Lines		British authorities, Jan. 17, at Gibraltar	After few hours.
Washington	do	Mixed, 160 items, coffee, cocoa, lard, oils, casings, wax.	British authorities, Jan. 20, at Gibraltar; destination Genoa; released on hold-back guaranty.	After several hours.
Examelia	American Export Line		British authorities, Jan. 20, at Gibraltar	Jan. 31, 1940.
Nishmaha	Lykes Bros. Steamship Co		British authorities, Jan. 21, at Gibraltar	Jan. 22, 1940.
Excellency	American Export Line		British authorities, Jan. 22, at Gibraltar	Jan. 23, 1940.
Cold Harbour	U. S. Maritime Commission (U. S. Lines, charterer).	1,380 tons corkwood	British authorities, Jan. 27, at Gibraltar; destination Lisbon to Odessa.	Jan. 30, 1940.
Sarcoxic	do		British authorities, Jan. 28, at Gibraltar	After several hours.
Waban	Lykes Bros. Steamship Co	Mixed, 90 items. Cotton, bean oil, lead	British authorities, Jan. 28, at Gibraltar; destination Italy and Greece; vessel proceeded on hold-back guarantee. One item seized, 34 detained subject to guarantee.	

American vessels reported to Department to have been detained by belligerents since Sept. 1, 1939, for examination of papers or cargo—Continued

GREAT BRITAIN—continued

Vessel	Owner or operator	Cargo	Detained	Released
Exochorda	American Export Line		British authorities, Jan. 29, at Gibraltar.	Feb. 1, 1940.
Washington	United States Lines		British authorities, Jan. 31, at Gibraltar.	After several hours.
Jomar	Tampa Interocean Steamship Co. (Chilean Nitrate Sales Corporation charterer).		do	Feb. 1, 1940.
Exminster	American Export Line		British authorities, Feb. 1, at Gibraltar	Feb. 9, 1940.
Manhattan	United States Lines		British authorities, Feb. 3, at Gibraltar; 390 sacks German mail seized, but American diplomatic mail pouches were not disturbed.	Feb. 3, 1940.
Exford	American Export Line	Mixed, 90 items, oil, aluminum, lead, tin plate, steel, etc.	British authorities, Feb. 5, at Gibraltar.	Feb. 13, 1940.
Scottsburg	Lykes Bros. Steamship Co		British authorities, Feb. 8, at Gibraltar	Feb. 9, 1940.
West Chatala	do	Mixed, 90 items, rice, cotton, asphalt, coffee, wax, etc.	British authorities, Feb. 10, at Gibraltar	After several hours.
Manhattan	United States Lines		British authorities, Feb. 14, at Gibraltar	Do.
Exermont	American Export Line		do	Feb. 16, 1940.

FRANCE

Exochorda	American Export Line		French authorities at Marseille; removed 2 seamen (German nationality) Sept. 6.	Sept. 6, 1939.
President Harding	United States Lines		French, Sept. 9; cargo still under seizure on Oct. 28; 135 tons copper, 34 tons petroleum, hides, oil, coffee, tin plate, and miscellaneous.	Promptly.
City of Joliet	Lykes Bros. Steamship Co	Cotton, lead, copper, etc	French authorities, Sept. 14	Oct. 5, 1939.
Syros	do	Cotton, lead, machinery	French authorities, Sept. 22	Oct. 10, 1939.
Executive	American Export Line		Detained Casablanca, Morocco, Sept. 27; on orders from Paris because of nature of cargo.	Sept. 29 on condition vessel proceed to Bizerte, Tunisia.
Exeter	American Export Lines, Inc		French authorities, Oct. 5, 1939; vessel west-bound from Marseille; reported to have been examined several times by French naval authorities.	Oct. 6, 1939.
Nashaba	Lykes Bros. Steamship Co	Copper, cotton, etc	French authorities, Oct. 14	Oct. 25, 1939.
West Hobomac	do	Gilsonite, cotton, rice	French authorities, Oct. 18	Do.
West Gambo	do		French, Oct. 22; 750 bales cotton black ordered ashore	Cleared from Havre Nov. 2, 1939.
Endicott	do		French, Oct. 22; 2,276 bars of copper and 1,796 bags carbon black ordered ashore.	Do.
Exeter	American Export Line		French, Nov. 8; detained 24 hours; 1,400 bales cottonseed hulk consigned to Switzerland removed.	Nov. 10, 1939.
Oakwood	Lykes Bros. Steamship Co		French authorities, Dec. 27; intercepted 15 miles off French coast en route from Gibraltar to Genoa and taken into Villfranche by French naval authorities. Mistake of boarding officer, who believed that notation in log book was an order to proceed to Marseille.	After few hours.
Nishmaha	do	Cotton, paraffin, beef casings.	French authorities, Nov. 29, at Marseille; detained by French pending decision of contraband committee in London.	Dec. 23, 1939.
Manhattan	United States Lines		French authorities, Feb. 2; stopped by French patrol vessel cp 14 about 25 miles southeast Cape St. Vincent and ordered to proceed to Gibraltar for examination.	

GERMANY

Wacosta	Waterman Steamship Corporation.		Detained Sept. 9 for 3 hours by German submarine; papers examined, holds searched.	After 3 hours.
Hybert	Lykes Bros. Steamship Co		Detained Sept. 10 about 2 hours by German submarine; examined papers and warned not to use radio for 24 hours.	After 2 hours.
Eglantine	do		Ordered to stop by German submarine Sept. 18; told not to use radio and to send papers for inspection; advised not to use radio for 3 hours on being permitted to proceed.	After 1 hour and 20 minutes.
City of Flint	U. S. Maritime Commission, owner; chartered to United States Lines.	General cargo, part of which contraband.	Seized on high seas by German vessel and taken by prize crew to Soviet port.	Nov. 4, 1939, by Norwegian authorities.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. PEPPER. Mr. President, will the RECORD show that the junior Senator from Florida may be recognized tomorrow?

The PRESIDENT pro tempore. The Senator asked unanimous consent that that might be done, and the Chair believes his request was agreed to.

Mr. PEPPER. I just want to be sure.

Mr. NEELY. Mr. President, if there is any doubt about it, I ask unanimous consent that at the convening of the Senate tomorrow, after the preliminary business shall have been disposed of, the Senator from Florida may continue his speech.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION

Mr. BARKLEY. Mr. President, I ask unanimous consent that I may introduce a joint resolution providing for the filling of a vacancy on the Board of Regents of the Smithsonian Institution.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the joint resolution (S. J. Res. 226) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the resignation of John C. Merriam, be filled by the appointment of Vannevar Bush, a resident of the city of Washington, for the statutory term of 6 years.

Mr. BARKLEY. I ask unanimous consent for the present consideration of the joint resolution.

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

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 PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF A COMMITTEE

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

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of James J. Murphy, Jr., of Pennsylvania, to be consul general.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

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

The PRESIDENT pro tempore. Without objection, the nominations of postmasters are confirmed en bloc.

COAST GUARD

The legislative clerk proceeded to read sundry nominations in the Coast Guard.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Coast Guard be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Coast Guard are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

The PRESIDENT pro tempore. Without objection, the nominations in the Army are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

The PRESIDENT pro tempore. Without objection, the nominations in the Navy are confirmed en bloc.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until tomorrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Friday, March 8, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 7 (legislative day of March 4), 1940

NATIONAL YOUTH ADMINISTRATION

Miss Mary S. Anderson, of Illinois, to be Administrator of the National Youth Administration for Illinois.

COAST GUARD OF THE UNITED STATES

The following-named officers of the Lighthouse Service to be lieutenants in the Coast Guard of the United States, to rank as such from December 1, 1939:

Lighthouse Engineer Arthur James Beckwith.

Associate Lighthouse Engineer Russell Edwin Yates.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

MARINE CORPS

Brig. Gen. William P. Upshur to be a major general in the Marine Corps from the 1st day of October 1939.

Lt. Col. Lloyd L. Leech to be a colonel in the Marine Corps from the 14th day of August 1939.

Lt. Col. Samuel A. Woods, Jr., to be a colonel in the Marine Corps from the 14th day of August 1939.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 7 (legislative day of March 4), 1940

DIPLOMATIC AND FOREIGN SERVICE

James J. Murphy, Jr., now a Foreign Service officer of class 3 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

COAST GUARD OF THE UNITED STATES

TO BE CAPTAIN

Michael J. Ryan

TO BE LIEUTENANTS

William Charles Helbig
Edward William Laird

TO BE CHIEF BOATSWAINS

Ray W. Dierlam
Marius Peterson
Svend A. E. H. Petersen
Lynton R. Daniels
Ernest V. Wyatt
Harold J. Babbitt
Christie T. Christiansen
John A. Heikel
Karl A. E. Lindquist

TO BE CHIEF BOATSWAINS (L)

Harry F. Burnham
Alfred E. Kristofferson
Paul H. Forner
Walter T. Farrell
John M. Odin
Melvin M. Hymer
William E. Holmes
George A. Joseph
Elisha G. Tillett
Charles Wright, Jr.
Paul W. Tifft
Alston J. Wilson
Perry H. Simpson
Ralph C. Rich
Thomas G. Deegan
Curtis C. Hayman
William E. Ireland
Jonas T. Hagglove

TO BE CHIEF GUNNER

Herbert I. Vernet

TO BE CHIEF MACHINISTS

John W. Hollister
Arthur L. Finigan
James L. Wattengel
William D. Pinkston
Frederick G. Hall
Dykeman N. Bent
Nathaniel L. Edwards
Henry Y. Clements
Richard M. Valentine
Robert E. Hearne
Ernest A. Bigelow

TO BE CHIEF ELECTRICIAN

Clifford F. Wurfel

TO BE CHIEF CARPENTER

Theodore Tobiason

TO BE CHIEF PAY CLERK

Archibald J. Maclean

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. Hugh McCalla Wilson, Jr.

TO AIR CORPS

First Lt. Howell Marion Estes, Jr.
First Lt. Peter McGoldrick.
First Lt. Edward Walter Moore.
First Lt. Jergen Bernhart Olson.
First Lt. Richard Henry Smith.
First Lt. Jack Wellington Turner.
Second Lt. John Harris Griffith.
Second Lt. John Cozart Pitchford.

APPOINTMENTS IN THE REGULAR ARMY

TO BE SECOND LIEUTENANTS, MEDICAL ADMINISTRATIVE CORPS

Paul Cable Larnce.
Elliott Powell Rigsby.
Emerson Beery Taylor.
Thomas Floris Criswell, Jr.
Woodrow Charles Herbert.

PROMOTIONS IN THE REGULAR ARMY

Lewis Tenney Ross to be major, Corps of Engineers.
Stuart Absalom Cameron to be major, Medical Corps.
Andres Gilberto Oliver to be captain, Medical Corps.
Glynn Bryan Widner to be captain, Dental Corps.
Karl Harry Willers to be captain, Veterinary Corps.

Joseph Richard Koch (captain) to be United States Army chaplain with the rank of major.

Charles Francis Baish to be major, Corps of Engineers.

APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS, REGULAR ARMY

TO BE COLONELS

Ralph Royce
William Ord Ryan
Clinton Wilbur Howard
Joseph Taggart McNarney
Edwin Bowman Lyon
Hume Peabody
Earl Larue Naiden
Michael Frank Davis
Hubert Reilly Harmon
Henry Jervis Friese Miller
Thomas James Hanley, Jr.
Leo Andrew Walton
Ralph Pittman Cousins
Adlai Howard Gilkeson
George Edward Stratemeyer
Robert LeGrow Walsh
Junius Henry Houghton
Howard J. Houghland
Charles Belding Oldfield
William Hampton Crom
Gerald Evans Brower
Robert Chapin Candee
Oliver Patton Echols
Vincent Bargmant Dixon
Laurence Fielding Stone
Willis Henry Hale
William Charles Ocker
William Frederick Volandt
William E. Kepner
Charles Thomas Phillips

TO BE LIEUTENANT COLONELS

Lowell Herbert Smith
Edwin Jacob House
Ray Aloysious Dunn
Frederick Foster Christine
Earl Spiker Schofield
Arthur Emel Simonin
Frank O'Driscoll Hunter
David Sidney Seaton
Harold Huston George
Walter Jay Reed
St. Clair Streett
John Isham Moore
Oliver Stevenson Ferson
Robert Gale Breene
James Franklin Powell
Neal Creighton
Alonzo Maning Drake
Victor Herbert Strahm
Ira Robert Koenig
Philip Schneeberger
Karl Shaffner Axtater
William Joseph Flood
Charles Merrill Savage
George Churchill Kenney
George Merrill Palmer
John Parr Temple
Byron Turner Burt, Jr.
Earle Gene Harper
Lotha August Smith
William Valery Andrews
Arthur Wellington Brock, Jr.
Merrick Gay Estabrook, Jr.
Carl Franklin Greene
Perry Wainer
William Seymour Gravely
Harlan Ware Holden
Joseph Leonard Stromme
Rudolph William Propst
Frank Denis Hackett
Aaron Edward Jones
Robin Alexander Day
John Y. York, Jr.
Walter Hey Reid
John Bellinger Patrick
Earl Hamlin De Ford
Ralph Bamford Walker
Clarence Beaver Lober
John Kenneth Cannon
Arthur John Melanson
Theodore Joseph Koenig
Grandison Gardner
Alvan Cleveland Kincaid
Omer Osmer Niergarth
Aubrey Hornsby
Charles Peter Prime
Auby Casey Strickland
John Martin Clark
Rowland Charles William Blessley
Arthur Thomas
Ulysses Grant Jones
John Paul Richter
Michael Everett McHugo
James Lionel Grisham
Earl Seeley Hoag
Vincent James Meloy
Charles Egbert Branshaw
Edward Whiting Raley
James Troy Hutchison
Edwin Randolph Page
Harvey Hodges Holland
Russell Lowell Maughan
Oliver Perry Gothlin, Jr.
Eugene Benjamin Bayley

TO BE MAJORS

Ray Henry Clark
Homer Wilbur Ferguson
Robert William Calvert Wimsatt
Donald Fowler Fritch
John Sharpe Griffith
Edmund Clayton Lynch
Alfred August Kessler, Jr.
Mervin Eugene Gross
Benjamin Wiley Chidlaw
Orval Ray Cook
James Wrathall Spry
Robert Wilkins Douglass, Jr.
Oscar Louis Beal
Hilbert Milton Wittkop
Townsend Griffiss
Leo Henry Dawson
Milton John Smith
James Frederick Phillips
Raymond Edward Culbertson
Ralph Adel Snavely
Robert Boyd Williams
John Wesley Warren
Patrick Weston Timberlake
Clyde Kenneth Rich
Laurence Carbee Craigie
Charles White Lawrence
Wallace Evan Whitson
Russel J. Minty
James Francis Joseph Early
Alden Rudyard Crawford
Thomas Merritt Lowe
David Myron Schlatter
Charles Trovilla Myers
Leslie Page Holcomb
Wilfred Henry Hardy
Joseph Smith
Joseph Harold Hicks
Robert Chaffee Oliver
John Maurice Weikert
John George Salsman
James Michael Fitzmaurice
Hoyt Sanford Vandenberg
Stewart Warren Towle, Jr.
Walter Cornelius White
Glen Clifford Jamison
Carl Brown McDaniel
Herbert Kenneth Baisley
John Kraybill Nissley
Archibald Yarborough Smith
Charles Goodwin Pearcy
Earle Everard Partridge
David Jerome Ellinger
Cecil Ernest Henry
Uzal Girard Ent
Joe L. Loutzenheiser
Richard Emmel Nugent
John Phillips Kirkendall
Robert Roy Selway, Jr.
John Gilbert Moore
Luther Stevens Smith
Robert Wells Harper
Howard McMath Turner
Leonard Henry Rodieck
George Hinkle Steel
Edward Higgins White
William Olmstead Eareckson
Richard Weigand Gibson
John Reynolds Hawkins
Ralph Emanuel Fisher
James Somers Stowell
Arthur LeRoy Bump
Demas Thurlow Craw
Cornelius Walter Cousland
Carl Joseph Crane
Howard Eugene Engler
William Donald Old
Elmer Theodore Rundquist
Harold George Peterson
George Francis Schulgen

PROMOTIONS IN THE NAVY

TO BE CAPTAINS

Thomas S. McCloy
Robert P. Hinrichs
Pat Buchanan
Wallace B. Phillips
Harry D. McHenry
Robert B. Simons
Robert M. Hinckley
Rivers J. Carstarphen
Benjamin Perlman
Alfred E. Montgomery
James C. Clark
Guy C. Hitchcock
Anton B. Anderson
Clarence Gulbranson
Carroll M. Hall
Campbell D. Edgar
Paul S. Theiss
Charles S. Alden
James C. Jones, Jr.

TO BE COMMANDERS

Thomas J. Bay
John D. Murphy

TO BE LIEUTENANT COMMANDERS

John T. Warren
Florentin P. Wencker
Hallock C. Davis
Harold H. Tiemroth
Anthony L. Rorschach
Chester C. Smith
De Vere L. Day
Clarence E. Haugen
Rodmon D. Smith
Claude A. Dillavou
Wilfred B. Goulett
Harman B. Bell, Jr.
Kenneth V. Dawson
Harold C. Pound
Roger B. Nickerson
Willard K. Goodney
Joseph W. Ludewig
Merle Van Metre
Thomas G. Reamy
Knowlton Williams
Charles A. Bond
Clement R. Criddle
Charles E. Tolman
Frederick N. Kivette
Jesse C. Sowell
Ira E. Hobbs
Edward L. Schleif
Harold C. Larson
Thomas Burrowes
Donald C. Varian
Harry H. Henderson
Rex. S. Caldwell
Russell S. Smith
Morton C. Mumma, Jr.
David A. Hurt
Stirling P. Smith
George C. Wright
David M. Tyree
Jackson S. Champlin

TO BE LIEUTENANTS

Robert E. Hudson
Frank C. Acker
Seldom C. Small.
Joel C. Ford, Jr.
William R. Franklin
Joseph C. Wylie, Jr.
Francis D. Foley
John Munholland
Louis J. Kirn
Max Silverstein
Robert E. Vandling
Louis A. Bryan
Paul G. Osler
George L. Raring
Robert B. Fulton, 2d
John M. Lietwiler

Donald I. Thomas
Herbert M. Coleman
David D. Scott
Frank H. Brumby, Jr.
Chauncey S. Willard
John H. Morse, Jr.
David F. Kinert
Ernest D. Hodge
Harry L. Reiter, Jr.
Morton Sunderland
Ernest P. Abrahamson
Ronald L. Wilson
Richard H. Lambert
Fred L. Ruhlman
Robert H. Weeks
John G. Spangler
Walter D. Coleman

TO BE LIEUTENANT (JUNIOR GRADE)

Paul B. Ryan

TO BE ASSISTANT DENTAL SURGEONS

Richard C. Shaw
Theodore A. Lesney
Tyles R. Schroeder
Howard B. McKinney
William R. Stanmeyer
Harry B. McInnis
Robert A. Colby
William J. Charm
Lewis L. Cross
George R. Reynolds

TO BE ASSISTANT PAYMASTER

Charles J. Lightfoot

TO BE CHAPLAIN

Roy L. Lewis

TO BE CHIEF BOATSWAINS

James H. Trimble
Luin G. Kingman

TO BE CHIEF GUNNERS

John O. Cavanaugh
Harry B. Krupa
Ralph L. Keeting

TO BE CHIEF ELECTRICIAN

Merle W. Colony

TO BE CHIEF RADIO ELECTRICIANS

Charles A. Mattson
Frank H. Clarke

TO BE CHIEF MACHINISTS

Erwin W. Miller
Oswald J. Reas
Gilbert W. Bane
Wilfred S. Iredale
Joshua H. Garrett

TO BE CHIEF CARPENTER

Karl B. Diefenbach

POSTMASTERS

ALASKA

Guy E. Mish, Nome.

CALIFORNIA

George W. McMurry, Loma Linda.

COLORADO

Willard T. Moreland, Simla.

FLORIDA

Thomas Jesse Webb, Ojus.

INDIANA

Hugh M. Hayes, Elkhart.
Elnora Root, Hagerstown.

KANSAS

Nat G. Walker, Great Bend.

MAINE

Ida P. Stone, Oxford.

MASSACHUSETTS

Carl R. Rowe, Marlboro.

MINNESOTA

Richard G. Romens, Littlefork.
James T. Collins, Oak Terrace.

OKLAHOMA

Edward S. Bowles, Perry.

PENNSYLVANIA

Frank Bertovich, Bentleyville.
Blanche C. Anderson, Monongahela.

SOUTH CAROLINA

Mary Gertrude Jenerette, State Park.

WISCONSIN

Rinold N. Duren, Cazenovia.
Roger R. Austin, Lancaster.
John W. Kelley, Rhinelander.
Joseph N. Thiele, Whitewater.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 7, 1940

The House met at 12 o'clock noon.

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

Eternal God, strong to save, hear us when we call to Thee. O Thou, the unaging Christ, who hast suffered for every sin-convicted heart; Thou Holy Spirit, the Divine comforter, who didst brood upon the waters and bade the wild confusion cease; O Holy Trinity of love, mercy, and power, enable us by faith to cling to Thee. Incline our hearts to wisdom, our souls to love, and our lives to faith that the sweetening streams of the higher humanities may flow forth, unfolding and revealing Thy holy will in this changing world. By Thy help may we forsake every known evil, retire into the hushed depths of our own being and pray to God who wears the robes of the universe: "O Lord, make bare Thine arm and Thy righteous will be done." O lift us beyond the dust of matter into the morning realms of hope and vision where the tree of life spreads its branches, and here may we yearn for a deeper rest not known before. In the holy name of our Saviour. Amen.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed a joint resolution and bills of the House of the following titles:

On March 1, 1940:

H. J. Res. 456. Joint resolution making available for the fiscal year 1940 an additional amount from the special funds heretofore set up for the payment of compensation benefits authorized by certain Emergency Relief Appropriation Acts.

On March 2, 1940:

H. R. 4198. An act for the relief of M. L. Parish;

H. R. 6084. An act for the relief of Katheryn S. Anderson; and

H. R. 8237. An act to amend the District of Columbia Revenue Act of 1939.

On March 4, 1940:

H. R. 1456. An act for the relief of Maj. Herbert A. Jacob;

H. R. 2860. An act for the relief of Ben Willie Jones, as legal representative of Thelma Jones, a deceased minor;

H. R. 3794. An act to establish the Kings Canyon National Park, Calif., to transfer thereto the lands now included in the General Grant National Park, and for other purposes; and

H. R. 6505. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

On March 5, 1940:

H. R. 112. An act to facilitate control of soil erosion and flood damage on lands within the Ozark and Ouachita National Forests in Arkansas.

On March 6, 1940:

H. R. 3391. An act providing payment to employees, Bureau of Reclamation, for mileage traveled in privately owned automobiles; and

H. R. 7270. An act to amend the Bonneville Project Act.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate disagrees to the amendment of the House to the bill (S. 685) entitled "An act to create a Division of Water Pollution control in the United States Pub-

lic Health Service, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BARKLEY, Mr. SHEPPARD, and Mr. MCNARY to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a joint resolution of the Senate of the following title:

S. J. Res. 206. Joint resolution creating a joint committee to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law.

NATIONAL LABOR RELATIONS ACT

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, by direction of a majority of the committee, of which I am chairman, to investigate the National Labor Relations Board, I have this morning introduced certain amendments to the National Labor Relations Act, which have been referred to the Committee on Labor.

As it is somewhat difficult to ascertain what the amendments really mean by simply reading the amendments themselves, I ask unanimous consent, Mr. Speaker, that I may extend my remarks at this point in the RECORD to include an explanatory statement of the purpose and effect of the amendments.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. And may I say, Mr. Speaker, while I regret very deeply the inability of the committee to submit a unanimous report as to the amendments, nevertheless I believe that each member of the committee has striven earnestly and honestly to reconcile our views. It is now up to the Members of this House as to whether they wish to take action at this session of the Congress on the National Labor Relations Act.

I wish to say further that the committee has spent weeks in the preparation of these amendments and I think we can assure the House that there is nothing contained in them that will emasculate the act or diminish the right of collective bargaining or the means of enforcing that right, as guaranteed by the act. We have, however, sought to insure to both employer and employee fair, just, and honest treatment. [Applause.]

The matter referred to follows:

EXPLANATION BY SUBJECTS OF AMENDMENTS RECOMMENDED

The amendments to the National Labor Relations Act which the committee recommends be enacted are submitted in the form of a bill.

ABOLITION OF PRESENT BOARD

The amendments recommended provide for the abolition of the present National Labor Relations Board and the creation of a new Board of three members to be appointed by the President with the advice and consent of the Senate. Not more than two of the members are to be members of the same political party. The new Board is to have the same name as the present Board. There are no restrictions placed on the power of the President to appoint the members of the present Board to the new Board.

SEPARATION OF PROSECUTING AND JUDICIAL FUNCTIONS

The bill proposes to separate the prosecuting and judicial functions under the National Labor Relations Act by distributing the powers and duties under the act between the new Board, which is to exercise the judicial functions on the one hand, and a new officer, to be known as the Administrator of the National Labor Relations Act, who is to exercise the prosecuting functions, on the other hand. The Administrator is to be appointed by the President, with the advice and consent of the Senate, and is to have no connection whatsoever with the Board. The new Board is given power to appoint employees necessary to the exercise of its judicial functions, and the Administrator is given power to appoint employees necessary to the exercise of his prosecuting functions. Whereas under the present act charges of unfair labor practices are made to the regional directors of the Board, and complaints based on those charges are issued by the Board through the regional directors, under the amendments recommended charges will be filed with the Administrator or his regional director. All the preliminary investigations in relation to charges made will be carried out by the Administrator, and if he has reason to believe that the charges are true, he, and not the Board, will issue the complaints. Under the present act, the time and place for a hearing is designated in the complaint. Under the recommended amendments, the complaint issued by the Administrator will be filed with the new Board, and that Board will fix the time and place for a hearing thereon, which cannot be less than 15 days after the service of the complaint. It is hoped that this change will do away with the practice brought out in the hearing before the committee of fixing "phoney" hearing dates for use as a lever to force a settlement. The amendments recommended make it the duty of the Administrator to prosecute the complaint before the Board or before its trial examiner conducting the hearing. The Board has no prosecuting function whatever, but is to sit merely as a judge to determine the facts from the opposing contentions of the Administrator, with his witnesses, and the person complained against, with his witnesses. The Administrator is required to be made a party to all proceedings before the Board and to take such action therein as he deems necessary. Orders of the Board are to be enforced in the courts, not upon application by the Board as under the present law, but upon application of the Administrator. Such application is required to be made when the Board so requests, or may be made by the Administrator on his own motion.

Similarly, proceedings to review an order of the Board are brought by the party aggrieved, as petitioner, against the Administrator, as respondent, and the Administrator, rather than the Board, has the function of bringing to the attention of the court the reasons why the order of the Board should stand and be enforced. Thus, the Board is not required to act as advocate in relation to a matter which it has decided as judge. Since it has no prosecuting functions, the Board is given no power to subpena any witnesses, but is required, upon application by the Administrator or any party to proceedings before the Board, whether before or during a hearing, forthwith to issue subpenas to the Administrator or such party, as the case may be, for the attendance of witnesses or production of evidence. The issuance of a subpena is to be done as a matter of course, but if a person is required by any subpena to produce evidence under his control, and he thinks that such evidence has no bearing on the inquiry in progress, or that the subpena does not describe with sufficient particularity the evidence whose production is required, he may move the Board to revoke the issuance of the subpena, and the Board is required to revoke the issuance of the subpena if it agrees with him. These changes in provisions relating to the subpena power will do away with any prior restraint upon the issuance of subpenas, and at the same time adequately protect persons from fishing expeditions. Under the amendments recommended, enforcement of a subpena against one who disregards it is to be had in court upon application of the person to whom the subpena was issued rather than upon application of the Board as under the present law.

REPRESENTATION CASES

Substantial changes are made by the amendments recommended in the power of the Board in relation to determining units appropriate for the purposes of collective bargaining and certifying representatives for collective bargaining. Under the amendments, the Board is precluded from acting in these cases on its own motion, and is permitted to act only upon application by an employer under specified circumstances, or upon application by a specified percentage of, or by a representative representing a specified percentage of, employees. When such an application is made, the Board is required to hold a hearing, and if as a result of the hearing it determines that the statements in the application are true and that the question is one affecting commerce, it is required by order first to determine the unit appropriate for collective bargaining. That unit can't be larger than the largest unit claimed as appropriate in an application filed by employees or representatives in the proceeding. After determining the unit appropriate for collective bargaining, the Board is required to take a secret ballot of employees in that unit, and by order certify the representative or representatives for collective bargaining that have been chosen by a majority of the employees voting. This certification is to be effective for 1 year. Thus during this period both employees and employer will be free from controversies with respect to employee representatives.

The power of the Board to determine the unit appropriate for collective bargaining has one important exception. In cases where there is a dispute between two or more labor organizations, each of which in their applications in the proceeding claim to represent a majority of the employees in the unit claimed by such labor organization to be appropriate, as to the unit or units appropriate for the purposes of collective bargaining, the Board is required to make a finding to that effect, and is given no power in such cases to determine the appropriate unit or units until such labor organizations have by written agreement settled such dispute, or to determine any unit to be appropriate which is not specified and claimed to be such in the agreement.

Where a dispute as to the unit or units appropriate for collective bargaining exists, the employer is protected by providing that it is not an unfair labor practice for him to refuse to bargain with either faction.

FREEDOM OF SPEECH AND OF THE PRESS

Questions have arisen under the present law as to whether section 8 (1) of the act, making it an unfair labor practice to interfere with, restrain, or coerce employees in the exercise of their rights to self-organization and collective bargaining, prohibits an employer from expressing his opinion with respect to matters which may be of interest to employees or to the general public. Obviously, no law of Congress can interfere with the freedom of speech or of the press guaranteed in the Bill of Rights. Hence, a clarifying change

is made in section 8 (1) of the act to provide that nothing therein is to be construed or interpreted as prohibiting any expressions of opinion with respect to any matter which may be of interest to employees or to the general public, provided that such expressions of opinion are not accompanied by acts or threats of discrimination, intimidation, or coercion.

RULES OF EVIDENCE

Under the present law the rules of evidence prevailing in the courts of law or equity are not controlling in Board hearings. This requirement—and it has been construed as a requirement by the Board's trial examiners—has had the effect of making records unduly long, as well as permitting the Board to make findings based upon, and to draw inferences from, evidence which under the most liberal rules would never be admissible in a court of law. The character of controversies which the Board decides is not such that the rules of evidence must be relaxed to any great extent in order that substantial justice may be done or vigorous enforcement of the act effected. Thus, the committee has recommended that the proceedings before the Board or before its trial examiners shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure adopted by the Supreme Court.

FINDINGS OF FACT BY THE BOARD

Under the present law the Board is required to issue an order if upon all the testimony taken it is of the opinion that the person complained against has engaged in an unfair labor practice. The hearings before the committee indicate that the Board has confused its functions under this requirement with the function of the court in relation to findings of fact by the Board in a proceeding for the enforcement or review of a Board order, for there was testimony in the hearings to the effect that the Board made its findings on substantial evidence rather than on a preponderance of the evidence. The trier of facts is always required to make findings on a preponderance of the evidence. An appellate court accepts the findings of the trier of facts if those findings are supported by substantial evidence, because an appellate court is not in a position to weigh evidence, not having heard the testimony, seen the witnesses, observed their demeanor, and not being expert in evaluating testimony in a highly specialized field. Because the court cannot weigh the evidence, however, does not mean that the trier of facts should make findings with an eye to court review rather than with an eye to determining where the truth lies on a preponderance of the evidence before it. Hence, the committee recommends that the Board be required to make findings upon a preponderance of the evidence in the same manner as every other trier of facts.

EFFECT OF BOARD FINDINGS ON COURT REVIEW

Under the present law, the Board's findings of fact are made conclusive on the courts if they are supported by substantial evidence. While it is true that the *Consolidated Edison Case* ((1939) 305 U. S. 197) broadened to some extent the concept of what evidence was deemed substantial, the nature of the controversies which the Board is called upon to decide, such as the determination of an employer's true motive for discharging an employee, are such that the courts ought to be given more power than they now have under the present law to review the Board's findings of fact. Thus an additional standard is prescribed under which the court can overturn such findings. Under the amendments recommended, such findings are conclusive unless they are clearly erroneous, or unless they are not supported by substantial evidence.

DECLARATION OF POLICY

Two minor changes have been made in the wording of the findings and declaration of policy in section 1 of the National Labor Relations Act. First, the statement that the denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of the collective bargaining leads to strikes, etc., has been changed in the amendments recommended to a simple statement that the failure to bargain collectively between employers and employees leads to strikes, etc. In the opinion of the committee the present language of the act constitutes an indictment of employers generally, which is not justified by the facts. The second change made in the language of the findings and declaration of policy by the amendments recommended is the elimination of the statement that it is the policy of the United States to encourage the practice and procedure of collective bargaining. In the opinion of the committee, Congress should do everything in its power to protect the exercise by workers of that right, but should not require the Board to encourage unionization where employees do not want it.

VIOLENCE

Under the amendments recommended, the committee, by changes in the definition of the word "employee," proposes to write into the act the rule announced by the Supreme Court in the *Fansteel Case* ((1939) 306 U. S. 240) with respect to the right of an employee who has engaged in violence or unlawful destruction or seizure of property to be reinstated by order of the Board. If a preponderance of the testimony taken shows that an employee has willfully engaged in these unlawful activities, the Board is to have no power to order such employee reinstated.

CLARIFICATION OF TERM "BARGAIN COLLECTIVELY"

Questions have arisen under the present act as to whether the act compels an employer to enter into an agreement with the representatives of a majority of his employees in an appropriate bargaining unit. The Supreme Court, in the *Jones-Laughlin Case* ((1937) 301 U. S. 1), stated that there was nothing in the act to compel an agreement, and the committee proposes to write into the act in terms that cannot be misunderstood the rules thus announced by the Supreme Court. "Bargain collectively" is defined as including the requirement that employer meet and confer with his employees or their representatives, listen to their complaints, and make every reasonable effort to compose differences, but is not to be construed as compelling or coercing either party to reach an agreement or to make counter proposals. This definition is in substance the definition announced by the Supreme Court in the *Virginia Railway Case* ((1937) 300 U. S. 515).

STATUTE OF LIMITATIONS

Under the amendments recommended statutes of limitations are provided for in two instances. First, it is provided that no complaint can be issued which is based on a charge of any unfair labor practice which occurred more than 6 months prior to the time such charge was made to the Administrator; second, it is provided that no order for the payment of back pay or other money shall order such payment with respect to a period longer than 6 months. Cases have been brought to the attention of the committee where the decision of the Board has not been rendered until at least 18 months after the case was argued before the Board, and in which the Board has issued an order directing the payment of money during this entire period of time. It is hoped that this provision will act to speed up Board decisions.

EFFECT OF EXAMINER'S INTERMEDIATE REPORT

An amendment recommended by the committee provides that in situations where the case is heard before a single member of the Board or before a trial examiner such member or examiner shall prepare and serve on the parties an intermediate report together with a recommended order, and that unless exceptions are filed thereto within 20 days after service, or within such further period of time as the Board may allow, such recommended order will become the order of the Board. The Board is given power at any time prior to the filing in court for a petition for review or enforcement to modify any such order or any other order issued or made by it.

DEFINITION OF AGRICULTURE

Under the amendments recommended the term "agricultural labor" is clarified by definition. Such term is not defined in the present law, and the Board in the North Whittier Heights case has held that employees of farm cooperatives are not agricultural labor. This decision of the Board was affirmed by the Circuit Court of Appeals, and hence an amendment is necessary to exclude from the coverage of the act employees which it was never the intention of Congress to include in that coverage. Hence the committee recommends that "agricultural labor" have the same meaning as in the Social Security Act. This definition was carefully worked out by the Committee on Ways and Means and has been passed upon and approved by both Houses of Congress.

ECONOMICS DIVISION

Under the amendments recommended the Board will be effectively precluded from setting up an economics division. The hearings before the committee indicate that there is no justification whatsoever for the existence of this division, and there will be less justification for its existence under the other amendments which impose on the Board the exercise of judicial functions only.

EXTENSION OF REMARKS

Mr. KELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address by a former Member of this House, Hon. Maury Maverick.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein certain excerpts in explanation thereof.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANDERSON of Missouri asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. THOMASON. Mr. Speaker, in view of the interest in the progress of the Army Air Corps expansion program, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio broadcast between Major General Arnold, Chief of the Air Corps of the Army, and Mr. Fulton Lewis, Jr.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a brief editorial appearing in the Palladium Item, of Richmond, Ind., of date of March 4, 1940.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

APPOINTMENTS TO COMMITTEES

Mr. MARTIN of Massachusetts. Mr. Speaker, I submit several privileged resolutions and ask for their immediate adoption.

The Clerk read as follows:

House Resolution 415

Resolved, That BARTEL J. JONKMAN, of Michigan, be, and he is hereby, elected to the following committees of the House of Representatives: Committee on Patents and Committee on Claims.

The resolution was agreed to.

The Clerk read as follows:

House Resolution 416

Resolved, That J. HARRY MCGREGOR, of Ohio, be, and he is hereby, elected to the following committees of the House of Representatives: Committee on Public Buildings and Grounds, Committee on the Territories, and Committee on Invalid Pensions.

The resolution was agreed to.

The Clerk read as follows:

House Resolution 417

Resolved, That FRANCES P. BOLTON, of Ohio, be, and she is hereby, elected to the following committees of the House of Representatives: Committee on Indian Affairs, Committee on Election of President, Vice President, and Representatives in Congress, and Committee on Expenditures in the Executive Departments.

The resolution was agreed to.

The Clerk read as follows:

House Resolution 418

Resolved, That USHER L. BURDICK, of North Dakota, be, and he is hereby, elected to the Committee on Roads of the House of Representatives.

The resolution was agreed to.

REVISION OF THE LAWS

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEOGH. Mr. Speaker, I am pleased to announce, on behalf of the Committee on Revision of the Laws, that the fifth cumulative supplement to the United States Code is being delivered to the folding room and placed to the credit of Members. The committee has continued its practice of showing the legislative development of the code by italicizing the new matter and bracketing the deleted portions of those amendments to existing law. Supplement 5 of the code includes all laws passed up to and including the second—special—session of this Congress. The committee also maintains, for the convenience of Members and others, a current classification of public laws enacted during the present session. Inquiries for such information may be addressed to the chairman. The committee is always anxious to receive suggestions and comments from the Members, and from those who use the code, designed to increase the efficiency and effectiveness of it. [Applause.]

EXTENSION OF REMARKS

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include a resolution passed by the legislative committee of the Nebraska State Farmers' Union.

The SPEAKER. Is there objection?

There was no objection.

Mr. ELSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include therein a brief editorial from the Cincinnati Post on the subject of flood defense.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. McLEAN. Mr. Speaker, I ask unanimous consent that today, after the completion of matters on the Speaker's desk and the legislative program of the day, I be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks to be made this afternoon by the gentleman from New Jersey [Mr. McLEAN] I be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

TERM OF THE PRESIDENCY

Mr. McLEAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. McLEAN. Mr. Speaker, there is much discussion today relative to a third term for the President, and in connection with it attention is directed to the much-discussed suggestion that the President should be elected for a single term and be ineligible to succeed himself. The idea is not new. It was one of the great compromises of the Convention which brought about the adoption of the Constitution and the establishment of our present Government. I have introduced a resolution providing for the necessary amendment to the Constitution to make the change from our present practice of electing a President every 4 years without ineligibility to succeed himself. My resolution is now pending in the Committee on Election of the President and Vice President, and now would seem to be an appropriate time for its consideration and enactment. It would not affect the present situation, but it would anticipate the future.

On the 20th of July 1937 I addressed the House and covered the history of the subject of the term of the President from the beginning of the Government. In assembling the material I had the assistance of the legislative research staff of the Congressional Library; and while allowance must always be made for omissions, you will find in my remarks a very comprehensive study of the subject.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an editorial from the Bakersfield Californian on 147,000 immigrants who came into California in 1939 by automobile.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, I reserve the right to object, which I shall not do, to call the attention of the gentleman from New Jersey [Mr. McLEAN] to the fact that this proposition of one term for the President of 6 years was written into the Confederate Constitution. I am glad to know that leading Republicans have gotten around to reading that sacred document. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

NOMINATIONS FOR THE PRESIDENCY TO BE MADE IN MINNESOTA

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, contrary to general belief, the Presidential nominations for the Democratic and Republican Parties are going to be decided in Minnesota this summer and not in Philadelphia and Chicago, where most of you assumed the selections will be made. The Chicago and Philadelphia national conventions will be only to confirm action taken and decisions already made in Minnesota the first week in June.

From June 2 to 5 the National Governors' Conference will be held in Minnesota at the request of Minnesota's popular and smart young Governor, and consequently there will be in our State at that time all the best political heads, quantitatively and qualitatively speaking, in the entire United States, to say nothing of the squads and droves of newspapermen.

Will that conference discuss and decide who the Presidential nominees are to be? Knowing Governors and politicians and political writers as we do, the answer is obvious. So Minnesota steals the show and sets the stage for these most important events.

All that is left is to decide which one of our many beautiful and breath-taking summer resorts gets the Governors' conference. Minnesota's efficient adjutant general, Ellard A. Walsh, is to decide, as arrangements chairman, whether the group will go to the Arrowhead country, to Detroit Lakes, Brainerd, Gull Lake, Breezy Point, Grand Rapids, Alexandria, Hackensack, Bemidji, International Falls, or where. We have so many beautiful spots it is indeed hard to choose between them, but any place in Minnesota will inspire these political visitors, as it does everyone who breathes its fresh, pure, invigorating, pine-scented air and views its beauties of forest, lake, and countryside.

WALTER-LOGAN BILL

Mr. BARTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARTON. Mr. Speaker, I have asked for this time in order to ask a question of the majority leader. I am receiving a great many letters from my constituents asking about the Walter-Logan bill. I wonder whether the majority leader has decided whether that bill is to come before us for discussion and action at this session.

Mr. RAYBURN. A rule has been granted on that bill, but no time has been fixed for its consideration.

Mr. BARTON. Is it a part of the program that we will probably come to before adjournment?

Mr. RAYBURN. There has been no specific program made out as yet. What we want to do is pass the appropriation bills as fast as they come to the House and intersperse with that matters more or less controversial. As far as general legislation is concerned, there has been no program made.

Mr. BARTON. Would it be fair to say that there is no plan for legislation except appropriation bills at this session of the Congress?

Mr. RAYBURN. Oh, no; not at all.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. JONES of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a speech made over the radio last Monday.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks by including an article on naval personnel in the magazine Naval Affairs.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include an excerpt from the Baltimore Sun.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and include therein a speech by Mr. Dan Hallowell on the Bonneville project, delivered on the 28th day of February in Portland, Oreg.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to extend my remarks, and include a report on the methods used in the selection of candidates for Annapolis and West Point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. RUTHERFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 40]

Andrews	Doughton	Kerr	Starnes, Ala.
Barnes	Douglas	Kirwan	Steagall
Bates, Ky.	Englebright	Kleberg	Stearns, N. H.
Beam	Faddis	Maciejewski	Sullivan
Boland	Fish	Mansfield	Sweeney
Buckley, N. Y.	Garrett	Martin, Ill.	Taylor
Byron	Gearhart	Merritt	Wallgren
Camp	Gehrmann	Murdock, Utah	Ward
Clark	Gross	Myers	Wheat
Creal	Hart	Peterson, Ga.	White, Ohio
Cummings	Healey	Pittenger	Wood
Darrow	Hook	Routzohn	Youngdahl
DeRouen	Jarrett	Sabath	
Dies	Jeffries	Sandager	
Ditter	Jenkins, Ohio	Shannon	

The SPEAKER. On this roll call 373 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to insert my own remarks in the RECORD with regard to water pollution.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. EDELSTEIN. Mr. Speaker, I ask unanimous consent that on the 15th of this month, after the conclusion of the legislative program of the day, I may address the House for 30 minutes on the life and legislative experience of the late Dr. William I. Sirovich.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein a statement made before one of the House committees.

The SPEAKER. Without objection, it is so ordered.

There was was no objection.

Mr. HAWKS. Mr. Speaker, I ask unanimous consent to extend my own remarks and include an address by Senator BRIDGES made at Ogden, Utah.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KILBURN. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a letter from the Secretary of State, Mr. Hull.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that on Monday next, after the legislative program for the day, I may be permitted to address the House for 30 minutes on the subject of the migratory problem in California.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Philadelphia Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1941

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8745) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1941, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8745, the Interior Department appropriation bill, 1941, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

Salaries: For the Secretary of the Interior, Under Secretary, First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia, $874,950: *Provided*, That in expending appropriations or portions of appropriations contained in this act for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the First Assistant Secretary and the Assistant Secretary, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year, and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 2, line 5, after the comma, strike out "$874,950" and insert "$689,970."

Mr. TABER. Mr. Chairman, I am offering this amendment with the idea of trying to save a little of the money that the committee has brought in here for the operations of the office of the Secretary of the Interior. That you may know how well based my motion is let me say that the appropriation for this purpose last year was $545,410. The amount recommended by the committee is $874,950, an increase of over $329,000.

There is absolutely no justification for this increase. It is true that they have in this Department probably 150 or 175 employees who are paid from the relief rolls. To put them in with the regular employees will require $216,000. This added to last year's appropriation would make $761,000.

There is a useless item in there for propaganda and publicity of $72,000. There is another item for photographs, $12,520. There is another item for a power-policy committee—a promotion outfit—$55,560; another item for a radio section, $21,660. I have not proposed to take all of that out of this outfit, as I should.

I have only proposed to cut out $185,000. I have done this because I feel that this office is spending too much money, that there is absolutely no justification for it. When it comes to the point that the operations of a department are such that it must put somebody on the radio with arguments suggested by it every day in the year we are getting to a situation which is intolerable. It is bureaucracy at its worst. It is one of the worst showings that has ever been brought here by any department of the Government. The only way we can ever save America from the ravishment of bureaucracy is by turning down the money which is being wasted upon propaganda falsely to uphold the position these people have taken in raiding the Treasury of the United States. Never can we begin to economize, never can we get anywhere in economizing, unless we stop at the source the propaganda, vicious and improper, and in many cases in violation of the law, that has been going on for several years by this Department. I think it is one of the worst outfits in the Government of the United States, absolutely irresponsible and absolutely without any regard for the law.

I hope this amendment will be adopted. The item is even $45,000 above the Budget. Let us save a dollar. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, it is not unusual for the gentleman from New York to oppose appropriations for the Interior Department.

The first item to which the gentleman appears to object is one of $216,500, not a new item, not a new policy. This committee is not trying to establish a policy; oh no. Practically every one of these people is on the pay roll, and the gentleman himself is a member of the deficiency committee which made funds available for this personnel on a more or less permanent basis. There is nothing else for us to do except to discharge these people or make an appropriation for them. So much for that. These people are getting their money—and it is no secret—from public-works funds.

Mr. TABER. If the gentleman will yield, I have included in my amendment enough money to continue the employment of these people. It is intended to cut out the vicious propaganda.

Mr. JOHNSON of Oklahoma. The gentleman proposes to cut out $185,000, yet the item to which he objects so strenuously is a little $15,000 radio item.

Mr. TABER. It is $21,660.

Mr. JOHNSON of Oklahoma. Yet his amendment would make a cut of $185,000. Let me finish my statement. If the gentleman will permit, I did not interrupt him.

The next item to which the gentleman so strenuously objects is the power-policy item. The people are being paid now out of Public Works and it is not proposed to put a lot of additional men or women to work, as has been suggested, but the committee simply lays the cards on the table and proposes to put them on a permanent basis, where they belong.

The next item has to do with the radio service. The gentleman objects to these radio programs. These people, for the most, at least, are now being paid out of emergency funds. May I say to the gentleman that the committee, instead of bringing in a bill above the Budget estimate, this item, like practically every other item in the bill, is reduced. This reduction is between $25,000 and $30,000 below the Budget estimate instead of being $45,000 above the Budget estimate, as the gentleman has suggested.

Mr. TABER. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I do not yield to the gentleman now. The reason for the apparent increase is due to the fact that we have consolidated the estimate for the power policy committee plan into this, which amounts to $60,000. That is all there is to it.

Mr. RICH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not know whether we can eliminate all the items suggested in the amendment or not, but certainly some consideration should be given by the Members of the House to the Secretary's office. May I call your attention to the fact that the Division of Personnel Service has increased 135 percent in 7 years. The number of employees in the Interior Department in 1933 was 19,600. The number of employees today is 47,000. Get that—an increase from 19,600 employees in 1933 to 47,000 employees at the present time in the Department of the Interior, an increase of 135 percent in employment in 7 years. Perhaps the Department of the Interior is not a bit worse than the other departments because the increases in employment have gone up tremendously.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from New York.

Mr. FITZPATRICK. How many new activities have been added to the Interior Department during that period?

Mr. RICH. Too many.

Mr. FITZPATRICK. How many in the last year?

Mr. RICH. We took out three and put in four; so the number of employees there involved in the exchange was nominal.

Mr. Chairman, the point I make is that we have added department after department. What did Mr. Roosevelt say before he took office? He stated, "I will consolidate departments and I will eliminate bureaus." Instead of that he has

added more; many, many more. Let us consider the reorganization bill that was passed last year. In that connection he has added over 100,000 employees to the Government pay roll because of the reorganization. This is something the membership of the House ought to think about. The reorganization that Mr. Roosevelt has established has resulted in adding 100,000 employees. An increase of 135 percent in 7 years in the Department of the Interior is entirely too much.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. The gentleman is a very valuable member of this committee and he knows that this bill had been slashed about 20 percent before the committee got hold of it. Will not the gentleman admit in a general way that the committee did a good job in slashing this bill nearly $3,000,000, making a cut of 20 or 22 percent?

Mr. RICH. I made the statement on the floor of the House that the committee worked hard on the bill, but I could cut this bill $10,000,000 and it would not hurt our country but would help it.

In the Division of Information we have spent $21,660. I asked Secretary Ickes about this increase and he stated as follows:

I remember that Mr. Straus, the Director of Information, came in sometime ago and said he would like to put on a dramatization of the Annual Report of the Secretary of the Interior. I told him that he was crazy; that it could not be done in any attractive form. However, in due course he brought in to me a script, which I read with great care. It seemed to me to have great possibilities, and I gave a clearance for it.

When we have men in a department who can convince the Secretary that a lot of the work they do should be dramatized, I say we have too many people in those departments and they are only trying to increase the size and scope of the work of those departments. I think that propaganda of that kind within the Department is vicious and should be stopped. It does no one any good and should be stopped.

Mr. KELLER. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Illinois.

Mr. KELLER. What meaning does the gentleman get out of the proposal to dramatize this work? What does he understand that to mean?

Mr. RICH. He was talking about dramatizing the report of the Secretary. If the Secretary's report is not intelligent enough to the American people and we have to go out and dramatize it so they will know what they are talking about, then I suggest we pay more attention to our schools so that our people will be educated to understand a report of the Secretary or else have the Secretary of the Interior make a more intelligent report. If we would indulge in a little education along that line we will not need so much expense in the various departments of our Government dramatizing and putting on a department show.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 73, noes 107.

So the amendment was rejected.

Mr. GOSSETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSSETT: After the period on line 9, page 3, insert the following: "*Provided*, That no part of the appropriation made available to the office of the Secretary by this section shall be used for the broadcast of radio programs designed for or calculated to influence the passage or defeat of any legislation pending before the Congress."

Mr. GOSSETT. Mr. Chairman, I come not to attack or condemn the Department of the Interior that has done much splendid work. This amendment proposes to protect the Department of the Interior and the Congress from the folly and the danger of political broadcasts paid for out of the public purse.

The section of the bill just read appropriates $874,950 to the office of the Secretary of the Interior. Included in this appropriation for the Secretary's office are funds for the radio section of the Information Division of the Department of the Interior. Concerning this radio section, Secretary Ickes, in the hearings on this bill, testified as follows:

The Information Division proper remains as it was, and it has been very successful in serving the bureaus during the past year. There is included in our estimates, however, the transfer of a radio section, consisting of eight persons, having salaries totaling $21,660, who have heretofore served the Department but been financed by the Public Works Administration.

Then I notice in the report on this bill under increases in contingent expenses an item for radio broadcasting records of $3,000.

So far I am not complaining. The Department is to be commended for the number of entertaining and educational programs broadcast during the last year. The people of this country are entitled to full and complete information concerning their Government and its many services to them. I hope more and better programs of information and entertainment may be furnished them as time goes on. But all the programs have not been of this character. Several broadcasts have gone entirely outside and beyond the field of education or information. Our able colleague the gentleman from Maryland [Mr. COLE] has introduced in this Congress a bill enthusiastically sponsored by the Department of the Interior which would provide for the absolute Federal control of the oil business of this country, such control to be in the Department of the Interior. This is not the place for, and time does not permit, a discussion of the merits of this Cole bill. Suffice to say, it is highly controversial. In an obvious effort to build up sentiment for this bill, the Department of the Interior through its radio section staged several broadcasts that would rival Orson Welles' melodrama on the Men From Mars. I want to read you some excerpts from these broadcasts, which you will find in the Appendix of the CONGRESSIONAL RECORD on page 1124. On program No. 24, the departmental broadcaster depicts a state of public hysteria, and then follows a series of outcries from a land gone dry of oil:

DOCTOR. I'm a doctor. I must get there at once. A woman is dying.

ATTENDANT. Sorry, Doc. We haven't a drop of gasoline in the station.

(Sounds: Fire siren.)

FIREMAN (shouting). It's the schoolhouse! And we can't move our fire engines.

TRUCK DRIVER (through filter). Listen, Boss, I'm carryin' perishable goods—fruit and vegetables—on this truck. How am I gonna get them there before they spoil?

TICKET AGENT. The Twentieth Century Limited can't leave this station, Madam. You'll have to get to New York by stagecoach.

FARMER (surprised). Well, I'll be doggone. I can't use my tractor. I can't plow my farm.

HUSBAND (ordering wife). Get the children. We'll leave the house and find a restaurant where they cook with a coal stove.

DISPATCHER (droning via radio). All airplanes are grounded. All airplanes are grounded.

BOSS. You men needn't report to work tomorrow. This plant's shutting down. Can't run our machines without oil.

(Sound: Telegraph key, in and under.)

TELEGRAPHER. S O S! S O S! Steamer *America* calling. Stopped in midocean. One thousand aboard. Send help at once.

MAN. Get some candles, Martha, or we won't have light.

ADMIRAL (dictating). To the Navy Department: Fleet unable to leave port for Pacific coast as ordered. [Fade.] Guns useless without oil. Waiting further word on——

Then on program No. 26 the departmental narrator says:

I'm speaking for the Department of the Interior, principal guardian of your natural wealth; it wouldn't let me say anything that wasn't so.

This is followed by a statement that all of our known oil reserves will last only about 13 years; certainly not longer than 17 years. He then appeals to an imaginary Mrs. Murphy to see her Congressman.

Doubtlessly, oil and gas have been and are being wasted. Certainly we should conserve all of our natural resources, but no department of our Government has any right to spend the people's money in trying to sell the people anything. To present by radio at Government expense an argument in behalf of pending legislation is bad; to use misinformation in such an argument and for such a purpose is intolerable. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that the amendment be again read. I have not heard the modified amendment and I should like to know just exactly what it is. It may be that we can accept the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk again read the amendment.

Mr. JOHNSON of Oklahoma. May I say for the benefit of the Committee that certainly no member of our committee has any desire that any radio program be put on the air for the purpose of influencing legislation, either for or against any proposal. I did not hear the one particular program to which the gentleman so strenuously objects. I did hear a number of programs, and they were excellent, entertaining, and certainly not objectionable.

It was my understanding that the original amendment to be offered was to eliminate the entire item for radio programs. I am glad that the modified amendment does not attempt to do that. Personally, I see no objection at all to the amendment. I have not discussed the matter with all members of the subcommittee, but I believe we could accept the amendment as I do not think it adds to or takes from the present law.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Alabama.

Mr. PATRICK. If this amendment is put into effect, how will it be handled? Who will have the say? How could it be handled without having a board or some employees in addition to those covered by the pending measure to determine these questions? Then you would run up against the very proposition we are up against now, about being driven by some sort of regimentation.

Mr. JOHNSON of Oklahoma. May I say to the gentleman that the amendment really does not amount to anything. The present law is a good deal stronger than the amendment, and to be perfectly frank, that is the reason I am willing to accept it. Of course, the General Accounting Office has the final say as to what could be or could not be used. This really does not amount to anything, but if it will make the proponents feel better and if they will go along on the remaining provisions we will be glad to accept it.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Pennsylvania.

Mr. RICH. It certainly is not going to hurt anything and it might do a lot of good. I believe it ought to be adopted.

Mr. JOHNSON of Oklahoma. Would the acceptance of the amendment help the gentleman to go along with the bill, then?

Mr. RICH. I will certainly go along with this amendment.

Mr. JOHNSON of Oklahoma. The committee has no objection to the amendment.

Mr. COLE of Maryland. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the distinguished gentleman from Texas [Mr. GOSSETT] has referred to legislation bearing my name as inspiring the broadcasts to which he has specifically referred. I am glad the Committee has seen fit to accept the amendment, and I shall comment very briefly upon it.

The truth is that during the long and tedious hearings the committee of this House, of which I have the honor of being chairman, was conducting in the investigation of the petroleum industry, it developed through one of the witnesses that such broadcasts were being conducted under the auspices of the Interior Department. The committee condemned the broadcasts said to specifically refer to legislation before us, at that time, and does now. Because of that testimony I requested the Department of the Interior to send me some facts relative to the work which they were doing under their radio set-up costing only $15,000 a year. I was truly amazed to find the wonderful service they are rendering. I found also that some young man associated with the problem, overly zealous as to his interest in the petroleum-conservation proposition and the prevention of waste thereof, had gone beyond what the Secretary of the Interior himself desired. With the permission of the Chairman, I shall insert as a part of my remarks, a list of the leading stations throughout this country—105 in all—which are now carrying the programs of the Interior Department from New York, with professional actors paid by the broadcasting companies; also the caption of the many programs they have sponsored dealing with all the interesting and important work before this great Department. The more I read these reports the more I wonder if the reason Secretary Ickes is criticized as much as he is is because he is doing something all the time. Whether you like him or not, you must admit the efficiency of the important personnel under him. He is a man who does things, and with few exceptions, does them well. I am sure it will be interesting to the Members of the House to know what their programs contemplate in the future, and finally, the public reaction to the program What Price America, sponsored by the Department of the Interior.

Mr. Chairman, the broadcast referred to, and according to the remarks of my good friend, the distinguished Member of this House from Texas, referring to the legislation he has mentioned, has no influence upon the committee dealing with this problem whatsoever. We have about concluded the general survey of this matter, which is of such vital concern to a great majority of the Members of this House, and our report will be made within the time required therefor. As the gentleman from Oklahoma [Mr. JOHNSON] has said, the law already covers such a situation as has been described here, but nevertheless this amendment might seem to curtail in the future overstepping the bounds and privileges extended this Department. I do not think it necessary, but it might do good as a reminder.

Herewith is a list of subjects covered in the 52 broadcasts of What Price America program referred to in this discussion: Earliest Conservation; Ohio Land Co.; Lewis and Clark; The Land Office; Mormon Irrigation; Discovery of Gold; Yosemite National Park; Bureau of Mines; Major Powell—The Geological Survey; Yellowstone—Its Origin; Central Valley; The Grazing Problem; Imperial Valley; John Muir and Our National Parks; Monongah Mine Explosion and the Bureau of Mines; Olympia National Park; Helium; Bureau of Mines During the World War; The Reclamation Program; National Monuments; Our Indians; Fire Prevention in the Nation Parks; Boulder Dam; Oil—Historic Background; Hot Oil; Wildlife; Romance of Silver; History of Coal; Fish; Inventory of Our Natural Resources; This Very Moment—Fire Prevention; Plug in the Tub—Boulder Dam; Central Valley; Navajo; Grand Coulee; Oil—13 Years; Wildlife Today; Fish—Great Lakes; Grazing—Taylor Grazing Act; Field Services of Interior Department; Coal—Bituminous Coal Division; Boulder Dam; What America Has To Be Thankful For; Conservation Versus Waste; Strategic Minerals; Conservation and Democracy; Special Christmas Program; Parks—Yosemite; Puerto Rico; Grand Canyon; Bonneville Dam; résumé ended January 27, 1940.

These broadcasts have been presented over the following prominent stations throughout the country from New York City by professional actors supplied and paid for by the broadcasting company:

5 p. m.: WABC, New York; WOKO, Albany; WCAO, Baltimore; WEEI, Boston; WKBW, Buffalo; WKRC, Cincinnati; WGAR, Cleveland; WJR, Detroit; WDRC, Hartford; WCAU, Philadelphia; WJAS, Pittsburgh; WPRO, Providence; WFRL, Syracuse; WJSV, Washington, D. C.; WBNS, Columbus; WHIO, Dayton; WHEC, Rochester, N. Y.; WORC, Worcester; WPG, Atlantic City; WABI, Bangor; WCHS, Charleston, W. Va.; WESG, Elmira; WMMN, Fairmont; WHP, Harrisburg; WPAR, Parkersburg; WBRK, Pittsfield; WGAN, Portland, Maine; WMAS, Springfield, Mass.; WNBX, Springfield, Vt.; WIBX, Utica; WWVA, Wheeling; WBRY, Waterbury; WDNC, Durham; WBIG, Greensboro; WMAZ, Macon; WDBJ, Roanoke; WTOC, Savannah; WSJS, Winston-Salem;

WMBR, Jacksonville; WDBO, Orlando; WDAE, Tampa; WJNO, West Palm Beach; CKAC, Montreal; CFRB, Toronto.

4 p. m.: WBBM, Chicago; KRNT, Des Moines; KMBC, Kansas City, Mo.; WHAS, Louisville; KFAB, Omaha (Lincoln); KMOX, St. Louis; WEOA, Evansville; WISN, Milwaukee; WMBD, Peoria; WFAM, South Bend; WIBW, Topeka; KFH, Wichita; WGST, Atlanta; WAPI, Birmingham; WDOD, Chattanooga; WNOX, Knoxville; KLRA, Little Rock; WREC, Memphis; WCOC, Meridian; WSFA, Montgomery; WLAC, Nashville; WWL, New Orleans; WCOA, Pensacola; KRLD, Dallas; KTRH, Houston; KOMA, Oklahoma City; KTSA, San Antonio; KWKH, Shreveport; KTUL, Tulsa; WOC, Davenport; WKBB, Dubuque; WTAQ, Green Bay; WMFG, Hibbing; WKBH, La Crosse; KGLO, Mason City; WCCO, Minneapolis; KSCJ, Sioux City; WHLB, Virginia.

3 p. m.: KVOR, Colorado Springs; KLZ, Denver; KSL, Salt Lake City; KFBB, Great Falls; KGVO, Missoula; KOY, Phoenix; KGAR, Tucson; WGGM, Albuquerque.

2 p. m.: KOH, Reno; KROY, Sacramento; KARM, Fresno; KNX, Los Angeles; KOIN, Portland; KSFO, San Francisco; KIRO, Seattle; KFPY, Spokane; KVI, Tacoma.

5 p. m. (short-wave stations): W2XE, New York; W3AU, Philadelphia; W1XAL, Boston.

See newspapers for time: KHBC, Hilo; KCMB, Honolulu.

A special award was given this program when it was selected by Max Wiley as the best radio series presented by the Government and cited in his book Best Broadcasts of 1938 and 1939, as follows:

For its sustained dramatic interest, for its power to transport the listener to the scene, for proper subordination of informative content to entertainment value, and for accuracy of research, the series What Price America represented the outstanding radio effort of the United States Government last year.

It was also cited as "the most popular adult educational program" by the Women's National Radio Committee, comprising more than a score of national women's organizations.

Some estimate of the public reaction to the What Price America series might be gathered from the following:

A total of 137,252 requests for conservation literature—the What Price America booklet—have been answered by the radio section in connection with this series.

While the great majority of the requests did not reveal the profession or interest of the person making request, the following were identified in the numbers indicated:

Officials of adult educational organizations	431
Officials of automobile and travel clubs	25
Businessmen	641
Officials of colleges and universities	531
Library officials	127
Principals of grade and high schools	232
Professional conservationists (State officials, editors, writers, etc.)	250
Professional people (doctors, lawyers, engineers, etc.)	1,004
Students (who indicated material was being used in class work)	998
Teachers	1,244
Youth organizations officials (Boy Scouts, Girl Scouts, etc.)	180

As to current activities of the radio stations in question, I am advised as follows:

The radio section is now engaged in the research and preparation of two new series of programs.

1. This, Our America, a series to be presented on the red network of the National Broadcasting Co.

2. A second series of What Price America, developed along entirely new lines, and the outline of which is attached.

Facilities of the studios and services of the personnel, are continually employed not only with departmental activity, but in servicing the various outside agencies of government who request help and assistance. Currently there is being produced from the studios a coast-to-coast series for the Department of Labor, the episodes of which are also being electrically transcribed.

An extensive electrical duplicating job is being performed for the Music Division of the Library of Congress; a series of network broadcasts with which the Library of Congress is identified, are being recorded; planning and preparation is under way for a series of electrical transcriptions to be made for the Bureau of Fisheries to stimulate fish consumption; an extensive transcription job is being done for the Work Projects Administration; a series of radio programs is in process of preparation for the United States Travel Bureau, to stimulate travel in the Americas; a series of broadcasts to promote interest and travel in the national parks this summer is in process of being placed; a series of educational broadcasts to be based on Indian cultures and backgrounds, to be used in the schools, is being contemplated by the Bureau of Indian Affairs. Technical assistance of the Radio Section staff is being asked for an international broadcast from Mexico City, in connection with a Western Hemisphere Indian conference, to be held in April; electrical transcriptions on wildlife are being contemplated by the Biological Survey and the American Wildlife Institute; a series of electrical transcriptions are in process of being prepared for the Rural Electrification Administration; the regular series of broadcasts presented by the Office of Education are being electrically transcribed; and a series of recordings are being planned by the Social Security Board, for clarifying problems of personnel in their various field offices.

I am glad to have this opportunity to bring this information to the attention of the House, because I know the membership will be interested. Certainly I have been, and within proper limitations I think you will agree they have been performing a splendid service and should be permitted to continue to do so. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. NICHOLS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. The gentleman from Oklahoma [Mr. NICHOLS] asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. NICHOLS. Mr. Chairman, I am frank to say that I hesitate to take the floor at this time for the purpose for which I have sought the floor, but I feel sure that before I have concluded my remarks the Members will agree with me that I am justified in so doing.

Many Members know, if not all of them, that there is pending before a subcommittee of the District of Columbia Committee a proposition as to whether or not the District of Columbia shall be given the right of suffrage. I happen to be a member of that committee. Yesterday in a newspaper in Washington a rather unfair attack, I think, was made on me by reason of my stand on certain matters pertaining to suffrage for the District, and at this point I want to observe that it seems strange to me—so strange that, insofar as the newspapers of the District of Columbia are concerned, one is not privileged to take a stand contrary to the opinion of the papers of the District without having the District immediately charge him with some unholy motives.

I am too smart to jump on the newspapers. I want no argument with them. They have always got another edition coming out on you and they will have the last word. So, of course, if I had an argument with the newspapers, I would lose that argument; but now I want to refer to an article which appeared yesterday in the Times-Herald under the name of a very eminent and learned writer, Mr. Frank C. Waldrop, and, in discussing this matter, he had this to say:

To escape threatening damage to prestige, perhaps even loss of control in the House, the Grant administration rushed through the present form of District of Columbia government prohibiting suffrage to white or black. At that time Negroes were 33.6 percent of the District of Columbia population.

They were a difficult 33.6 percent, naturally, and needed patience, tolerance, and time to grow into the community. They got none of those. Instead, they were made the butt of every "confidential" explanation why Congress could not return any suffrage at all.

"Why, you wouldn't want a Negro mayor in the Nation's Capital, would you?"

That was the line the city patronage soppers used then, just as they use today. No later than 2 days ago the acting chairman of the House subcommittee considering District of Columbia suffrage let it be known that he is not against votes, but he is worried about the Negroes.

At that point I say this: Insofar as this question of suffrage has ever been considered by me, the matter of the Negro question has never been mentioned by me at any time, and when this distinguished gentleman says that 2 days ago I made any remark about the Negroes, or about the Negro question, insofar as it applied to suffrage for the District, the gentleman is making a misstatement of fact. Further, I think that the newspapers of the District could well be busily engaged about the matter of attempting to keep down racial

hatred rather than to incite it through articles like this. [Applause.]

Mr. SECCOMBE. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Let me finish and I shall yield later if I have time. I quote further from the gentleman's article:

The Honorable JACK NICHOLS, of Eufaula, Okla., his name is. The Honorable Jack isn't worried about any Negro mayor. He is worried about the prospect that his string of relatives on the pay roll of the District government would be fired if he lost his patronage control.

Meaning what? Why, the gentleman charges that I have a string of relatives on the District pay roll, and that the reason I am against suffrage for the District is because they will lose their jobs, if suffrage were granted.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. NICHOLS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NICHOLS. Mr. Chairman, the real truth of the matter is that I have not a single relative, of any degree removed, on the District pay roll. I have a sister who is employed by the Work Projects Administration, who works in the District of Columbia, of whom I am tremendously proud, and who is doing a swell job, but she does not, nor never has she, worked for the District of Columbia. Not only that, but 4 years ago I recommended a boy for a position in the District of Columbia government.

He was put to work and has been there ever since. Besides him, I have never had man, woman, or child employed by the District government upon my recommendation. Is this fair? Of course, it can only be done for one thing—in an attempt to injure me. Where? Here? Oh, no; at home. For what purpose? To scare me into submission. I do not scare easily. [Applause.] I merely ask my learned friend, the author of this story, that in the future he write anything about me that he chooses, but please confine it to the truth and I shall not quarrel with him. I cannot help but think that this matter of charging me with loading the District pay roll with patronage is a deliberate misstatement of fact.

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. SHEPPARD. The gentleman would not have his colleagues in the House believe that for a moment he wanted to restrict the great privilege of the civil liberties which the gentleman apparently exercised?

Mr. NICHOLS. Oh, no; but I wish I were accorded the same liberty.

Mr. SECCOMBE. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. SECCOMBE. Mr. Chairman, I am a member of the District Committee, and I commend the gentleman from Oklahoma [Mr. NICHOLS] for his attitude on suffrage. He has always had an open mind upon it. I agree with his course, because this same columnist made about the same attack toward me some weeks ago. I wrote to him and told him to print my words in their entirety. He never made a reply. I agree with the gentleman from Oklahoma wholeheartedly in what he has said, and I commend him for his attitude in the hearings he held in giving the question of suffrage fair hearings.

Mr. NICHOLS. I thank the gentleman and shall say just one other thing. I was sent word yesterday morning that if I did not change my attitude on this matter, a newspaper owner of the District of Columbia was going to send people into my district to attempt to defeat me. I shall call the name of that person if it is necessary. At the moment I choose not to, but if challenged I would be very happy to supply it. I thank you. [Applause.]

The pro forma amendment was withdrawn:

The Clerk read as follows:

DIVISION OF INVESTIGATIONS

For investigating official matters under the control of the Department of the Interior; for protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; for protecting public lands from illegal and fraudulent entry or appropriation; for adjusting claims for swamplands and indemnity for swamplands; and for traveling and other expenses of persons employed hereunder, $470,000, including not exceeding $40,000 for personal services in the District of Columbia; not exceeding $52,500 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motorboats for the use of agents and others employed in the field service. The Secretary of the Interior shall include in his annual report a full statement of all expenditures made under authority of this paragraph.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask the indulgence of the committee for a brief period to make reference to an item further on in this bill, namely, the Bureau of Fisheries.

I am particularly interested in that Bureau because it has been doing most excellent work in my district, as well as throughout the country. There is a Federal hatchery in a little village at the southern end of my district called Hartsville. There has been a small appropriation made by the Department for the improvement of the Hartsville hatchery. I find by building modern ponds no more water is being used in propagating fish to the extent of 300 times as many as formerly was done, and that makes just that much more distribution for the benefit of the sportsmen not only of Massachusetts, but of adjoining States.

I am informed there are in the whole country 105 hatcheries. Of those, 90 are for the benefit of sportsmen and 15 are commercial hatcheries. Ten of the commercial hatcheries are salt-water hatcheries and are entirely commercial The other 5 are part commercial, as I understand it, and part for sportsmen as well.

The increase of fingerlings in those Government hatcheries today means a distribution of fish throughout the country for the benefit of our people, particularly the sportsmen throughout the country. So you can see there is a very general use coming from the propagation of fish through these hatcheries and great increase in the outdoor life.

My experience with the particular hatchery to which I am referring indicates that the type of employees in the Bureau of Fisheries is very high. I am surprised that the Government can secure the services of such able men as they seem to have at the salaries paid. I am familiar with one or two other hatcheries as well. It shows the interest in the actual scientific work of the hatcheries themselves on the part of the employees.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes; I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. I want to confirm what the gentleman has just said with regard to the high type of employees connected with this work, and more particularly with regard to the high type of citizens who favor just this program. Some of the ablest men in the country, high officials of Government, business and professional men, and civic leaders, who are sportsmen, have written to me just to this same point—that we ought to do more to encourage this sort of wildlife for the benefit of sportsmen and for the health of our people generally. These are the men who have contacted me favoring this program. I know the rank and file of our people favor it without writing me.

Mr. TREADWAY. I thank the gentleman, and I thoroughly agree with his statement.

Further than that, the interest of those very men is producing a much larger number of sportsmen as a result of the establishment of fish clubs. We have sportsmen's clubs throughout my district. Practically every town has a sportsmen's club. That means for better citizenship and greater enjoyment of the great outdoors and recreational features of our communities. Of course, New England is much more thickly settled than the district from which the gentleman from Arizona comes.

Perhaps it would not be out of place to call to the attention of the House a general statement in connection with this matter.

Referring to the amount recommended by the Appropriations Committee for the maintenance and operation of fish-cultural stations, Bureau of Fisheries, Department of the Interior, I note the following:

Limitation of salaries in the field force, $464,690.

Operation and maintenance of fish-culture stations, including travel and distribution, $383,250.

Construction of new stations in Pennsylvania, Oklahoma, Arkansas, and Mississippi, $75,000—

Making a total recommended by the committee of $922,940.

I want to call attention to the item of $383,250 for the operation and maintenance of the stations, including travel and distribution. By "distribution" is meant that at a hatchery such as the one I speak of, where one or more trucks are provided by the Government, the fish are actually delivered where the sportsmen want them to be delivered, rather than the sportsmen being called upon to travel long distances and go to the hatcheries themselves.

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. TREADWAY. This distribution means that the sportsmen's clubs throughout an area will take the contents of the trucks or cans of fish brought to them by the hatchery officials and keep them perhaps for 6 months or a year in smaller ponds, rather than distributing them through the brooks, and in that way increase the quantity that are actually available for the sportsmen later on. In other words, they mature beyond the fingerling stage before being actually put into the brooks or ponds for the sportsmen to reach, which, of course, is a very excellent thing for the increased production, as well as for the increased possibilities of pleasure for the sportsmen.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield to my friend from Mississippi.

Mr. RANKIN. I will say to the gentleman from Massachusetts that certainly the most highly advertised fish hatchery in the world is in my home town of Tupelo, Miss. I find there, and I believe it is the same in other hatcheries, that they not only haul these fish out in trucks occasionally but they ship them in cans and lay them down at the lake or pond or stream where the receiver wants to use them. These are distributed at Government expense to those who apply for them.

Mr. TREADWAY. That is exactly in conformity with what I was endeavoring to say.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. CASE of South Dakota. The fact that the gentleman from Mississippi is interested in names is evidenced by his inquiry the other day with respect to how Hot Springs got its name. The fish hatchery in my district is named Spearfish. The gentleman, of course, would have no difficulty in recognizing how it secured its name.

Mr. RANKIN. By the way, I want to say to the gentleman from South Dakota that I understood the other day our ducks had gone up there during this cold weather. I hope he returns them now since the weather has cleared up. [Laughter.]

Mr. TREADWAY. Mr. Chairman, with reference to the general benefit of the fish-cultural appropriation the following figures, I am sure, will be interesting.

During the fiscal year 1941, 11 new fish-cultural stations will be operated, for which the committee is allowing an increase over the 1940 figure of $16,060. I note that the bureau's facilities have been greatly expanded over 1940, not only by the establishment of new stations but also through increased facilities covering pond construction and modernization of the stations for the purpose of rearing the small fry to larger fingerling sizes for distribution. This naturally requires a greater expenditure for fish food and the bureau's request for an increase in this item of $37,500 has been reduced to $8,000.

To show you why an increase in the fish-food item is needed, during the fiscal year 1938, 10,723 applications for fish were received by the Bureau. In 1939, 12,585 applications were received. To supply these applications required an output of over 8,000,000,000 fish and eggs. Of this total, 84,400,000 were fingerling fish. These fish were produced at approximately 90 game-fish hatcheries. It has been estimated by reliable authorities that there are 15,000,000 anglers in the United States, and that during the past year they spent approximately $500,000,000 for fishing tackle, accessories, and other incidental expenses in connection with a fishing trip.

Never in the history of the Bureau have the demands been so great for game fish for stocking purposes. This may be ascribed, in part, to a large number of reservoirs and lakes which have been established throughout the country through the use of emergency funds.

If the people of this country, living some distance from the sources of commercial fish—such as the Great Lakes, Pacific and Atlantic Ocean, are to be given fresh fish, the Bureau of Fisheries must maintain the streams through an adequate stocking program, which requires the production of larger fingerling fishes, and more funds for fish food for their production. So, it will be seen that this activity is well worth the expense that is involved.

Mr. RANKIN. Mr. Chairman, I congratulate the gentleman from Massachusetts [Mr. TREADWAY] on his coming around to our way of thinking on this question of fish hatcheries.

Mr. TREADWAY. I preceded the gentleman, I might say.

Mr. RANKIN. I understand the gentleman preceded me on this floor, but his education began 39 years ago, when one of my distinguished predecessors, Hon. John M. Allen, better known as Private John Allen, made the most outstanding address on fish hatcheries ever made in this body, and one that literally immortalized him.

It resulted in the creation of the fish hatchery at Tupelo, which in turn has resulted in making Mississippi the leading bass State of the Union, as I am informed by the Bureau of Fisheries.

I have signed more fish applications, probably, than any other man in either House of Congress because of the operation of this fish hatchery at Tupelo; and, for the amount of money spent on it, I know of no enterprise that has been worth more to the masses of the people of that area. I am not talking about the sportsmen particularly, for our sportsmen can go to the Gulf coast where fishing is really a luxury, but almost every farmer in the district, it seems to me, now has a small pond or a small lake that he has stocked with fish, either bass, bream, or crappies from this fish hatchery.

Here is a record of the proceedings on that day, February 20, 1901, when this Tupelo hatchery was established, as a result of Mr. Allen's address:

Mr. ALLEN of Mississippi. Mr. Chairman, I ask unanimous consent to return to page 45 of the bill, and after line 20 insert the following amendment, which the Clerk will read; and then I ask unanimous consent for 20 minutes to speak to that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

"Page 45, at the end of line 20, insert 'for the establishment of a fish hatchery and fish-culture station at the town of Tupelo, State of Mississippi, $20,000.' "

The CHAIRMAN. Is there objection to returning to this paragraph for the purpose of considering the amendment?

There was no objection.

The CHAIRMAN. Is there objection to granting to the gentleman from Mississippi 20 minutes to discuss the amendment? [After a pause.] The Chair hears none.

Mr. ALLEN of Mississippi. Mr. Chairman, I do not deem it necessary to take up 20 minutes' time of this Committee to pass this amendment, but as this fish hatchery is to be established at Tupelo, and I find among some people in the country—even some newspapermen, who are supposed to impart information to others, and some gentlemen who have been elected to Congress, and who tell me that they have not only been to school but gone through college—so much ignorance about Tupelo that I think I ought—in justice to them, not to Tupelo—to enlighten them some on this subject. [Laughter.]

If I were willing to avail myself of all the traditions and many well authenticated but not absolutely accurate historical suspicions, I might invest this subject with much more historical and romantic interest. But I propose to confine my remarks to well-authenticated facts, ignoring such traditions, believed by many of

our people to be true, as that when Christopher Columbus had his interview with Ferdinand and Isabella of Spain, that in his efforts to persuade them to back him in his expedition that led to the discovery of America, he assured them that an all-wise Creator, creating a world like this, was bound to have made somewhere near its center such a place as Tupelo. [Laughter.]

The first authentic account we have of the section of country that will one day be included in the corporate limits of Tupelo is that the great Indian chief, Chicksa, from whom that great and warlike tribe, the Chickasaw Indians, took its name, was west of the great Mississippi River, and that he, with his followers, followed a pole guided and supported by invisible hands across the Mississippi River to the vicinity of Tupelo. There, we are informed, the pole stopped, stood upright, planted in the ground, and there the Chickasaw Indians made their home. No people, Mr. Chairman, were ever directed by a wise Providence to a fairer land. 'Twas in the rolling woodland just north of one of the most beautiful prairies on which the eye of man or beast ever rested. The country abounded with all sorts of game, the streams were full of fishes, and on this continent there was no more enticing place for this poetic race of the forest. Here the Chickasaws grew to be, as they are to this time, one of the greatest and most powerful of the Indian tribes.

In 1513 the knightly Ponce de Leon landed upon the coast of Florida, and perverted history has it that he started out to look for the fountain of youth and limitless gold fields, when in truth and in fact he really started to look for Tupelo. [Laughter.] You are all familiar with the disaster that overtook his expedition. Later, in 1540, the great and adventurous discoverer, Hernando de Soto, landed his expedition on the coast of Florida, and finally succeeded in reaching and discovering for the first time by a white man Tupelo. [Laughter.]

Here he stopped in the midst of the Chickasaws until attacked by them and driven west to what is now the city of Memphis, where he discovered the great Mississippi River.

The Chickasaws were then left in peaceable possession, so far as the white man was concerned, of this beautiful section for nearly 200 years, when, in 1736, Bienville, with his expedition, came up from Florida, and D'Artaguette from the Illinois, attempted to meet and take from the Chickasaws what is now Tupelo. D'Artaguette got there before Bienville and was defeated by the Chickasaws. He and almost all of his expedition perished at their hands. Bienville arrived later, was also defeated and driven back, with great loss to his expedition; and now, in laying out and grading avenues and boulevards for Tupelo, the bones, spurs, weapons, epaulets, etc., of the slain of these ill-fated expeditions are plowed up. [Laughter.]

This is something of the early history of the place about which we find so much ignorance. My colleague, General Catchings, told me not many days ago that some newspaperman had asked him if there really was such a place as Tupelo. [Great laughter.]

I do not assert that all of these historical events to which I have referred took place immediately in the town of Tupelo, but they were in that vicinity and were on territory that we expect to have incorporated into the city some day. To come down to a later period, those of you who know anything of the history of your country will remember the contentions and contest that lasted for many years between the French, English, and Spanish Governments for the ownership of the Mississippi territory. I am informed by those familiar with the real designs of those great nations at that time that the real motive of all of them was the ownership of Tupelo. [Great laughter.]

Finally, the United States, appreciating the importance of the position, took advantage of their dissensions and acquired Tupelo. [Renewed laughter.]

About the year 1848 it became a matter of great concern to the great Northwest to secure a market for their products, so they gave aid and encouragement to the building of the northern end of what is now the Mobile & Ohio Railroad. The city of Mobile, on the Gulf, recognizing also the great advantages of direct connection with Tupelo, helped along this enterprise, and the road was built from Mobile to Tupelo. [Laughter.]

Everything went on very well until about 1861, when the South concluded to secede from the Union. I am reliably informed that when Horace Greeley and others sought Mr. Lincoln and asked him to "let the wayward sisters depart in peace," he shook his head and said, "No; this secession takes from the United States Tupelo [laughter], and we will not submit to it." And it was to rescue to the Union this town that brought on the war. [Renewed laughter.]

The armies of the Union were first directed against the capital of the Confederacy at Richmond, Va., but some obstructions were thrown in the way of that army at Bull Run, and they were persuaded to return to Washington. Another great army was then marshaled under the command of General Grant, who landed at Pittsburg Landing, on the Tennessee River, and began his operations against Tupelo. [Laughter.]

Gen. Albert Sidney Johnston and myself met General Grant's army at Shiloh [laughter], and for most of the first day we had a real good time with them, and but for General Johnston being killed and me being scattered on the evening of that day there is no knowing what might have happened or how the history of this country might have been changed. [Great laughter.]

Suffice it to say I retired on Corinth, and when we were there, sorely pressed, President Davis ordered General Beauregard to fall back to Tupelo and there make a great and desperate stand for the life of the Confederacy. And it seems that Generals Grant and Halleck were so much impressed with the dogged determination of the Confederate Army to defend Tupelo to the death of the last man that they turned away in other directions. [Laughter.] Later, General Sturgis started from Memphis with a well-equipped army with a view of capturing Tupelo and breaking the backbone of the Confederacy. But on the road down there, when he had gotten within a few miles of Tupelo, General Forrest, that great cavalry commander, appreciating what the loss of Tupelo would mean to the Confederacy, met Sturgis at Brices Crossroads, took from him all of his artillery and wagons, sent him back to Memphis without an organized company and with the remnant of his army in about one-fourth of the time that had been consumed by forced marches in going down.

But Mr. Lincoln seemed never to have lost sight of the importance of Tupelo to the Union, and he marshaled another army under that able commander, Gen. A. J. Smith, and started them to capture Tupelo. Gen. Stephen D. Lee and General Forrest, with their commands, were sent to intercept him, but in maneuvering for positions General Smith got between Forrest and Lee and Tupelo and succeeded in capturing the town; and in an effort to dislodge him from there the desperate and bloody battle of Harrisburg, which is in the suburbs of Tupelo, was fought, in which nobody had any decided advantage, but General Smith evacuated the town and went back to Memphis. But the very fact that Tupelo had fallen seems to have broken the spirit of the Confederates, and we never did much good after that. [Great laughter.]

You will find, Mr. Chairman, in the Congressional Library a book the title of which is "Tupelo." It was written by a northern Presbyterian preacher and school teacher, who happened to be down in that section when the war began. I remember him very well. This book treats of his trials and tribulations about Tupelo, where he was arrested, imprisoned, and would have been shot but for his timely escape from prison; and, as I remember the substance, as he puts it, of his offense was a suspicion that he entertained secret doubts as to the divine origin and right of African slavery.

After the close of the war, when we had returned to our peaceful avocations, one of our brightest and most far-sighted young men, having in mind the great future as well as the great past of this town, settled in Tupelo, and afterward became a Member of this body and is now about terminating a great career of 16 years here. What this Nation and this House owes to Tupelo for this contribution I leave for others to say. My modesty forbids my speaking of it. [Laughter.] Some 15 years ago Kansas City and Memphis, appreciating the fact that if they ever hoped to do any good as cities they must have direct connection with Tupelo, built a railroad from Kansas City, through Memphis, to Tupelo, Birmingham, realizing that with all of its marvelous resources they could never be developed and properly distributed without direct railroad connection with Tupelo, saw to it that the road was built from Birmingham to Tupelo.

Mr. Chairman, during the discussion on the river and harbor bill in this House recently I heard so many statistics as to the tonnage of the various cities that were seeking appropriations in that bill that it stimulated me to inquire into the tonnage at Tupelo, and I find that during last year there were about 4,000,000 tons of freight passed through Tupelo. It was only the other day you saw in great headlines in all of our newspapers that the Southern Railroad had purchased the Mobile & Ohio Railroad, running from St. Louis to Mobile, through Tupelo.

The president of the Southern road was in Washington a few days later, and I met him for the first time, and in a conversation I had with him I gathered the reason for this purchase. It was that the Southern system had already about 7,000 miles of railroad, which had cost them hundreds of millions of dollars; they found this great system, after all this expenditure, practically useless to them, because they had no direct connection or terminal facilities at Tupelo. They therefore spent many millions more for 900 miles of railroad that would take them into Tueplo and give them good terminal facilities there. [Great laughter.]

Many of you gentlemen have never been to Tupelo. I hope none of you entertain any idea of dying without going there. I should hate to have it said of any Member of this Congress—for all of whom I have such a kindly feeling—that they did not aspire to visit Tupelo before they died. [Laughter.] I extend you all an invitation to come and promise you a royal welcome. Come and go with me on College Hill some evening and see one of our Tupelo sunsets. [Laughter.]

Come and see one of our southern, silvery, Tupelo moons! I think it is the only place in the South where we have the same beautiful moons we had before the war. [Laughter.] I have often been asked about the size of Tupelo. I confess I have not been able to get the exact figures from the last census. The tabulating machines do not seem to have been able to work it out yet; but I can say, Mr. Chairman, that by sufficiently extending the corporate limits of our town we can accommodate a population larger than the city of London. [Laughter.] The truth is that our lands about Tupelo have been so valuable for agricultural purposes that we have not yielded them up for building a city as rapidly as we should have done. [Laughter.]

I can say, Mr. Chairman, that while there are larger places than Tupelo, I do not think there is any other place just exactly like it. Tupelo is very near, if not exactly, in the center of the world. The horizon seems about the same distance in every direction. [Laughter.] The sun, when doing business on regular schedule, comes right over the town, and sometimes gives us a hot time in the old town. It is a great place for the investment of capital, where it will be welcomed and protected. Come early, gentlemen, and avoid the rush!

This, Mr. Chairman, is a proposition to establish there a fish hatchery. We have the ideal place for a fish hatchery. Why, sir, fish will travel over land for miles to get into the water we have at Tupelo. Thousands and millions of unborn fish are clamoring to this Congress today for an opportunity to be hatched at the Tupelo hatchery. [Loud laughter.]

Now, Mr. Chairman, I only wish to say in conclusion that if there is a Member here who wishes to have his name connected by future generations with that of Judas Iscariot and Benedict Arnold, if he wishes to have himself and his posterity pointed at with scorn, if he desires to be despised by men and shunned by women, let him vote against this amendment and he will secure all this infamous notoriety. [Loud laughter and applause.]

Needless to say the amendment was unanimously adopted.

When Mr. Allen made that speech, you will note that the House literally roared with laughter and applause. When we look back now over 39 years and see how this movement has grown, we realize that Private John Allen was contributing to the development of a great national enterprise.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. TREADWAY. I wish simply to add that I realize the long period the gentleman's predecessor served here and the distinguished work that he did. However, in the first session I served in the Sixty-third Congress, I introduced a bill donating to the Federal Government, on behalf of a constituent, the hatchery to which I have referred in my district. It was a donation to the Federal Government, not a purchase by the Federal Government.

Mr. RANKIN. The gentleman from Massachusetts rendered a great service to the people of that area when he did it, and I congratulate him.

But I could not let this opportunity pass without calling attention to the services of the distinguished gentleman from Mississippi, the Honorable John M. Allen, who, as I said, was known throughout the length and breadth of the land in those days as Private John Allen. He was one of the great leaders of his day and generation and one of the greatest wits who ever occupied a seat in this House. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein the address by John Allen to which I referred.

The CHAIRMAN. Without objection, the request of the gentleman to extend his own remarks will be granted. The gentleman will have to submit the balance of his request in the House.

There was no objection.

The Clerk read as follows:

BITUMINOUS COAL DIVISION

Salaries and expenses: For all necessary expenditures of the Bituminous Coal Division in carrying out the purposes of the Bituminous Coal Act of 1937, approved April 26, 1937 (50 Stat. 72), including personal services and rent in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance at meetings which, in the discretion of the Secretary of the Interior, are necessary for the efficient discharge of the responsibilities of the Division; contract stenographic reporting services; stationery and office supplies; purchase, rental, exchange, operation, maintenance, and repair of reproducing, photographing, and other such equipment, typewriters, calculating machines, mechanical tabulating equipment, and other office appliances and labor-saving devices; printing and binding; witness fees and fees and mileage in accordance with section 8 of the Bituminous Coal Act of 1937; not to exceed $4,500 for hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, including one for use in the District of Columbia; garage rentals; miscellaneous items, including those for public instruction and information deemed necessary; and not to exceed $1,800 for purchase and exchange of newspapers, lawbooks, reference books, and periodicals, $2,187,800: *Provided*, That the first paragraph of subsection "(e)" of part II of the Bituminous Coal Act of 1937 (50 Stat. 72), is amended by inserting at the end of such paragraph and before the period the following: ": *Provided further*, That the provisions of this act shall not apply to a sale of bituminous coal for the exclusive use of the United States or of any State or Territory of the United States or the District of Columbia, or any political subdivision of any of them."

Mr. EDMISTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. EDMISTON. Mr. Chairman, I make a point of order against the proviso on page 8, beginning in line 7 and ending in line 14.

Mr. RICH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RICH. Does a member of the committee not have the first opportunity to make a point of order against the whole paragraph? If so, I make a point of order against the whole paragraph.

The CHAIRMAN. The gentleman from Pennsylvania, a member of the committee, or any other Member of the Committee of the Whole, would have a right to make a point of order against the whole paragraph(even though a previous point of order had been made to a part of the paragraph.

Mr. RICH. Then, Mr. Chairman, I make a point of order against the whole paragraph on the ground that it is legislation on an appropriation bill.

Mr. FITZPATRICK. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. JOHNSON] or the gentleman from New York [Mr. FITZPATRICK] desire to be heard on the point of order?

Mr. FITZPATRICK. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. FITZPATRICK. Mr. Chairman, I believe this amendment comes under the Holman rule. Eight percent of all the coal handled by this Commission will be used by the Federal, State, and city governments throughout the country. About 35,000,000 tons of coal will be used, and it will cost the Federal, State, and city governments approximately $3,850,000. It will cost the Federal Government alone $1,100,000.

The appropriation in this bill is $2,187,800 for the administration of the act. It will not be necessary for the Commission to handle about 8 percent of all the coal coming under the Bituminous Coal Act if this amendment is agreed to. It is hard to say whether or not it will save $187,000, which would be about 8 percent of the total amount allowed in the bill for administering the act. In my opinion it will certainly save from $20,000 to $100,000. If that is so, it surely is germane to the act, and it will save the different cities, States, and the Federal Government over $3,000,000.

Mr. Chairman, I feel the amendment is germane and the point of order should be overruled.

Mr. KELLER. Will the gentleman yield?

Mr. FITZPATRICK. I yield to the gentleman from Illinois.

Mr. KELLER. May I ask which point of order the gentleman is arguing, the point of order raised by the gentleman from Pennsylvania [Mr. RICH] or the point of order raised by the gentleman from West Virginia [Mr. EDMISTON]?

Mr. FITZPATRICK. The gentleman from Pennsylvania [Mr. RICH[made the same point of order as the gentleman from West Virginia [Mr. EDMISTON].

Mr. KELLER. No. He made a point of order against the whole paragraph.

Mr. FITZPATRICK. I am making a statement in reference to the paragraph beginning on page 8, line 7, a point of order against which was first raised by the gentleman from West Virginia, and I thought afterward included in the point of order made by the gentleman from Pennsylvania [Mr. RICH].

Mr. ALLEN of Pennsylvania. Will the gentleman yield?

Mr. FITZPATRICK. I yield to the gentleman from Pennsylvania.

Mr. ALLEN of Pennsylvania. The gentleman states that this paragraph is germane because of its effect on the Federal Government and municipalities so far as savings are concerned.

Mr. FITZPATRICK. It will cut down the cost of administering the act.

Mr. ALLEN of Pennsylvania. But inferentially the gentleman admits, if this act does become effective, it will cost the taxpayers of this country and the consuming public millions of dollars?

Mr. FITZPATRICK. No. If my amendment is carried, it will not cost the Federal Government or States anything.

The gentleman is not in favor of the act in the first place. The gentleman wants to knock out the entire act.

Mr. ALLEN of Pennsylvania. Yes.

Mr. FITZPATRICK. Then the gentleman is not in sympathy with the coal miners.

Mr. ALLEN of Pennsylvania. I want to amend the act so that it will be workable.

Mr. EDMISTON. Will the gentleman yield?

Mr. FITZPATRICK. I yield to the gentleman from West Virginia.

Mr. EDMISTON. If this provision stays in the act, certainly the gentleman does not think that will help the Bituminous Coal Act or the Guffey Coal Act. It will wreck the thing if that amendment stays in there.

Mr. FITZPATRICK. It will not wreck it. The savings will amount to about $3,850,000 for the States and Federal Government. In some of the cities it will cost them $1,000 a day, in some others $500, and in still others $400 a day. It is going to cost the Federal Government $1,100,000 if it must pay this tax. I am in sympathy with the act itself and I supported it.

Mr. TABER. Mr. Chairman, I desire to be heard on the point of order.

Mr. KELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KELLER. What are we talking about? We have a point of order made by the gentleman from Pennsylvania [Mr. RICH] which applies to the entire paragraph involving the Bituminous Coal Commission and we are having a discussion on something entirely different.

The CHAIRMAN. Permit the Chair to state that the first point of order was made to the proviso. Of course, if the point of order is good with reference to the proviso, it is good so far as the whole paragraph is concerned. The Chair will hear the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, that this item is legislation is specifically set out in the language between lines 7 and 10 on page 8 in that it proposes to add a paragraph to subsection (e) of part 2 of the Bituminous Coal Act of 1937.

The Holman rule provides:

> Nor shall any provision in any such bill or amendment thereto—

Referring to appropriation bills—

> changing existing law be in order except such as being germane shall retrench expenditures by reduction of the number and salary of the officers of the United States, by reduction of the compensation of any person paid out of the Treasury of the United States, or by reduction of the amount of money covered by the bill.

The language carried here does none of those things which are covered by the Holman rule. It is not in any way in order, nor does it appear that the language in any way effects a saving to the Treasury of the United States. Under these circumstances it is not legislation in line with the Holman rule, but quite the contrary, and the point of order should be sustained.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. FITZPATRICK. Assuming that 35,000,000 tons of coal are taken out of the act, will not that cut down the cost of administering the act?

Mr. TABER. Why, the proper way to cut down the cost of administering the act is to sustain the point of order and leave the language out of the bill.

Mr. FITZPATRICK. Will the gentleman answer the question; will it not cut down the cost of administering the act?

Mr. TABER. When we have to deal with one particular type of coal under one provision and another type under the other, it will cost four times as much to administer the act.

Mr. FITZPATRICK. If we cut out 35,000,000 tons, 8 percent of the total coming under the provision, will it not cut down the cost of administration?

Mr. TABER. No; it will increase the cost, because it will involve more detail and work.

Mr. FITZPATRICK. It will not.

Mr. MAY and Mr. EDMISTON rose.

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. MAY. I should like to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. In support of the point of order?

Mr. MAY. In support of the point of order.

The CHAIRMAN. The Chair feels that in fairness he should first hear from the gentleman from West Virginia, who made the point of order.

The Chair will be pleased to hear the gentleman from West Virginia.

Mr. EDMISTON. Mr. Chairman, the proviso on page 8, lines 7 to 14, is certainly very clearly, to any reasonable mind, legislation on an appropriation bill. Members have only to read the proviso to see that it is legislation on an appropriation bill. As to the application of the Holman rule, as the gentleman from New York has said, even though the language is germane, the provision saves no money. As a matter of fact, it will cost the Government a great deal of money if this language remains in the bill. In my opinion, if this language stays in the bill, all the work the Commission has done in an effort to fix some 350,000 different prices in this country will have to be done over again. Further, are we not a great legislative body if we pass a bill, make it a law of this land, and then by a proviso like this exempt all political subdivisions of the country so that the law would apply to everyone but the political subdivisions?

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman from New York [Mr. FITZPATRICK] made the statement that he voted for this bill. Now he wants to destroy it by exempting the political subdivisions. He is letting the Government do what he does not want the people of this country to do.

Mr. EDMISTON. He is doing just that, and letting every political subdivision of this country be a purchaser of bootleg coal.

Mr. FITZPATRICK. If the gentleman will permit me to answer the gentleman from Pennsylvania, was he in favor of the act?

Mr. RICH. No. I voted against it because I knew it was wrong in the first place. I am going to vote against it now.

Mr. FITZPATRICK. Certainly. I am in favor of the act, but I believe it is unconstitutional to tax the State and city governments.

The CHAIRMAN (Mr. COOPER). The Chair is prepared to rule.

The gentleman from West Virginia makes the point of order against the language appearing in the proviso in lines 7 to 14, inclusive, on page 8, that it is legislation on an appropriation bill. The gentleman from Pennsylvania makes a similar point of order against the entire paragraph beginning in line 10 on page 7 and ending in line 14 on page 8. Of course, if the point of order made by the gentleman from West Virginia as to the proviso is sustained, the point of order also having been made by the gentleman from Pennsylvania as to the entire paragraph, the result would be that the point of order would be good as to the entire paragraph.

The gentlemen speaking in opposition to the point of order have endeavored to justify the provision appearing in the bill to which reference has been made on the ground that it comes within the provisions of the so-called Holman rule. The Chair invites attention to the second sentence of clause 2 of rule XXI, commonly known and referred to as the Holman rule, which reads as follows:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The Chair also invites attention to page 56 of Cannon's Procedure in the House of Representatives, and quotes as follows:

MUST SHOW RETRENCHMENT ON ITS FACE

It must affirmatively appear upon the face of the bill that the proposition, if enacted, will retrench expenditures.

A retrenchment of expenditure relied upon to bring a proposition within the exception to the rule prohibiting legislation on an appropriation bill must be apparent from its terms, and a retrenchment conjectural or speculative in its application, or requiring further legislation to effectuate, is not admissible.

The Chair also invites attention to another precedent directly in point to a proper consideration of the question here presented, section 1530, volume VII of Cannon's Precedents, quoting:

The reduction of expenditure relied upon to bring a proposition within the exception to the rule prohibiting legislation on an appropriation bill must appear as a certain and necessary result and not as a probable or possible contingency.

The language of the proviso to which the point of order is made is as follows:

Provided, That the first paragraph of subsection "(e)" of part II of the Bituminous Coal Act of 1937 (50 Stat. 72), is amended by inserting at the end of such paragraph and before the period the following: "*Provided further*, That the provisions of this act shall not apply to a sale of bituminous coal for the exclusive use of the United States or of any State or Territory of the United States or the District of Columbia, or any political subdivision of any of them."

It seems to the Chair that this language is legislation on a general appropriation bill. The very language itself clearly shows that the purpose sought to be accomplished is the amendment of existing law. Therefore, as it appears so clearly that it is legislation on an appropriation bill, under the provision of the rule to which the Chair has referred and based upon the previous decisions and precedents here cited, the Chair feels that this provision does not properly come within that provision of clause 2 of rule XXI, known as the Holman rule.

The Chair, therefore, sustains the point of order made by the gentleman from West Virginia as to the proviso, and likewise sustains the point of order made by the gentleman from Pennsylvania as to the entire paragraph. The entire paragraph will go out on the point of order.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: On page 7, beginning in line 10, insert a new paragraph, as follows:

"Salaries and expenses: For all necessary expenditures of the Bituminous Coal Division in carrying out the purposes of the Bituminous Coal Act of 1937, approved April 26, 1937 (50 Stat. 72), including personal services and rent in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance at meetings which, in the discretion of the Secretary of the Interior, are necessary for the efficient discharge of the responsibilities of the Division; contract stenographic reporting services; stationery and office supplies; purchase, rental, exchange, operation, maintenance, and repair of reproducing, photographing, and other such equipment, typewriters, calculating machines, mechanical tabulating equipment, and other office appliances and labor-saving devices; printing and binding; witness fees and fees and mileage in accordance with section 8 of the Bituminous Coal Act of 1937; not to exceed $4,500 for hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles including one for use in the District of Columbia; garage rentals; miscellaneous items, including those for public instruction and information deemed necessary; and not to exceed $1,800 for purchase and exchange of newspapers, lawbooks, reference books, and periodicals, $2,187,800."

Mr. JOHNSON of Oklahoma. Mr. Chairman, I think it is obvious that this amendment as it now stands contains no legislation. I shall not take the time of the Committee to discuss it at this time.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Kentucky.

Mr. MAY. The only thing this amendment does is to reinsert a portion of the paragraph to which a point of order was made by the gentleman from Pennsylvania [Mr. RICH], and the bill is exactly as written down to the proviso on page 8.

Mr. JOHNSON of Oklahoma. The gentleman is correct.

Mr. ALLEN of Pennsylvania. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ALLEN of Pennsylvania to the amendment offered by Mr. JOHNSON of Oklahoma: In the last line of the gentleman's amendment, after the word "periodicals", strike out "$2,187,800" and insert "$1,187,800."

Mr. ALLEN of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ALLEN of Pennsylvania. Mr. Chairman, so that I may explain the purpose and significance of this amendment to the Committee, I would like to relate a brief history of the legislation pertaining to the bituminous-coal industry. The first attempt to regulate bituminous coal came in 1933, under the N. I. R. A., which act was declared unconstitutional in 1935. Following this the first Bituminous Coal Act was passed in 1935 and declared unconstitutional in 1936, and the legislation under which we are operating today was passed in April of 1937, nearly 3 years ago.

I cite these facts to emphasize that since 1933 we have been accumulating records and data, all of which could have been used as a basis for a price-fixing program had the Bituminous Coal Commission, now a Division of the Department of the Interior, been working effectively.

I voted for the Bituminous Coal Act of 1937, hoping it might possibly bring some order to an industry which was in comparative distress, but we have learned from experience since the passage of that act in April 1937 that the legislation itself contains unworkable provisions. Furthermore, there has been obvious maladministration of that legislation, which is well known to most of the Members of this House.

Now, I come from a large bituminous coal district. If any benefits had resulted from this legislation I would be on the floor this afternoon fighting for the full amount of this appropriation. If this meant anything constructive to the coal operators or the coal miners of my district I would be working for this appropriation and not against it.

Mr EDMISTON. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Pennsylvania. Not at this point, but I will be pleased to yield in a moment.

I ask the membership of this House to pause for a moment before we throw good dollars after bad. Before we appropriate any more money to be wasted—and money has been wasted during the past 5 years on this ill-starred legislation—we should study the record and take account of facts.

The purpose of the Bituminous Coal Act was twofold, first to fix prices, and second to regulate the bituminous-coal industry. During the whole history of this legislation not a single price has been fixed except for one brief period in 1938, and those prices were thrown out 2 months later because they had been arrived at illegally by the Commission. As far as regulating the industry is concerned, it has been plunged from comparative disorder into absolute chaos. Bureaucrats want to control, not regulate. Nothing has been accomplished to benefit the bituminous-coal industry under this legislation. After 5 long years at an estimated cost to the industry and to the people of $20,000,000 the results are zero.

I want to quote from the hearings at page 128, where the gentleman from Pennsylvania [Mr. RICH] asked this question:

The question is, What have you accomplished both for the operators and the miners in that time?

The answer was:

Mr. GRAY. Nothing, except the attempt to set the prices, which is now almost accomplished.

Mr. Chairman, refer to the hearings on this legislation during the past 4 years and you will find where that statement "We are about to establish minimum prices," has been made every year since the adoption of the legislation. We are still waiting for that phantom schedule. It is just around that mythical corner today as it was 3 years ago.

Former profitable mines are losing money today; more mines in America are closed today than before the passage of

this act in April 1937, and more miners are out of work today than there were then. Does that record warrant confidence, or the further appropriation of good dollars?

Here is the history of bituminous coal since the passage of this vitiating legislation.

Overcome these facts if you can: In 1936 the industry lost slightly in excess of $12,000,000; in 1937, the first year of this legislation, the industry lost $37,000,000; in 1938, the industry lost $60,000,000; and in 1939, the figures are not yet available, but the loss will approximate the losses of 1938. Can the proponents of the Coal Act speak with assurance when they are face to face with such a record? One reason for these losses is the 30-day restrictive contract clause, and I wish you would give me your attention for a moment on this provision. The producers of bituminous coal under the provisions of the Coal Act can contract with consumers for a limited period of only 30 days. You know that large consumers, depending on uninterrupted production schedules and cost schedules, cannot afford to contract for 30-day periods only. We have driven consumers who have previously purchased bituminous coal into the arms of competing fuels. Furthermore, the expense of selling coal every 30 days has been prohibitive. Common sense suggests that.

Price-fixing alone has always been unworkable. We are mocking the experience of history when we try to assure any industry a profit by Government edict, a thing which has never been accomplished unless the Government has owned that particular industry outright. Prices today on coal are based on production costs, and those costs depend on wages and taxes, insurance and State legislation—all of which are dynamic factors. They may change from day to day. Yet after a period of months, we have established in one area alone 500,000 minimum coal prices.

Think of that—500,000 minimum prices, and those prices may be completely changed tomorrow morning, or even before they are made effective, by one slight alteration in the wage structure or in the insurance rates in the coal industry. Is there any human agency that can possibly administer 500,000 complex prices in just one area alone—and there are several areas in this country?

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Pennsylvania. Not now. So today's prices may be obsolete tomorrow morning, and there is going to be constant confusion in this industry even if minimum prices are established. Read what the Consumers' Counsel said—that agency of the Bituminous Commission which was established to protect the consumer. Read what our own agency said of this legislation, and it is contained in its report to Congress of December 27, 1938:

> It is impossible to believe that a police organization—
>
> Meaning the Bituminous Coal Commission—
>
> will be successful in enforcing regulations and compelling observance of decisions which attempt to put so many prices into effect.

Many of you have no coal mines or miners in your districts, but you all have consumers of bituminous coal. I want you to look on page 71 of the hearings, in which it is stated by Mr. Kirgis, of the Consumers' Counsel, that once these minimum prices are established the coal bill of our people will jump $44,000,000 a year. If you have consumers in your district who can stand that higher cost of living, if the unemployed in your district can afford to pay more for their coal, if the working people in your district can afford to do so, then, by all means, vote against my amendment. My conviction is that the consumers of America are already saddled with too heavy costs of living. This Congress cannot afford to impose higher prices on them for such a fundamental necessity as coal. It is just a matter of robbing Peter to pay Paul, trying to help one economic group at the expense of another. It just is not fair. And it is not good economics.

I wish you would refer to the statement by our colleague, the gentleman from Illinois, Mr. Anton Johnson, in the CONGRESSIONAL RECORD of February 23, wherein he states that he has received protests from three large communities in his district because of the increased costs to the citizens of his communities, if these proposed prices are once established.

Mr. Chairman, this matter is not an isolated case. There is a principle involved in this whole legislation. It is for us to decide now whether we are going to arrest the onward march of bureaucracy; whether we are going to veer away from that dangerous tendency we have been following in recent years. We must determine whether we are going to stand by a system of free enterprise as against regulation; reasonable industrial freedom as against bureaucratic dictatorship. On page 28 of the hearings I think the attitude of Mr. Ickes, Secretary of the Interior, is clearly revealed when in answer to a question he states:

> Most of this coal goes into interstate commerce. It would work for uniformity, and I think Federal inspection and supervision and other things would be equally or better handled by the Federal Government than by the State. It removes it from local influence.

It is up to us to decide whether we wish to scrap State rights and State regulation and concentrate all power here in the hands of a Federal bureaucracy. When we do that there will, of course, be no democracy here in America. [Applause.]

[Here the gavel fell.]

Mr. EDMISTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. ALLEN].

Mr. Chairman, I would like to answer the gentleman from Pennsylvania on the amendment which he has offered, the effect of which is plain to every Member of the House. It is simply to scuttle the Bituminous Coal Commission.

I grant that the Bituminous Coal Commission has not functioned the way many of us had hoped it might, but there have been several million dollars invested in an effort to try to get it to do what a great many of us believed would be a godsend to the coal industry. We are assured now that they have complied with the legal requirements on price fixing and that those prices will be forthcoming in the very near future. Having invested several million dollars in this matter, certainly we do not want to scuttle the ship before we have given it a trial, to see whether it will work or not.

The gentleman from Pennsylvania [Mr. ALLEN], I know, does represent a large bituminous coal producing district. He said, "What good has this act done for the coal industry?" It will do a great deal of good for the coal industry when these prices are fixed. Let me tell you that since we have had the Bituminous Coal Act we have had peace in the coal industry. We have had no bloodshed, and the miners have been working for a living wage. When these prices are fixed the operators will make a fair profit on their production.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I cannot yield. The gentleman did not yield to me.

These things have come out of the industry. We all know the past history of the coal industry—the strife and turmoil and bloodshed for years. Since the enactment of the N. I. R. A. and the Bituminous Coal Commission we have had no bloodshed in the coal industry.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. ALEXANDER. Up in our section there has been a great deal of opposition to the Bituminous Coal Commission because of the fear that in setting these prices you are talking about they are going to make it so high that we cannot afford to use that type of coal up there, and as a result at the present time there is a move on foot to borrow $11,000,000 through the Reconstruction Finance Corporation for the purpose of running a gas pipe line from the Kansas gas fields, and gas will be substituted for coal. What is the gentleman's answer to that?

Mr. EDMISTON. The gentleman will find that when he gets his gas up there from Kansas that unless an entirely unreasonable price is fixed on coal, it cannot compete with coal.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. MAY. I think the gentleman should tell the House that this money is all collected from the coal operators by a special tax, and none of it comes out of the Federal Treasury.

Mr. EDMISTON. That is true. Members of the committee will point that out later. But 1-cent-a-ton tax, paid by the producer, the coal operator, will at the end of this fiscal year have paid more money into the Treasury than all of this has cost the Government.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. SCHAFER of Wisconsin. These coal operators pay the tax, but they pass it on to the consumer, do they not?

Mr. EDMISTON. Well, does not the consumer always pay all the taxes?

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. Yes; I yield.

Mr. WALTER. Is it not true that the reason why the act has not been put into effect is because of the cases in the courts that have been held up?

Mr. EDMISTON. Of course, the court threw out the prices that they did establish and made them do it in a different way; that has taken this time. You can all imagine how much time it takes to fix 400,000 prices on anything.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. VAN ZANDT. I am deeply interested in the coal question by reason of the many coal miners in my district, but I think the gentleman has confused many Members. The gentleman mentioned a moment ago that the Bituminous Coal Commission has brought peace to the coal industry. How did the Bituminous Coal Commission bring peace to the industry?

Mr. EDMISTON. Because under price fixing the operator can pay a fair, decent, living, American wage to the miner, and he does not have the old strife and turmoil and bloodshed that he had in the olden days. He believes that prices will be fixed and he can make a legitimate profit.

Mr. ALLEN of Pennsylvania. But there has been no price fixed.

Mr. EDMISTON. Eighty percent of the coal operators are trying to comply with what they want when the prices are fixed. They are trying to anticipate it and do it on that basis.

Mr. VAN ZANDT. Until prices are fixed the industry will have to depend on agreements already negotiated between the producers and the miners?

Mr. EDMISTON. That is right.

Mr. VAN ZANDT. Therefore the Bituminous Coal Commission has had nothing to do with peace in the industry.

Mr. EDMISTON. The Bituminous Coal Division has had a great deal to do with peace in the coal fields since its establishment.

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. JOHNS. What do I understand by "the fixing of 400,000 different prices"?

Mr. EDMISTON. They have to fix the price of coal for each mine to each market to which that mine ships its coal. You can readily see how many prices there would be for one mine. One mine may operate two or three different veins of coal, and the price will have to be fixed for each seam of coal. [Applause.]

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in Pennsylvania we used to have 800,000 miners; today we have about 400,000.

Mr. Chairman, I am interested in seeing that the miners of Pennsylvania have jobs. What is the result if they do not? We have to find something else for them to do. I do not want to do anything that would in any way interfere with the Pennsylvania miners, although I have very, very few in my district.

The bituminous-coal code requires the mine operators to come under its provisions or pay a penalty of 19½ percent. You will see on page 125 of the hearings where I asked Mr. Gray whether they would compel them to come under the code. He said no, they are not compelled to, but any mine operator who would not come under the act would be a fool, because he has to pay only 1 penny a ton if he comes under the act, but if he does not then he is fined 19½ percent. They drive them into it, yet Mr. Gray says they are not compelled to come in.

All I have to say is that a 19½-percent fine would compel anyone to come under a code. What is the result? They have gone around to every mine operator in Pennsylvania and told him that if he did not come under he would be fined 19½ percent. Well they will all come under the act to avoid the penalty.

What is the result of operations under the Bituminous Coal Commission? In 5 years we have poured $10,000,000 into this Commission. When it was a 5-man board they were always at loggerheads and fighting each other every time they came before our subcommittee. Not once were they in harmony as to what they wanted. It was terrible. I must admit though that it is a whole lot better under the management of Mr. Gray than it was under the 5-man board.

If the Commission required all the money provided under this item of the bill to operate their established program for 1 year I would not object to it, but I think it could easily be cut down by $1,000,000 and the carrying out of the purpose of the Bituminous Coal Act would not be interfered with one iota. We could thus save $1,000,000. I think it is only wise that the committee adopt the amendment offered by the gentleman from Pennsylvania [Mr. ALLEN].

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. WALTER. Does the gentleman feel that after having expended the tremendous amount of money that has already been expended it is good economy to prevent putting into effect the very thing we desired when we first passed the act?

Mr. RICH. I tried to explain how I felt about that. After 5 years of effort and $10,000,000 expense they have not even fixed the price of coal. It is ridiculous. I know it is said the price of coal will be published on the 1st of April. The basic principle being established, and everybody being signed up, it is simply ridiculous to believe that they cannot properly function with the amount of money that would be left in the bill if the amendment offered by the gentleman from Pennsylvania [Mr. ALLEN] is adopted. I feel confident they will still have sufficient money. It will not destroy the act; it will help it and eliminate a lot of political leeches, who are of no service to the Department.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. ALLEN of Pennsylvania. Is it not true that from a purely economic standpoint in order to fix prices you must control production also? And is it not further true that this bureaucracy in Washington is trying to control production at the mine and that the next step will be outright ownership?

Mr. RICH. Absolutely, and it will do very great damage and injury to the coal-mining industry. I hope that the coal industry of Pennsylvania, instead of going backward, will go ahead so we can give our miners work. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 20 minutes.

Mr. MAY. Mr. Chairman, reserving the right to object, I have been trying for some time to get an opportunity to debate this amendment, but the Committee has not seen fit to give me a chance to be recognized. Unless assured that I shall have 5 minutes, I shall object.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. MAY. Mr. Chairman, I object.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that debate on this paragraph and all amendments thereto close in 30 minutes.

Permit the Chair to state that the Clerk has furnished the Chair with a list showing the following gentlemen as seeking recognition on this amendment: Messrs. MAY, KELLER, LEAVY, JOHNS, REECE of Tennessee, and JOHNSON of Oklahoma.

Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma [Mr. JOHNSON] is recognized for 5 minutes.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the splendid and able arguments made by the two gentlemen from Pennsylvania would be apropos were we still operating under the seven-man board that had a lot of trouble, legal and otherwise. But that board is a thing of the past. It does seem that a lot of prejudice still is held here against the present set-up because Members disliked the old Coal Commission.

I do not think I am unfair when I say that the gentleman's argument is about the same as he made last year against the seven-man board. A year ago, when the members of that board appeared before our committee, they were divided as to policy and were not in accord. Some of them were said not to be on speaking terms. That situation, however, no longer obtains. But the present Director, Mr. Howard Gray, is doing a good job and I think every member of the committee who heard his testimony realizes and appreciates he is doing an outstanding work. Harmony and efficiency has replaced chaos and inefficiency.

I want to call the attention of the members of the committee to the fact that the Committee on Appropriations has been able to cut this appropriation $1,312,000 below the figure appropriated last year for the seven-man board. I am glad to say to the Members that they have already eliminated a large part of the personnel and other expenses. After this has been done and after hearing the evidence, the committee slashed another $200,000 from the appropriation and we feel that the bill has been reduced about as much as possible and still maintain efficiency.

Mr. Chairman, I speak as one who has no coal in his district. Moreover, it is well known that I voted against the original bill establishing the Bituminous Coal Commission. But we have it now, the law is functioning, and it is doing a good job. We heard no protests, except from one Member of Congress. We did not hear a protest from a single coal miner or coal operator. Not one of them appeared before our committee and asked that the appropriation be eliminated or reduced.

Mr. RICH. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Pennsylvania.

Mr. RICH. We did not ask any coal operators to appear.

Mr. JOHNSON of Oklahoma. No; neither did we ask 50 Members of Congress to come before the committee, either; but some 50 of them appeared before our committee, and all, save 1, asked for increased appropriations.

We have reduced this item as far as we feel it can be reduced and at the same time efficiently function. Let me call attention to the fact that 1 year hence this law expires. If you eliminate a million dollars from this bill, you will simply be saying, "We are not going to wait a year. We do not propose to give Mr. Gray and his set-up an opportunity to make good. We are going to do it now just in order to show we did not like that seven-man board that preceded him."

The gentleman from Pennsylvania [Mr. ALLEN] is one of my good friends. I have gone into his own district more than once and have been delighted to speak for him. He is an able and valuable Member of this body. He appeared before our committee and repeatedly said he was against the bill, and he is against the appropriation for the Coal Division. All of us know of his personal feelings on the matter. Members who are against it, who are not willing to give the new Director any chance at all; then, I submit, that they ought to vote against any appropriation; but certainly they should not cripple the bill by voting for the pending amendment. But those who are willing to give Mr. Gray and his organization a chance to make good, as they are already doing, then, may I ask you to vote down the Allen amendment?

Mr. RICH. We appropriated last year over $3,000,000, and he has up to the 1st of July to spend the unexpended portion of that appropriation?

Mr. JOHNSON of Oklahoma. That is right.

Mr. RICH. He is going to have the price of coal on April 1. By the 1st of July he can cut down his force, and it would be good business to do that.

Mr. JOHNSON of Oklahoma. This bill proposes to cut the appropriation down about one-third. This bill, I again remind Members, represents a reduction of more than $1,300,000 below what they had last year.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. MAY].

Mr. MAY. Mr. Chairman, I want to talk about the feature of this bill that affects as much, if not more, the State of Pennsylvania than any other State in the Union. Pennsylvania in population is a large State, and in coal production it stands number one, or did until West Virginia exceeded it. Kentucky comes about third. I happen to have been engaged in the coal business long enough to learn that the problem of price-fixing is a most difficult one. First of all you are up against about 6 or 7 different grades of coal; then you are up against numerous kinds of coal; and when a commission is dealing with a great industry as basic as the coal industry is, an industry that covers 37 of the 48 States, it has a stupendous problem. May I say that I do not believe in fixing prices and the only way I can justify my vote against the amendment is to say that I have never believed in spending, as some have asserted here, $10,000,000 in an effort to complete a job with a fixed objective, and then cut off a million dollars to keep it from being performed in the end.

I was a little amazed that my colleague from West Virgina [Mr. EDMISTON] said this involved a job of fixing some 400,000 different prices. When you figure there are seven grades of coal, all selling at different prices, going into three or four different markets and into a multitude of different uses, you can appreciate what a difficult problem it is. It may never be accomplished. But inasmuch as the money comes out of the pockets of the coal producers, I think it would be unwise of the Congress to undertake to nullify a statute which we ourselves enacted by withdrawing an appropriation to make it effective.

May I say further that there is no industry in this country that pays unskilled labor higher wages than the coal industry—and I mean by unskilled labor the ordinary coal loader who takes a pick and shovel and goes into the mine and loads the coal. When you say that they cannot fix the price of coal, it means that in the State of Pennsylvania, where there are some 400,000 men making their living by loading coal, you are, in effect, saying that they will not get credit for what we know in the coal mines as bug dust, which comes from the cutter bar of the machine. About 6 inches of the coal goes back into the gob, as we term it, and the miner gets no credit for that. If there is a price fixed on that and a price can be found, it will enable the coal loader to have in his pay check at the end of the half of the month credit for the bug dust that he has never heretofore received, and I want to say on behalf of the 30,000 coal loaders who live in the eight great counties of my district that I would like to see them get credit for it. I am not going to vote to cut the throat and assassinate the legislation that they have sponsored by withdrawing the appropriation, legislation enacted by the Congress.

Mr. RICH. Will the gentleman yield?

Mr. MAY. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman is anxious to have his miners work. The only way that his miners can have jobs is to have the operators sell coal.

Mr. MAY. That is right.

Mr. RICH. If you increase the price of coal so that coal competes with oil, then you are going to put coal out of business, and the consumers will all use oil. You will not be able to increase the wages of your men, who you say get high wages now, if they mine something that the operators cannot sell, and you will do your miners an injustice.

Mr. MAY. In the oil business you do not have half a dozen different kinds of oil coming out of the same well. In the coal industry you do have different grades of coal coming out of the same mine. The only purpose of the fixing of prices is to make profitable the under grades of the coal by providing, not a high price but a stabilized uniform price in particular markets. If prices can be stabilized and thereby bring about a stabilized and steady year-round market, that means steady employment for the coal miners and steady and profitable business for the merchants and other business interests in thousands of communities where coal is produced. That is the kind of business I want. [Applause.]

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. REECE].

Mr. REECE of Tennessee. Mr. Chairman, I believe, as the gentleman from Pennsylvania has said, it is generally admitted the Bituminous Coal Division, as it is now operating under the Interior Department, is doing a good job and is conscientiously trying to carry out the purposes of the act, and will do so unless handicapped by inadequate funds. The amount provided in this bill is more than $1,000,000 less than the old Commission used in the previous year and the amount is some $200,000 less than the estimate of the Budget Bureau, and the Budget estimate was less than the estimate of the Coal Division. The amount collected by the 1-cent tax levied under the act well exceeds the amount provided for its administration. It amounted to about $3,750,000 in 1939 and it is expected this year to be something like $4,000,000. Thus the amount to be collected from the tax imposed is substantially more than the appropriation recommended. The purpose of this tax, though not expressly so stated in the act, is to defray the cost of administering it and not for the purpose of general revenue.

In my opinion, it is unfair to the coal industry, who pays the tax, and to those charged with the responsibility of administering the act, not to provide a sufficient amount of the tax revenue to properly carry out its purposes. This is particularly true during the period when the act is being put into operation, which is the case during this period. The coal industry wants the act given a fair trial. This cannot be done unless the Division is given an adequate appropriation during the rest of the year. Unless this is done we will never know whether the act can be made to function in the interest of the coal industry, in the interest of the employees, and in the interest of the public. If we are not going to provide sufficient money to ascertain whether that purpose of the act can be carried out, then I say we ought to eliminate the entire item at this time. We will never be able to find out if it is able to function in the interest of the public and the industry unless we give it sufficient money to carry out the purposes of the act. The appropriation should be governed by the requirements as estimated by the Division unless those estimates are shown to be erroneous. I think myself we ought to have provided the money which the Division felt it should have in order to function properly, since its estimates were not shown to be erroneous. Certainly the committee went far enough when it reduced the estimate of the Budget Bureau by $200,000. The Division should not be handicapped by lack of money so that the act will not have a fair trial in its operation.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. REECE of Tennessee. I yield to the gentleman from Pennsylvania.

Mr. RICH. We have had this Commission set up for 4 years and have given them $10,000,000, but they have been fighting all the time and have not even fixed the prices of coal. After spending $10,000,000 they say they will have the price schedule ready by the 1st of April. Does not the gentleman believe they ought to be able to function and do what it was intended they do without having all these men on the pay roll, who were not required even when they were making up this price schedule?

Mr. REECE of Tennessee. The old Coal Commission had a very difficult problem to face. I presume none of us feel that it functioned as well as it should have, but it encountered difficulties, some of which were legal. After it was ready, at one time, to promulgate prices, due to interpretations by the Court, it was found necessary to withdraw proposed schedules and start anew with reference to the determination of prices. Regardless of what the gentleman from Pennsylvania may say about the old Commission, he admits the Division is now doing a much better job, and it is generally felt that it is doing an excellent job. I think those in charge of its administration should be commended. They certainly should have our cooperation after we have given them this responsibility.

Mr. Chairman, it would be very unfortunate if this amendment should be adopted. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. KELLER].

Mr. KELLER. Mr. Chairman, I agree heartily with what the gentleman who just preceded me had to say. He has given a very fair, a very sensible, and a very rational statement in regard to the entire matter.

Referring to my friend the gentleman from Pennsylvania [Mr. ALLEN], let me suggest that under the N. R. A. the great John Morrow companies did make money. They can make it again when we have proper control of the industry, and they will do it. It happens, however, to be an outfit that has never believed that anything the present administration has ever done or ever will do is any good at all, and therefore it is "agin it" whether it has any sense to it or not. Let me suggest to the young gentleman himself that if he believes this act is unworkable, instead of trying to sabotage the act he should bring to this body proper amendments to make it workable.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KELLER. No. The gentleman would not yield to me and I cannot yield to him—the gentleman had twice as much time as I am getting—although I would like to beat the gentleman in his own argument, because he cannot defend his position.

There is only one object sought by this amendment, and that is to sabotage the entire program that this act has provided for.

Mr. FLANNAGAN. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield to the gentleman from Virginia.

Mr. FLANNAGAN. Is not this an indirect attempt to kill this piece of legislation?

Mr. KELLER. Certainly.

Mr. FLANNAGAN. Is it not a fact that there is no demand from either the operators or the miners to repeal the Bituminous Coal Act?

Mr. KELLER. Certainly. I thank the gentleman for the suggestion.

If any man who thinks the task of setting the prices of coal is an easy one will look into it just slightly, he will find that it is one of the most difficult problems we have ever undertaken. I also am against all price fixing if the problems involved can be solved otherwise.

I want to call attention to the fact that the gentleman from Minnesota [Mr. ALEXANDER] raised the question as to whether the farmers in his section of the country should pay higher prices for heat, for coal. My understanding is that we all want fair prices for the farmers. I know I want fair prices for mine, and I think everybody else wants fair prices for their farmers. But I also want fair prices for the coal producers and coal miners, and I think everybody who has coal production in his district wants the same thing. The truth of the matter is that what we are really trying to do here is to set up such conditions as will bring about fair

prices for everybody. That is a national idea we are seeking to solve.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield to the gentleman for a question only.

Mr. MAY. Is not the situation that we have here very much like the man who gets a house built up to the roof and then plasters it and goes off and leaves it?

Mr. KELLER. That is exactly what would be the effect of adopting this amendment.

Mr. THOMAS F. FORD. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield to the gentleman.

Mr. THOMAS F. FORD. Is it not possible that this Board will ultimately develop a set of facts through the work they have been doing which will solve the problem?

Mr. KELLER. Exactly; and I want to suggest that since the gentlemen from Pennsylvania who have interested themselves in this discussion have pointed out that the drift up at the Coal Commission at the present time is toward nationalization of the mines, I would call attention to the fact that unless we can find a solution for this problem somewhere along the line we are working on we will be drifting toward the very thing that has taken place in Europe, and that is nationalization of the coal mines. And I commend that to both the gentlemen for their study and consideration.

I am hopeful we can work out a plan that will enable us to retrieve the fortunes of the soft-coal industry and save it from any nationalization. But I am not going to close my eyes to what has taken place in other countries where the same conditions have preceded a nationalization of the mines. I insistently suggest to both of the gentlemen that they study that subject and investigate both the conditions precedent and the conditions following the nationalization of mines in Europe.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield in connection with this matter?

Mr. KELLER. For a question, please.

Mr. ALEXANDER. In connection with the building of this gas pipe line from the Kansas gas fields to the northwest section of the country, and this question the gentleman is bringing up of the higher price level for bituminous coal, it seems to me that the two do not jibe. You cannot spend this Government money——

Mr. KELLER. I yielded for a question. I cannot yield for a long statement.

Mr. ALEXANDER. Can you spend this $11,000,000 that the Government is going to spend to run this gas pipe line from the Kansas fields to the northwest and then raise the price of coal and continue to compete?

Mr. KELLER. You want a fair price for your farm products, and so do I, and that is what we are trying to get all along, and therefore it is a national question and not a local one.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I ask unanimous consent that the gentleman may have 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. I would like to ask the gentleman this question. If the gentleman is so interested in the miner, how can he figure that by appropriating for the Tennessee Valley Authority—and the gentleman has voted for practically everything they wanted down there—he is helping the miners of Illinois and bringing about an increased demand for coal?

Mr. KELLER. I know the answer to that, if you will let me make it, and it is an answer just to your liking, and here it is. Before the T. V. A. came in we had no yardstick for measuring the price of power to industry. But by having T. V. A. we got a yardstick and it is a success and it does not hurt the miners of Illinois or any others, but gives them the opportunity of doing a lot better job than they would otherwise have been able to do. [Applause.]

[Here the gavel fell.]

Mr. JOHNS. Mr. Chairman, I have listened this afternoon to a great deal of talk about the operators of the coal mines, and I am reminded of a happening a few years ago at a convention where the late Will Rogers was to speak. He listened to the presiding officer introducing everybody who was on the stage and finally, when he got up to speak, he said:

> Now, I have listened to this old, bald-headed man over here introduce everybody on the stage, and now, if it would not take too much time, I would like to introduce the audience.

[Applause.]

So, if it will not take too much time here I would like to say something about the people back home; something about the effect on the dealer and the man with a family who has to buy this coal, and also the man who is operating a business. They would like to know something about what is going on.

I was amazed this afternoon, and have been ever since I have been in Congress, to hear the debates on this bituminous-coal law. Sitting here, a few moments ago, I asked the gentleman from New York [Mr. WADSWORTH] whether he was in the United States Senate when Bob La Follette asked to have the railroads valued, saying we would then have a basis for fixing freight rates and passenger rates. I remember when that started out, the Senator said it would cost about $5,000,000, and that they would get the value very soon, and we would then know just what to do in fixing rates. The fact of the matter is, it took 20 years before they were valued, and instead of costing $5,000,000 it cost about $25,000,000, and by the time they got the railroads valued, of course, the valuation was no good because conditions had changed so that they were of no value.

We have been fixing the price, or trying to fix the price, of coal. Somebody said here that there are approximately 500,000 prices already fixed. It is amazing that we should sit around here and expect any business to properly function with 500,000 different prices on 1 commodity alone. We have increased the pay roll of the Federal Government over 400,000 people in the last 6 or 7 years, and it will take 400,000 more people to check up on these prices, if they are fixed, to see that they are enforced.

I have had quite a number of letters from people back home who are selling coal. They would like to enter into a contract to buy some coal, but they do not know whether the prices will be reasonable or whether they will be fixed on the 1st of April at a sum that would enable them to safely deal in coal or not. No doubt they are arranging now so that they can safely do business on the assumption that the prices are to be fixed higher at that time. That being true, many of the people are assuming that these prices are already in effect—that they have already been fixed—because they have been increasing each year. If we are going to increase the price of coal so that it will amount to $44,000,000 a year more, we should think very seriously about this proposition, and I am afraid that by the time these prices are fixed the first of those 500,000 prices will be out of date and that we will have to fix some more.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. JOHNS. Yes.

Mr. MAY. I hope my colleague did not understand me to say that we were going to fix higher prices. What I had in mind was to fix regular prices so that the mines could operate, not on a seasonal basis, such as they do in cold weather and then slow up in hot weather, but so that they could operate the year round, so that the employment and the business would be regular.

Mr. JOHNS. I do not think the gentleman said anything about raising the prices, but it was stated here that it would increase the price to the consumer about $44,000,000 a year.

Mr. ALLEN of Pennsylvania. If the gentleman will permit, Mr. Kirgis, of the Consumers' Counsel, very definitely stated in the hearings that it will increase the price to the consumers $44,000,000 a year. Of course, the dealer will be compelled to raise his price to the consumer.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LEAVY. Mr. Chairman, I think I can approach this troublesome question in reference to the bituminous-coal

industry in quite an impersonal and open-minded manner. My district does not produce a single pound of coal and there is not any prospect of its ever producing any coal, but as a member of the subcommittee of the Committee on Appropriations having in charge the Interior Department appropriation bill, I had a part in writing the bill; and if gentlemen will turn to the hearings, they will find that as a subcommittee we gave this whole subject matter a real going over, and we were all of the opinion that in the early stages of its organization they had shortcomings, but this is an excellent agency now. It would be unwise at this late hour to attempt to cut them off, and also we were of the opinion that it is not within the province of our subcommittee to nullify a legislative act of the whole Congress that provided the coal legislation. I do not know whether it is good legislation or otherwise. Nevertheless, it is the law of the land, and this Commission has been functioning for several years. The Supreme Court held the first act unconstitutional. This act has been held constitutional, and on April 1 of this year, within the next 30 days, they are going to fix prices. Whether we approve this amendment or not, they will collect from the American public during this next year, unless we repeal the whole act, $4,000,000. We as a committee ask you to appropriate the sum of $2,187,000. They had $3,500,000 last year. The Bureau of the Budget cut them $1,100,000, and the committee, after long, careful, and earnest consideration, made another cut of $200,000. I think we made a mistake when we did that. I contend that it would be just as wise to cut the whole appropriation out as to say to this organization, "We will cut your appropriation half in two." The gentleman from Pennsylvania [Mr. ALLEN] appeared before our committee and made a very thorough, careful, and intelligent statement. I asked him if he would place in the record the names of the companies and the operators that oppose the act, and he did that. He gave us some 90 operators. There are 13,500 operators in the United States affected by the act. My colleague from Pennsylvania gave us 90. As soon as I had those I made some further inquiry to ascertain if they were extensive producers, and where they were located, and these are some of the facts that I discovered. A lot of them are what they call strip-mine operators, who operate under different conditions from those who operate in shaft mining. I find this concerning these operators:

One of them—William H. Cooke, of Walter Bledsoe & Co., Terre Haute, Ind.—is an attorney, and not a coal operator at all.

J. T. M. Stoneroad, president, Carnegie Coal Corporation, Pittsburgh, Pa., has sold all of his interest and is no longer identified with that company.

C. F. Richardson, of the West Kentucky Coal Co., Sturgis, Ky., is dead.

R. J. Cotts, president, Hitchman Coal & Coke Co., Wheeling, W. Va., sent me this telegram earlier, which I want to read into the RECORD to show you that the coal industry itself is not in opposition to this legislation or this appropriation.

Mr. Cotts says:

On page 1188 of part 1, Interior Department appropriation bill for 1941, the name of the Hitchman Coal & Coke Co., of Wheeling, W. Va., is listed as a company being drastically opposed to the Bituminous Coal Act of 1937. Mr. Cotts is no longer with this company, and I, as president of the Hitchman Coal & Coke Co., of Wheeling, W. Va., specifically request that the name of the Hitchman Coal & Coke Co., of Wheeling, W. Va., be removed from this list, as we are without question in favor of the Bituminous Coal Act of 1937.

Mr. ALLEN of Pennsylvania. Will the gentleman yield at that point?

Mr. LEAVY. My time has practically expired.

Mr. ALLEN of Pennsylvania. I was asked by the gentleman to include in the record at the time of the hearings letters from those companies who had opposed it. If those men have died in the meantime, I have no control over an act of God.

Mr. LEAVY. I have just presented you a telegram from one of the big operators who repudiates the fact that his name should be included in this list.

I hope that the committee will vote down the amendment. Let us not destroy this agency just when we have an opportunity to find out what they can do. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ALLEN] to the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON].

The question was taken; and on a division (demanded by Mr. ALLEN of Pennsylvania) there were—ayes 73, noes 83.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. ALLEN of Pennsylvania and Mr. JOHNSON of Oklahoma to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 88, noes 74.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON] as amended.

The amendment, as amended, was agreed to.

The Clerk read as follows:

For all expenses necessary to enable the Bonneville Power Administrator to exercise and perform the powers and duties imposed upon him by the act "to authorize the completion, maintenance, and operation of the Bonneville project, for navigation, and for other purposes," approved August 20, 1937 (50 Stat. 731), including personal services, travel expenses, purchase and exchange of equipment, printing and binding, and purchase and exchange (including one at not to exceed $1,200), maintenance, and operation of motor-propelled passenger-carrying vehicles, $5,650,000, of which amount $8,200 shall be available for personal services in the District of Columbia and $641,800 shall be available for expenses of marketing and transmission facilities, and administrative costs in connection therewith: *Provided*, That this appropriation and the unexpended balances of appropriations and allotments heretofore made for the construction of the power distribution system shall be available until expended and shall be accounted for as one fund entitled "Construction, Operation, and Maintenance, Bonneville Power Transmission System."

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 12, line 24, strike out the period, insert a colon, and add the following: "*Provided further*, That no part of this appropriation or the unexpended balances of any appropriation or allotment which may be available for the construction of transmission lines shall be available for the construction of the Pasco-Colfax transmission line or the Pasco-Pendleton transmission line."

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Chairman, I hope I may have the attention of the Committee, in the interest of economy, for just a little, because the amendment which is on the desk at the present time proposes to prohibit and interdict the use of any funds for the construction of two proposed transmission lines which will cost about $4,000,000.

I have no quarrel particularly with the Bonneville Power Administration. It has been installed. They have two generators operating. They expect to put two more generators into operation sometime around the beginning of 1941. So there is no use crying over whether or not it was a good venture or a bad venture. But the fact remains that there is no sense in the Congress providing funds for the expansion of transmission facilities for the wholesale distribution of power in areas that are now supplied, or where the proposal is to spend the taxpayers' money without any thought or any possibility of ever securing a return on the investment.

Now, follow this briefly: If you will let your mind dwell on the upper northwest corner of the United States of America, you will find two States that form somewhat of a rectangle—Washington on top and Oregon down below. Over on the east side, bounding the States on the east, is the State of Idaho, with the long panhandle extending all the

way from the lower boundary of Oregon to the upper boundary of Washington. What they propose to do with $2,600,000 in this bill is to build a line from a little town called Pasco, with a population of 7,000, over to another small town called Colfax, and then across the line to Lewiston, Idaho. There are a number of reasons, in my judgment, why it should not be done.

It is going to be a 145-mile line, and it is going to cost $2,600,000. The need for power, or the outlets for the sale of power are not to be found there. So when you seek to amortize this investment from the standpoint of depreciation and an interest return, you are not going to be able to get the money back.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Let me proceed, please.

That is the objection I have to it. It is the old story that was started by Columbus, which came first, the hen or the egg. That has never been satisfactorily demonstrated that I know of. But what they are doing here is to extend power lines out into sparsely populated areas in the speculative hope that there will be customers, so they will get their power cheaper within those areas, but the people in the more populous centers must pay the bill on an average rate.

There is included also $1,400,000 for a line from a little town called Pasco to a town across the border in Oregon, the town of Pendleton, a distance of 65 miles. Pendleton is a town of 7,000 people. The average electric bill in that area will be around $3.50 per capita. Finally, you may expect they will extend the line another 50 miles down to La Grande, Oreg., and they will ask for another $1,000,000. So, for approximately 115 miles of line in this direction, we will have another $2,500,000 invested.

You must appreciate that Bonneville is in the nature of a sales organization. It sells its power wholesale, not retail. Consequently, it has got to sell power to municipalities or public-utility districts organized under the law or to large industries such as the newly proposed aluminum company that is coming into that area. But if you are going to spend $1,400,000 on the line from Pasco to Pendleton, you are going to get back at the very most about $40,000 gross. But that is not all. Pendleton has a power plant. They are operating under contracts that probably cannot be canceled overnight. So you spend $1,000,000 of the taxpayers' money for a 65-mile line into a town of 7,000 population through an area that is sparsely populated; that is wheat country and no good place to find an outlet for power.

It is also proposed to send $2,600,000 to go across to Lewiston, Idaho, where they do not want Bonneville power. As I remember, the Governor of Idaho and others indicated definitely that they did not want the line. They have some hydro or some reclamation projects in their own State that they would like to develop. Consequently they do not want Bonneville power.

I for one can see absolutely no justification for authorizing or making available funds for building a line into Lewiston, Idaho, or for going down into Oregon to the town of Pendleton.

There is another reason why I am opposed to this. If we authorize the line to Pendleton, then in a year or so they will extend the line down to La Grande, in the district of the gentleman from Oregon [Mr. PIERCE]. I do not know what the situation is down there, but I have been informed that they have a reclamation project proposed down there that some day they might want to develop power of their own down around La Grande. La Grande is a town of about 7,000 or 8,000 people. The gross revenue we could expect from there would be around $30,000 or $35,000, and you cannot amortize this kind of expenditure, charging off depreciation and interest on invested capital, and ever recover or recapture the investment for the taxpayers. So as a purely balance-sheet proposition it occurs to me that this is a speculative undertaking, and it ought to be stricken from the bill, and it will be if this amendment is adopted. It should not be undertaken until the Bonneville administration can justify on a market-outlet basis that there is some reasonable hope over a period of time of recapturing the investment that is now proposed to be made of money belonging to the people of the United States of America.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MAY. Are these cities the gentleman just mentioned already supplied with electricity by private concerns?

Mr. DIRKSEN. Yes; by private companies. Now, I hold no brief for the power companies out there. I suppose some of them are operating some plants, possibly not as efficiently as they should, and maybe their rates are not quite as low as they ought to be; I do not know. It has been testified, however, that in this particular area they have got rates so low that if you add the interest on the investment you will be on a T. V. A. basis.

Mr. MAY. Mr. Chairman, will the gentleman yield further?

Mr. DIRKSEN. I yield.

Mr. MAY. The gentleman has not, of course, had the privilege of reading the hearings before the Committee on Military Affairs on the tax situation in Tennessee, but I want to say to the gentleman that the State of Tennessee is practically destroyed from a revenue standpoint. Public-health activities are being suspended, and schools are going to be suspended unless something is done about it. If we go out around the Columbia River and start to take business away from private utilities they will be faced with the same situation cut there.

Mr. DIRKSEN. The problem of tax displacement will not arise in the Bonneville area in the same proportion that it did in the Tennessee Valley area.

I do not approach this question from the standpoint of tax displacement, but I say that in a sparsely settled country like this, with so few people, they ought to wait a little while to see whether there is justification for expending $4,000,000 on a line that under no conceivable circumstances can ever return the investment. It is only a common-sense, sound, business approach to the problem involving the expenditure of this money; therefore we ought to interdict the expansion and the construction of these two lines in that area.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. I understand that the Bonneville Authority is selling the Mellon interests electricity at 3 mills. Can the gentleman tell me what the ordinary people buy this electricity for?

Mr. DIRKSEN. They have a varying rate out there. They have a gross rate that is based on kilowatt-year usage. They have been talking about 2 mills per kilowatt-hour, but that does not enter into the picture, in my judgment. I say that before we expend $1,400,000 to go 65 miles with a line to a town of 7,000 people, which at the very most can only return from $30,000 to $35,000 in aggregate power revenues, we ought to take a piece of paper and pencil and figure out in a very substantial way to see where we are coming out so far as a Federal investment is concerned, and we will not come out. When we remember that the prohibition on the Bonneville Power Administration is that they have to sell their power to public-utility districts, to municipalities, and to large industries, not small consumers, it will be seen that they have to find an outlet through towns and public-utility districts. In this particular area, Pendleton, for instance, voted not to come into a county utility district, and other communities in that area have voted these P. U. D.'s down. As a result, I see no hope of ever recapturing this money, and it occurs to me that is a question we should consider before we load the Federal Treasury with another $4,000,000 of expense.

[Here the gavel fell.]

Mr. LEAVY. Mr. Chairman, I am wondering if we can determine how many Members want to speak on this amendment.

Mr. PIERCE. Mr. Chairman, I want 10 minutes to reply to the gentleman from Illinois [Mr. DIRKSEN].

Mr. WHITE of Idaho. Mr. Chairman, I ask for 10 minutes.

Mr. LEAVY. I shall have to object to 10 minutes. Each Member may have 5 minutes.

Mr. PIERCE. He saw fit to abuse my country for 10 minutes and I want to tell the facts.

Mr. LEAVY. Mr. Chairman, we cannot finish this bill if all Members take 10 minutes.

Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 50 minutes, and that the committee be given 8 minutes in which to close the debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?

Mr. WHITE of Idaho. Mr. Chairman, unless I can get 5 minutes I shall object.

Mr. WIGGLESWORTH. Mr. Chairman, reserving the right to object, may I ask the gentleman from Washington if his request might not be limited to this particular amendment? I know of two other amendments to be offered to the paragraph as a whole on this side of the House.

Mr. LEAVY. I am anxious to expedite the consideration of this bill, which contains 144 pages. Unless we expedite its consideration, we will spend an unreasonable time on it. How much additional time does the gentleman from Massachusetts desire?

Mr. WIGGLESWORTH. I think we ought to have 15 or 20 minutes in addition.

Mr. LEAVY. Can the gentleman get along with 10 minutes?

Mr. WIGGLESWORTH. Ten minutes on each of two amendments. Cannot the gentleman limit his request to the pending amendment?

Mr. SCHAFER of Wisconsin. Mr. Chairman, I call for the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?

Mr. WIGGLSEWORTH. Mr. Chairman, I object.

Mr. LEAVY. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 1 hour and 10 minutes, the last 10 minutes to be reserved for the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?

Mr. MOTT. Mr. Chairman, reserving the right to object, it is rather difficult for us who are interested in this particular item to agree to limit debate when we do not know what the two other amendments are. If we can find out, we may not object.

Mr. WIGGLESWORTH. Mr. Chairman, further reserving the right to object, may it be understood that 20 minutes of the time will be reserved for the other two amendments, so that all three amendments will not be taken up together?

Mr. LEAVY. The unanimous-consent request was made with the understanding that 20 minutes would be reserved for the consideration of the two amendments referred to by the gentleman.

The CHAIRMAN. Is there objection to the modified request of the gentleman from Washington [Mr. LEAVY], that al debate on this paragraph and all amendments thereto close in 1 hour and 10 minutes, 20 minutes of which time shall be used for the two amendments to which the gentleman from Massachusetts [Mr. WIGGLESWORTH] referred?

Mr. MOTT. Mr. Chairman, I object.

Mr. LEAVY. Mr. Chairman, I move that all debate upon this amendment and all amendments to this paragraph close in 1 hour and 10 minutes, the last 10 minutes to be allotted to the committee, and 20 minutes of that time to be given to the consideration of two amendments that have been suggested by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The motion was agreed to.

The CHAIRMAN. In order that there may be no misunderstanding, the Chair has the following list of Members requesting time within the time fixed: The gentleman from Mississippi [Mr. RANKIN], the gentleman from Oregon [Mr. PIERCE], the gentleman from Oregon [Mr. ANGELL], the gentleman from Oregon [Mr. MOTT], the gentleman from Pennsylvania [Mr. RICH], the gentleman from Idaho [Mr. WHITE], the gentleman from Illinois [Mr. KELLER], the gentleman from Kentucky [Mr. MAY], the gentleman from Washington [Mr. LEAVY], and the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The gentleman from Oregon [Mr. PIERCE] is recognized for 5 minutes.

Mr. PIERCE. Mr. Chairman, there are living today a quarter of a million people in eastern Oregon and southeastern Washington. At one time I owned and managed the electric power company and the transmission lines connected with the distribution system at La Grande, a small segment of the country under question. I sold that company more than 30 years ago. At that time I was collecting $5,000 a month and had an income of $60,000 a year. The company was sold to the big fellows for $300,000. Talk about income, why, there is plenty of income there.

I will thank the gentleman from Illinois to give me his attention. I listened to him and listened to his clear misstatements. I am entirely familiar with the propaganda of the power companies which he put over in a clear way.

The company that now controls us is a part of Electric Bond & Share. Ours is a rich field for the sale of electric current at low, reasonable rates. That company is selling its electric energy in our country at nearly three times the rate that is being charged in Tacoma or west of the mountains. These power companies are charging extortionate rates.

In the territory to which the gentleman would deny Bonneville current there are several R. E. A. organizations which have as many as 1,000 customers that want to take power from Bonneville. When the districts organized by the R. E. A. want power they now buy of the Pacific Light & Power Co. which is controlled by the Electric Bond & Share. They pay three times the rate they would pay for power from Bonneville.

The cost of these transmission lines will all be repaid within the time limit. No other part of the country is paying the excessive electric rates the Inland Empire is paying. There are possibly sections in there that are solely wheat-raising sections, but there are also large sections of that area that are susceptible of close irrigation, and people will live there by the thousands. They are flocking in now. The quarter of a million now in that country will be a million within a short time. I have given fifty-odd years of my life to that country, and I know about it.

There has been talk about duplicating the lines. The power that comes in there now comes over a 66,000-volt line. The line now contemplated is a 110,000-volt line. Over a 110,000-volt line you will get four to five times as much power as you can get over a 66,000-volt line. The 66,000-volt line means a 15- to 18-percent loss. A 110,000-volt line with a 100-mile transmission means a 5- or 6-percent loss. So there is a vast difference between the proposed Bonneville lines and those now in use. The lines that are there now are all low-voltage lines.

This transmission line should be built because there is no better field anywhere in the country than right there for the sale of electric energy. There is nothing better you can do for the people than to give them Bonneville power, for which there is an eager and a ready market. How much power are we taking now? Precious little. About one-half the farmers are being served, not over that, and they are paying an extortionate rate for the service they are now getting. If they could have Bonneville power, they would take all the line could give them in that territory, and within the time limit the project would pay out. These sections of Oregon and Washington are on the Columbia River and are entitled to Bonneville power. Very naturally, the Electric Bond & Share wants to keep the territory for themselves.

Pendleton is a city of 8,000 people; La Grande has 10,000; and there are other growing, prosperous cities. Public-utility districts are already being formed everywhere. It is in the air. Why should all the Bonneville current flow west?

The propelling force behind the move to cut the Bonneville transmission and marketing appropriation is the Electric Bond & Share Holding Co. This holding company has three operating companies serving that part of Oregon and Washington east of the Cascade Mountains.

In eastern Oregon residential bills for the small consumer using up to 100 kilowatt-hours per month are, on the average, 2.61 times as high as similar Tacoma bills. The eastern Oregon stove and water-heater consumer pays two and thirty-nine one-hundredths times as much as a like consumer does in Tacoma. In southeastern Washington these ratios are 2.10 and 2.03.

Rural cooperatives in this section are paying the private companies at least 2.5 to 2.8, the Bonneville wholesale tariff. A few cooperatives in this section are paying up to three times the Bonneville price for wholesale current. With 100-kilowatt-hour metered use, the difference between present purchased wholesale price and Bonneville wholesale rates represents $12.50 per farm per year. With the increased use of drudgery-relieving appliances, each farm would save $25 per year in the wholesale price alone.

No wonder the Bond & Share group is using every possible effort to kill Bonneville appropriations and thereby keep cheap power out of the eastern part of these two States. The Bond & Share representatives admit that this is their purpose. A careful reading of the testimony before the committee discloses the efforts of the private-power overlords in trying to strangle the rural and domestic consumers of this great section.

Every device known to the business is being used in this effort. False issues are raised to cloud the actual facts.

Eastern Oregon and southeastern Washington have a population of 248,000 people, 91,000 of this total live on farms. This eastern region is devoid of fuels. It is also lacking in installed hydro capacity. The installed hydro capacity of southeastern Washington and eastern Oregon is represented by 26,300 kilowatts. This installed capacity gives a ratio of 105 kilowatts per thousand population.

If rates were as low and use as great as in other parts of these two States, there would be immediate area deficiency of 63,700 kilowatts of installed capacity. This figure represents the immediate potential market of this eastern country if all the available farms were served and the electric rates were lowered. From the experience in other sections of both States, under similar conditions, there will be in a few years a deficiency of 99,500 kilowatts of capacity. If initially only 50 percent of this potential market is reached, the revenue accruing from the lines serving this area will be $875,000 per year. This revenue would warrant a present expenditure on a return basis of $3,500,000, which is below the Budget estimate for proposed eastern lines. With the lowering of rates this revenue will be doubled in a few years. The lines that were set out in the Budget estimate are actually less than conditions and earnings justify for this accessible well-farmed area. In the eastern counties of my district 42 to 72 percent of the occupied farms do not have electricity. The average cash income of these eastern unserved farms is in excess of the State average. This section has an unserved farm population of 45,000 people and an immediate rural market for 15,000 kilowatts. The population of this section is increasing rapidly and will continue to do so because of the irrigation projects under way and changes in the type of farming. Sugar beets, peas for canneries, dairies, and seed production are being substituted for the large wheat farms. People are moving at a high rate into this area from the Dust Bowl.

Notwithstanding a regional lack of fuels and a deficiency in hydro capacity, the area is served from long, low-capacity transmission lines. These lines transport power great distances, at comparative low voltage, from the Yakima, Lewiston, and Spokane areas. From these sources there are only two feed lines into northeastern Oregon, namely, from Pasco and Walla Walla into Pendleton. These lines are 66,000-volt lines with conductors known in the trade as single Zero copper. The average transmitted distance from the power sources over these lines is some 115 miles and the nominal capacity of such lines at this voltage is low. For the farmers and the residential consumers of eastern Oregon to secure lower rates, larger line capacity will be necessary. The existing private lines have only one-fourth to one-fifth of the capacity required to adequately serve this area if our farmers and our people are to secure service at low rates. It seems to be the policy of the private companies to install low-capacity transmission lines in order to keep the rates up.

In southeastern Washington and contiguous territory there are 12 newly formed but successful rural R. E. A. cooperatives. These cooperatives have, within the last 8 months, built over 1,500 miles of farm lines. These cooperatives are purchasing temporarily from the private power companies until low-priced Bonneville current is brought to them. No wonder the Electric Bond & Share desires to keep Bonneville transmission lines away from this eastern market. No wonder our farmers in this eastern country are crying for the erection of Bonneville lines. Is not Congress large enough to tell the Bond & Share operators that we know how to run this Nation's business? Do we have to sit up and take our orders from these overlords, who have so padded their capital structures that the properties in question have the highest book value per customer of any private utility in America? When you vote on these reducing amendments, remember that they were inspired by the Electric Bond & Share Co. for the sole purpose of keeping low-priced current away from our eastern farmers.

These lines were in last year's Budget, and should have been built, as they were included in last year's appropriations which passed the Congress. Now, again, the appropriation for the lines is included and evasion of the clear intent of the law will no longer be possible.

Mr. Chairman, I ask my friends in this House to vote down this amendment. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Oregon [Mr. ANGELL] is entitled to recognition for 5 minutes.

Mr. ANGELL. Mr. Chairman, I reserve my time, if I may, to speak on the other amendment which is more important than this one.

The CHAIRMAN. The gentleman from Oregon [Mr. MOTT] is entitled to recognition for 5 minutes.

Mr. MOTT. Mr. Chairman, I would like to have my time on the amendment of the gentleman from Massachusetts.

The CHAIRMAN. The gentleman from Idaho [Mr. WHITE] is recognized for 5 minutes.

Mr. WHITE of Idaho. Mr. Chairman, I was very much interested in the statement of the honorable gentleman from Illinois [Mr. DIRKSEN] as to the insignificance of this proposed project and the unimportance of the country to be served. He refers to the small town of Pasco. I wonder if he knows where or what Pasco is. I wonder if he knows that Pasco is the junction point at the confluence of the mighty Snake and Columbia Rivers and one of the great railroad centers of the Northwest. The gentleman talks about the small town of Lewiston. I am wondering if he knows just where Lewiston, Idaho, is, and what it stands for. I wonder if he knows that Lewiston is at the confluence of the Clearwater and the Snake Rivers and is one of the important commercial centers in Idaho. And when the resources of the immense country tributary to the junction of these rivers is developed will be a great industrial center.

I am wondering if he knows that the greatest stand of timber owned by the Federal Government is in the country tributary to Lewiston, up the Clearwater River, up the Salmon River, and up the Snake River. I am wondering if he knows that the greatest undeveloped section of the United States is in this area of the Northwest which is tributary to the Snake, the Clearwater, and the great Salmon River drainage basin.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I yield to the gentleman for a question.

Mr. HILL. Did not the gentleman hear the gentleman from Illinois state two or three times that he did not know about this thing? The gentleman made that statement and evidently he does not know anything about it.

Mr. WHITE of Idaho. It is just like the statement that Proctor Knott made at one time here about Duluth, which turned out to be one of the greatest producing sections of the country.

I would like to remind the gentleman from Illinois that there are 30 miles of iron deposits in the Clearwater country behind Lewiston. I would like to remind the gentleman from Illinois that the West has to come East for its iron products, but with electricity and electric smelting we can produce our own iron and develop our own country, build up western industries, and be a market for the things that they produce in the East.

I would like for the gentleman from Illinois to know something about the proposed development of this country and the need for electric energy and cheap power. I want to substantiate what my good friend from Oregon [Mr. PIERCE] said. We need high-tension power lines to transmit cheap electricity.

I have here a map of Idaho and I call your attention to the location of Lewiston and to the location of this great forest section owned by the Federal Government. All that timber is waiting to be manufactured by cheap power. We want to build pulp and fiber mills, we want to develop that country and continue on the path of progress in this country, and the utilization of the power of Bonneville and the transmission of that power to this great area of Federal-owned resources is a great step forward.

This is a conservation measure. This is a constructive measure, and it will do more good and be of more benefit to the United States, and particularly to the Federal Government, than anything this Congress can do; and do not forget that it will repay every dollar that is expended. This is a reimbursible project. It is a development project, and it is a utilization of a big investment that has been made at Bonneville, and I earnestly urge that the Committee vote down this amendment and do the thing that was originally intended to be done, and develop our own resources and bring revenue to our Federal Government by utilizing the timber and the minerals in all this great undeveloped country that is tributary to Lewiston in the States of Idaho, Oregon, and Washington. Providing transmission lines for this power will be a great forward step.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I yield.

Mr. PIERCE. Is it not true that that country today is yielding a revenue to the Bond & Share of $1,000,000 a year, and that is right now?

Mr. DIRKSEN. Mr. Chairman, will the gentleman from Idaho yield?

Mr. WHITE of Idaho. I yield to the gentleman from Illinois.

Mr. DIRKSEN. In response to the gentleman's recurrent questions, may I say to him that I think I do know, and I also know how to take a piece of paper, irrespective of whether it is in Oregon, Illinois, or Florida, or Texas, and figure out what an investment has to earn before the taxpayers can come out with a whole skin.

Mr. WHITE of Idaho. I will say to the gentleman that Mr. Proctor Knott, in talking about building a bridge at Duluth many years ago, presented the same theory that the gentleman from Illinois is presenting here now, and the day will come when we will develop this country, and it will take its place as a great producing section of the United States comparable with the country in Pennsylvania and the gentleman's whisky-producing section of Illinois. [Laughter.]

Mr. DIRKSEN. Why does not the gentleman tell the House how many people are out there?

Mr. WHITE of Idaho. It is not a question of how many people are there. It is the development of our country and the people it will bring there.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield for a brief question?

Mr. WHITE of Idaho. I yield.

Mr. SCHAFER of Wisconsin. The gentleman is in favor of the Government developing cheap electricity. Is he in favor of the Government producing cheap silver or mining cheap silver?

Mr. WHITE of Idaho. I am in favor of anything that will develop our country. [Applause.]

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. KELLER] for 5 minutes.

Mr. KELLER. Mr. Chairman, if I may, I desire to yield my time to the gentleman from Oregon, Governor PIERCE, later in the debate.

The CHAIRMAN. The gentleman from Kentucky [Mr. MAY] is recognized for 5 minutes.

Mr. MAY. Mr. Chairman, I am very much in favor of the Dirksen amendment not merely on the ground of economy but because of a proposition that I think is involved in this legislation that is of vital importance and reaches to the very heart of the program. I have had just a few years' acquaintance with my distinguished and amiable friends on the committee, the gentleman from Washington [Mr. LEAVY] and the gentleman from Oregon, Governor PIERCE. They are very excellent and able Members of this House and very fine gentlemen. Anything I say about this proposition is not personal, nor is it particularly with any delight in differing from them.

I oppose this legislation upon the fundamental belief that there are two schools of thought in this country, one that believes in the capitalistic system and one that, whether it believes in the capitalistic system or the socialistic system, is promoting and supporting a program that will ultimately lead to the socialization of the electrical industry throughout this country. That is the ground principally on which I oppose this program. That is based upon my study of the subject for several years, plus my last 2 months of dealing with the conditions that have been brought about in the States of Tennessee, Alabama, and Georgia, and in other States of the South, by reason of the Congress allowing the Government to buy out and take over private utilities and put them into Government operation. I say to you now that, in my judgment, there has not been a more serious problem for the people of Tennessee and surrounding States since the days of reconstruction than they have in those States now. It means that unless Congress does something about it—and I do not know what it is going to do in the matter—for the next year these Southern States are going to be largely compelled to discontinue public-health activities, to largely discontinue their schools, because of the withdrawal of private properties from taxation. If anyone can tell me that the Federal Government by subsidizing a proposition like Bonneville, that goes out and builds transmission lines and authorizes it to go into the markets and take away from private facilities the markets they have, is not going to create a similar condition in the Northwest to that which we have in Tennessee, I would like to have him explain that.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. MAY. I am sorry, but I have only 5 minutes.

On page 266 of the hearings on this bill there is set forth a letter sent to the committee by Dr. Thompson, secretary of the Public Ownership League of America. I suppose everybody here knows what that is and knows that there are a few estimable gentlemen in this House who are sponsors of that program. This gentleman who wrote this letter to the committee was up in Oregon at the time. Here is what he says:

> As a matter of fact, I am now in Portland helping in this work in a general way and incidentally, along the same lines, endeavoring to stimulate our public-ownership organizations throughout the Northwest and Pacific States.

What they mean to do is not merely to take over a few towns around Bonneville, but they are going to take over the States of Washington, Oregon, and California, and when they do that, then the Congress will be asked to refund in taxes

removed possibly $75,000,000 or $100,000,000 that are now being paid by private utilities in that area, and when they do that they socialize the electrical industry and abandon the capitalistic system.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The gentleman from Mississippi [Mr. RANKIN] is recognized for 5 minutes.

Mr. RANKIN. Mr. Chairman, before this Congress adjourns we should establish a blind school for Republicans, in which to train their candidates, and we should also provide a special dispensation so that the gentleman from Kentucky [Mr. MAY] and a few other Democrats who are still wandering around in the dark can attend. [Laughter.]

I want this blind school for these Republicans and a few benighted Democrats who are still fighting the T. V. A., the R. E. A., and the rest of our power program, so they can learn to read the Braille system, because their platforms will have to be published in Braille, as they are evidently going to hold their conventions and other political meetings in the dark.

In addition to their records here in opposing every effort to bring cheap electricity to the American people, they evidently desire to keep the farmers in the dark. I have just read three platforms proposed by three candidates for the nomination for the Presidency on the Republican ticket, one by Mr. Taft, of Ohio; one by a Mr. Gannett, who lives in New York State, I believe; and one by Mr. Dewey, who also lives in New York. They go into great detail about what they are going to do for the farmer. I should say what they propose to do to, instead of for, the farmer—because they propose to go back to the old system of plundering the farmers of this country through high protective tariffs for the benefit of big industries and other special interests—but they evidently propose to leave him in a complete black-out so far as rural electrification is concerned.

Not a single one of them mentions rural electrification a single time, the one thing in which the farmers of this country are most vitally interested. I am going to show some of the conditions that prevail in your States before this Congress adjourns, and especially the conditions in the district of the distinguished gentleman from Kentucky [Mr. MAY], who seems to devote about all his time to fighting the T. V. A., the greatest development that ever came to the people of Kentucky.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I will yield for a question.

Mr. MAY. Aside from the fact that I have cheap electric lights in my home, which I think the gentleman is going to talk about, I want to ask him if he has read Norman Thomas' socialist platform on the public utilities?

Mr. RANKIN. No; I have not; I am not interested in it. But I am familiar with the electric light and power rates in the district represented by the gentleman from Kentucky [Mr. MAY]. They are so high as to amount to almost a complete black-out. For instance, a merchant in his home town of Prestonsburg, Ky., pays as high as 9 cents per kilowatt for electricity, or did when the last report was issued a month ago. He has to pay $9 for 100 kilowatt-hours, which in my town, Tupelo, Miss., would cost him $2.50. [Applause.]

The gentleman from Kentucky [Mr. MAY] says he has cheap electricity in his home. He may have for all I know. But the rest of the people of his district are overcharged on an average of 100 percent or more. And I think if he will investigate his light and power bills he will find that he is being overcharged to the same extent.

As to his commercial consumers; that is, the merchants, hotel, restaurant, and filling-station operators, professional men, and others who have to pay commercial rates for their electricity, the record shows that they pay about the highest rates in Prestonsburg and surrounding towns of any place in America.

The commercial rates in Prestonsburg, Allen City, Dwale, Martin, Lackey, Paintsville, West Van Lear, Blackey, Neon, Seco, Whitesburg, Salyersville, Dolan, Hazard, Elkhorn, Pikeville, and Hellier are as follows:

Applicable to commercial consumers for lighting purposes, with incidental power permitted

	Cents per kilowatt-hour
First 100 kilowatt-hours	9
Next 100 kilowatt-hours	8
Next 200 kilowatt-hours	6
Next 1,100 kilowatt-hours	5
All over 1,500 kilowatt-hours	4

Now, here are the commercial rates for the same class of consumers in my home town of Tupelo, Miss.:

	Cents per kilowatt-hour
First 150 kilowatt-hours a month	2.5
Next 350 kilowatt-hours a month	2
Next 1,500 kilowatt-hours a month	1
All over 2,000 kilowatt-hours a month	0.8

Now, let us compare these rates and see how bad the commercial consumers in these towns in his home district are overcharged. We will just use his town and mine, Prestonsburg, Ky., and Tupelo, Miss.

	Kilowatt-hours									
	50	100	200	400	600	1,000	1,500	2,000	4,000	6,000
Prestonsburg, Ky	$4.50	$9.00	$17.00	$29.00	$39.00	$59.00	$84.00	$104.00	$184.00	$264.00
Tupelo, Miss	1.25	2.50	4.75	8.75	11.75	15.75	20.75	25.75	41.75	57.75
Difference	3.25	6.50	12.25	20.25	27.25	43.25	63.25	78.25	142.25	206.25

These commercial consumers seem to just pay rent to the power company to get to do business in their own establishments.

Remember that Prestonsburg and every other town in the gentleman's district is within the distribution radius of the T. V. A. at Norris Dam. Remember, also, that electricity can be generated anywhere in his district, with coal produced right at home, and distributed to the ultimate consumers at the T. V. A. yardstick rates, or at the rates prevailing in Tupelo, Miss., if not lower, with ample returns on legitimate investments.

But the trouble is the coal barons and the Power Trust are working hand in glove. They are not interested in the ultimate consumers of either coal or electricity; what they are after is to wring from the consumers of both coal and electricity every penny the traffic will bear.

At a later date I hope to take up the rates in that area—residential, commercial, and industrial—and show how those people are plundered by exorbitant overcharges for electricity for all purposes.

The opposition will probably come back at me with the same old misleading statement about taxes. But the facts are that the municipal plant at Tupelo pays a larger percentage of its gross revenues in taxes than does the Kentucky & West Virginia Power Co. that operates in this particular area.

The people of Kentucky were overcharged $8,914,000 in 1938, which was $3,400,000 more than the value of the entire wheat crop of Kentucky for that year. The commercial consumers alone in Kentucky were overcharged $2,934,000, and if they had all paid the exorbitant rates charged the people in this particular area their overcharges would have amounted to a great deal more.

I am glad to support the distinguished gentleman from Oregon [Mr. PIERCE] in opposition to efforts now being made to cripple the Bonneville project, one of the greatest blessings that has ever come to the people in that great northwestern section of the country.

Those people who are to benefit from Bonneville throughout the coming years will owe a lasting debt of gratitude to the distinguished gentleman from Oregon for his services in helping to bring this development about and to provide the means of transmitting the power generated at Bonneville to the ultimate consumers, and especially to the farmers throughout that section of the country.

I have often said of him—and I say it again—that in my humble judgment he has rendered those people the greatest

service of any man his State has sent to Washington, in your day and mine.

This attempt to cut down the appropriation for Bonneville is nothing in God's world but playing into the hands of the Power Trust, one of the worst monopolies this country has ever seen—one that is robbing the ultimate consumers of electricity in practically every State of this Union and pouring out all of this propaganda about how the T. V. A. is injuring the people of Tennessee. There is nothing at all in their statements, absolutely nothing. Simply because we have asked for a reallocation of the small amount of 12½ percent that is already charged to the wholesale purchasers of electricity generated by the T. V. A., merely because those counties whose lands have been flooded ask for a reallocation of those funds, asked that instead of paying them to the States the T. V. A. be authorized to pay them back to these counties to take the place of the taxes they would have received on these lands that have been flooded, and gradually let them down until they can pay off the outstanding bonds especially in their school districts—because of the request for this correction, these enemies of the T. V. A. come out with a great hullabaloo of propaganda to the effect that Tennessee is being ruined by the T. V. A. If there is any man in this House or elsewhere who ought to know better, he is the chairman of the Military Affairs Committee, the gentleman from Kentucky [Mr. MAY]. [Applause.]

Mr. VOORHIS of California. Will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mr. VOORHIS of California. I just wanted to observe that the people on the Pacific coast in the section I come from, the city of Los Angeles, have had for years a publicly owned bureau of municipal light and power, and our rates have been reduced seven times since 1929. We would not give it up for anything.

Mr. RANKIN. Certainly not. If you will look at the CONGRESSIONAL RECORD, page 2238, you will find a speech that I made on Friday, in which I take up the municipal plants of the various States of the Union. I show that they can all generate and distribute power as low as the T. V. A. rates, or lower. But instead of that they rise here and try to destroy Bonneville, try to destroy the T. V. A., try to destroy Grand Coulee, try to destroy rural electrification, and all the rest of these other beneficient projects. When you do that you are helping a ruthless octopus, or monopoly, that is wringing from the American people overcharges for electric lights and power amounting to as much as $1,000,000,000 a year, aiding that ruthless monopoly to hold your people in Egyptian bondage.

You have got to meet this issue, every one of you. This is the fight of the American people against the corrupt interests that have robbed and plundered them through electric light and power rates for the last 40 years. Thank God the time has come when they are able to defend themselves, and their weapon this year will be the ballot. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from New York [Mr. TABER] is recognized for 5 minutes.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield for an observation?

Mr. TABER. I yield to the gentleman.

Mr. DIRKSEN. If I had in mind crippling this program my amendment would have been worded to stop any power lines going into Tacoma or Seattle or Salem or other places. This has been limited to two over on the eastern side, and there is not a soul who has stood up on the Democratic side and, by dollars and cents, made out a case. The gentleman from Idaho [Mr. WHITE] has confessed the case. He says it is speculative. That is why that amendment should be adopted. If you want to match figures, I will put them down on paper any time. We picked out two lines to show you that you cannot justify them by the figures of the English language. I defy anybody on that side to justify it on a dollars-and-cents basis. Why did not the gentleman from Mississippi [Mr. RANKIN] talk on the amendment instead of making a grand speech about power?

Mr. TABER. Mr. Chairman, I do not yield further.

This amendment is offered not for the purpose of crippling Bonneville, but for the purpose of protecting it from those people who would load it up with expenditures that it cannot carry and produce upon. There is no such thing as anyone on the floor that I know of thinking for a minute of protecting the interest of power companies. I do not know anything about them.

Every time anyone comes out here and tells the truth about some of these projects, someone who does not debate the real issues that are before us comes out and hollers about the power companies. Now, let us see what there is to this situation and whether we can afford to go on and spend money putting up power lines that will not produce.

These people already have contracts with the Aluminum Co. of America for 32,000-kilowatt capacity at $17.50 per year per 100 kilowatts. Now, what does this mean? This means 1¼ mills per kilowatt; and the best that the Reclamation Service could figure to produce electricity and sell it for at Boulder Dam was 2¼ mills per kilowatt. They are hardly going to break even on that proposition. When are we going to show any sense; when are we going to be honest with the American people? Or are we going to holler about the power companies? Let me say to you that every dollar of this deficit that comes from charging less than the stuff costs is going to be taken out of the American taxpayers. It is not going to be a benefit to the American people.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. TABER. Let me cite a few more figures. I want the gentleman to learn something about his project. The hearings show that the cost of these transmission lines and power installation would run $50,000,000. You have got to figure on a basis of 16 or 17 years' obsolescence and depreciation. This means a charge of $3,000,000 a year. You have got to figure interest at 3½ percent. This means $1,760,000, or a total in these two items of $4,777,000.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. TABER. When I get through.

The allocated cost of the dam is $50,000,000, according to their own figures. The interest on that is $1,750,000, and they are required to depreciate it in 40 years, under the law. This depreciation item amounts to $1,250,000 annually. These items on the dam amount to $3,000,000 annually, or the total on the dam and the transmission lines amounts to $7,777,000 annually. They claim in their set-up in the hearings a possible income of $9,000,000. Let me say to you that on the basis of operating as they say, 85,000 kilowatts, or one-fifth of the total capacity of 440,000 kilowatts, this 85,000 kilowatts producing $55,000 a month, or $660,000 a year, shows a total possible net income from full operation of $3,300,000. Where are we? Let me tell you, we want to think twice about extending power lines where we cannot afford to carry them. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Washington [Mr. LEAVY] is entitled to recognition for 10 minutes.

Mr. LEAVY. Mr. Chairman, I desire to divide this time and reserve 5 minutes of it to answer arguments on other amendments that may be offered.

The CHAIRMAN. The gentleman from Washington [Mr. LEAVY] is recognized for 5 minutes.

Mr. LEAVY. Mr. Chairman, it sometimes appears to me to be rather a discouraging situation to stand in the Well of this House and talk to my colleagues upon a matter on which they entertain either such partial views on the one side or such bitter prejudices on the other. Argument and persuasion has little weight or consideration with many of them.

As to whether or not the Bonneville project should have been undertaken is certainly water over the dam. It is a great navigation project, it is a great flood-control project, and thousands of tons of freight now moving through

the locks there and the region below the dam on to the sea is safe from the floods that it suffered in previous years.

The Government in its design saw fit to plan for 10 generating units and then the Congress set up the Bonneville administration. As a result of that we have gone along—there has been a fight each year—but $23,000,000 has been appropriated or allocated for transmission lines. We found curselves last year with this great undertaking capable of generating 86,000 kilowatts of electrical energy in its first 2 units and ready to sell at 2 mills a kilowatt-hour, but we could not carry it away as we had no lines. We secured an appropriation that made it possible to carry energy as far as Portland and a little beyond; and this year the receipts are over $1,000,000. With but 2 generating units in and complete, on sales made in the next fiscal year, less than 20 percent in production, the receipts will be $2,200,000.

Coming to the gentleman's amendment, shall we restrict the construction of these two lines referred to in the amendment? And I grant that is a debatable question, as is every question, upon which honest minds differ, but I assume that there is not a man or woman in this House, I care not how intelligent he or she may be, that can pass an honest judgment upon that issue without having some knowledge of the facts. I cannot see how anyone would want to do that. At least you ought to read some 100 or 150 pages of the hearings detailing facts on this matter. My good friend from Illinois says we start from the little town of Pasco. Pasco is a town of 5,000, with another 2,000 just across the river at Kennewick—7,000 people. One hundred and fifty thousand people live within 50 or 60 miles up the Yakima Valley. This line goes to Walla Walla. Walla Walla is a city of some 20,000 people located in the center of a rich irrigated section where almost another 20,000 live. The line also goes through Milton and Freewater, 2 other towns there with some 2,000 people. Each 10 or 20 acres of land is maintaining a family in that region, where there is ample water for irrigation.

At Pendleton there are 7,000 or 8,000 people. Through that region traversed by this line there are a large number of new R. E. A.'s.

From Walla Walla the line as projected goes to Lewistown, which is just on the State line between Washington and Idaho on the Snake River at the confluence of the Snake and the Clearwater Rivers.

That is the only point that these projected lines touch Idaho at all. It then goes northwestward toward Colfax and Spokane, in one of the richest agricultural countries in America, a county that 10 years ago boasted of the greatest per capita agricultural wealth of any one of the 3,000 counties in this country. There they reach hundreds of farmers who, until R. E. A. came into the picture, had no service. I grant that probably they will take some of the present consumers of the Washington Power Co. that is now serving the region, but that company never had these customers till the Government built R. E. A. lines, and the rates from the private company are about two and one-half times what Bonneville power will cost. An examination of these hearings will show, and I say this regardless of your belief in reference to public or private power, that Bonneville will pay out not in 40 years but within the next 20 years, even at 2 mills per kilowatt-hour. If you want to assume, and if you can get any happiness and satisfaction out of it, that the Republicans are going to gain control of this Congress in 1941, you certainly want to be able to have this project in which some fifty or sixty million dollars have been invested made as usable as possible.

Mr. Chairman, this amendment should be voted down unless you just want to cripple this great undertaking now and later on give it away.

Mr. DIRKSEN. Will the gentleman yield?

Mr. LEAVY. I yield to the gentleman from Illinois.

Mr. DIRKSEN. I think the gentleman from Washington has made the best speech for my amendment of anyone, because he says the building of these two particular lines is debatable at this time, and that is the reason my amendment should be agreed to.

Mr. LEAVY. Yes; but everything here is debatable—few things in this life are susceptible of absolute proof. It is not a concession that the gentleman is right or that I am wrong, merely because I admit a known fact. Through the years to come both Bonneville and Grand Coulee will bring blessings and happiness to millions, and unless in some foolish moment we turn them over to selfish interests, they will stand out as a great monument to the memory of all who had vision to assist in their creation. Let us defeat this crippling amendment. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 49, noes 63.

Mr. DIRKSEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. LEAVY and Mr. DIRKSEN to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 70, noes 70.

So the amendment was rejected.

Mr. WIGGLESWORTH. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: Page 12, line 24, after the word "system", strike out the period, insert a colon and the words "*Provided further*, That no part of this appropriation shall be expended for salaries or expenses of any persons engaging in activities contrary to or in violation of section 9 (a) of the act of August 2, 1939, Public, No. 252, Seventy-Sixth Congress, or of the rules and regulations issued thereunder by the United States Civil Service Commission, Form 1982, November 1939."

Mr. DIRKSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DIRKSEN. How much time will be permitted on this amendment?

The CHAIRMAN. The gentleman from Massachusetts [Mr. WIGGLESWORTH] gave notice that two amendments would be offered and under the limitation of time, 20 minutes were reserved for the consideration of those two amendments.

Mr. DIRKSEN. Mr. Chairman, I am informed only one amendment will be submitted.

Mr. WIGGLESWORTH. Mr. Chairman, one of the two amendments will not be offered and I assume 20 minutes will be available.

The CHAIRMAN. Without objection, there will be 20 minutes on this amendment, and the Chair will endeavor to recognize two Members for the amendment and two against the amendment.

There was no objection.

Mr. WIGGLESWORTH. Mr. Chairman, this is a very simple amendment. I think it is almost self-explanatory. It merely provides that no part of this appropriation shall be expended for the salary or expenses of any person on the rolls of this agency engaging in activities in violation of the Hatch Act or of the regulations of the Civil Service Commission issued under that act. I offer this amendment, Mr. Chairman, in light of the testimony commencing at page 264 of the hearings on this bill.

The record indicates that considerable evidence was brought to the attention of the committee indicating activities on the part of Bonneville personnel which are forbidden under the Hatch Act. These activities included the carrying on of a propaganda campaign, participating in elections, and carrying on electioneering activities for the organization of public-utility districts.

The bulk of this evidence seems to have been excluded from the record. A sample of it, however, appears in a letter signed by Dr. Carl D. Thompson. Dr. Thompson is stated to be a Socialist, a magazine owner and secretary or president of the Public Ownership League of America. At the time of the activity referred to, Dr. Thompson was not only serving

the Public Ownership League of America but Bonneville, being carried on the rolls of the latter at a salary of $5,600.

When Dr. Raver, the administrator at Bonneville, was asked if it did not occur to him that the activities referred to were in violation of the Hatch Act and other applicable laws, he replied in effect, that until the act was changed and he was specifically directed not to do so, he intended to continue that kind of policy.

If Bonneville activities are within the law, adoption of this amendment can do no harm. If they are in violation of the Hatch Act or the Civil Service Commission regulations, the proposed amendment will certainly be helpful.

Mr. CARTER. Will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from California.

Mr. CARTER. I have conferred with the minority members of the committee and they are perfectly willing to accept this amendment. They will have no opposition to offer to it. I am wondering if the majority members of the committee would be willing to likewise agree to the amendment.

Mr. FITZPATRICK. Would not the same personnel come under the Hatch Act?

Mr. WIGGLESWORTH. I assume they would.

Mr. FITZPATRICK. Why is it necessary to pass an amendment then if they come under the Hatch Act?

Mr. WIGGLESWORTH. I may say to the gentleman that I think it clarifies the situation and makes compliance with the Hatch Act doubly sure if we put in a provision of this kind.

Mr. FITZPATRICK. Does the gentleman expect to go further than the Hatch Act?

Mr. WIGGLESWORTH. No; the amendment simply enforces the Hatch Act.

Mr. FITZPATRICK. Is it not unnecessary to pass such an amendment if they are covered by the Hatch Act?

Mr. WIGGLESWORTH. No. I believe this gives better assurance that the will of Congress will be carried into effect than if the amendment is not adopted.

Mr. CARTER. Mr. Chairman, if the gentleman will yield further, I should like to know, if I may, from the members of the committee on the majority side, if there is any objection to accepting this amendment and obviating the necessity for further debate on it.

Mr. LEAVY. As near as I can understand it in a hurried manner, I believe there would be objection. I am fearful that the amendment is so broad that if a charge were made or if a fact were found that one of the thousand employees had violated the Hatch Act it would tie up the entire appropriation. Any employee who violates that act is now covered by the law, and this would seem to me to be mere surplusage.

Mr. WIGGLESWORTH. May I say to the gentleman from Washington that no such result as he suggests should follow from the amendment. In the case he suggests, it would simply serve to deny the payment of salary or expenses to the particular individual.

Mr. RANKIN. That is what the amendment says.

Mr. WIGGLESWORTH. That is what it is intended to say.

Mr. RANKIN. It would apply only to those who violate the law.

Mr. WIGGLESWORTH. That is right.

Mr. RANKIN. It would not apply to those who do not violate the law.

Mr. LEAVY. As far as I am personally concerned, I would have no objection because it is mere surplusage at most. That protection already prevails, if such is needed. Such a person would be subject to immediate discharge under the Hatch Act. This is just using words where we do not need them, except to satisfy somebody.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Illinois.

Mr. DIRKSEN. It may be that that is what the law states, but it is questionable whether or not that practice has been carried into effect.

Mr. LEAVY. I grant that there was some question raised by a member of the subcommittee on that point about an employee a year ago. If the gentleman will check the record he will find that it was before the Hatch Act was ever enacted that the complaint that appears in these hearings was made. However, there is no complaint that this agency anywhere has violated the Hatch Act since it has gone into effect.

Mr. DIRKSEN. I am not sure.

Mr. LEAVY. If the gentleman will check the record I believe he will find I am correct.

Mr. WIGGLESWORTH. Do I understand that the chairman will accept the amendment?

Mr. LEAVY. I am not authorized to speak for the committee as a whole, but it just appears to me that it would be a safer course to give us an opportunity to study the effect of the proffered amendment before accepting it. It cannot possibly strengthen the situation. The gentleman seeks protection where we already have a law. The gentleman is just seeking to reenact for a single appropriation a provision of the law already existing.

Mr. WIGGLESWORTH. It makes the situation very much more clear. [Applause.]

[Here the gavel fell.]

Mr. HOOK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I just want to ask a question of the gentleman from Massachusetts about this amendment. Can the gentleman inform me whether or not if this amendment is adopted it will prevent any of the employees or operators of the private power interests from participating in political activities?

Mr. WIGGLESWORTH. The gentleman knows very well that those employees are not on the Federal pay roll. The Hatch Act has no application to them whatever.

Mr. HOOK. That is just exactly my contention, that when you take away from the rights of the employees of the Federal Government or State employees as well the right to participate in questions that are interesting to them with respect to their government, you place in the hands of the private interests, the private monopolies, the right to control this Government. When you do that you have placed this Government in the very position Germany was when Hitler went in as dictator. When Hitler assumed power as chancellor in Germany his first step was to take away from the people the right to participate in political activity. The next thing that was done was to enact a law outlawing every other party except the National Socialist Party. They thereby set up their dictatorship. It is my contention that when you place in the hands of the private monopolies the right to participate in political activities and take away the right of others so to do, you are dangerously attacking democracy in this Nation. When you do that you are going dangerously close to the proposition of wiping out the two great parties in this Nation. I say that as long as we have Republicans and as long as we have Democrats we will not have any rotten "isms" in this country, but if we go along with the principle that is being advanced by the Hatch Act, no matter how laudable it may be, we are going a long way toward the end of eliminating those two great parties; and God forbid that that occur. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The question was taken; and on a division (demanded by Mr. WIGGLESWORTH) there were—ayes 61, noes 83.

Mr. WIGGLESWORTH. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. LEAVY and Mr. WIGGLESWORTH.

The Committee again divided; and the tellers reported that there were—ayes 83, noes 86.

So the amendment was rejected.

Mr. ANGELL. Mr. Chairman, I move to strike out the last word and ask unanimous consent to revise and extend my own remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

BONNEVILLE PROJECT FULLY JUSTIFIED

Mr. ANGELL. Mr. Chairman, Bonneville is in my district in Oregon; that is, the Oregon side of the Bonneville project; and I reserved time to speak on the other amendment on the subject which the gentleman from Massachusetts [Mr. WIGGLESWORTH] stated he would offer, but which was not presented. In my judgment, the other amendment would have been more detrimental to the Bonneville project than the one presented by the gentleman from Illinois [Mr. DIRKSEN], which we have just considered. For this reason I reserved time to speak on the other amendment.

I do not want to take your time for any extended discussion, now that this matter has been decided, but I do want to speak very briefly on one or two matters in connection with the Bonneville project.

On the opening day—March 5—when we considered this bill in general debate, I spoke at some length on the Bonneville project, which you will find in the RECORD of day before yesterday. The main consideration, of course, with reference to Bonneville is whether or not it is justified. As you will note, it is now completed, so far as the dam is concerned. Two of the operating units of the power project are in operation, two more will be in operation early in 1941, and two more in 1942, which will leave four to be completed later. Unfortunately, we did not have transmission facilities completed at the time the two first units of the power project itself were finished, and it was only last December 1 that we finally completed the first transmission line connecting the Bonneville plant with the Portland territory. For this reason the project has not had an opportunity to justify itself financially by reason of the fact we have had no marketing facilities.

The bill before us today for the Interior Department is to keep in step with the building of these power units as they come into production so that we may have transmission facilities available at the time the power is ready for distribution. We do not want to make the mistake we made before.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. ANGELL. I yield to the gentleman from Oregon.

Mr. PIERCE. Is it not true that the income right there at Bonneville now is $100,000 a month and over the lines are going 79,000 kilowatts with a possible generation of 86,000, and the income this year will be around $1,000,000, next year $2,000,000; and 60 percent completed it will be over $5,000,000, and fully completed it will be $9,000,000 even at the present rate?

Mr. ANGELL. I think the gentleman is substantially correct. As I understand the figures, $1,000,000 will be received from the project next year, the following year $2,200,000, and, eventually, when the whole 10 units are in operation there will be approximately $9,350,000 a year of revenue coming in from the project. Amortization with interest at 3½ percent to retire the entire cost in 40 years, requires only $4,060,000 a year, so that after paying operation and upkeep, there will be left $3,399,549 each year above what is necessary to retire the investment. So the project will be a self-supporting one, and I think it very definitely is justified under the facts as we have them now.

As has been said, a contract has been entered into with the Aluminum Co. of America, which will last for 20 years and will bring in during the term of the contract $10,000,000, and only recently it was reported as shown in the Christian Science Monitor, which I saw on my desk yesterday, that an additional contract has been entered into with the Sierra Iron Co. which eventually will consume 32,500 kilowatts a year, which is practically the same amount that is provided under the contract with the Aluminum Co. of America. So these two projects alone ultimately will bring in $1,000,000 a year or almost one-fourth of the revenue required to pay the interest and retire the investment, not considering the immense value of the remaining power that will be available under the project when it is fully completed.

I would also like to call your attention to the fact, however, that under the generic law as we passed it preference must be given to public bodies and cooperatives. Section 4a of the law provides:

> In order to insure that the facilities for the generation of electrical energy at the Bonneville project shall be operated for the benefit of the general public, and particularly the domestic and rural consumers, the Administrator shall at all times, in disposing of electrical energy generated at said project, give preference and priority to public bodies and cooperatives.

This is a direct mandate from Congress to the Administrator as to how he shall dispose of this energy.

LOW RATES TO CONSUMERS

Mr. Chairman, as a result of the energizing of the transmission line to Portland, the city of Portland on October 15, 1939, put into effect a rate reduction which Administrator Raver states is approximately 20 percent.

The organic act provides that 50 percent of Bonneville power shall be reserved until 1942 for public bodies and agencies. It is the underlying policy of the law that the lowest possible rates to consumers shall be established. This is for the purpose of protecting domestic users, farmers, and the small users throughout the entire territory. It also contemplates furnishing the lowest commercial rates for industrial enterprises consistent with the profitable operation of the project.

Since this reduction was made, the State, through the public utilities commissioner, has made a further reduction in the rate.

The Nineteenth Annual Report of the Federal Power Commission, 1939, shows that rate reductions for electric energy averaged forty-six and one-half million dollars annually in the 3½-year period from July 1, 1934, to December 31, 1937, and that the production of electric energy reached an all-time high in 1939. I desire to quote briefly from this report:

> The total savings resulting from electric-rate reductions for the 3½-year period from July 1, 1934, to December 31, 1937, it was estimated, amounted to $162,761,490, an average of $46,500,000 per year. These figures represent merely a total of the separate annual savings based on average consumption per customer for periods prior to rate changes as reported by utilities, and as such do not reflect a cumulative total of all savings given—do not include savings on increases in the average consumption per customer which usually follow a rate reduction.
>
> The savings to the customers of privately owned utilities for all services during the period, it is noteworthy, equaled 6.4 percent of the estimated total revenues of such utilities in 1934, as against 5.1 percent in the case of the publicly owned system. Though privately owned utilities in nearly all instances reduced their average typical bills more than publicly owned systems, the average typical bills of publicly owned utilities, as has already been noted, remain generally below those of privately owned utilities.

POWER SALES PROGRESS

One hundred and nineteen applications for power, totaling 643,489 kilowatts, have been received by the Administrator of the Bonneville project. Of these 119 applications, 42 are from public-utility districts, 16 from municipalities, 29 from R. E. A. cooperatives, and 21 from drainage districts. Public applications total 108 and represent 446,529 kilowatts. Applications have also been received from 6 private utilities totaling 66,900 kilowatts. Five from industries totaling 130,060 kilowatts have filed power applications.

Thirty-nine applications totaling 92,671 kilowatts are ready for service connections. Feasibility reports have been completed on 24 applications, totaling 128,521 kilowatts and 21 contracts totaling 77,710 kilowatts have been submitted. Thirteen contracts have been executed totaling 59,110 kilowatts. All of this information on applications and contracts covers prime power only. In addition the project has authority to sell dump power which is power subject to recall to satisfy firm contracts. This power under filed tariffs sells for 2½ mills per kilowatt-hour, which is below the bare fuel costs of existing steam plants in the Bonneville area. Contracts have been executed with the private utilities to furnish dump power and the Portland companies have taken nearly 70,000 kilowatts of such energy. Therefore, it is fair to say that the sum of the firm power business in sight plus the market for dump power exceeds the present installed capacity. The load-development possibilities of the project

have been estimated by the Marketing Division in excess of 250,000 kilowatts by 1941 and 450,000 kilowatts in 1942. Comparing these load possibilities with the construction schedule given above it will be seen that a power shortage will exist in the Northwest during 1941 and possibly 1942.

EARNING POWER OF THE PROJECT

The earning power of the project is set out on page 74, table 8, of the annual report. The Administrator estimates that each kilowatt of capacity will earn on an average $18.36 per kilowatt-year, which will give a gross revenue on the completion of the plant of $9,350,000. The investment in transmission, transformer, and operating facilities for Bonneville alone will represent an outlay of $36,288,000. This investment represents only projected lines in the Bonneville-Coulee area, which will be allocated solely to the delivery of Bonneville current.

Based on the Federal Power Commission's allocation, the Army engineers have estimated that the completed investment in dam, power plant, and switch yard will represent $50,293,885. It will be noted that this is some 8 or 10 million dollars in excess of the original estimate by the Power Commission. The Power Commission's estimate was based on lower capacity. Since that time, as a result of experience with units 1 and 2, the Army engineers have concluded that the capacity can be expanded over the original estimated figure of some 430,000 kilowatts. The first two units installed have a rated capacity of 43,200 kilowatts each but units 3, 4, 5, and 6 are larger, being in the neighborhood of 52,000 kilowatts each.

The amortization and interest charges, based on 40-year repayment at 3½-percent interest, will run $4,060,000 per year and the combined operating expenses, together with maintenance and depreciation, will amount to $1,890,451. This will leave a net of $7,459,549 for fixed charges which is an 8.6-percent return on the Government's investment in power facilities or $3,399,549 in excess of the operating, maintenance, and fixed charges. Therefore when the plant is completed, the revenues under existing rates will retire the investment in a shorter period than 40 years besides taking care of all costs and deficiencies during the load-building period.

BONNEVILLE'S RECORD—INSTALLED CAPACITY AND PLANT-COMPLETION SCHEDULE

Mr. Chairman, two generating units are installed and operating. This represents a total capacity of 86,400 kilowatts. These two units have been designated No. 1 and No. 2. Funds to install and complete units 3, 4, 5, and 6 have been provided, save the $800,000 item, which passed the House recently. The second step of the program planned by the Army engineers contemplates that units 3 and 4 will be ready for service by June 1941. At that time the installed capacity will be 194,400 kilowatts. The Administrator anticipates that he will be crowded for capacity by that time and has requested the Army engineers to accelerate completion of units 3 and 4 so as to have them ready for service by January 1, 1941.

Units 5 and 6 are scheduled for completion about June 1, 1942. When units 5 and 6 are completed the plant's installed capacity will be 300,000 kilowatts.

Units 5 and 6 will be subject to shut-down when the foundations for units 7 to 10, inclusive, are installed. Shutting down units 5 and 6 during such a construction period will give the plant a firm available capacity equal to the sum of the first four units, or 194,400 kilowatts.

With the installation of units 7 and 8, the plant's capacity will be 410,000 kilowatts. If funds were provided this year, the earliest completion date for units 7 and 8 would be June 1, 1943.

When units 9 and 10 are completed the plant's capacity will be 518,400 kilowatts. If funds were provided this year for initial work, the earliest completion date for units 9 and 10 would be June 1944. The lack of provision for units 7 to 10, inclusive, will delay this program possibly 1 or 2 years beyond the dates given.

FARM LOAD

The latest available studies by the Farm Journal indicate that there are 61,137 occupied farms in Oregon and 81,105 such farms in the State of Washington. In Oregon 30,303 of such farms are electrified and 30,834 farms do not have electric service. In the State of Washington 48,375 farms are electrified and 32,730 farms are not.

Eastern Oregon and eastern Washington represent a substantial farm market. In this area 12 Rural Electrification Administration projects are under construction or completed. There is a large and highly successful cooperative with about 1,500 miles of rural lines in southeastern Washington. Eastern and central Oregon and the unserved areas in the Willamette Valley are now active in organizing Rural Electrification Administration cooperatives.

Rural Electrification Administration has recently had a field representative in the State of Oregon and this representative has estimated that there are 11 unserved rural areas that can be profitably developed. These unserved areas represent a rural line mileage of 978 miles.

Under the Bonneville filed tariffs such power can be purchased at one-half cent per kilowatt-hour. This possible saving in wholesale prices represents $12.50 per farm-year for the medium user and about $25 per farm-year for the larger consumer who utilizes an electric stove and labor-saving devices. These areas have farms of large dimensions. Therefore one of the essential requisites for a successful rural enterprise is low-cost current.

In the testimony before the Interior subcommittee it was pointed out that eastern Oregon and eastern Washington are sections devoid of fuel and installed hydro capacity. The available present capacity in this eastern country per thousand population is only 28 percent of the similarly installed per capita capacity in the remaining portions of these two States. This eastern section of Oregon and Washington has a population of 248,000, of which 91,000 is rural. The possible revenue accruing from the eastern Oregon and Washington lines would be in excess of $850,000 per year, which will justify the lines proposed by the Administrator. There is an early market for 68,000 kilowatts in this region, according to the testimony.

DUPLICATION

The policy of the Bonneville administration is to avoid duplicating existing lines. Last year the question of duplication was raised on the floor, and the parallelism of the project's transmission line from Vancouver to Eugene was cited. When this question was then up, attention was called to the lack of capacity of the private parallel lines in the Willamette Valley. Since that time the position taken on the floor has been sustained by the actual contracts with the Portland General Electric Co. for delivery at Salem and a pending contract application from the Mountain States Power Co. for delivery at Eugene. These companies would not toll current over the Government lines if their lines had the available capacity or requisite reserve.

POLICY PROVISIONS

Mr. Chairman, the policy covering the transmission and marketing of Bonneville power has been set by Congress in the organic act, approved August 20, 1937. The four outstanding policy provisions of this legislation are as follows:

First. The administrator is directed to sell the power at such a rate, subject to approval by the Federal Power Commission, so that the Federal Government will be reimbursed over a reasonable period, with interest, for its investment in power facilities. The interest rate has been set by administrative action at 3½ percent and the amortization period 40 years.

Second. The administrator is directed to construct, or purchase and to operate, transmission facilities to existing and potential markets, so as to encourage the widest possible diversified use of electricity.

Third. The administrator is directed that the project is to be operated for the benefit of the general public, particularly rural and domestic consumers.

Fourth. Fifty percent of Bonneville power is reserved to 1942 for public bodies and agencies. However, in this interim

the administrator has authority to sell such reserved power so long as it does not interfere with the preferential rights of public agencies.

Mr. Chairman, the article I referred to in the Christian Science Monitor is as follows:

BONNEVILLE AREA ADDS IRON PLANT TO ITS LIST

[Special to the Christian Science Monitor]

VANCOUVER, WASH., March 5, 1940.—The new industrial frontier radiating from Bonneville Dam and its abundance of cheap power, welcomed another important pioneer recently with the announcement of a pig iron production project which will use a commercially new electric process.

Second, such announcement within just a few weeks, the iron plant's choice of this section was preceded by news of a plant for production of aluminum. Both plants will be constructed near Vancouver, which is across the Columbia River from Portland, Oreg.

A contract has just been signed by the Sierra Iron Co. for Bonneville power ranging from 6,000 kilowatts the first year to 30,000 within 2 years; and by the Aluminum Co. of America for 32,500 kilowatts.

Iron ore for the projected pig-iron production will be taken from open pits just across the Columbia, near Scappoose, Oreg., say the project's sponsors. Coal will be taken from Chehalis, Wash., deposits, and limestone will come from several points in the Northwest.

COAL WILL BE USED

In spite of the use of electricity coal will still be an important factor in the iron plant's operation.

The contract for cheap Bonneville power was signed for the Sierra Iron Co. by D. H. Blotchford, president, of Los Angeles, and Paul J. Raver, Power Administrator for Bonneville Dam. The Sierra Co. is a Nevada corporation with California financing. Its contract calls for power delivery not later than June 1 this year.

Announcement of the two projects not only opens up new industrial vistas for the Pacific Northwest, but points toward immediate development of latent resources.

It has been pointed out that the Pacific coast demand is increasing for iron and steel, and that the home market would absorb a large output if mills were installed in this area.

President Roosevelt has indicated development of adequate steel capacity on the Pacific coast is a matter of great importance, and that it would be highly desirable from the standpoint of national defense.

One expert who has taken part in many surveys relating to feasibility of iron and steel production in the Pacific Northwest said investigations indicate the western market could use the production of plants of 750,000 tons annual capacity.

MATERIALS EASILY AVAILABLE

Materials, he said, should be available either close at hand or by low-cost water transportation.

Operations of the proposed iron plant will be watched with great interest by iron and steel men everywhere because of its departure from ordinary methods.

Electric smelting of iron ore has been the object of intensive research throughout the world but has made little headway, largely because of power costs and the fact that the unit size of furnaces already in use is so much larger than those required for electric use.

Furnaces to be installed by the Sierra Co. were designed by Albert E. Greene, of Seattle, metallurgist and electric furnace maker, who has done much experimental work in the use of electricity for smelting iron and manganese ores.

"Coal is used as the reducing agent," says Mr. Greene. "The coal may be of the abundant subbituminous or noncoking bituminous rank and may consist of the fines which are obtainable.

"Reduction takes place at the feed end of the furnace, with metal and slag flowing to the tapping end."

Mr. Blotchford said the Sierra Co. chose its site at Vancouver because it has access to four railway lines and ocean-borne transportation. It is also near a main auto highway.

He says his company expects the plant to develop a production of 100 tons of pig iron a day before the close of 1940, and plans, at the peak of its Bonneville contract, to produce 500 tons a day.

The first unit of the plant is scheduled to cost $120,000, and the completed plant $600,000.

Mr. MOTT. Mr. Chairman, I move to strike out the last word. Like my colleague from Oregon [Mr. ANGELL], when it appeared that the gentleman from Massachusetts [Mr. WIGGLESWORTH] was to offer an amendment which, in my opinion, would have prohibited the construction of transmission lines, I reserved my time in this debate for argument against that amendment. I commend now the fairness of the gentleman from Massachusetts in withdrawing that amendment, and I commend, also, the fairness of all those who have taken part in this debate.

When I spoke to the gentleman from Massachusetts and told him what, in my opinion, his amendment, if adopted, would do in the way of obstructing the further building of transmission lines, he realized that it might stop the construction of transmission lines altogether. He had no intention of stopping this work. He therefore offered to withdraw the amendment, and he did withdraw it. This generous and sportsmanlike action on the part of the gentleman from Massachusetts leaves nothing further to be said on his proposed amendment. I wish to take this opportunity, however, to say to my colleagues that they are to be congratulated for voting today to provide this $5,500,000 to continue the construction of transmission lines to carry the power from Bonneville into the areas which need and want that power. We do not contend that the Bonneville is by any means the only legitimate Federal hydroelectric power development in the United States, yet we do contend that it is a 100-percent legitimate project and that it is a 100-percent self-liquidating project. Under the provisions of the basic law this entire project must be liquidated within 40 years, and it must return a revenue of 3½ percent to the Government. The rates must be made in such a way that this project will do that, and under the system which is now in operation, that will be done.

The Bonneville project is one of the most valuable projects of its kind that can possibly be imagined. It will serve some 30,000 farms in the Willamette Valley alone. That valley has a population of over half a million people and is one of the most important agricultural areas in the United States. When the Willamette flood-control project is completed, it is estimated that at least one-third of the Bonneville power will be used for power pumping in the irrigation districts which will be created in the valley upon completion of the flood-control project.

I think that the Bonneville project is now so well understood by a majority of the Members of the House of Representatives that we will have little trouble in the future in securing whatever money is necessary to entirely complete it. This, I am sure, will redound to the benefit not only of the people who now live in the area it directly serves, but for the benefit of the people of the United States generally.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. MOTT. Yes; I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Would the gentleman be in favor of similar projects, in other States, as, for instance, the Cabinet Gorge project? Would the gentleman be for that, would he vote for it?

Mr. MOTT. I have voted for all those projects which, in the opinion of the Army engineers, have been found after careful examination and survey to be of such value to the people that benefits to be derived from them would more than compensate for the expense necessary to build them. If the gentleman's project comes within that class, I would be glad to support it.

Mr. WHITE of Idaho. I am glad to know the gentleman would support it.

The CHAIRMAN. The time of the gentleman from Oregon has expired. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that the bill be considered now as read to page 80, line 5, at the end of line 4.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma that the bill be considered as read to page 80, line 5?

Mr. TABER. Mr. Chairman, reserving the right to object, what is the object of that?

Mr. JOHNSON of Oklahoma. As I understand it, that is the agreement which has been reached. There is no objection to any item from now until page 80.

Mr. TABER. And does that mean that a point of order may lie at any point in between or that an amendment may be offered?

Mr. JOHNSON of Oklahoma. Of course.

Mr. TABER. Mr. Chairman, I have an amendment before we get to that point, on page 16, which I desire to offer.

Mr. JOHNSON of Oklahoma. And points of order will lie.

Mr. TABER. Anywhere between here and page 80?

Mr. JOHNSON of Oklahoma. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. NICHOLS. Mr. Chairman, I reserve the right to object. Do I understand that the gentleman's interpretation of the request is correct, that points of order will lie at any of the pages between here and page 80?

The CHAIRMAN. That is a part of the gentleman's unanimous-consent request. Is there objection?

There was no objection.

Mr. TABER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 16, line 3, strike out "$893,880" and insert "$750,000."

Mr. TABER. Mr. Chairman, this amendment would reduce the bill down to the figures of the President's Budget.

Just think of me having to come here and support the President. Not a single Member on his own side of the aisle rises to support him.

There was absolutely no excuse whatever for raising this item for surveys of public lands above the Budget estimate by $143,000. All I am asking you to do is to support the President, and get down to $750,000 in line with the Budget estimate.

I am not going to say any more. I want to see whether you will do it or not.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the gentleman, in his enthusiasm, forgot to tell that this is $100,000 below what was spent for this same purpose last year. He also forget to tell you that there are several hundred million acres of land as yet unsurveyed, and it pays its own way. As was pointed out in my opening statement, this is one of the few departments of the Government that more than pays its own way. Besides that it will give a splendid opportunity for many worthy young men to secure employment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were ayes 79 and noes 86.

So the amendment was rejected.

Mr. NICHOLS. Mr. Chairman, I make a point of order. On page 29, beginning with the last word on the page, "to," I make a point of order against the following language:

to be reimbursed under the provisions of the Act of February 14, 1920, as amended (25 U. S. C. 413), except that reimbursement shall not be required for expenditures in connection with Indian lands for which no production or compensatory royalty accrues, or for expenditures in excess of 10 percent of such royalties accruing from mineral-lease operations within any reservation or agency jurisdiction.

My point of order is that it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. JOHNSON] desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. RICH. Mr. Chairman, I make a point of order to the language on page 67, after the figures "$400,000", down to and including the word "created", in line 12, as follows:

and in addition thereto the Secretary of the Interior may incur obligations and enter into a contract or contracts not exceeding the total amount of $815,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for continuing construction of the project shall be available for the purpose of discharging the obligation or obligations so created.

It is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. We concede the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. ALEXANDER. Mr. Chairman, I make a point of order against the language on page 13, beginning in line 17, after "$141,000," down to and including "$100" at the end of line 3 on page 14, which language reads as follows:

of which amount not exceeding $10,000 shall be available for expenditure in the discretion of the High Commissioner for maintenance of his household and such other purposes as he may deem proper: *Provided*, That the salary of the legal adviser and the financial expert shall not exceed the annual rate of $10,000 and $9,000 each, respectively: *Provided further*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not apply to any purchase or service rendered under this appropriation when the aggregate amount involved does not exceed the sum of $100.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. We have passed that point, Mr. Chairman. The gentleman speaks too late.

Mr. TABER. Mr. Chairman, the reservation was made that we could make points of order all the way through.

The CHAIRMAN. The unanimous-consent agreement was from that point where the Clerk had been reading, on through to page 80.

Mr. TABER. Yes.

Mr. JOHNSON of Oklahoma. We had passed that point.

Mr. TABER. No. The Clerk had not read that.

Mr. JOHNSON of Oklahoma. The point of order undoubtedly comes too late.

The CHAIRMAN. The Chair is advised by the Clerk that he had concluded the reading of page 12, and therefore the point of order made by the gentleman from Minnesota [Mr. ALEXANDER] is made in time.

Does the gentleman from Oklahoma desire to be heard on the point of order made by the gentleman from Minnesota?

Mr. JOHNSON of Oklahoma. I would like to know what lines the gentleman from Minnesota refers to.

Mr. ALEXANDER. Starting after "$141,000", in line 17, on page 13, and going through the balance of that entire section, through line 3, on page 14.

Mr. JOHNSON of Oklahoma. I do not care to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota [Mr. ALEXANDER] makes a point of order to the language appearing on page 13 as indicated by him. The language appearing in line 17, after "$141,000", on through the next four lines, was held subject to a point of order on April 21, 1938.

Therefore the Chair sustains the point of order to that and the remainder of the paragraph.

Mr. JOHNSON of Oklahoma. My understanding is that the point of order did not strike out the whole paragraph?

The CHAIRMAN. Beginning on line 17, page 13, with the word "of", on through the remainder of the paragraph.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: On page 21, line 20, strike out the period, insert a colon and the following: "*Provided further*, That no part of this appropriation shall be available to conduct elections in any reservation or on any matter which has been previously voted upon there unless 2 years have elapsed."

Mr. JOHNSON of Oklahoma. There is no objection to the amendment from this side of the aisle.

Mr. CASE of South Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

INDIAN TRIBAL ORGANIZATIONS

Mr. CASE of South Dakota. Mr. Chairman, the amendment which I have offered merely proposes that none of the funds in this appropriation may be used to conduct elections on a matter on any reservation when that reservation has held an election on the same question within 2 years. It proposes to give the Indians and the Indian Office that much of a breathing spell from the turmoil and feelings that these elections generate, also, and quite important, the expense.

Under the provisions of the Wheeler-Howard Act—that is, the act of June 18, 1934—elections may be held on charter,

constitution, and so forth, whenever 30 percent of the eligible members of a tribe so petition. This is true, regardless, at present, of how recently or how frequently the Indians on that reservation may have expressed themselves on the subject.

Every election costs money. It costs the Government money. This appropriation item of $74,540 proves that. It also costs the Indians money who want to oppose the proposed action, and it probably costs something to the individual Indians who work with Government money.

It would seem that when a specific matter comes up and is voted on decisively once in 2 years, that that should be often enough. That is the time intervening between the general elections for Members of Congress.

My amendment, as worded, would not prevent elections to amend a constitution or charter once adopted, provided that the amendment proposed had not been voted upon within 2 years. A different subject matter could be the subject of a new election. But the amendment is intended to prevent, and would prevent, elections more frequently than once in 2 years on a subject matter or question upon which an election had been held.

My attention has been directed to the need of such a provision by the repeated elections on some of the Sioux reservations where elections are held over and over with the same result. It is all right to pass upon a question more than once, but when it has been thoroughly considered, the people are entitled to a little rest to see if conditions change before they have the fuss of another election.

The question may be asked how another election can be held unless the people ask for it. That means nothing. It is easy to get signers for a petition. That is true as a general proposition. It is easier to sign than to offend the circulator. That is particularly true when an Indian is approached with a petition which he knows will pass through the hands of some agency official who may be passing on his rations, loans, grants, or other benefits. The individual will sign or not sign according to the standing which he thinks it will give him at the office, and so would you. Every Member of this House knows well the difference between a record vote and a mere voice vote. One puts you on the spot and the other does not.

So the Indian signs the petition, but when he votes in a secret ballot, he votes his convictions. That is why petitions can be obtained calling for repeated elections at which the votes for a proposition will not equal the signers on the petition.

The result is bad feeling, wasted time, wasted effort, and wasted money, Government money and Indian money. My amendment is designed to prevent this. An election on a given subject once in 2 years is often enough. Those who understand the Indian country, I am sure, will agree that this amendment should be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The amendment was agreed to.

Mr. ROBINSON of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBINSON of Utah: On page 80, line 5, after the word "Utah", strike out "$750,000" and insert "$1,250,000."

Mr. ROBINSON of Utah. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ROBINSON of Utah. Mr. Chairman, there was a Budget estimate for this amount submitted by the Bureau of the Budget. Through a mistake the proper amount was not included in the bill. This amendment is offered to correct the mistake.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. RICH. The committee has agreed to accept the amendment because of the Budget estimate.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I desire to say that the committee has accepted the amendment. There was a Budget estimate for the full amount.

Mr. ROBINSON of Utah. I wish to supplement my remarks by reading at this time a communication from the President of the United States transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1941 in the amount of $500,000 for the Provo River, Utah, reclamation project.

THE WHITE HOUSE,
Washington, March 5, 1940.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to submit herewith for the consideration of Congress a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1941 in the amount of $500,000.

The details of this estimate, the necessity therefor, and the reasons for its transmission at this time are set forth in the letter of the Director of the Bureau of the Budget, transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

FRANKLIN D. ROOSEVELT.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., March 5, 1940.

The PRESIDENT,
The White House.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1941 in the amount of $500,000 as follows:

BUREAU OF RECLAMATION

Reclamation fund, special fund: Provo River project, Utah: For an additional amount for continuation of construction, $500,000, from the reclamation fund, special fund, fiscal year 1941, to remain available until expended (43 U. S. C. 373A; 53 Stat. 717) ---------- $500,000

This estimate is to provide for beginning the construction of the Duchesne tunnel, a unit of the Provo River project estimated to cost approximately $2,000,000 and requiring about 4 years to complete.

The Provo River project, in addition to providing water for irrigation, will also furnish a supplemental water supply for Salt Lake City, Utah. The entire project will cost about $15,774,000, of which $5,415,000 has been provided to date. The city has contracted to pay about 40 percent of the cost of the Deer Creek division and practically the entire cost of the aqueduct. These two features will cost $7,600,000 and $5,800,000, respectively. The Duchesne tunnel, 5.5 miles long, and having a capacity of 325 second-feet, will divert water from the upper tributaries of the Duchesne River in the Colorado River watershed to the Provo River for storage in the Deer Creek Reservoir. Water so stored is to be used to augment the municipal water supply of Salt Lake City. Unless this diversion is made, the water stored in the Deer Creek Reservoir will be insufficient to meet the demands of Salt Lake City.

It is estimated that the Deer Creek Dam will be completed in May 1942 and work is in progress on the tunnels and conduit to carry the water into Salt Lake City.

While the original estimate of $750,000 contained in the 1941 Budget for continuation of the Provo project contemplated work on the Duchesne tunnel, it has now developed, that this $750,000 will all be required to meet contractual obligations for other features of the construction program. Favorable weather conditions and a longer construction season have permitted the contractors to progress more rapidly than originally contemplated. Unless funds are made available for beginning the construction of the Duchesne tunnel, it will be impossible for Salt Lake City to derive any benefits from the other units of construction now in progress.

The foregoing estimate is required to meet contingencies which have arisen since the transmission of the 1941 Budget and its approval is recommended.

Respectfully,

HAROLD D. SMITH,
Director of the Bureau of the Budget.

Mr. WHITE of Idaho. Mr. Chairman, before the bill, H. R. 8745, making appropriations for Interior Department for fiscal year 1941 passes, I wish to make a statement showing that an additional appropriation will be necessary for carrying on the construction of reclamation projects now being financed from the revolving fund.

Mr. Chairman, I wish to refer to the statement of Commissioner Page on page 356 of the hearings under subtitle "Estimates for 1941."

Mr. JOHNSON of Oklahoma asked Mr. Page the following question:

How much did you ask the Budget for?

Mr. PAGE. $67,000,000 plus.

This bill provides approximately $20,000,000 less than the amount required.

Mr. Page is a very conservative and efficient officer of the Government, and when he asked for $67,000,000 I am certain he needed every penny he asked for.

However, to satisfy myself, I checked the hearings and other data, and I find a list of 14 medium-sized projects approved and under construction, as follows:

	Amount needed to complete
Gila, Ariz	$15,907,589
Colorado-Big Thompson	47,088,000
Boise, Idaho, Arrowrock division	9,191,789
Boise, Idaho, Payette division	4,213,000
Grand Valley, Idaho, Upper Snake	19,725,000
Lugert-Altus, Okla	5,300,000
Deschutes, Oreg	5,824,000
Klamath, Oreg	603,000
Tucumcari, N. Mex	5,155,000
Provo, Utah	9,609,000
Yakima, Wash	6,515,000
Kendrick, Wyo	1,968,000
Shoshone, Wyo	2,300,000
Riverton, Wyo	3,448,000
Total	136,847,378

The projects to which I am calling your attention are not the large new power projects being financed from the General Treasury. They are the smaller reclamation projects under construction from the revolving fund.

Projects with thousands of people already making their homes and living on the land and more thousands of homes in the cities and villages within the area.

These projects are largely supplemental water projects where the Federal Government already has a substantial investment which is being rapidly repaid by the settlers.

To complete these projects costing approximately $137,000,000 on a 5-year-average basis will require annual appropriations of twenty-seven or twenty-eight million dollars.

The bill under consideration allows about $6,000,000 or $22,000,000 less than required on a normal construction basis.

We talk a lot about "economy," but we seem to be able to find the money to build a couple of battleships every year at a cost of over $100,000,000 each.

On a 5-year-construction basis we will spend for 10 battleships 10 times the amount we need to complete all of the major reclamation projects of the West outside of the power projects which have already justified their construction by returning costs to the General Treasury at the rate of many millions per year in excess of original estimates.

Gentlemen, what is the use of building battleships if we are to neglect our internal situation? Why, I ask you, continue to build battleships at a cost of $100,000,000 each and neglect to complete a necessary piece of work when we know that the life of a battleship is only a little over 20 years?

The present European war will exhaust every nation that under any circumstance would attack the United States.

Gentlemen, I am serving notice now that as chairman of the Irrigation and Reclamation Committee of this House, I intend to propose legislation that will provide the necessary funds to complete the projects on the list mentioned and other necessary projects.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah.

The amendment was agreed to.

Mr. RICH. Mr. Chairman, I move that the bill be considered as read down to line 17 on page 113 with the understanding that points of order may be raised, or amendments offered, to any paragraph between page 80 and line 17, on page 113.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 113, line 3, after the word "Budget", insert ": *Provided further*, That no part of the foregoing appropriations for the National Park Service shall be available for the payment of salaries or expenses of any employee of the National Park Service assigned to duties in connection with the Jefferson National Expansion Memorial in St. Louis, Mo."

Mr. JOHNSON of Oklahoma. Mr. Chairman, there is no objection from the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. VAN ZANDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VAN ZANDT: On page 111, line 20, add the following paragraph:

"Recreational administration areas: For administration, protection, and maintenance, including not exceeding $10,000 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicle, $250,000: *Provided*, That the National Park Service is authorized to retain the services of the project managers without reference to civil-service laws until the United States Civil Service Commission establishes appropriate registers of eligibles for such positions as are otherwise filled by civil-service employees."

Mr. TABER. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. VAN ZANDT. Mr. Chairman, the amendment which I offer at this time concerns recreational demonstration areas located in 23 States with a total area of approximately 400,000 acres.

The amount of $250,000 specified in the amendment is necessary if these areas or public parks are to remain in operation for the fiscal year 1941.

The Federal Government spent large sums in developing these recreational areas in more than 20 States, and up until this time no item has been included in the Interior Department appropriations for the administration, protection, and operation of these parks. Each year the necessary money has been supplied from the emergency relief appropriations. This item rightfully belongs in the Interior Department budget because the National Park Service has supervision over these Federal-developed parks.

At this very moment there is no assurance that emergency relief funds will be available for this purpose after July 1, and since the Government has no legal authority to deed these parks to the States or other political subdivisions, due to the President's vetoing such a measure last year, they clearly become the responsibility of the Federal Government.

There are 52 of these areas located in 23 States, and, for the information of my colleagues, I submit the following States in which these parks are located:

Alabama	1
Maine	2
New Mexico	1
Pennsylvania	5
Tennessee	3
Indiana	2
North Dakota	1
California	1
Georgia	3
Maryland	1
New Hampshire	1
Rhode Island	1
Virginia	10
Michigan	2
South Dakota	1
Oregon	1
Kentucky	1
Missouri	3
North Carolina	1
South Carolina	8
Illinois	1
Minnesota	1
Oklahoma	1

During the past year 319,419 persons used the camping facilities of these parks, while 972,842 persons were day visitors, or a total of 1,292,261 persons.

The cost per capita was 16 cents which is small in comparison to the many benefits derived from the use of these recreational areas.

Gentlemen, in asking support for this amendment I do so conscious of the fact that thousands of our fellow Americans look to these parks for recreation and relaxation during the summer season.

In my own district Blue Knob National Park offers to the average family a day's outing, while the camping facilities are enjoyed by young and old alike.

The Girl Scouts of Cumberland, Md., and Altoona, Pa., and the Y. W. C. A. of Johnstown, Pa., located in the district of my good friend and colleague from Pennsylvania, HARVE TIBBOTT, have formed an organization known as the Blue Knob Camp Association, paying the annual rental fee charged by the Department of the Interior.

Last year 19,091 persons used the facilities of this park, of which 14,023 were day visitors while 5,068 were campers.

This park is typical of the other areas referred to and I hope that the Members of this House will stop to consider what these areas mean to thousands of our citizens who seek the many natural advantages that the great outdoors affords through the use of these Federal-developed parks.

I feel certain that in weighing the many benefits resulting from the operation of these areas you will be moved to give favorable consideration to this amendment. [Applause.]

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. VAN ZANDT. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. The gentleman is closely connected with ex-service organizations. I want to say to him that American Legion posts in my State have written to me to the same effect, and I imagine other ex-service organizations as well are interested. Of course, those who have contacted me had in mind those areas nearest home.

Mr. VAN ZANDT. The veteran organizations are interested in these parks throughout the country because of their great desire to give to the American people the advantages of outdoor life.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, the gentleman has made a very excellent address, and I personally feel very kindly toward recreational areas; but I call attention to the fact there is no Budget estimate for it and there is no authorizing legislation. For these reasons I feel constrained to make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. VAN ZANDT] desire to be heard?

Mr. VAN ZANDT. Mr. Chairman, may I ask the gentleman if it is not true that the Interior Department included in the budget it sent to the Budget Bureau an item covering these recreational areas?

Mr. JOHNSON of Oklahoma. I am not sure. We have no way of knowing what the Interior Department did. I think I can assure the gentlemen, however, that the Park Service is very favorable toward these recreational areas, and I am sure every member of the committee feels that way about it.

Mr. MOTT. The gentleman states the Interior Department sent an estimate to the Budget for this item and still there is no legislation authorizing it?

Mr. JOHNSON of Oklahoma. No. I said the Interior Department feels very kindly and very favorable to it.

Mr. MOTT. The Department did send up an estimate, did it not?

The CHAIRMAN. The Chair is ready to rule.

The gentleman from Oklahoma [Mr. JOHNSON] makes a point of order against the amendment offered by the gentleman from Pennsylvania [Mr. VAN ZANDT].

The Chair has examined the amendment and it appears clearly to the Chair that the proviso included in the amendment is legislation on an appropriation bill; therefore the point of order is sustained.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: Page 111, after line 20, insert a new paragraph as follows:

"Mount Rushmore National Memorial Commission. Any unexpended balances of funds available for obligations for the Mount Rushmore National Memorial on June 30, 1940, shall hereby continue available during the fiscal year ending June 30, 1941, for the same purposes for which such funds were originally appropriated and under the same conditions and limitations with respect thereto."

MOUNT RUSHMORE MEMORIAL

Mr. CASE of South Dakota. Mr. Chairman, the amendment I have offered continues the availability after June 30 of any funds now appropriated to the Mount Rushmore Memorial Commission, which may be unexpended on that date. Existing conditions or requirements as to their use are continued by the wording of the amendment.

It is true, as the printed hearings show, that when the sculptor-engineer, Gutzon Borglum, appeared before the appropriations committee a year ago he promised "to complete the work" with the funds requested by June 30, 1940. The funds were appropriated, $75,000 to be immediately available and $175,000 to be available during the current fiscal year.

The Commission budgeted the work and funds, but obviously, in a work of that character, combining the art of sculpturing with the science of engineering, it is quite possible that time and money may not come out evenly on June 30 next. The Secretary of the Commission advises me that a small balance of funds may be on hand which could be expended before that date, but would be spent more orderly if it could be used after that date. Bad weather or break-downs in machinery may interfere with the work as programmed.

Congress, we hope, will have adjourned by June 30. It would be unfortunate, if on that date, some part of the work programmed with these funds were not finished and the money already appropriated should revert to the Treasury where it could not be touched until Congress meets again in January. I have explained the amendment to the members of the subcommittee, and they have said it is acceptable to them.

Many Members of Congress ask me about Mount Rushmore. Increasingly it is recognized that this is America's greatest memorial. On it, the Government has spent only a fraction of what has been spent on other memorials of far less significance, grandeur, and permanence. Probably many of you saw the Washington head on the cover of the Saturday Evening Post a couple of weeks ago. I invite and urge you all to see the memorial itself, with the heads of George Washington, Thomas Jefferson, Abraham Lincoln, and Theodore Roosevelt, in the Black Hills of South Dakota, at your earliest opportunity.

Mr. JOHNSON of Oklahoma. Mr. Chairman, there is no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. CASE].

The amendment was agreed to.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment to correct the total, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: Page 81, line 3, strike out "$6,697,000" and insert "$7,197,000."

The amendment was agreed to.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: Page 81, line 16, strike out "$6,599,600" and insert "$8,099,600."

Mr. CARTER. Mr. Chairman, that is just a correction of the total?

Mr. JOHNSON of Oklahoma. That is right.

The amendment was agreed to.

Mr. CRAWFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAWFORD. When the gentleman from Minnesota submitted a point of order it struck out the $141,000 on page 13?

The CHAIRMAN. No. The point of order made by the gentleman from Minnesota was to the language following the figures cited by the gentleman from Michigan.

Mr. CRAWFORD. As I understand it, it is not now in order to offer an amendment to that section of the bill, pro forma or otherwise?

The CHAIRMAN. The gentleman is correct. That part of the bill has been passed, and another unanimous-consent request has been agreed to since then.

Mr. CRAWFORD. Mr. Chairman, I ask unanimous consent to extend my own remarks at this point in the RECORD relating to page 13.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan [Mr. CRAWFORD]?

There was no objection.

Mr. CRAWFORD. Mr. Chairman, I wish to address my remarks to the phase of this bill which has to do with some of our island possessions and territories. In hurriedly glancing through the testimony submitted by Governor Cramer in connection with the Virgin Islands I find some of the information which I desire, but apparently some of it is not available. The Governor states, on page 1002 of the hearings:

> I was up here for 4 months last year trying to get favorable action, but, unfortunately, did not succeed in doing so. We want to be given the same treatment that Puerto Rico and the Philippine Islands get with respect to internal-revenue taxes collected on our products.

Just prior to that the Governor was commenting on the proposition of getting benefit payments for sugar growers in the Virgin Islands under the Sugar Act of 1937. He also referred to certain refunds or cancelations of what I believe they term there as export taxes. I understand that in addition to the Governor being in Washington a delegation from the Virgin Islands was here for several months last year attempting to get some very mild legislation approved which would help them in working out their economy. I believe a bill—H. R. 4773—is now pending before the Ways and Means Committee. As one who takes a little bit of interest in the offshore areas, I hope the Ways and Means Committee will see fit to favorably report at this session of the Congress the bill to which the Governor referred and the one to which I referred, and which any Member of the House can get full information on if he will inquire of the Ways and Means Committee. The legislation should be enacted this session, and I urge upon our acting chairman today that he press the Ways and Means Committee to favorably report the bill at an early date. It would greatly help the islanders.

The Governor speaks about spending 4 months here in Washington. On page 998 of the hearings, the gentleman from Pennsylvania [Mr. RICH], commenting on the ownership of the Virgin Islands Co., asked this question:

> Then you and the Secretary of the Interior and the other stockholders own the plant?
>
> Governor CRAMER. No, sir; we no not; because we signed a trust agreement which was to the effect that we would never get anything out of the company. Everything coming out of it was intended to be used for the rehabilitation of the people of the Virgin Islands.
>
> Mr. RICH. It does not look like anybody else will get anything out of it, from the financial reports you give. Can you give us a statement for the Virgin Islands Co. for this year? You said you could give it.
>
> Governor CRAMER. I did not say I could give it, but I said I will try to get it.

Mr. Chairman, the Members of this House are entitled at all times to have submitted to them the operating statements and balance sheets of all our companies with such sweeping charters as that held by the Virgin Islands Co. There is a lot of information I should like to have, as a Member of this House and as one who sits on the Insular Affairs Committee, pertaining to the very operations of the company here referred to. I am informed that the Governor of the Virgin Islands spends most all of his time out of the islands and the greater part of it in the city of Washington.

Businessmen and other citizens of the islands feel that the Governor spends too great a proportion of his time away from the islands. With the Virgin Islands Co. playing such an important part in the economy of the people, they are justified in being concerned about their privately owned business, which must compete, directly or indirectly, with the Government-owned operation. Naturally, they desire to have the Governor available most of the time, so that appeals and petitions and perhaps complaints may be filed with him personally.

I do not have access to the Governor, as do members of the Appropriations Committee, otherwise I would certainly use a lot of my energy in attempting to get full and detailed information with reference to exactly what has happened in connection with the rehabilitation program into which we have poured a lot of money, and as a result of which very little relief, if any, has come to the people down there. On the one hand, we pour money into the islands and on the other we impose wage and hour restrictions, export taxes, and other barriers to their economic and social progress, all of which renders them more unable to help themselves. This occurs because the Members of this body do not thoroughly understand the situation in the islands. I sincerely trust we will mend our ways. I believe the Committee on Appropriations will be rendering a great service if it will insist on the Governor's furnishing detailed information in connection with the condition of the Virgin Islands Co. and in line with this testimony.

We have on our hands at the present time two staggering problems, one much greater than the other, of course. The larger one is in Puerto Rico and the smaller one in the Virgin Islands. I believe it is somewhat of a tragedy that we are not closer to the economic problems and the social problems of those two areas. In my opinion, as a Member of this House who has not been here very long, we pay too little attention to what takes place in the offshore areas. I believe we are not familiar enough with the social and economic problems of Puerto Rico, in particular, as well as the Virgin Islands. The Governor of the Virgin Islands points out what tremendous difficulties they have there as the result of the droughts which visit that area from time to time. In recent months, as a matter of fact for the last 2 years, they have had a recurrence of a disastrous drought there. Those people still operate more or less under the old Danish law. We purchased the islands from Denmark years ago.

[Here the gavel fell.]

Mr. CARTER. Mr. Chairman, I yield 4 additional minutes to the gentleman from Michigan.

Mr. CRAWFORD. I believe we can help them help themselves tremendously by paying some attention to a further revamping of the organic law. We could also very appropriately give further consideration to the situation in Puerto Rico, which at the moment is very bad and, in my opinion, growing worse every day. I think our Insular Affairs Committee could very constructively be more active than it is. I do not want to be too critical of the Governor or the people of the Virgin Islands as long as I personally feel that part of the blame rests on the shoulders of the Members of this body.

This also applies to Puerto Rico. I believe we have been guilty of a terrible injustice to the Puerto Ricans in connection with our Wages and Hours Act. I believe our attempt to solve the sugar problem has been unfair to Puerto Rico. I believe our reciprocal-trade agreements have been unfair to Puerto Rico. I believe many other sins of omission and commission which can be traced to the floor of this House have contributed to the social and economic unrest of the Puerto Ricans. Some day we shall have to answer for them.

In that area there is a population of about 1,800,000, or, say, not more than 2,000,000, which is increasing, I am informed, at the rate of more than 35,000 per annum. They have unbelievable poverty down there. Of course, we also have plenty of poverty in the United States. Their legislative bodies cannot act independently of the Congress. We have aided the building of a political status for the Puerto Ricans which is most disadvantageous to them. We have built a type of commercial agriculture exclusively suitable for exportation. We have contributed to a curtailment of subsistence farming, encouraged absentee ownership, promoted a system which compels the people to import practically their entire subsistence and materially added to their cost of living. New sources of employment are conspicuous by their absence, although the population rapidly increases. Their productive possibilities tend to vanish; their resources are coming to

naught; the people grow poorer and poorer; a collective restlessness grows; discontent arises, and entirely too many of the people are plunged into despair. There is imposed upon us a greater responsibility from a trustee standpoint, because we are more or less responsible for their keeping. Every year we contribute heavily to their treasury, but at the same time, in my opinion, we could do a much better job in the way of constructive assistance than we do at the present time.

I should like now to make a few comments upon the Philippine situation. We have here, I understand, an appropriation of approximately $141,000 to pay the expenses of the High Commissioner of the Philippines. God only knows what will happen in connection with the Philippines. Their independence is on the way. Personally, I do not believe the Filipinos want independence—I mean the people who are capable of thinking—but, nevertheless, we have said to them that they will get independence. I personally feel that the people of this country are determined to give them their independence.

What is to be our program in continuing to subsidize the Filipino economy as a result of direct remittances which we make to their treasury from year to year? It is my understanding that the gentleman from Minnesota [Mr. ALEXANDER] will discuss this same proposition very shortly, and I shall not intrude on his comments.

COCONUT-OIL EXCISE-TAX ACCUMULATIONS

It is my understanding that the aggregate of the coconut-oil excise-tax accumulations up to December 31, 1938, amounted to some $73,928,012.77, and that in this figure there is included an overcredit of $1,200,000, leaving a balance of $72,728,012.77 as of the last-mentioned date; that for the year—12 months—of 1939 there accrued $17,468,379.22, and for January 1940 there accrued the sum of $1,302,898.77—an altogether total to February 1, 1940, of, let us say, $91,500,000. This, even the Filipinos must admit, is a pretty sum to be deposited in their favor.

SUGAR EXCISE-TAX ACCUMULATIONS

Section 503 of the Sugar Act of September 1, 1937—Public, 414, Seventy-fifth Congress—authorizes to be appropriated an amount equal to the amount of the taxes collected or accrued under title IV of the above-mentioned act on sugars produced from sugarcane grown in the Commonwealth of the Philippine Islands which are manufactured in or brought into the United States on or prior to June 30, 1941, minus the costs of collecting such taxes and the estimates of amounts of refunds required to be made with respect to such taxes for transfer to the government of the Commonwealth of the Philippines for the purpose of financing a program of economic adjustment in the Philippines, the transfer to be made under such terms and conditions as the President of the United States may prescribe; provided that no part of the appropriations authorized shall be paid directly or indirectly for the production or processing of sugarcane in the Philippine Islands. The tax imposed under title IV, section 402 (a) (1), amounts to 50 cents per 100 pounds on 96° raw sugar, or, say, 53½ cents per 100 pounds on refined white sugar. The 1940 sugar marketing quota set by the Secretary of Agriculture and applicable to the Philippine Islands amounts to—February 23, 1940 release—1,003,783 short tons raw value, and, calculating the excise tax at the rate of 50 cents per bag on raw sugar, we arrive at an approximate figure of $10,000,000 per annum. The Sugar Act has been in operation since September 1, 1937, and it is fair to assume that the excise tax will apply until June 30, 1941. On this basis, let us make a rough calculation of, say, 46 months, and at the rate of, say, $10,000,000 per annum credit to the Philippine Commonwealth. It would amount to a total of, say, $35,000,000, after deducting the expenses necessary to administer the collection and remittance of the tax on sugar.

So, Mr. Chairman, it would appear, when we take into consideration the general attitude toward the continuation of the excise tax on oil and that on sugar, that we are rapidly moving toward a fund of near one-quarter of a billion dollars to be used in connection with the economic adjustment in the Philippines before or after independence is granted. We have not only a right but a responsibility to leave no stones unturned to see that these funds thus created are used in a very proper manner and for the specific purpose of economic adjustment. It is a very unusual procedure in these days of deficits, heavy interest burdens, and rapidly growing Federal debt. If the fund is to grow to great proportions, that will impose upon us a greater degree of responsibility. If the fund's growth is to be discontinued, that will, in turn, raise serious problems for the Filipinos. In this connection, it is well for us to remember that the necessary appropriation has not yet been made for the transfer of the sugar excise-tax funds to the treasury of the Philippine Commonwealth. In due course the Congress will be called upon to approve an appropriation to permit the transfer of the sugar excise tax to the Philippine treasury, the funds to be expended, of course, in accordance with the provisions of the Independence Act, the Sugar Act and the amendments thereto, and the Revenue Act imposing the oil excise tax.

Now, let us look at another phase of the situation which has an important bearing on the whole approach and the questions and problems involved. The 1940 budget of the Philippine Commonwealth—submitted by the President of the Commonwealth to the national assembly on February 7, 1939—shows the following:

Estimated ordinary income	₱85,500,500.00
Estimated ordinary expenditures	83,406,930.00
Estimated excess of ordinary income over ordinary expenditures	2,093,570.00
Add: Estimated current surplus on July 1, 1939	28,620,096.38
Total	30,713,666.38
Deduct: Estimated extraordinary expenditures	610,000.00
Estimated current surplus on June 30, 1940	30,103,666.38

The national budget for the fiscal year ending June 30, 1941, excluding the income accruing to and the expenditures chargeable against the collections derived from the coconut-oil excise tax, it is estimated that the total collections for the fiscal year ending June 30, 1940, will reach the sum of ₱97,061,880, including the amount of ₱9,625,230 which the Philippine National Bank recently paid to the national government as a refund on account of fixed deposits previously written off. For the fiscal year ending June 30, 1941, the total collections are estimated at ₱91,178,150, including the sum of ₱3,500,000 which it is expected will be realized from the Philippine National Bank as a refund on account of fixed deposits previously written off. The 1941 budget proposes a total appropriation of ₱89,149,130 for the ordinary or recurring expenditures.

Now, when Congress gives its approval to the transfer of the accumulated funds flowing from the sugar excise tax, and when this is added to the oil excise tax it will be found that annual contributions will approximate—on basis of present showing—about $27,000,000 annually. This is such a great proportion of the total annual budget—$27,000,000 as related to, say, $42,500,000, a peso being equal to 50 cents American money—that when it is expended there will be danger of inflation of prices and great dislocation of industry in the islands during the period of expansion or immediately following its discontinuance. In fact, we are playing with great forces here. Those who are familiar with the economy of the islands, the standard of living of the people, the primitive state of the people, and the country can, when they comprehend the importance of such a vast sum of money as related to ordinary expenditures of Government, fully realize the dangers inherent in the policy we are following.

PRIOR REVENUES AND EXPENDITURES

Now let us look at some of the previous figures. From the annual report, Chief, Bureau of Insular Affairs, for 1938, we find the following:

	1934	1935	1936	1937
Total revenues	$39,337,375	$41,419,640	$51,751,118	$106,240,713
Expenditures	35,359,795	37,966,596	46,183,096	54,553,918

NOTE.—It is important to keep in mind that the receipts for 1937 include $47,753,613 coconut-oil excise tax collected in the United States.

While it is difficult to obtain current figures on all these transactions, we do find from the report of the Joint Preparatory Committee on Philippine Affairs that by the end of March 1938 the United States Treasury had collected $61,115,123 coconut-oil excise tax for remittance to the Philippine government, this being the sum which had accrued from May 10, 1934, to March 31, 1938. There is very little chance for the repeal of the excise-tax burden, and it would appear that for some years to come the Philippine treasury will be enriched by the flow of this excise-tax money from the United States. Now, as the excise-tax fund becomes larger and larger, and as it is augmented by the appropriations which are sure to be made to cover the accruals on the sugar excise tax, it is reasonable to assume that in due course a fund in the neighborhood of a quarter of a billion dollars, or even more, will be available for economic adjustment in the Philippines. This, my dear colleagues, certainly creates further Philippine uncertainty. In the United States we have had an example of just how planned economy works out or does not work out. We know what it means to have a vast sum of money turned over to Executive discretion. We know how leaks and fraud and waste can quickly develop. Yes; we have had some experience in using hundreds of millions of dollars making economic adjustments. Can we believe that in far-away, primitive Philippines, funds will be guarded with any greater degree of care and discretion than that which we have exercised in our continental United States? We have seen how such funds can be used for political purposes. Should we assume that this will not happen in the Philippine Islands? Personally, I shall not assume that it is not necessary for us to throw about and around these funds the greatest care that is humanly possible. In building up these vast funds we are creating great temptations for the Filipino politicos. Some day someone is very likely to look upon these accruals of excise-tax funds with great envy. Why do I say this? Because it is in keeping with the way legislative bodies operate. Revenues should always be kept within the bounds of reasonable needs. When they run sufficiently high to build up great excess funds, the temptation is there, and generally someone yields to temptation and a large percentage of the funds are squandered. For us to be parties to the building up of a great fund in the islands and then, through carelessness on our part as the Congress, to permit those funds to be squandered will be a greater disgrace to ourselves than it will be to the Filipinos who participate in a waste of the funds.

Mr. Chairman, to assist an honest man to pay his debts is a constructive step to take. On June 30, 1938, I am informed, the insular government of the Philippine Islands had bonded indebtedness outstanding in the sum of $47,041,000, this sum being included in the 10-percent limitation. In addition, there was outstanding, not included in the 10-percent limitation, the sum of $6,939,000, a grand total of $53,980,000. There were outstanding bonds of railroads, guaranteed as to interest by the Philippine government, $20,168,000. It might be a highly constructive step for the Commonwealth government to use some of the excise-tax funds for the purpose of paying off the direct and guaranteed debt of the insular government. A debt paid is an obligation discharged, while new buildings constructed add to the future burden in the form of taxes for upkeep.

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Walter: On page 97, line 20, strike out "$324,500" and insert "$331,500", and strike out "$227,000" and insert "$234,000".

Mr. SCRUGHAM. Mr. Chairman, the committee will offer no objection to the amendment. This item was omitted through a misunderstanding.

Mr. CARTER. If the gentleman will yield, I am not informed as to what item this relates to.

Mr. SCRUGHAM. It relates to coal statistics in the Bureau of Economics. The item was omitted through a misunderstanding, under the impression that this work was being handled by the Bituminous Coal Commission.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. O'CONNOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: On page 86, line 10, insert a new paragraph, as follows:

"For water-conservation projects in the Great Plains, reimbursable, as authorized by the act of August 11, 1939 (Public, No. 398, 76th Cong.), $1,500,000: *Provided*, That the amount of these funds expended on projects, in which, or in part, on Indian reservations shall not exceed one-fifth of the amount herein made available."

Mr. O'CONNOR. Mr. Chairman, I understand that this amendment will be objected to by the committee, and I therefore ask unanimous consent to withdraw it.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that the bill from page 113 to the end of the bill may be considered as read, with the understanding that points of order and amendments may be in order to that part of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. REES of Kansas. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. REES of Kansas. Mr. Chairman, I make the point of order against the language beginning in line 12 on page 114 and extending to the end of the paragraph on line 19, page 115, that it is legislation on an appropriation bill not authorized by law, and that it contains contractual legislation.

Mr. WHITTINGTON. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. No, Mr. Chairman; I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. Mr. Chairman, I submit that the point of order is without merit. These appropriations are specifically authorized in the act referred to in line 14, on page 114; that is to say, the Federal Highway Act of June 8, 1938. Section 8 or 9 of this act specifically authorizes appropriations for the purposes set forth in the paragraph to which objection has been made. I submit that the point of order is without merit and should be overruled.

The CHAIRMAN (Mr. COOPER). The Chair is ready to rule.

The gentleman from Kansas [Mr. REES] makes a point of order against the language beginning in line 12, on page 114, and ending in line 19, on page 115.

The Chair invites attention especially to the language appearing in the proviso beginning in line 2, on page 115, and extending through the paragraph. It appears clearly to the Chair that that is legislation on an appropriation bill, and the Chair therefore sustains the point of order.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: On page 114, line 12, insert a new paragraph as follows:

"Blue Ridge and Natchez Trace Parkways: For continuing the construction and maintenance, under the provisions of section 8 of the act of June 8, 1938 (52 Stat. 635), of the Blue Ridge and Natchez Trace Parkways, including not exceeding $2,400, for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, to be immediately available and remain available until expended, $2,000,000, of which amount not to exceed $50,000 shall be available for personal services in the District of Columbia: *Provided*, That $700,000 and any other sums received from other sources for said Natchez Trace Parkway shall be allotted and expended ratably between the States of Mississippi, Alabama, and Tennessee according to mileage of said parkway in each respective State and said allotments shall be used for no other purpose."

The amendment was agreed to.

Mr. CARTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARTER: On page 114, line 11, after the word "California", strike out the period and insert a comma and the following: "except in the floor of the canyon of the south fork of the Kings River."

Mr. JOHNSON of Oklahoma. Mr. Chairman, the committee will accept the amendment.

The amendment was agreed to.

Mr. VAN ZANDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VAN ZANDT: On page 143, after line 13, add a new section to be known as section 5, to read as follows: "No part of any appropriation contained in this act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States, unless such person is a citizen of the United States, or a person in the service of the United States on the date of the approval of this act, who, being eligible for citizenship, had theretofore filed a declaration of intention to become a citizen or who owes allegiance to the United States."

Mr. VAN ZANDT. Mr. Chairman, my amendment is similar to the amendment already adopted by the House when considering the appropriation bills for the Navy and nonmilitary functions of the War Department.

Reduced to a few words, the expenditure of the funds appropriated under this bill is restricted to the employment of only American citizens. This restriction applies only to those whose post of duty is in continental United States.

With 10,000,000 of our fellow Americans unemployed it behooves us to adopt such an amendment to aid our country in assisting our own citizens who are jobless through no fault of their own.

I respectfully request your support of the amendment.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the committee is very pleased to accept the amendment.

Mr. MARCANTONIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment is similar to several amendments, in fact, to a series of amendments, we have had during this session of the Congress which make it impossible for one who is not an American citizen to be employed on any of the projects or any of the works contemplated under these appropriations. Last week we had a similar amendment with regard to the nonmilitary appropriation bill and this week we have this amendment with regard to the Interior appropriation bill.

I wonder if I could get this Congress to pause and dispassionately consider just what we have been doing to the foreign-born. I wonder if it is possible to have you lay aside your prejudices and bigotry. I wonder if it is possible to have you drop your un-American offensive against a man who is law-abiding, who is trying to become a citizen of the United States, who is trying to raise native American children as good Americans. I wonder if it is possible to have you desist from depriving him of an opportunity to earn a living for himself and for his native American family?

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman.

Mr. VAN ZANDT. I think if the gentleman will read my amendment he will find that where an alien has applied for first papers and takes an oath of allegiance to the Government of the United States, he is excluded from the amendment.

Mr. MARCANTONIO. And the gentleman well knows that in applying for first papers, the foreign-born is confronted with a procedure that is so difficult and lengthy that an applicant has to wait 10 months or more before receiving his declaration of intention. Often because of his inability to meet red-tape requirements he never receives his declaration of intention. Furthermore, you do not make good citizens by jamming citizenship down people's throats. American citizenship is and has been a voluntary act, and these people want to become citizens. This Congress has refused to give sufficient funds to the Naturalization Service so that it is now understaffed and the foreign-born has to suffer long periods of delay. You have refused to make naturalization a reasonable procedure. To the contrary you have made it most difficult for the foreign-born to become a citizen and now you try to starve him because he is not a citizen. These people are anxious to become citizens, but what happens? Before the average courts of the States and of the United States they are asked questions that even a United States Supreme Court judge cannot answer.

There are all kinds of impediments set before them which I have not the time to describe, and there is so much red tape involved that becoming a citizen is today a most difficult process. I make no criticism of the Naturalization Service. It is doing the best it can. Congress will not give it the funds it needs nor has this Congress ever given any thought to make the process reasonable. On the one hand we make it virtually impossible for the foreign-born to become a citizen, and on the other hand you say to him, "You are going to starve because you are not a citizen of the United States." What brand of Americanism is this? I say it is Ku Klux Klanism.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. CASE of South Dakota. Does not the gentleman think that while there are American citizens out of work, the United States Government should not employ these people who have not signified their intention to become a citizen of the United States?

Mr. MARCANTONIO. You are not going to solve the unemployment problem by depriving anybody of work. The only way to solve the unemployment problem is to provide work for everybody. Deprive any group of people of their purchasing power and you aggravate the problem of unemployment. What are you going to do with these people anyway? Are you going to shoot them down?

Mr. CASE of South Dakota. We should urge them to become citizens of the United States.

Mr. MARCANTONIO. You urge them how? By making it almost impossible for them to be citizens. There was a time in the history of this country when the National Manufacturers Association sent agents to southern and eastern Europe, and to Ireland and various other places, and their agents pictured a beautiful land here and said, "Come on over—big wages, good living, hospitality, and a keen desire to help you." People believed them. They sold their few belongings and were herded into steerages. They greeted the Statute of Liberty with tears in their eyes, and their hearts were swelled with the desire to become Americans, raise their families as Americans, and to become an integral part of a great democratic Nation. No sooner had they turned their heads, they found themselves in Ellis Island. Soon they learned that the promises were fakes; that they had been induced to come here to be used as cheap labor—industrial cannon fodder of the labor exploiters.

On Ellis Island they put tags on them and they took them from Ellis Island and shipped them off to work in the mines, the roads, the mills, the sweatshops, and on the railroads. These men and women worked and worked hard, and at the end of each month instead of getting any wages, they would often be informed that after deducting their wages they still owed the company commissary money. At that time when we wanted cheap labor, it was marvelous to get these people here because we could exploit them, but since that time, since these foreign-born workers have fought for the American standard of living and have been insisting on union and trade-union rates, we no longer want them. These people helped build America. Now, that they have joined with their citizen fellow workers to help make America a happy nation of a happy people, we persecute them under the name of Americanism. This is not Americanism, it is know-nothingism. Remember, Mr. Chairman, what is going on in this House is a repetition of the vile Know Nothings, practices that existed in this country prior to 1860. This is Know Nothings legislation that we are putting in these bills

day in and day out. We are practicing the Know Nothings creed, and we who are of this foreign-born stock resent deeply your persecution of our people of whom we are proud. We resent it because it is wrong.

We resent it because you are going to the limit to hound and persecute the foreign born. The other day you passed an amendment which prohibits any American family to live in any low-cost Government-financed housing project if any one member of the family is not a citizen. And you call this Americanism? I am pleading for these people because they are good Americans, even though they do not possess a certificate. I plead for their native American children. If this is Americanism, if this legislation which forces the foreign born to travel along another via Crucis is the kind of legislation of which this Congress is proud, all right. You can have it, but I am telling you that the children, relatives, and friends of the foreign born and all others who still adhere to genuine American traditions resent this Know-Nothings legislation and will remember its proponents on election day.

Mr. CASE of South Dakota. Mr. Chairman, I move to strike out the last word. I shall take only a moment or two. I submit that if these people to whom reference has been made are good Americans, then they will become citizens of this country.

There is no Know Nothings legislation about this. Quite to the contrary. Out in my district one of the largest employers of labor, a private industry, some years ago voluntarily set up for itself this standard of employment. That industry required that whenever it employed new people they must be citizens, or at least must have applied for first citizenship papers. They paid the highest standard of wages of employers in that territory. The personnel manager told me that they found it to be good business, that when these people found that American citizenship meant something to them, they commenced to take an interest in their community and commenced to be better citizens and Americans. They cut loose the old ties and the United States became "our country" to them.

There can be nothing wrong in saying that when the taxpayers foot the bill to pay for employees of the United States, that we should give preference at least to American citizens or those who have declared their intention to become citizens before we employ aliens. [Applause.]

Mr. HINSHAW. Would the gentleman be willing to say whether or not United States citizens can be employed by any other government in the world?

Mr. CASE of South Dakota. I do not know of any such instance.

Mr. MURDOCK of Arizona. Is it not true that many of the States of the Union have similar laws forbidding public employment by the State or its subdivisions of aliens or of people who are not citizens or residents of the States?

Mr. CASE of South Dakota. I think many States do have such legislation.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I merely state that similar amendments have been added to nearly every bill that has been passed here. There is no objection to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 101, line 16, strike out "$2,808,460" an insert "$2,815,460."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CARTER. Mr. Chairman, I move to strike out the last word, to say in connection with the amendment I offered a few moments ago, relative to the Kings Canyon National Park in California, that the amendment was made necessary because the bill as reported by the Committee on Appropriations carried a provision that no funds for road building could be used in that park.

While it was the understanding of the committee that no roads were to be built, still the Park Service had never appeared before the committee in behalf of this park. At the time of the hearings on the Interior Department bill this area was not a national park; therefore, the National Park Service made no representations with reference to this park. Within the last day or two the bill making this area a national park has been signed. Since this bill was reported it has developed that the Park Service does want to make a few miles of entrance road. All the discussion in the committee at the time this amendment was under consideration was to the effect that according to the unofficial information no roads were contemplated and, if they were, the committee felt that a comprehensive plan of roadbuilding should not be commenced there without the matter being placed before the Committee on Appropriations. As I say, it developed afterward that the Park Service does desire to make an entrance road of a few miles and to make a turn-around and parking areas. There was no desire on the part of the committee to impede the development of this park and I believe I am correct in saying that they are unanimous for the amendment I have offered. From the Park Service I have obtained a statement of their plans of development, as follows:

ROADS AND TRAILS IN KINGS CANYON NATIONAL PARK

The allotment of roads and trails funds to the new park are necessary for these reasons:

1. From 50,000 to 75,000 automobiles may be expected to enter the South Fork Canyon during 1940. Camp roads and parking areas must be built to distribute and care for this influx or irreparable damage will be done to the vegetation and scenery. It is not expected to construct any major roads within the park or to push a road up the South Fork Canyon beyond a suitable turn-around point near Zumwalt Meadow.

2. It will be equally necessary to construct footpaths, trails, and bridle paths in the South Fork Canyon to distribute foot and saddle travel.

3. A beginning, but a small beginning, toward the above has been made by the Forest Service; but they have been faced with the indefinite status of the area and they were not confronted with the actual fact of automobile travel, as is the Park Service, because of opening of new State highway early in 1940.

4. There are over 400 miles of used trails in the park, much of which is in condition dangerous to stock, notably sections of the John Muir Trail over Glen Pass, the Middle Fork Trail from Tehipite to Simpson Meadow, the Muir Pass Trail from Little Peto Meadow to Evolution Basin. All trail use will intensify, and unless there is maintenance and improvement work they will become impassable. This is particularly the case this year as California has experienced its heaviest rains in many years.

SUMMARY

The allotment of moderate sums for minor road construction, for parking areas, for road and trail maintenance and improvement cannot operate to destroy the wilderness aspect of the park, but will preserve it from destruction by unregulated automobile traffic.

The Service and the Department of the Interior are irrevocably committed to the preservation of the Kings Canyon National Park as a wilderness park, with no additional road construction beyond that necessary to care for motor travel already brought with the South Fork Canyon. The deprivation of roads and trails funds will operate to hinder administration, protection, and maintenance, and will result in a condition which will reflect upon the Service and the Congress.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am reluctant to trespass on the indulgence and patience of the Committee at this late hour, but I should remind you that this bill carries $265,000 for the Virgin Islands, of which $90,000 is to be used to reimburse deficits in the treasuries of St. Johns, St. Thomas, and St. Croix. My only reason for alluding to it is because in another body a distinguished Member has introduced a resolution this week for the purpose of setting in motion negotiations with Great Britain and France looking to the purchase of Windward Island, Leeward Island, Bimini Island, Nassau Island, Trinidad Island, Bermuda, and a couple of bushels of other islands. The proposal is predicated upon the belief that these islands are essential to our national defense and as a means of collecting the war debts.

In view of the distressing and very vexatious experience that we have had with the Virgin Islands, reimbursing as we do today, the deficits, and in view of the fact that a similar situation exists in the other islands in the Caribbean today, I am apprehensive that Great Britain and France may undertake to accept the deal that would be offered in such a resolution. So I raise my voice against it. If they want to collect the war debt, let us start negotiating for Canada and be practical about it. [Applause and laughter.]

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. SCHAFER of Wisconsin. Has Uncle Sam's rum business in the Virgin Islands been operated at a profit or a loss?

Mr. DIRKSEN. I would say we are producing about 80,000 gallons of Government House rum and they have a gentleman on the pay roll figuring up new recipes whereby sales may be expanded. But if you look at the hearings you will see how distressing our experience has been with the Virgin Islands and the industries there.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. RICH. The gentleman knows that we went in the red to the extent of $23,000 in the Virgin Islands rum plant and we did not charge anything for taxes and we did not get anything on the $2,600,000 we have spent there. If that is a good corporation, then we know nothing about corporations.

Mr. DIRKSEN. Let me suggest the language in the bill itself on page 136:

For defraying the deficits in the treasuries of the municipal governments, because of current expenses, $90,000.

Mr. KELLER. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. KELLER. Is that what makes the gentleman jealous, that Government House rum?

Mr. DIRKSEN. The amount of Government House rum they make in the Virgin Islands is such a picayunish amount compared with the rum and whisky we have manufactured in the city of Peoria alone that it is not worth worrying about. [Laughter.]

On the face of it, the logic of the proposal would appear almost unassailable. It goes like this: Since the war-debtor nations have refused or neglected to pay up and since the debts are becoming cold and seemingly uncollectible, let us venture in the real-estate business on a wholesale scale and take over a score of islands as part payment. Moreover, we must protect the Panama Canal, and since many of these islands are in the proximity of the Canal, we should own them. It makes a most plausible case.

But wait. We already own the Virgin Islands. Is it not a bit strange that the real experts on national defense in the War Department, as distinguished from some of the amateur experts outside the War Department, have never made a survey of the defense possibilities of these islands, insofar as I can learn? Is it not strange that nothing appears in the pending bill to fortify the Virgin Islands? Is it not strange also that we have not made any special effort to fortify Puerto Rico, which lies but 60 miles from the Virgin Islands? Whence comes the idea that we should accumulate a score of impoverished Caribbean Islands for defense purposes when in fact there is no showing whatsoever that they are necessary?

These are days of mobile navies and speedy planes, and it would be interesting to see by what ratiocination those who would have us go into the real-estate business can establish the contention that these islands are essential to our defense. The naval base which we established in the Virgins was withdrawn nearly 10 years ago, so that apparently the Virgin Islands do not loom so large in the plans of the Navy Department.

But this other argument; how convincing it seems. Since the war-debt nations refuse to pay, let us take what we can get. An assortment of islands to add to our insular domain would be better than no remittance at all. But would they?

We have had the Virgin Islands for 23 years, and they have been a vexation ever since. They have been dubbed "America's poorhouse." Governor Cramer himself has testified that more than $3,000,000 has been invested in land, sugar plants, factories, houses, and in a Government distillery. Other funds have been invested. Sugar has not succeeded. Government rum has scarcely succeeded. The three island governments come to us year after year as mendicants to reimburse the deficits which they incur. Emergency funds and aid of various kinds have been dumped into these islands, but all to no avail. During the period of United States ownership, the population has diminished by about 5,000, and it is fair to assume that many of them have migrated to the United States to add to our own problem of unemployment and relief. Now, some would have us venture into the acquisition of other Caribbean islands, only to become a place where additional funds from our own taxpayers might be dumped.

Back in 1917, when these islands were acquired, there was the familiar fanfare that these islands had commercial importance and strategic value. Wonder what has happened to that argument? As for commercial importance, they constitute a splendid way of adding to our national debt, our annual deficits, and to the continued maintenance of a national poorhouse.

What is true of the Virgin Islands is equally true of Puerto Rico. For more than 40 years we have administered Puerto Rico. What is the score? Every year we dump funds into Puerto Rico under the Smith-Lever Act, the Bankhead-Jones Act, and other acts to stimulate a decadent agriculture.

In round figures, the Puerto Rico Reconstruction Administration has received about $60,000,000 for relief and rehabilitation work. About $30,000 is spent annually in the island for enforcing prohibition. Another $50,000 has been recommended for the agricultural experiment station. Still another $128,000 was recommended for expenditure there under the Bankhead-Jones Act and another $105,000 for vocational education by the Office of Education. We also operate C. C. C. camps in the islands so that all in all, the Puerto Rican situation has been a sorry affair.

To crown our efforts, the application of the provisions of the Wage and Hour Act destroyed the needlecraft industry in Puerto Rico, made it impossible for them to compete with needlecraft imports from other low-wage countries, and the islanders are now appealing to us for additional aid.

As for its importance in national defense, let me direct attention to a bill which was introduced by Senator TYDINGS to provide a plebescite under which the Puerto Ricans might determine whether they wish to continue as a dependency or become wholly independent. All in all, this has been a tragic and costly experience for 40 years, and if the facts are fully known, I doubt that the taxpayers of this Nation would approve of any proposal to take on more grief by acquiring islands that have no defensive value and which would only constitute a further burden on the Federal Treasury.

To be sure, the national heart should never lose its charitable instincts, but there is such a thing as too much charity at the expense of the taxpayers. With the exception of Bermuda, the islands which it is proposed to bring under the folds of our flag are impoverished, unhealthy, unhappy, unimportant, and unnecessary as a part of the defense establishment of this Nation. My apprehension is that Great Britain and France in the light of their sorry experiences with these Caribbean Islands, might be only too glad to transfer them to this country for a fancy consideration and with it hand us the vexing task of doling out huge appropriations at the expense of the taxpayers of this country to maintain order and provide sustenance for the impoverished natives in these worthless tropical areas.

I, too, share the general desire to secure payment on our war debts. But in approaching that problem, let us be practical. Let us negotiate for Canada.

Mr. VOORHIS of California. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I will not take 5 minutes. I ask for this time only that we may close debate on this bill by looking at the doughnut instead of the hole.

This bill is of vast importance to thousands of people in this country. I could take you to my own State and show you thousands of families, literally homeless people, who have come out of sections of the country where the fertility of the soil has been exhausted, the topsoil washed or blown away, or where changes in agricultural methods have driven them from the place where they have made their farm home. Those people are looking for new homes. They are good people—old American stock. They are looking for work in the vast majority of cases—and for a new home. What they want more than anything else is a place where they can reroot themselves on the soil of America and follow the way of farming, which has been the basis of our civilization from the beginning.

This reclamation program and this public-power program are making possible the homes that those people so sorely need and which we in California especially need to have them have. This reclamation and power program is giving us a new American frontier. It means a great deal to the people of the State of California as well as from other sections of the country that we do all we can to create that frontier.

I am also deeply interested in the proposal that has been made that we conserve by a comprehensive program the water and develop the greatest practicable amount of water in the Great Plains area. That, too, is important for us of the far West who are having such difficulty in absorbing the great numbers of people who have been coming to our State in recent years.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. O'CONNOR. Is it not a fact that people who have been droughted out in the Great Plains area go to the Pacific Coast States of California, Oregon, and Washington, and thereby become a burden on the tax-relief rolls of those States?

Mr. VOORHIS of California. That is all too true, and it presents a great problem from the standpoint of school districts, our county hospitals, and in many other respects. Of course, under conditions of general prosperity the situation would be less difficult, but when, as now, we already have large numbers of people unemployed and in need, the added numbers make the situation more difficult.

Mr. Chairman, I had not intended to speak even as long as I have, but I do want to say that from the standpoint of this great human problem the Interior Department appropriation bill we are passing today is a great forward step. I regret only that it does not contain appropriations for conservation work in the Great Plains area so as to help people to stay where they are and make a good living because the life-giving water is present to make the land produce.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. RANKIN. Let me say to the gentleman from California that the public power plant in Los Angeles has been more responsible than any other cause in bringing down light and power rates in California.

Mr. VOORHIS of California. That is right and could be demonstrated in a dozen ways. Indeed the gentleman has stated the case conservatively. Like him I believe that streams and waterfalls are a gift of God to all the people to be used by all the people for the lighting of homes and the furnishing of power at cheap rates to farms and factories.

Mr. RANKIN. If the people of California were overcharged as much last year as were the people in Illinois, the home State of the gentleman from Illinois [Mr. DIRKSEN] were overcharged, they would have been overcharged $100,000,000.

Mr. VOORHIS of California. That is right and I thank the gentleman very much for his contribution. Indeed, largely because our rates have been reduced as they have, the number of residential consumers of electric power from the bureau of light and power of Los Angeles has almost doubled since 1935.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. O'CONNOR. The main reason for my withdrawing my amendment, which provided for an increase in the appropriation for conservation of water and the development of small irrigation projects on which relief labor could be used, was that I was assured that through another more effective means a larger appropriation would very likely be secured, and that should my amendment be defeated by the House it might in some way impair the chances of success of securing such larger appropriation by such means. It is imperative that we try to hold our people upon ranches by such improvements, and particularly so when relief labor can be employed, as such improvements would inure to the permanent benefit of the people and the country.

Mr. VOORHIS of California. I understand.

Mr. REES of Kansas. Mr. Chairman, I ask unanimous consent to extend my own remarks in the RECORD at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. REES of Kansas. Mr. Chairman, I rise in support of my point of order against the paragraph that not only appropriates $2,000,000 for these highways, but in addition thereto authorizes those in authority in the Park Service to enter into contracts to spend $2,000,000 more, and levy that much more against the taxpayers of this country. I believe the members of this committee know that this is legislation providing for contractual expenditures without legislative authority. It does not belong in an appropriation bill. The extra two million is here so that you will have that much more to spend on these projects.

Now what about the merits of this proposed legislation? This money is to be expended on two scenic highways—the Blue Ridge and the Natchez Trace Highways. One of them, when completed, will be more than 400 miles long. They call them "parkways," so as to have the excuse of securing Federal funds to pay the entire bill of construction and maintenance. I am informed that these two highways will cost about $60,000,000 or $70,000,000. In addition will be the cost of maintenance. I do not know of any place in the United States where highways of this length are built entirely at the expense of the Federal Government. No doubt they are fine scenic highways.

They traverse mountain regions in four or five Southern States. They will be used mostly by the leisure class of our people. The Congress long ago adopted a policy of matching dollars 50-50 with the local communities for building highways. Here, Uncle Sam pays the entire bill except that the States or the counties provide the land. Do you think this is either right or fair to the people of this country? You know it is not right. These particular highways were started with an allotment of W. P. A. funds by the administration. During the last 3 years Congress has been called upon to appropriate millions to keep the projects going. I maintain it is an extravagant expenditure of money and should not be allowed. If you want to build these highways, why not put them on the same basis and build them as we build highways in other parts of the country? It is favoritism, pure and simple. You know that.

If this proposition were in a bill of its own and required to stand on its own feet, on its merits, I just do not believe it would pass the House. Being only a part of a bill appropriating more than $150,000,000, for many projects in various parts of the country, it will be approved without much discussion as to its merits.

This legislation is favoritism, it is extravagant. The overburdened taxpayers of this country should not be asked to bear this extra burden. They just cannot afford it.

Mr. ALEXANDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALEXANDER: On page 143, after line 14, insert a new section to be known as section 6, to read as follows:

"No funds appropriated herein shall be expended for salaries, administrative expenses, travel, or other purposes in any Territory or former possession where refunds of excise-tax collections are being made to such Territory or former possession."

Mr. JOHNSON of Oklahoma. Mr. Chairman, I make the point of order against the amendment that it constitutes legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. ALEXANDER. If the Chair please.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ALEXANDER. Mr. Chairman, it does not seem to me that this is legislation that comes within the previous rulings of the Chair, because it is a limitation and therefore comes under the Holman rule.

Mr. TABER. Mr. Chairman, it is a pure limitation.

Mr. JOHNSON of Oklahoma. Mr. Chairman, this is not germane because it refers to appropriations not covered by this bill.

Mr. ALEXANDER. Mr. Chairman, answering the gentleman from Oklahoma I suggest that the bill carries an appropriation of $141,000 to which this amendment directly refers and therefore should be germane.

The CHAIRMAN (Mr. COOPER). The Chair invites attention to the fact that the bill does carry certain appropriations for the Philippine Islands, the Virgin Islands, and insular possessions. The Chair therefore is under the impression that the amendment is germane to the provisions of the pending bill, and the Chair is of the opinion that the amendment offered is in the form of a limitation and would be in order.

The point of order is overruled.

The gentleman from Minnesota is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Chairman, I am sorry to take the time of the committee at this late hour but there are two points in connection with this amendment which it seems to me are well worth not only the attention of this body but the attention of the general public.

In the first place, I think this appropriation of $141,000 for the United States High Commissioner to the Philippines, which I am aiming at, is exorbitant and excessive, and a great waste of money. In support of this contention I call attention to the fact that this amount is nearly three times what the Governor General of Canada is allowed annually for the salary of himself and expenses of his office. It is a fact, I am informed this afternoon, that the Governor General of Canada is allowed only £10,000 a year for expenses. This is less than $50,000.

The Governor General of the Commonwealth of Australia spends only £7,500, which is less than $37,000, and considerably more than $100,000 under the $141,000 we are being asked to appropriate for the United States High Commissioner to the Philippines. I submit that both Canada and Australia are far more important and larger colonial possessions than the Philippines, so on the basis of these comparisons the appropriation requested is all out of reason. The Governor General of New Zealand receives only £7,500 per annum. An equal amount from us for our Commissioner to the Philippines would be much more reasonable.

But let me call your attention to one additional fact. Not only are the Governors General of those Dominions which I have mentioned chosen by the King of England, but I am informed the Dominions pay every penny of the expenses of these Governors General, whereas we ourselves are asked to pay $141,000 to support the United States High Commissioner to the Philippines. For what purpose? If you will read the hearings you will find that the purposes are very cloudy. There seems to be very little reason, as was developed by questions in the committee.

In addition to that the appropriation that is being requested is nearly as much as requested in the previous year, although we have just spent $750,000 to build new quarters for our High Commissioner to the Philippines, which has just been completed. On a 3-percent-for-interest basis, plus 2 percent for depreciation per annum, we should be saving approximately $37,500 in order to justify the expenditure of this huge sum. But instead of that, after spending $750,000 to build palatial quarters and a house for our High Commissioner, we are saving only $4,000; as shown in the committee hearings. We might better continue to rent quarters at $16,000 plus, which we paid before. We could be saving over $20,000 on that basis per annum. O Consistency, where art thou!

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Who was the High Commissioner when the American taxpayers were called upon to spend three-quarters of a million dollars for a palace in the Philippine Islands?

Mr. ALEXANDER. I believe it was one of the potential candidates for President.

Mr. SCHAFER of Wisconsin. Was it Mr. Paul McNutt, of Indiana?

Mr. ALEXANDER. May I say in this connection, it is not strange that our High Commissioners come back to this country prepared to carry on a campaign for the Presidency, in view of the tremendous sums which we are squandering there year after year for this useless purpose, both by way of refund of their excise tax collections amounting to many millions per year as well as this annual appropriation for the High Commissioner's establishment. Let us support this amendment and save making further mistakes in this connection. [Applause.]

[Here the gavel fell.]

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. RAYBURN. Mr. Chairman, it is very late. I hope the gentleman will not press his request.

Mr. ALEXANDER. Mr. Chairman, I withdraw my request.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. ALEXANDER].

Mr. Chairman, as the gentleman from Texas stated, it is very late. The gentleman from Minnesota has no doubt made a study of this question. He offers an amendment here in the form of a limitation which we know is, in fact, a legislative matter that ought to be decided by a legislative committee. The Members do not know what the effect of his amendment might be. It may have a very far reaching effect. The gentleman has in mind the Philippine Islands. I would not say that he has a grudge against those people, because I do not know what his attitude is, but he offers this amendment. It may be very far reaching in its effect. The gentleman had an opportunity to appear before the committee, but he did not come before the committee. At this late hour I do not think we should be called upon to discuss and decide a very important legislative matter that might be very far reaching in its effects. Mr. Chairman, for the reasons stated, I think we should defeat the amendment.

Mr. RANKIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Minnesota [Mr. ALEXANDER] went out of his way to attack the distinguished gentleman from Indiana, Hon. Paul V. McNutt. Here are his exact words, as taken down by the official stenographer:

> Mr. SCHAFER of Wisconsin. Who was the High Commissioner when the American taxpayers were called upon to spend three-quarters of a million dollars for a palace in the Philippine Islands?
>
> Mr. ALEXANDER. I believe it was one of the potential candidates for President.
>
> Mr. SCHAFER of Wisconsin. Was it Mr. Paul McNutt, of Indiana?
>
> Mr. ALEXANDER. May I say in this connection, it is not strange that our High Commissioners come back to this country prepared to carry on a campaign for the Presidency, in view of the tremendous sums which we are squandering there year after year for this useless purpose.

Mr. RANKIN. What an insult.

Paul McNutt never took a dollar dishonestly in his life. He never dreamed of doing such a thing. There is not a more honorable man in America, as everyone knows. Yet the gentleman from Minnesota [Mr. ALEXANDER] stood here and intimated that Paul McNutt came back from the Philippines a rich man as a result of his service there. That is exactly what his words indicated, and I do not propose to let him make any such insinuation in this House and get away with it.

Paul McNutt served a great purpose in the Philippines; he discharged his duties honorably and well. He never took a dollar except the salary paid him by the Government. He really served at a loss. There is not a more honorable or a more able or a more worthy man in this Republic than Paul V. McNutt. There is not a man who stands higher in his own State. He made one of the greatest Governors Indiana ever had. He made one of the greatest national commanders the American Legion ever had. He stands high with the American people in every section of the country, as one of the ablest and most conscientious public servants this Nation ever had; and I do not propose to have the gentleman from Minnesota or anyone else stand here and in his partisan enthusiasm make such vicious and unwarranted insinuations against a man of his sterling character without a vigorous protest. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on the bill close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma [Mr. JOHNSON]?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I am certainly surprised to find our good friend, the distinguished gentleman from Mississippi [Mr. RANKIN] making the speech which he made a few moments ago, in denunciation of one of our colleagues, and accuse him of saying something in the Well of this House which the gentleman from Minnesota [Mr. ALEXANDER] did not say.

Mr. RANKIN. Yes; he did.

Mr. SCHAFER of Wisconsin. In order to keep the RECORD straight, he did not, the statement of the gentleman from Mississippi to the contrary notwithstanding. The gentleman from Mississippi accused the gentleman from Minnesota of accusing Paul V. McNutt, a New Deal potential Presidential candidate, of taking money himself and being personally dishonest. When you read the RECORD tomorrow you will find that the attack on the gentleman from Minnesota by the gentleman from Mississippi is manifestly unfair, as shown by the RECORD. The gentleman from Minnesota merely stated that during the administration of Paul V. McNutt as United States High Commissioner in the Philippines, there was expended from our almost bankrupt Federal Treasury $750,000 of our American taxpayers' money to erect a magnificent palace in the Philippine Islands in which to house Mr. Paul V. McNutt, who is now a leading New Deal Presidential candidate.

Of course our New Deal brethren are liberal with the American taxpayer's money when it comes to housing programs. Yesterday they tried to appropriate several million dollars for a housing program for Uncle Sam in Alaska, after they had purchased a million dollars' worth of reindeer for him to play Santa Claus.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The important thing is this. This is no time for any Member of this House to criticize another Member because he holds certain views with reference to our program of uncertainty in the Philippine Islands. We have built up in the form of excise taxes a fund of about $90,000,000 up to date on coconut oil alone, which we are sending over there.

We have accumulated a fund, which the Committee on Appropriations, in due course of time, is going to ask us to appropriate, on sugar excise taxes, which will move the total up another $25,000,000 or $35,000,000. We are moving toward a quarter of a billion dollars to be handed to the treasury of the Philippine Islands. I am one Member of the House who is going to discuss the situation any time I get ready, regardless of what the gentleman from Mississippi may have to say.

Mr. SCHAFER of Wisconsin. For the record, let us not forget the notorious Two-Percent Paul V. McNutt Political Shakedown Clubs in the State of Indiana in the United States of America. Let us not forget that our New Deal President said that one-third of the American people are ill-fed, one-third of them are ill-housed, and one-third of them are ill-clothed.

In view of this distressing condition in the United States and in view of the fact that our Federal Treasury is almost bankrupt, I believe it comes with poor grace for a New Deal leader like the gentleman from Mississippi [Mr. RANKIN] to denounce our colleague from Minnesota for merely protesting against raiding that Treasury at the request of Paul V. McNutt, former United States High Commissioner in the Philippine Islands, to erect a palace at a cost of three-quarters of a million dollars in the Philippines.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. I am surprised that the gentleman from Wisconsin would be so blindly partisan as to make such a silly and absurd charge. The fact, however, that he makes such an unfounded charge is evidence that the would-be Republican leader from Wisconsin, and a lot of other members of his party are fearful that Paul McNutt might be the Democratic nominee for President. Of course neither Governor McNutt nor any other High Commissioner of the Philippines could possibly have had anything at all to do with the construction of a building in the Philippine Islands. That appropriation was made by a Congress of which the gentleman was, as I recall, a Member. The building in question is nothing like as pretentious as buildings owned by other countries there. To now charge Governor McNutt with being responsible for the construction of that building seems to be in keeping with the gentleman's idea of good sportsmanship and fair play. Now, I would like to ask the gentleman from Wisconsin if he really does not feel that he ought to apologize for his uncalled-for remarks against a great American?

Mr. SCHAFER of Wisconsin. If the gentleman wants to apologize and blame another New Deal potential Presidential candidate, Mr. Murphy, who preceded Mr. McNutt as the New Deal representative in the Philippines, we will let him do so. Let us then say that Mr. Murphy is responsible for spending $750,000 of the American taxpayers' money to build a palace in the Philippines for Mr. McNutt to live in and maintain at considerable expense to our American citizens, one-third of whom are ill-fed, ill-clothed, and ill-housed, according to our New Deal President. [Applause.]

[Here the gavel fell.]

The pro forma amendments were withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was rejected.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. RAYBURN) having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 8745, the Department of the Interior appropriation bill, 1941, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. MARCANTONIO. Mr. Speaker, I ask for a separate vote on the Van Zandt amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. VAN ZANDT: On page 143, after line 13, add a new section to be known as section 5, to read as follows: "No part of any appropriation contained in this act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such person is a citizen of the United States, or a person in the service of the United States on the date of the approval of this act, who, being eligible for citizenship, had theretofore filed a declaration of intention to become a citizen or who owes allegiance to the United States."

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 153, noes 17.

Mr. MARCANTONIO. Mr. Speaker, I object to the vote on the ground there is not a quorum present, and I make the point of order there is not a quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and twenty-five Members are present, a quorum.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO EXTEND REMARKS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the bill just passed may have 5 legislative days within which to extend their own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. COLE], who spoke on the bill, may have permission to extend his remarks and to include certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—RELIEF OF CERTAIN FORMER DISBURSING OFFICERS (H. DOC. NO. 652)

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 7050, entitled "An act for the relief of certain former disbursing officers for the Civil Works Administration."

The bill would authorize and direct the Comptroller General of the United States to credit the accounts of 18 former disbursing officers of the Civil Works Administration with certain amounts specifically set forth therein, the purpose apparently being to permit the balancing and closing of the accounts of the respective disbursing officers. The bill contains no wording which would identify the outstanding items in the accounts and no other wording which would permit or enable the Comptroller General to give effect to its apparent purpose, or to do otherwise than credit these specific amounts. If all of these amounts were correct—that is, represented the present outstanding balances—the form of the bill would not be objectionable.

However, in the case of five of the accounts (Davis, McCracken, Bates, Wahlers, and Carrico) the amounts stated in the bill exceed the actual present outstanding balances and in the case of three of the accounts (Minnis, McIntosh, and Waters) the amounts are less than the present outstanding balances. With respect to the first of these two groups, the enactment of the bill in its present form would result in overcredits which might eventually entail payments, or the equivalent thereof, to the disbursing officers to the extent of such overcredits and with respect to the second group some differences would still remain outstanding. In the case of one of the accounts (Morris) the account is being reviewed in the General Accounting Office and final settlement may show an outstanding balance at variance with the amount specified in the bill.

Because of the variations in amounts, the bill, in its present form, would in large part fail to accomplish its apparent purpose and would, as hereinbefore indicated, be otherwise objectionable. Under these circumstances, and in accord with the recommendation of the Acting Comptroller General, I am withholding my approval of the bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 7, 1940.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal.

Mr. KENNEDY of Maryland. Mr. Speaker, I move that the message, together with the bill, be referred to the Committee on Claims and ordered printed.

The motion was agreed to.

ADJOURNMENT OVER

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock on Monday next.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, and I shall not object, I would like to inquire what the program is for next week.

The SPEAKER pro tempore. As far as the program has been worked out, Monday is District Day, and I have been informed by the chairman of that committee that there will be several bills. Tuesday there will be considered under a rule the so-called naval expansion bill, which will be disposed of on that day or, perhaps, Wednesday. It has not been determined yet whether the committees will be called on Wednesday or not. On Thursday the legislative appropriation bill, I am informed, will be ready for the consideration of the House.

Mr. MARTIN of Massachusetts. On Monday there will be nothing except District business?

The SPEAKER pro tempore. That is my understanding.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain excerpts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend the remarks I made today and to include therein an address made by a former Member of this House, Hon. John M. Allen.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PUBLIC DEFENDER, DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent that the bill H. R. 8693, to provide for the office of Public Defender for the District of Columbia, be rereferred from the Committee on the District of Columbia to the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection?

There was no objection.

UNLAWFUL USE OF BADGES, ETC.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5982, for protection against unlawful use of the badge, medal, emblem, or other insignia of veterans' organizations incorporated by act of Congress, and providing penalties for the violation thereof, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 5982, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments as follows:

Page 1, line 3, strike out all after "the" down to and including "sold," in line 6, and insert "manufacture or sale in interstate commerce."

Page 1, line 7, after "thereof," insert "or the reproduction thereof for commercial purposes."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Mr. SUMNERS of Texas, Mr. WALTER of Pennsylvania, and Mr. GWYNNE of Iowa.

NATIONAL LABOR RELATIONS ACT

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a joint statement by myself and the Honorable ARTHUR D. HEALEY with reference to proposed amendments to the National Labor Relations Act.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend the remarks I made in the Committee of the Whole today, and to include a short article on Bonneville.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an article from Standard Statistics in relation to taxes, and to print a short statistical table.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an article appearing in yesterday's Washington Daily Times, by Mr. George Rothwell Brown.

The SPEAKER pro tempore. Is there objection?

There was no objection.

SPONGE DISEASES

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PETERSON of Florida. Mr. Speaker, first I compliment the Chairman and the subcommittee on the expeditious way in which they have handled this particular appropriation bill. My colleague, the gentleman from Florida [Mr. CANNON] and I had intended to offer an amendment to the Department of the Interior appropriation bill with reference to study and eradication of sponge diseases. A fungus disease has attacked sponges in the waters along the Florida coast which if unchecked will destroy more than a million dollar industry. In order to cooperate with the committee, and in order to get Budget approval, hoping to get it in time for a deficiency appropriation bill, or while this bill is before the Senate, did not offer that as an amendment, but will urge the approval by the Budget of the necessary item.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Florida. Yes.

Mr. JOHNSON of Oklahoma. As the gentleman knows, I have visited the area to which he refers upon his invitation. I made some investigations for the committee recently at Tarpon Springs and held some public hearings there. I know that the situation is very serious at that point, and I was hopeful that the committee would receive a Budget estimate before this bill was reported for the purpose of helping relieve the situation. I am very sympathetic with the condition to which the gentleman refers and in which he is so deeply concerned. I might add that he is to be congratulated on representing such a splendid, beautiful country and a progressive people. His district is to be congratulated upon having such a wide awake, able Representative in Congress. [Applause.]

Mr. PETERSON of Florida. I am very grateful for that contribution and I hope the Budget will approve the item in time for inclusion at this session. The sponge industry is an important industry, giving employment to more than 700 people directly in my district. The situation is becoming more acute every day.

The entire city of Tarpon Springs is largely dependent on the products of the sponge fisheries. It competes with no other industry. The disease infesting the sponges in the Bahamas first, then spreading gradually up the coast, has depleted entire areas. Sponge fishermen are specially trained. They and their fathers and grandfathers have followed this occupation. It is the only one they know. The Bureau of Fisheries has asked for $36,650. This is not as much as the relief load of 1 month if these people are thrown out of employment. Our need is urgent. I realize the fact the House is loath to go above the Budget, so I am going to appeal to the Budget, but may have to appeal to you again because an important industry and the livelihood of many of my people are at stake. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ARNOLD, of Illinois, for 8 days, on account of official business.

To Mr. CASE of South Dakota, for 4 days, beginning Tuesday, March 12, to attend a War Department hearing at Pierre, S. Dak.

The SPEAKER pro tempore. Under special order heretofore made, the gentleman from New Jersey [Mr. MCLEAN] is recognized for 20 minutes.

REFORM IN GOVERNMENT—SINGLE TERM FOR THE PRESIDENT

Mr. MCLEAN. Mr. Speaker, my purpose this afternoon is to direct attention to certain reforms which I firmly believe would greatly benefit our present and future existence.

My first suggestion has to do with economy. We must face the problem of reduction in our expenditures. This can be done in two ways. First, we can stop making contributions to the States for various non-Federal activities. This will have a double purpose. It will tend toward a balanced Budget and it will retard the present-day tendency to control State affairs and individual enterprise by Federal bureaucracy, under threat of loss of Federal appropriations. And secondly, by reducing expenses of the Federal Government. I know much has been said on this subject, but I advance a new viewpoint, which should emphasize the proposition and keep it constantly before us.

We have had so much discussion lately on imports and exports and various other percentages that we certainly must have become statistically minded. Yet, I doubt if anyone will venture to suggest to what extent the functions of Congress have been taken over by the Executive. The percentage would be so large that some of us would hesitate to admit the extent to which it has gone. But we do know that the abuses of authority granted to the Executive and the bureaus and boards under him have brought about the demand for the enactment of the Walter-Logan bill, the purpose of which is to prevent any Government agency from acting as legislator, prosecutor, judge, and executioner. That the people are sensible to this situation is evidenced by the demand for the early enactment of this measure. The sort of legislation which is the order of the present day leaves very little for the attention of Congress. It contemplates the centralization of all legislative power in the Executive. For example, everybody knows, as the President told us recently, that tariff making is a congressional function. But because, as has been alleged, it is such a stupendous undertaking and because Congress is susceptible to sinister and political influences, that function has been delegated to

the President. Congress has said it does not even care to be annoyed by approving the work of the Tariff Commission or those gentlemen who compose the various cloistered committees through which the destiny of American industry and agriculture must pass and which are composed of gentlemen who have a passion for anonymity. And there are other illustrations which might be used. Therefore, Mr. Speaker, in my judgment the forthcoming census has a very peculiar importance, far beyond the inquisitorial features of which the public now complain.

That is its relation to the organization of this House, with so much of the functions of Congress being taken over by others, there is little or no need for such a large membership, and I am of the opinion that, in the interest of economy, the membership of the House of Representatives could be reduced to at least one-half of its present number. I sometimes think it is the purpose to destroy its usefulness completely, and there have been times when I have felt that, in effect, it had been done. But my real purpose is to suggest a reform which I have advocated for some time. As long ago as the first session of the Seventy-third Congress I introduced an amendment to the Constitution providing that the President should be elected for a term of 6 years, and be ineligible to succeed himself, and on June 20, 1937, I addressed the House on the subject, and I showed that it was not a new idea, but had been advocated from time to time, since the adoption of the Constitution. In fact, this element of their deliberations gave the Constitutional Convention much concern, and our present system is the result of a compromise and the precedent set by George Washington and followed by his successors.

Now, Mr. Speaker, we have reached the point where Members of Congress admit that in at least one congressional function, Congress is incompetent to perform its stupendous tasks; that it is susceptible to sinister influences, political log rolling, and selfish interest, and we have transferred many of our functions to the Executive. It has never seemed to me that the habits of thought or the motives of men differ any, no matter with what branch of the Government they may be connected. Therefore we should clothe our public servants with such limitations and restrictions as will put them above the temptations which Congress, by its recent vote, admits.

I therefore advocate a single term for the President. It will place him above political considerations, in that he will not be influenced by the desire for reelection or the perpetuation of his party in power; it will place him above those sinister and political influences which must now seek solace and favor at his door.

My amendment suggests a term of 6 years. Some have criticized my effort because they say I can give no valid reason for 6 years, and Mr. Woodrow Wilson said, "To change the term to 6 years would increase the likelihood of its being too long without any assurance that it would, in happy cases, be long enough."

My answer to that is that there are provisions in the Constitution to take care of the first objection, and as to the second, we now have reason to believe that 7 years could be the appropriate length of time for a President to serve, because my reading of the CONGRESSIONAL RECORD for the past few days has almost persuaded even me that in 7 years everything necessary has been accomplished under conditions such as never before existed and which will never again return.

As a matter of historic interest, the gentleman from Mississippi [Mr. RANKIN] recently reminded the House that the constitution of the Confederacy provided for a single term for its president, with ineligibility to succeed himself. It is interesting to know that the principle was thus recognized.

Mr. Speaker, there are other reasons which can be advanced in support of this change in the length of term of the President, as I have previously pointed out, and I urge the Committee on the Election of the President and Vice President to give early consideration and approval to House Joint Resolution 50, which I have introduced for that purpose. A single 6-year term filled by an Executive who knows that he will not seek reelection will be more productive than two 4-year terms which involve all of the bargaining and compromise frequently resorted to with the hope of reelection. With a single term the health of the President will be conserved, his judgment will be uninfluenced by political consideration of self-interest. There will be no possibility of neglect of duties, such as must necessarily result when a President is involved and actually engaged in a political campaign. The public welfare demands that everything possible be done to relieve the President of physical and mental strain, and place him in a position where none other than consideration of the general good will control his motives and influence his actions.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Vermont [Mr. PLUMLEY] is recognized for 15 minutes.

ADMIRAL RICHARDSON

Mr. PLUMLEY. Mr. Speaker, I am about to discuss an unpleasant situation. I am compelled to ask your indulgence and to urge you to believe that what I have to say and shall say I am constrained by a sense of duty so to do. The situation is one that must be discussed on a plane that is above any that may involve personal relations or friendships.

The rights of American citizens are involved. The future welfare of our country is an issue.

Familiarity with, rather than ignorance of, our fundamental law, and strict adherence to the stringent but wise provisions laid down by our forebears, is necessary if not only our national integrity is to be preserved and conserved but also if our relations with foreign governments are to be based on the precepts conceived by the framers of our republican form of government.

Several weeks ago I was astounded when, in perusing the January 22, 1940, issue of the widely distributed magazine Life, I turned the page to the picture story indexed "New Commander in Chief Takes Over United States Fleet." There a full-page picture of the new CinCus, Admiral Richardson, greeted the reader. Prominently, and objectively, displayed at his left was a solitary framed photograph; an autographed photograph of King George VI of England. The text accompanying the picture stated: "Framed photo of King George is a memento of last summer's royal visit, during which Admiral Richardson served as naval aide."

Now, it has been pointed out by others that it was grossly indiscreet of the highest ranking officer of our sea forces to display such a memento. Particularly so, coming at a time when the photograph is of one whose country is at death grips with an enemy power; even more strikingly so when our country is endeavoring to maintain a status of strict neutrality in the conflict raging overseas.

However, the clamor which has been raised following the appearance of this picture is the type of occurrence, in a minor degree, which the Founding Fathers of our Government tried to avoid thenceforth when they wrote into our fundamental, basic law—our Constitution—the following words of article I, section 9, clause 8:

> No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

The foregoing is explicit, but allow me to direct your attention nevertheless to Farrand's Records of the Federal Convention of 1787 (vol. II, p. 389), wherein we find the following:

> Mr. Pinkney urged the necessity of preserving foreign ministers and other officers of the United States independent of external influence and moved to insert after article VII, section 7, the clause following: "No person holding any office of profit or trust under the United States shall without the consent of the Legislature, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state," which passed nem: contrad.

And volume III, page 327, wherein the following is to be found:

> Governor Randolph. * * * The next restriction is, that no titles of nobility shall be granted by the United States. If we cast our eyes to the manner in which titles of nobility first originated

we shall find this restriction founded on the same principles. These sprung from military and civil offices; both are put in the hands of the United States, and therefore I presume it to be an exception to that power.

The last restriction restrains any persons in office from accepting of any present or emolument, title, or office, from any foreign prince or state. It must have been observed before, that though the confederation had restricted Congress from exercising any powers not given them, yet they inserted it, not from any apprehension of usurpation, but for greater security. This restriction is provided to prevent corruption. All men have a natural inherent right of receiving emoluments from anyone, unless they be restrained by the regulations of the community. An accident which actually happened operated in producing the restriction. A box was presented to our Ambassador by the King of our allies.[1] It was thought proper, in order to exclude corruption and foreign influence, to prohibit anyone in office from receiving or holding any emoluments from foreign states. I believe, that if at that moment, when we were in harmony with the King of France, we had supposed that he was corrupting our Ambassador, it might have disturbed that confidence, and diminished that mutual friendship, which contributed to carry us through the war.

Moreover, allusion to this clause was made by Hamilton in No. 84 of the Federalist and undoubtedly by others of his contemporaries.

Dr. Story, in his Commentaries on the Constitution, tells us that the clause as to the acceptance of any present, emolument, title, or office, from any king or foreign state, "is founded in a just jealousy of foreign influence of every sort," and that "the provision is highly important, as it puts it out of the power of any officer of the Government to wear borrowed honors, which shall enhance his supposed importance abroad by a titular dignity at home."

Mr. Justice White, speaking in the case of *Downes* v. *Bidwell* (182 U. S. at 289), states:

It is impossible to conceive that where conditions are brought about to which any particular provision of the Constitution applies, its controlling influence may be frustrated by the action of any or all of the departments of the Government. Those departments, when discharging, within the limits of their constitutional power, the duties which rest on them, may, of course, deal with the subjects committed to them in such a way as to cause the matter dealt with to come under the control of provisions of the Constitution which may not have been previously applicable.

Back down through the years the advice of the Attorney General, to all of the many who have sought his legal opinion, has been that the language of the clause to which reference is made lends itself to no ambiguous construction.

As illustrative of the type of opinion given by the Attorney General advising the heads of departments in relation to their official duties, let me direct your attention to volume 24, page 116, and the following, of the Opinions of the Attorneys General, which is as follows:

GIFTS FROM FOREIGN PRINCE—OFFICER—CONSTITUTIONAL PROHIBITION

The provision of article I, section 9, clause 9, of the Constitution, which forbids the acceptance, without the consent of Congress, by any person holding any office of profit or trust under the United States, of any "present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state," applies as well to a titular prince as to a reigning one; and a simple remembrance of courtesy, even if merely a photograph, falls under the inclusion of "any present of any kind whatever."

This prohibition expressly relates to official persons and does not extend, under the circumstances outlined, to a department of the Government or to governmental institutions.

DEPARTMENT OF JUSTICE,
September 8, 1902.

SIR: I have the honor to respond to your note of August 27, submitting for my consideration a copy of a note from the German Embassy, which communicates a list of presents bestowed by Prince Henry of Prussia on the occasion of his recent visit to this country. You ask my opinion on the question whether the constitutional provision which forbids the acceptance, without the consent of Congress, of any "present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state," may be construed as applying only to a reigning prince, in which case the authority of Congress for the delivery of these presents would not be required. The presents consist of portraits given to the Navy Department, the Military Academy, and the Naval Academy, and of a photograph to each of several military and civil officers of the United States. The provision of the Constitution is as follows:

"No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state." (Art. I, sec. 9, clause 9.)

It is evident from the brief comments on this provision, and the established practice in our diplomatic intercourse (2 Story on the Constitution, 4th edition, pp. 216, 217; 1 Wharton's International Law Digest, sec. 110, p. 757), that its language has been viewed as particularly directed against every kind of influence by foreign *governments* upon officers of the United States, based on our historic policies as a nation. Although it is manifest that the particular collocation of words in the Constitution, like the words "any foreign prince or state" in the neutrality statutes, refers chiefly to a foreign government and its regular executive (cf. act January 31, 1881; 21 Stat. 604), it would not, in my judgment, be sound to hold that a titular prince, even if not a reigning potentate, is not included in the constitutional prohibition. For the phrase of the provision is "*any* king, prince, or foreign state," and a titular prince, although not reigning, might have the function of bestowing an office or title of nobility or decoration, which would clearly fall under the prohibition. As this remark suggests generally the character of the gift, whether a present or some title of honor (although you do not suggest this point), it must be observed that even a simple remembrance of courtesy, which from motives of delicacy recognizes our policy, like the photographs in this case, falls under the inclusion of "any present * * * of any kind whatever." The act of 1881, *supra*, which, it is true, refers only to a foreign *government* uses the words "any present, decoration, *or other thing*."

But as the constitutional prohibition expressly and exclusively relates to official *persons*, it could not properly be extended, under the circumstances at all events, in my judgment, to a department of the Government and to governmental institutions.

I have the honor to answer your question in the negative.

Very respectfully,

HENRY M. HOYT,
Acting Attorney General.

THE SECRETARY OF STATE.

Relating specifically to this very matter is section 110 of volume I of Wharton's International Law Digest, at pages 757–759, which is as follows:

XXXIV. PRESENTS NOT ALLOWABLE

In the session of 1798 a resolution passed the Senate authorizing Mr. Thomas Pinckney to receive certain presents tendered him by the courts of Madrid and London, respectively, on the termination of his missions to those places. The resolution was rejected in the House, though a resolution was subsequently unanimously adopted stating that ground of this rejection was public policy, and disclaiming any personal reference to Mr. Pinckney. (See 5 Hildreth, U. S. 237.)

"A custom prevails among the European sovereigns, upon the conclusion of treaties, of bestowing presents of jewelry or other articles of pecuniary value upon the minister of the power with which they were negotiated. The same usage is repeated upon the minister's taking leave at the termination of his mission. In Great Britain it is usual to offer the minister, at his option, a sum of money, graduated according to his rank, or a gold box or other trinket of equal value. The acceptance of such presents by ministers of the United States is expressly forbidden by the Constitution, and even if it were not, while the United States has not adopted the custom of making such presents to the diplomatic agents of foreign powers, it can scarcely be consistent with the delicacy and reciprocity of intercourse between them for the ministers of the United States to receive such favors from foreign princes as the ministers of those powers never can receive from this Government in return. The usage, exceptionable in itself, can be tolerated only by its reciprocity. It is expected by the President that every offer of such present which may in future be made to any public minister or other officer of this Government abroad, will be respectfully but decisively declined." (Mr. J. Q. Adams, Secretary of State, to Mr. Rush, Minister at London, November 6, 1817, Manuscripts Institute of Great Britain; H. Doc. No. 302, 23d Cong., 1st sess.)

"I am directed by the President to instruct the ministers, consuls, and other diplomatic commercial agents of the United States that it is required of them that in future they will not, unless the consent of Congress shall have been previously obtained, accept, under any circumstances, presents of any kind whatever from any king, prince, or foreign state." (Mr. McLane, Secretary of State, circular, January 6, 1834. H. Doc. No. 302, 23d Cong., 1st sess.)

This document contains a report (March 4, 1834) from Mr. Archer, from the Committee on Foreign Affairs, in which it is stated that "the Government of the United States is the only one known to lay its agents employed in foreign intercourse under strict interdiction as regards the acceptance of presents in any form. This interdiction being in the Constitution could derive no increase of notoriety more than authority from instructions to our agents abroad."

The report goes on to say that the acceptance of presents has, notwithstanding, taken place in cases when, in oriental countries, such acceptance is a matter of invariable usage, and when "refusal of acceptance would furnish occasion for resentment, compromising

[1] Dr. Franklin is the person alluded to by Randolph. In the winter of 1856, in Philadelphia, under the roof of a venerable granddaughter of Dr. Franklin, I saw the beautiful portrait of Louis XVI, snuff-box size, presented by that King to the doctor. As the portrait is exactly such as is contained in the snuffboxes presented by crowned heads, one of which I have seen, it is probable this portrait of Louis was originally attached to the box in question, which has in the lapse of years been lost or given away by Dr. Franklin. H. B. Grigsby, History of the Virginia Federal Convention of 1788 (Virginia Historical Society Collections, vols. 9–10), page 264.

oftentimes the efficacy of the agency, or it might be even the official immunities or personal security of the agent." The presents in such cases, when not perishable, have been deposited in the State Department, or, when not susceptible of such deposit (as with horses), sold, and the proceeds sent to the Treasury.

On the subject of accepting office or honors from a foreign country, we have the following:

"While recognizing to the fullest extent the eminent service of Captain Martinez, of the Chilean ship of war *Meteor*, in rescuing the survivors of the crew of the United States merchant ship *Manchester*, under circumstances of extreme distress, the uniform practice of this Government forbids the presentation to that officer, in its own name, of any tangible token of this recognition. As all officers of the United States are forbidden to receive such rewards from foreign governments for actions or services of striking merit, it is deemed delicate not to confer obligations in this respect upon foreign officers, which their governments could not, under similar circumstances, be permitted to reciprocate.

"In the mercantile marine no such difficulty exists, and Congress, as you are aware, has placed a liberal fund at the disposal of the President for the purpose of enabling him to offer suitable testimonials to those brave men who so often imperil their own lives in behalf of others" (Mr. Marcy, Secretary of State, to Mr. Starkweather, September 1, 1855. MSS. Inst., Chili).

"The Constitution of the United States provides that no person holding any office of profit or trust under the United States shall without the consent of Congress accept of any office or title of any kind whatever from any king, prince, or foreign state. The terms of this provision of the Constitution of the United States neither prevent nor authorize persons who may hold office under any one of the States from accepting an appointment under a foreign government" (Mr. Hale, Assistant Secretary of State, to Mr. Rosenberg, May 22, 1872. MSS. Dom. Let.).

"Diplomatic officers are forbidden from asking or accepting, for themselves or other persons, any presents, emolument, pecuniary favor, office, or title of any kind from any foreign government. It not unfrequently happens that diplomatic officers are tendered presents, orders, or other testimonials in acknowledgment of services rendered to foreign states or their subjects. These cannot be accepted without previous authority of Congress.

"It is thought more consonant with the character of the diplomatic representation of the United States abroad that every offer of such presents should be respectfully, but decisively, declined. This having been for several years a standing instruction to all our agents abroad, the rule is, probably, so well known as to prevent the offer of such presents in future; but it is deemed proper to call the attention of officers to the subject and to observe that should there be reason to anticipate such an offer, informal notice, given in the proper quarter, of the prohibition against accepting a direct tender thereof would avoid the apparent ungraciousness of declining a courtesy" (printed Pers. Inst., Dip. Agents, 1885).

As to accepting and giving presents, see Mr. Webster, Secretary of State, to Mr. Cushing, May 8, 1843, quoted supra, section 67.

See as to presents to the President of the United States, Senate report, Executive Document No. 23, Thirty-seventh Congress, second session.

As to presents offered to George P. Marsh, arbitrator between Italy and Switzerland on a question of boundary by those Governments, see Senate Miscellaneous Document 16, Forty-fourth Congress, first session.

As to report in favor of Mr. J. R. Hawley's acceptance of decorations from the Governments of the Netherlands and of Japan, July 15, 1882, see House Report 1652, Forty-seventh Congress, first session.

Now, I have been advised by the Justice Department that no opinion on this particular provision of the Constitution has been rendered since 28 Opinions of Attorneys General, page 598, 1911; certainly none during the past 2 years.

Moreover, a search fails to disclose any bill having been introduced the objective of which would be to secure the necessary consent of the Congress for any gifts made or to be made incident to the visit of King George to this country last year.

Although I deprecate the lack of propriety evidenced by the picture appearing in Life, I do wish to pay my respects to Admiral Richardson's forthrightness, his fearlessness, honesty, and integrity.

I wired him yesterday to the following effect:

In re January 22, 1940, issue of Life magazine, pages 24 and 25, on page 25 of which text reads, "Framed photo of King George is a memento of last summer's royal visit," important that you advise me today by wire the occasion, date, and circumstances attending presentation of photo to you by King George or his representative.

And immediately from him received the following reply:

Photograph King George was given me at Hyde Park, N. Y., by the King in person on 11th June 1939, at the conclusion of his visit to the United States, during which I was detailed by the Navy Department, at the request of the State Department, to serve as naval aide. The photograph in Life was taken while I was on shore in my apartment, occupied by my family in Long Beach, Calif.

Some of my more Anglophobic correspondents have insisted that I rise to a question of the privilege of the House, or to that of personal privilege; some have urged that I undertake to initiate impeachment proceedings. As to the first two propositions, parliamentary rules preclude me, were I so inclined. As to the last suggestion, there is neither occasion nor does necessity impel me to unduly magnify the incident.

As is politely suggested above:

It is deemed proper to call the attention of officers to the subject, and to observe that should there be reason to anticipate such an offer, informal notice, given in the proper quarter, of the prohibition against accepting a direct tender thereof would avoid the apparent ungraciousness of declining a courtesy.

May I say that the King should have been advised that he should not place the Commander in Chief in the embarrassing position of being the recipient from his hands of the memento or token involved, or of having to decline to accept the same; moreover, Admiral Richardson should not have accepted it, despite any embarrassment occasioned by a declaration on his part.

It would seem to me that this entire incident might have been avoided had not somebody bungled, and bungled badly.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 206. Joint resolution creating a commission to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law.

ADJOURNMENT

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.), pursuant to its order heretofore entered, the House adjourned until Monday, March 11, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Friday, March 8, 1940:

H. R. 6321, to provide that the United States shall aid the States in fish-restoration and management projects, and for other purposes.

This bill was previously referred to the Committee on Ways and Means, but under date of February 26 it was rereferred to this committee.

H. R. 8423, retirement of commissioned officers of the Coast Guard.

H. R. 8537, relative to Coast Guard facilities at Seattle, Wash., and Chattanooga, Tenn.

Tuesday, March 12, 1940:

H. R. 5476, to create the Alaska Fisheries Commission, and for other purposes.

H. R. 6690, making further provision for the protection of the fisheries of Alaska, and for other purposes.

H. R. 7542, to amend section 6 of an act of Congress entitled "An act for the protection of the fisheries of Alaska, and for other purposes," approved June 6, 1924.

H. R. 7987, to amend section 1 of the act of June 6, 1924, as amended, relative to the fisheries of Alaska.

H. R. 7988, making provisions for employment of the residents of Alaska in the fisheries of said Territory, and for other purposes.

H. R. 8115, making provision for employment of residents of Alaska only in the salmon fishery of the Bristol Bay area, Alaska, during the year 1940.

H. R. 8172, to amend section 5 of the act of Congress approved June 26, 1906, relative to the Alaska salmon fishery.

Tuesday, March 19, 1940:

H. R. 6136, to amend the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (36 Stat. 1353; 34 U. S. C. 1122), so as to authorize an appropriation of $50,000 annually to aid in the maintenance and support of marine schools.

H. R. 7094, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California, for the benefit of their respective nautical schools, and for other purposes.

H. R. 7870, to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to include Astoria, Oreg.

H. R. 8612, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective nautical schools, and for other purposes.

Thursday, March 21, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, March 21, 1940, at 10 o'clock a. m., on the following bills providing for the establishment of marine hospitals: H. R. 2985 (GREEN), at Jacksonville, Fla.; H. R. 3214 (GEYER of California), at Los Angeles, Calif.; H. R. 3578 (CANNON of Florida), at Miami, Fla.; H. R. 3700 (PETERSON of Florida), State of Florida; H. R. 4427 (GREEN), State of Florida; H. R. 5577 (IZAC), at San Diego, Calif.; H. R. 6983 (WELCH), State of California.

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 o'clock a. m., on the following bills providing for Government aid to the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Thursday, April 4, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, April 4, 1940, at 10 o'clock a. m., on the following bill: H. R. 7637, relative to liability of vessels in collision.

COMMITTEE ON THE JUDICIARY

On Wednesday, March 13, 1940, at 10 a. m., there will be continued before Subcommittee No. 1 of the Committee on the Judiciary public hearings on the following bills:

H. R. 3331 and S. 1032, to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes."

H. R. 6395, to extend the provisions of the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," approved June 30, 1936, to certain contracts carried out with the aid of Federal funds.

The hearings will be held in room 346, House Office Building.

COMMITTEE ON PATENTS

The Committee on Patents, House of Representatives, will hold hearings Thursday, March 14, 1940, at 10:30 a. m., on H. R. 8445, to protect the United States in patent-infringement suits. H. R. 8445 is a substitute for H. R. 6877.

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1433. A letter from the Secretary of the National Institute of Arts and Letters, transmitting the official report of the National Institute of Arts and Letters for the year 1939; to the Committee on the Library.

1434. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated January 16, 1940, submitting a report, together with accompanying papers, on a preliminary examination and survey of Meachims Creek, Middlesex County, Va., authorized by the River and Harbor Act approved August 26, 1937; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HOBBS: Committee on the Judiciary. House Joint Resolution 437. Joint resolution authorizing the President of the United States of America to proclaim Citizenship Recognition Day for the recognition, observance, and commemoration of American citizenship; with amendment (Rept. No. 1715). Referred to the House Calendar.

Mr. HOBBS: Committee on the Judiciary. S. 1398. A bill to amend the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such act; with amendment (Rept. No. 1716). Referred to the House Calendar.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 8540. A bill to authorize an increase in the White House Police force; without amendment (Rept. No. 1718). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 8226. A bill for the relief of David Morgenstern; with amendment (Rept. No. 1717). Referred to the Committee of the Whole House.

Mr. MAY: Committee on Military Affairs. H. R. 8077. A bill to authorize certain officers of the Army of the United States to accept such medals, orders, and decorations as have been tendered them by foreign governments; without amendment (Rept. No. 1719). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of Virginia:

H. R. 8813. A bill to amend the National Labor Relations Act; to the Committee on Labor.

By Mr. BRADLEY of Michigan:

H. R. 8814. A bill to establish rearing ponds and a fish hatchery; to the Committee on Merchant Marine and Fisheries.

By Mr. EBERHARTER:

H. R. 8815. A bill to grant per diem compensation to the appointed members of the Board of Steam and Other Operating Engineers of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MAAS:

H. R. 8816. A bill to provide for the retirement of enlisted men of the United States Navy and Marine Corps for physical disability incurred in line of duty, and for other purposes; to the Committee on Naval Affairs.

By Mr. SASSCER:

H. R. 8817. A bill authorizing acquisition of a site for the farmers' produce market, and for other purposes; to the Committee on the District of Columbia.

By Mr. BUCK:

H. R. 8818. A bill validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the city of Tracy, in the county of San Joaquin, State of California, and in the town of Elk Grove, in the county of Sacramento, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356); to the Committee on the Public Lands.

By Mr. SACKS:

H. R. 8819. A bill granting pensions to certain needy veterans of the World War; to the Committee on World War Veterans' Legislation.

By Mr. SCRUGHAM:

H. R. 8820. A bill to grant pensions and increase of pensions to certain veterans of the War with Spain, the Philippine Insurrection, or the China Relief Expedition; to the Committee on Pensions.

By Mr. BARRY:

H. R. 8821. A bill to amend the act entitled "An act to prohibit financial transactions with any foreign government in default on its obligations to the United States," approved April 13, 1934; to the Committee on Foreign Affairs.

By Mr. GWYNNE:

H. R. 8822. A bill to extend original jurisdiction to district courts in civil suits between citizens of the District of Columbia, the Territories of Hawaii or Alaska, and any State or Territory; to the Committee on the Judiciary.

By Mr. SHAFER of Michigan:

H. R. 8823. A bill to extend the benefits of the United States Employees' Compensation Act to emergency relief employees suffering from occupational diseases; to the Committee on the Judiciary.

By Mr. RAMSPECK:

H. R. 8824. A bill to amend section 3 of title 43 of the United States Code; to the Committee on the Public Lands.

By Mr. KLEBERG:

H. R. 8825. A bill to provide for the establishment of the Farm Credit Administration as an independent agency of the Government, and for other purposes; to the Committee on Agriculture.

By Mr. MITCHELL:

H. R. 8826. A bill to authorize an appropriation to assist in drefraying the expenses of the American Negro Exposition to be held in Chicago, Ill., during 1940; to the Committee on the Library.

H. J. Res. 484. Joint resolution declaring the birthday of Abraham Lincoln to be a legal holiday; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CRAVENS:

H. R. 8827. A bill for the relief of L. A. Holcombe; to the Committee on Invalid Pensions.

By Mr. DIRKSEN:

H. R. 8828. A bill granting a pension to Mary Loretta DeLancey; to the Committee on Invalid Pensions.

By Mr. HARTER of New York:

H. R. 8829. A bill granting an increase of pension to Raymond E. Daniels; to the Committee on Pensions.

By Mr. HAVENNER:

H. R. 8830. A bill to amend the records at the port of New York to show the admission of Steve Zegura, Jr., and B. Dragomir Zegura as aliens admitted for permanent residence; to the Committee on Immigration and Naturalization.

By Mr. KEAN:

H. R. 8831. A bill for the relief of Bernard E. Wareheim; to the Committee on Claims.

By Mr. McLEOD:

H. R. 8832. A bill for the relief of Carlo Incamicia; to the Committee on Immigration and Naturalization.

By Mr. O'BRIEN:

H. R. 8833. A bill for the relief of Gregorio Geraci; to the Committee on Immigration and Naturalization.

By Mr. SOMERS of New York:

H. R. 8834. A bill for the relief of Louis Gelber; to the Committee on Immigration and Naturalization.

By Mr. SHANNON:

H. R. 8835. A bill to provide for the relinquishment of mineral reservations in the land patent of May L. Sheeks; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6817. By Mr. BRADLEY of Michigan: Petition of H. I. Ochs and Mrs. E. J. Smith, of Charlevoix, Mich., and others, supporting House bill 1; to the Committee on Ways and Means.

6818. By Mr. FLAHERTY: Petition of the Boston Christian Endeavor Union, urging Congress to place an embargo upon the sale of American war materials and equipment to Russia and Japan and that no American credit be available to Russia and Japan; to the Committee on Foreign Affairs.

6819. By Mr. GWYNNE: Petition of George E. Hamilton and numerous other citizens of Greene, Iowa, urging enactment of House bill 1, known as the Patman chain-store bill; to the Committee on Ways and Means.

6820. By Mr. HARTER of New York: Petition of the Genesee-Jefferson Business Men's and Taxpayers' Association, Inc., Buffalo, N. Y., opposing the proposed St. Lawrence waterway project; to the committee on Foreign Affairs.

6821. Also, petition of the New York State Senate, memorializing Congress to enact legislation to prevent any President from seeking a third term; to the Committee on the Judiciary.

6822. Also, petition of the Brotherhood of Maintenance of Way Employees, Central Lodge No. 866, Buffalo, N. Y., opposing the St. Lawrence seaway project; to the Committee on Foreign Affairs.

6823. By Mr. KEOGH: Petition of the National Door Manufacturers' Association, Inc., Chicago, Ill., concerning House bill 4363; to the Committee on Labor.

6824. Also, petition of the Leach Co., of Oshkosh, Wis., concerning the Walter-Logan bill; to the Committee on the Judiciary.

6825. By Mr. SCHAFER of Wisconsin: Petition of the businessmen of Lower Third Street, Milwaukee, Wis., opposing the enactment of the Neely bill, which eliminates "block booking" in the movie industry; to the Committee on Interstate and Foreign Commerce.

6826. Also, petition of the businessmen of Mitchell Street, Milwaukee, Wis., opposing the enactment of the Neely bill, which eliminates "block booking" in the movie industry; to the Committee on Interstate and Foreign Commerce.

6827. By Mr. SCHIFFLER: Petition of J. B. McLaughlin, commissioner of agriculture, and A. B. Hatten, E. E. Brammer, E. L. Harris, Kiah Maynard, and Harrison Bradshaw, representatives of all tobacco growers in West Virginia, protesting against the 1940 acreage allotments in West Virginia; to the Committee on Ways and Means.

6828. By Mr. SCHWERT: Resolution of the Common Council of the city of Lackawanna, N. C., urging favorable action on legislation appropriating funds for the relief of the Polish people; to the Committee on Foreign Affairs.

6829. Also, resolution of Local Lodge, No. 866, Brotherhood of Maintenance of Way Employees, Buffalo, N. Y., opposing the proposed St. Lawrence seaway; to the Committee on Interstate and Foreign Commerce.

6830. Also, resolution of Polonia Lodge, No. 1176, of the Brotherhood of Railway Carmen of America, Buffalo, N. Y., opposing the St. Lawrence seaway; to the Committee on Foreign Affairs.

6831. By Mr. SHAFER of Michigan: Petition of 3,592 citizens of New York, Montana, Utah, Vermont, Ohio, and other States, supporting House bill 5237, which provides for 30-year optional retirement of postal employees; to the Committee on the Civil Service.

6832. Also, resolution of the National Door Manufacturers Association, Inc., supporting House bill 4363, which provides for the amendment of section 13 of the Wages and Hours Act, to exempt from the provisions of sections 6 and 7 all clerical employees paid on a straight-salary basis who are given vacations with pay; to the Committee on Labor.

6833. By Mr. WHITTINGTON: Petition of the Legislature of the State of Mississippi to Congress, requesting the continuance of the program of the Bankhead-Jones Farm Tenant Purchase Act; to the Committee on Agriculture.

6834. By the SPEAKER: Petition of assembly of youth, committee for Philadelphia Youth Council, Philadelphia, Pa., petitioning consideration of their resolution with reference to antialien legislation; to the Committee on Immigration and Naturalization.

6835. Also, petition of Missionary District of the Panama Canal Zone, Ancon, C. Z., petitioning consideration of their resolution with reference to regulation and restrictions of employment; to the Committee on Merchant Marine and Fisheries.

SENATE

FRIDAY, MARCH 8, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

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

Dear Lord and Heavenly Father, we come to Thee as humble penitents seeking the comfort of the divine pledge of the forgiveness of our sins. Cleanse Thou our hearts from all envy, hatred, and malice, that in our thoughts, our words, and our actions we may show to each other only the spirit of courtesy and kindness as we wrestle with the problems that are pressing for solution to the advancement of Thy glory, the safety, honor, and welfare of Thy people.

Do Thou clarify our vision, gird us for our toil, direct our minds and wills, and grant that we may never lose our self-respect nor forfeit the confidence of those who trust us now because we trust in Thee. We ask it in the name of Him who came to show mankind the true and living way—Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, March 7, 1940, was dispensed with, and the Journal was approved.

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	Downey	Lodge	Schwellenbach
Andrews	Ellender	Lucas	Shipstead
Ashurst	Frazier	McCarran	Smathers
Austin	Gerry	McKellar	Smith
Bailey	Gibson	McNary	Stewart
Bankhead	Gillette	Maloney	Taft
Barbour	Green	Mead	Thomas, Idaho
Barkley	Guffey	Miller	Thomas, Okla.
Bilbo	Gurney	Minton	Thomas, Utah
Brown	Hale	Murray	Tobey
Bulow	Harrison	Neely	Townsend
Byrd	Hatch	Norris	Truman
Byrnes	Hayden	Nye	Tydings
Capper	Herring	O'Mahoney	Vandenberg
Chandler	Hill	Overton	Van Nuys
Chavez	Holman	Pepper	Wagner
Clark, Idaho	Holt	Pittman	Walsh
Clark, Mo.	Hughes	Radcliffe	Wheeler
Connally	Johnson, Calif.	Reed	White
Danaher	Johnson, Colo.	Reynolds	
Davis	La Follette	Russell	
Donahey	Lee	Schwartz	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Arkansas [Mrs. CARAWAY] are absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Texas [Mr. SHEPPARD], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Georgia [Mr. GEORGE], the Senator from Virginia [Mr. GLASS], and the Senator from Utah [Mr. KING] are unavoidably detained.

Mr. AUSTIN. I announce that the Senator from Wisconsin [Mr. WILEY] is unavoidably absent because of illness.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

EXPENSES OF THE INTERNATIONAL TECHNICAL COMMITTEE OF AERIAL LEGAL EXPERTS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations:

To the Congress of the United States of America:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that Public Resolution Numbered 254, approved August 7, 1935 (49 Stat. 540), be amended by repealing section 2 of the resolution, which terminates the provisions of the resolution as of June 30, 1941, so as to provide an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts and for participation in the meetings of the committee and the Commissions established by that Committee.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 8, 1940.*

Enclosure: Report.

PETITIONS AND MEMORIAL

The VICE PRESIDENT laid before the Senate a resolution of the Pennsylvania District Executive Board of the State, County, and Municipal Workers of America (C. I. O.), Harrisburg, Pa., favoring the proposal that the President call a conference of labor, industry, and Government leaders to map a program to end the problem of unemployment, which was referred to the Committee on Education and Labor.

Mr. GIBSON. Mr. President, I have before me and ask consent to present for appropriate reference a petition signed by members of the auxiliary to Robert T. Shepardson Post No. 82, American Legion, of Londonderry, Vt., asking consideration for House bill 7593, which provides Government protection to widows and children of deceased World War veterans.

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

Mr. TYDINGS presented a resolution of Janet Montgomery Chapter, Maryland Society, Daughters of the American Revolution, protesting against the enactment of Senate bill 1650, providing that money be drafted for use in war, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. ADAMS, from the Committee on Appropriations, to which was referred the bill (H. R. 8641) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes, reported it with amendments and submitted a report (No. 1296) thereon.

Mr. HARRISON, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, reported it without amendment and submitted a report (No. 1297) thereon.

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 7863) to amend section 602 (e) of the Communications Act of 1934, as amended, relating to a study of radio requirements for ships navigating the Great Lakes and inland waters of the United States, reported it without amendment and submitted a report (No. 1298) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. TRUMAN (for Mrs. CARAWAY), from the Committee on Enrolled Bills, reported that on March 7, 1940, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 263. An act for the relief of George R. Morris;